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Tuesday
May 21, 1996

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[Two Sessions]

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

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

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–0925]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board is publishing technical amendments to Appendices A and B of Regulation CC. The amendments will conform the Appendices to a realignment in Federal Reserve check-processing regions by adding the routing numbers formerly assigned to the Jericho check-processing region to the East Rutherford check-processing region in Appendix A, and by eliminating the reference to routing numbers formerly assigned to the Jericho office that were subject to a reduced availability schedule for depositary banks in the East Rutherford check-processing territory in Appendix B.

EFFECTIVE DATE: October 15, 1996.

FOR FURTHER INFORMATION CONTACT: Stephanie Martin, Senior Attorney (202/452–3198), or Heatherun Allison, Attorney (202/452–3565), Legal Division. For the hearing impaired *only*: Telecommunications Device for the Deaf, Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: The Board's Regulation CC (12 CFR part 229) implements the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*) and requires banks [1] to make funds deposited into transaction accounts available for withdrawal within specified time frames. The Act and regulation allow banks to place longer holds on nonlocal checks than on local checks. A nonlocal check is one for which the paying bank [2] is located in a different check-processing region than the depositary bank. Regulation CC defines ''check-processing region'' as ''the geographical area served by an office of a Federal Reserve Bank for purposes of its check-processing activities.'' [3] Appendix A of Regulation CC lists the Federal Reserve check-processing offices and the 4-digit routing number prefixes that are local to each office. Appendix B of Regulation CC lists 4-digit routing number prefixes to which reduced availability schedules apply in certain cases.

Effective October 15, 1996, the Federal Reserve Bank of New York will discontinue processing checks at its Jericho office and will incorporate the Jericho check-processing region into the East Rutherford check-processing region. This consolidation is part of a larger effort by the Federal Reserve Bank of New York to achieve greater efficiency in its check operations by consolidating systems, equipment, and operations.[4] Accordingly, the routing number list in Appendix A is being changed to reflect the Jericho-East Rutherford consolidation. The reference in Appendix B to routing numbers formerly assigned to the Jericho office that were subject to a reduced availability schedule for depositary banks in the East Rutherford check-processing territory is also being deleted, because those routing numbers are now all ''local'' with respect to the East Rutherford check-processing territory.

Although the substance of Regulation CC will be unaffected by the amendments to Appendices A and B, the consolidation of check-processing regions may require some banks to adjust their internal procedures for assigning funds availability. For example, beginning on October 15, 1996, checks deposited in the former Jericho region will now be considered local checks in the East Rutherford region (and vice versa). Banks that now distinguish between the Jericho and East Rutherford regions in assigning availability will need to realign their internal operating systems to reflect the consolidation.

Banks also need to reflect any availability policy changes in their disclosures, as the availability for certain checks may be improved. Section 229.18(e) of Regulation CC provides that, in the case of an availability policy change that expedites the availability of funds, a bank shall send a notice of the change to holders of consumer accounts not later than 30 days after implementation.

The amendments adopted by the Board are technical amendments that reflect the realignment of Federal Reserve check-processing regions and are required by the statutory and regulatory definitions of ''check-processing region.'' Accordingly, 5 U.S.C. 553(b), requiring public comment, does not apply.

Final Regulatory Flexibility Analysis

The amendment will apply to all banks, regardless of size. There is no possible alternative rule for small banks, as ''check-processing region'' is defined by the Expedited Funds Availability Act, which applies to all banks. The amendment will affect only those banks in the current Jericho and East Rutherford check-processing regions that distinguish between checks drawn on paying banks located in those two regions for purposes of assigning availability. The Board expects that the majority of small institutions located in those two regions will be unaffected by the amendment.

List of Subjects in 12 CFR Part 229

Banks, banking, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 12 CFR part 229 is amended as follows:

PART 229—[AMENDED]

1. The authority citation for part 229 continues to read as follows:

[1] The term *bank* refers to any depository institution, including commercial banks, savings institutions, and credit unions.

[2] The *paying bank* is the bank by, at, or through which a check is payable. The *depositary bank* is the first bank to which a check is transferred.

[3] 12 CFR § 229.2(m). The Act's definition is substantially similar (12 U.S.C. 4001(9)).

[4] In 1992 the Federal Reserve Bank of New York transferred its head office check-processing operations to its Jericho office. The Board made corresponding changes to Appendix A of Regulation CC at that time. 58 FR 2, January 4, 1993. Similarly, the Federal Reserve Bank of New York in 1994 discontinued check-processing at its Buffalo office and incorporated the Buffalo check-processing region into the Utica check-processing region. The Board made corresponding changes to Appendices A and B–2 at that time. 59 FR 48789, September 23, 1994.

Authority: 12 U.S.C. 4001 *et seq.*

2. In Appendix A to part 229, under the heading ''SECOND FEDERAL RESERVE DISTRICT,'' the numbers appearing directly under the subheading ''*Jericho Office*'' are transferred in numerical order under the subheading ''*East Rutherford Office*'', and the subheading ''*Jericho Office*'' is removed.

3. In Appendix B to part 229, the entry for ''*East Rutherford*'' is removed.

By order of the Board of Governors of the Federal Reserve System, May 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–12683 Filed 5–20–96; 8:45 am]

BILLING CODE 6210–01–P

RAILROAD RETIREMENT BOARD

20 CFR Part 200

RIN 3220–AB19

Availability of Information to Public

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations establishing fees to be assessed in connection with the search for records and provision of documents by the Board. The revision will eliminate the exemption from charge for the first 100 pages of reproduction and the first two hours of search time for requesters of documents who are not included within the specific categories provided in the regulations.

EFFECTIVE DATE: May 21, 1996.

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

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4929, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 200.4(g)(2)(v) of the Board's regulations provides for fees to be assessed in connection with the production of documents for ''All other requesters'', i.e. those requesters who do not fall within other categories provided for in the regulation. Those other categories include requests by commercial users, by educational and non-commercial scientific institutions, by representatives of the news media, and by subjects of records in Privacy Act Systems of Records. Currently § 200.4(g)(2)(v) provides that the Board does not charge ''other requesters'' for the first 100 pages of reproduction and the first two hours of search time.

The Board is authorized to charge for such costs of reproduction and search time by section 12(d) of the Railroad Unemployment Insurance Act (45 U.S.C. 362(d)) which provides, in pertinent part, that:

> * * * the Board may furnish such information to any person or organization upon payment by such person or organization to the Board of the cost incurred by the Board by reason thereof; and the amounts so paid to the Board shall be credited to the railroad unemployment insurance administration fund established pursuant to section 11(a) of this Act.

This provision is incorporated into the Railroad Retirement Act by section 7(b)(3) of that Act (45 U.S.C. 231f(b)(3)).

The Board has been receiving an increasing number of genealogical requests (almost 700 for the first six months of 1995 compared with about 450 for the same period in 1994) with a current estimated cost per request of $16.00. The Board has determined that it is more equitable that the costs for provision of this information be borne by the individuals who need the information, rather than the railroad industry as a whole. Accordingly, the Board proposes to eliminate the exemption from charge for the first 100 pages of reproduction and the first two hours of search time for requesters covered by § 200.4(g)(2)(v).

This rule was published as a proposed rule on January 18, 1996, inviting comments on or before March 18, 1996 (61 FR 1252). No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 200

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, part 200 of the Code of Federal Regulations is amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.4 is amended by revising paragraph (g)(2)(v) to read as follows:

§ 200.4 Availability of information to public.

* * * * *

(g) * * *

(2) * * *

(v) *All other requesters.* For requesters who do not fall within the purview of paragraphs (g)(2) (i), (ii), (iii), or (iv) of this section, the RRB will charge the full direct cost of searching for and reproducing records that are responsive to the request. The RRB will not charge for such costs to be assessed if the total is less than $10.00. If the total is $10.00 or more, the RRB may waive the charge or reduce it if it determines that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

* * * * *

Dated: May 7, 1996.

By authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–12737 Filed 5–20–96; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket No. 95P–0088]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) has granted the petition of Bryan Corp. (Bryan) to add sterile aerosol talc to the list of products containing a chlorofluorocarbon (CFC) propellant for an essential use. Essential use products are exempt from FDA's ban on the use of CFC propellants in FDA-regulated products and the Environmental Protection Agency's (EPA's) ban on the use of CFC's in pressurized dispensers. This document amends FDA's regulations governing use of CFC's to include sterile aerosol talc as an essential use.

EFFECTIVE DATE: June 4, 1996.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of March 1, 1996 (61 FR 8002), FDA published, in response to a citizen petition submitted by Bryan, a proposed rule to amend § 2.125 (21 CFR 2.125) to add sterile aerosol talc administered intrapleurally by thoracoscopy for human use to the list of products containing a CFC propellant for an essential use.

Under § 2.125 (21 CFR 2.125), any food, drug, device, or cosmetic in a self-pressurized container that contains a CFC propellant for a nonessential use is adulterated, or misbranded, or both, under the Federal Food, Drug, and Cosmetic Act. This prohibition is based on scientific research indicating that CFC's may reduce the amount of ozone in the stratosphere and thereby increase the amount of ultraviolet radiation reaching the earth. An increase in ultraviolet radiation may increase the incidence of skin cancer, change the climate, and produce other adverse effects of unknown magnitude on humans, animals, and plants. Section 2.125(d) exempts from the adulteration and misbranding provisions of § 2.125(c) certain products containing CFC propellants that FDA determines provide unique health benefits that would not be available without the use of a CFC.

These products are referred to in the regulation as essential uses of CFC's and are listed in § 2.125(e). Under § 2.125(f), any person may petition the agency to request additions to the list of uses considered essential. To demonstrate that the use of a CFC is essential, the petition must be supported by an adequate showing that: (1) There are no technically feasible alternatives to the use of a CFC in the product; (2) the product provides a substantial health, environmental, or other public benefit unobtainable without the use of the CFC; and (3) the use does not involve a significant release of CFC's into the atmosphere or, if it does, the release is warranted by the consequence if the use were not permitted.

EPA regulations implementing provisions of the Clean Air Act contain a general ban on the use of CFC's in pressurized dispensers (40 CFR 82.64(c) and 82.66(d)). These regulations exempt from the general ban ''medical devices'' that FDA considers essential and that are listed in § 2.125(e). Section 601(8) of the Clean Air Act (42 U.S.C. 7671(8)) defines ''medical device'' as any device (as defined in the Federal Food, Drug, and Cosmetic Act), diagnostic product, drug (as defined in the Federal Food, Drug, and Cosmetic Act), and drug delivery system, if such device, product, drug, or drug delivery system uses a class I or class II ozone-depleting substance for which no safe and effective alternative has been developed (and where necessary, approved by the Commissioner of Food and Drugs (the Commissioner)); and if such device, product, drug, or drug delivery system has, after notice and opportunity for public comment, been approved and determined to be essential by the Commissioner in consultation with the Administrator of EPA (the Administrator). Class I substances include CFC's, halons, carbon tetrachloride, methyl chloroform, methyl bromide, and other chemicals not relevant to this document (see 40 CFR part 82, appendix A to subpart A). Class II substances include hydrochlorofluorocarbons (HCFC's) (see 40 CFR part 82, appendix B to subpart A).

II. Petition Received by FDA

Bryan submitted a petition under § 2.125(f) and 21 CFR part 10 requesting an addition to the list of CFC uses considered essential. The petition is on file under the docket number appearing in the heading of this document and may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. The petition requested that sterile aerosol talc be included in § 2.125(e) as an essential use of CFC's. The petition contained a discussion supporting the position that there are no technically feasible alternatives to the use of CFC's in the product. It included information showing that no alternative delivery systems (e.g., the pneumatic atomizer) can assure consistent sterility. The petition also stated that Bryan is unaware of any appropriate substitute propellants (e.g., compressed gases). Also, the petition stated that the product provides a substantial health benefit that would not be obtainable without the use of CFC's. In this regard, the petition contained information to support the use of this product in the treatment of malignant pleural effusions, a condition in which fluid accumulates in the space between the outside surface of the lung and the inside surface of the chest wall (pleural cavity) as a result of involvement by an underlying cancer. The petition also provided information indicating that use of the product would involve a limited release of CFC's into the atmosphere and the release is warranted by the health benefits of the product.

Based on the evidence before it in the petition and in Bryan's new drug application for the drug product, the agency has determined that for many patients suffering from pleural effusions, the use of sterile aerosol talc provides a special benefit that would be unavailable without the use of CFC's. FDA also agrees that the use of CFC's for this product does not involve a significant release of CFC's into the atmosphere. Therefore, FDA is amending § 2.125(e) to include sterile aerosol talc administered intrapleurally by thoracoscopy for human use in the list of essential uses of CFC propellants.

A copy of the proposed rule was provided to the Administrator. Interested persons were given 30 days to comment on the proposed rule. FDA received no comments on the proposed rule.

Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the agency is not aware of any adverse impact this final rule will have on any small entities, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Devices, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs, 21 CFR part 2 is amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

1. The authority citation for 21 CFR part 2 continues to read as follows:

Authority: Secs. 201, 301, 305, 402, 408, 409, 501, 502, 505, 507, 512, 601, 701, 702, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 335, 342, 346a, 348, 351, 352, 355, 357, 360b, 361, 371, 372, 374); 15 U.S.C. 402, 409.

2. Section 2.125 is amended by adding new paragraph (e)(15) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(15) Sterile aerosol talc administered intrapleurally by thoracoscopy for human use.

* * * * *

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12758 Filed 5–21–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 173

[Docket No. 93F–0483]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that appeared in the Federal Register of March 3, 1995 (60 FR 11899). The document amended the food additive regulations to provide for the safe use of chlorine dioxide to control the microbial population in poultry process water. The document was published with some errors. This document corrects those errors. Additionally, the agency is revising some of the discussion in the preamble for clarification. These changes are not substantive and do not affect the agency's conclusion regarding the use of chlorine dioxide in poultry process water. The codified regulation remains unchanged.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–418–3074.

In FR Doc. 95–5275, appearing on page 11899 in the Federal Register of Friday, March 3, 1995, the following corrections are made:

1. On page 11899, in the second column, in the first full paragraph, beginning in line 8, ''reaction of chlorine with sodium chlorite'' is corrected to read ''oxidation of sodium chlorite''; in the same paragraph, beginning in line 10, ''acidification of sodium chlorite'' is corrected to read ''disproportionation of sodium chlorite in the presence of acids (Ref. 1).''; and in the same paragraph, beginning in line 16, ''(Ref. 1).'' is corrected to read ''Ref. 1a).''

2. On page 11899, in the second column, in the second full paragraph, in line 5, ''of chlorine'' is corrected to read ''with chlorine''.

3. On page 11899, in the second column, in the fourth full paragraph, in the 4th line from the bottom, ''studies'' is corrected to read ''safety studies'' and in the 3rd line from the bottom ''petitioner were'' is corrected to read ''petitioner on poultry were''.

4. On page 11899, in the third column, in the first paragraph, in line 3, ''3 ppm'' is corrected to read ''100 ppm''.

5. On page 11899, in the third column, in the first paragraph, beginning in line 5 and ending in line 21, ''These data show that organic * * * in drinking water.)'' is corrected to read ''These data show that comparable trace levels of chloroform and dichloromethane were detected in both untreated and chlorine dioxide-treated poultry process water and that chlorine dioxide treatment did not appear to contribute to their formation.''

6. On page 11899, in the third column, in the first paragraph, in line 23, ''20'' is corrected to read ''100'', and beginning in line 24, ''no mutagenic'' is corrected to read ''negligible mutagenic''.

7. On page 11899, in the third column, in the third paragraph, beginning in line 8, ''(No chlorite or chlorate could * * * for the method used).'' is removed.

(Note: The finding of no significant residues of chlorite and chlorate was not based on chemical analysis. The agency determined that any residues of chlorite and chlorate remaining on poultry would be converted to chloride (a major component of table salt) during cooking.)

8. On page 11900, in the first column, in the first full paragraph, beginning in line 3, ''linoleic, linolenic, and arachidonic acid)'' is corrected to read ''linoleic and linolenic acid)'', and in the same paragraph, in line 11, ''levels 7 to 10 times'' is corrected to read ''levels 8 to 22 times''.

9. On page 11900, in the first column, in the second full paragraph, in line 4, ''measurable'' is corrected to read ''significant''.

10. On page 11900, in the first column, in the third full paragraph, in line 6, ''no'' is corrected to read ''negligible''.

11. On page 11900, in the third column, Ref. 1a is added to read ''1a. U.S. patent No. 4,247,531.'', and Ref. 6 is corrected to read ''6. CRC Handbook of Chemistry and Physics, 71st ed., 1990–1991, David R. Lide, Editor-in-Chief, CRC Press, Boca Raton, FL. See Table of Electrochemical Potentials (re chlorite and chlorate), sections 8–16.''

Dated: May 14, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12757 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 176

[Docket No. 92F–0313]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of diethanolamine as a boiler water additive in paper mill boilers used in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty food. This action is in response to a food additive petition filed by Betz Laboratories, Inc.

DATES: Effective May 21, 1996; written objections and requests for a hearing by June 20, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Diane E. Robertson, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the Federal Register of September 14, 1992 (57 FR 41944), FDA announced that a food additive petition (FAP 2B4329) had been filed by Betz Laboratories, Inc., 4636 Somerton Rd., Trevose, PA 19053–6783. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of diethanolamine as a boiler water additive in paper mill boilers.

In its evaluation of the safety of this additive, FDA has reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it may contain minute amounts of 1,4-dioxane and ethylene oxide, which are carcinogenic impurities, resulting from the manufacture of the additive. Residual amounts of reactants and manufacturing aids, such as 1,4-dioxane and ethylene oxide, are commonly found as contaminants in chemical products, including food additives.

II. Determination of Safety

Under the so-called ''general safety clause'' of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)),'' a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The food additives anticancer, or Delaney, clause of the act (21 U.S.C. 348(c)(3)(A)) provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to the impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety clause using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive, *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984).

III. Safety of Petitioned Use of the Additive

FDA estimates that the petitioned use of the additive, diethanolamine, will result in exposure to no greater than 5 parts per billion (ppb) of the additive in the daily diet (3 kilograms (kg)) or an estimated daily intake (EDI) of 15 micrograms per person per day (μ/person/day) (Ref. 1) and that the cumulative dietary concentration of the additive from all regulated uses is conservatively 58 ppb in the daily diet or an EDI of 170 μ/person/day.

FDA does not ordinarily consider chronic toxicological studies to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Ref. 2), and the agency has not required such testing here. However, the agency has reviewed the available toxicological data on the additive and concludes that a small increase in dietary exposure is safe.

FDA has evaluated the safety of this additive under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper-bound limit of risk presented by 1,4-dioxane and ethylene oxide, carcinogenic chemicals that may be present as impurities in the additive. This risk evaluation of 1,4-dioxane and ethylene oxide has two aspects: (1) Assessment of the worst-case exposure to these impurities from the proposed use of the additive; and (2) extrapolation of the risk observed in the animal bioassays to the conditions of probable exposure to humans.

A. 1,4-Dioxane

FDA has estimated the hypothetical worst-case exposure to 1,4-dioxane from the petitioned use of the additive in the manufacture of paper to be 0.6 part per quadrillion (ppq) of the daily diet (3 kg), or 2 picograms (pg)/person/day (Ref. 3). The agency used data from a carcinogenesis bioassay on 1,4-dioxane conducted by the National Cancer Institute (Ref. 4), to estimate the upper-bound limit of lifetime human risk from exposure to this chemical resulting from the proposed use of the additive (Ref. 4). The results of the bioassay on 1,4-dioxane demonstrated that the material was carcinogenic for female rats under the conditions of the study. The test material caused significantly increased incidence of squamous cell carcinomas and hepatocellular tumors in female rats.

Based on the estimated worst-case exposure to 1,4-dioxane of 2 pg/person/day, FDA estimates that the upper-bound limit of lifetime human risk from the use of the subject additive is 6.9 x 10^{-14}, or 6.9 in 100 trillion (Ref. 5). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to 1,4-dioxane is expected to be substantially less than the worst-case exposure, and therefore, the upper-bound limit of risk would be less. Thus, the agency concludes that there is a reasonable certainty that no harm from exposure to 1,4-dioxane would result from the proposed use of the additive.

B. Ethylene Oxide

FDA has estimated the hypothetical worst-case exposure to ethylene oxide from the petitioned use of the additive in the manufacture of paper to be 0.6 ppq of the daily diet (3 kg), or 2 pg/person/day (Ref. 3). The agency used data from a carcinogenesis bioassay on ethylene oxide conducted for the Institute of Hygiene, University of Mainz, Germany to estimate the upper-bound limit of lifetime human risk from exposure to ethylene oxide resulting from the proposed use of the additive (Ref. 6). The results of the bioassay on ethylene oxide demonstrated that the material was carcinogenic for female rats under the conditions of the study. The test material caused significantly increased incidence of squamous cell carcinomas of the forestomach and carcinomas in situ of the glandular stomach.

Based on the estimated worst-case exposure to ethylene oxide of 2 pg/person/day, FDA estimates that the upper-bound limit of lifetime human risk from the use of the subject additive is 3.7 x 10^{-12}, or 3.7 in 1 trillion (Ref. 5). Because of the numerous conservative assumptions used in calculating the exposure estimate, actual lifetime-averaged individual exposure to ethylene oxide is likely to be substantially less than the worst-case exposure, and therefore, the upper-bound limit of risk would be less. Thus, the agency concludes that there is a reasonable certainty that no harm from exposure to ethylene oxide would result from the proposed use of the additive.

C. Need for Specifications

The agency has also considered whether specifications are necessary to control the amount of 1,4-dioxane and ethylene oxide present as impurities in the additive. The agency finds that specifications are not necessary for the following reasons: (1) Because of the low level at which 1,4-dioxane and ethylene oxide may be expected to remain as impurities following production of the additive, the agency would not expect these impurities to

become components of food at other than extremely small levels; and (2) the upper-bound limits of lifetime risk from exposure to these impurities, even under worst-case assumptions, are very low, less than 6.9 in 100 trillion for 1,4-dioxane and less than 3.7 in 1 trillion for ethylene oxide, respectively.

IV. Conclusion

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the additive in paper mill boilers used in the manufacture of paper and paperboard products intended for use in contact with aqueous and fatty food is safe. Based on this information, the agency has also concluded that the additive will have the intended technical effect. Therefore, § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

V. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VI. Objections

Any person who will be adversely affected by this regulation may at any time on or before June 20,1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum dated September 8, 1993, from the Chemistry Review Branch (HFS–247), to the Indirect Additives Branch (HFS–216) concerning ''FAP 2B4329 (MATS No. 654; M 2.1). Submission of 6/5/92; Betz Laboratories. Diethanolamine in papermill boilers.''

2. Kokoski, C. J., ''Regulatory Food Additive Toxicology,'' in *Chemical Safety Regulation and Compliance*, edited by F. Homburger and J. K. Marquis, S. Karger, New York, NY, pp. 24–33, 1985.

3. Memorandum dated April 28, 1994, from the Chemistry Review Branch (HFS–247) to the Indirect Additives Branch (HFS–216) concerning ''FAP 2B4329 (MATS No. 654; M 2.4): Diethanolamine. Paper mill boiler additive. Betz Laboratories-Submission of 4/8/94.''

4. ''Bioassay of 1,4-Dioxane for Possible Carcinogenicity,'' National Cancer Institute, NCI–CG–TR–80, 1978.

5. Memorandum, Report of the Quantitative Risk Assessment Committee, October 28, 1994.

6. Dunkelberg, H., ''Carcinogenicity of Ethylene Oxide and 1,2-Propylene Oxide Upon Intragastric Administration to Rats,'' *British Journal of Cancer*, 46:924, 1982.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 379e).

2. Section 176.170 is amended in the table in paragraph (a)(5) by revising the entry for ''Diethanolamine'' under the heading ''Limitations'' to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * *	* * *
Diethanolamine	For use only: 1. As an adjuvant to control pulp absorbency and pitch content in the manufacture of paper and paperboard prior to the sheet-forming operation. 2. In paper mill boilers.
* * *	* * *

* * * * *

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12762 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 178

[Docket No. 93F–0385]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of formaldehyde, polymer with 1-naphthylenol, as a release agent, applied on the internal parts of reactors employed in the production of polyvinyl chloride and acrylic copolymers intended for food-contact applications. This action is in response to a petition filed by Compagnia Italiana di Ricerca e Sviluppo, srl (CIRS).

DATES: Effective May 21, 1996; written objections and requests for a hearing by June 20, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 18, 1993 (58 FR 60859), FDA announced that a food additive petition (FAP 3B4380) had been filed by Compagnia Italiana di Ricerca e Sviluppo, srl (CIRS), c/o AAC Consulting Group, 1730 Rhode Island Ave. NW., Washington, DC 20036. The petition proposed to amend the food additive regulations in part 178 (21 CFR part 178) to provide for the safe use of formaldehyde, polymer with 1-naphthylenol, as an antiscaling agent, applied on the internal parts of reactors employed in the production of polyvinyl chloride and acrylic copolymers intended for food-contact applications. During its review, the agency determined that the use of the additive as an antiscaling agent has essentially the same technical effect as that of a release agent. This final rule reflects this conclusion and therefore FDA is listing the additive in § 178.3860 *Release agents*.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe and that the regulations in § 178.3860 should be amended as set forth below.

FDA's review of the petition indicates that the additive may contain trace amounts of formaldehyde as an impurity. The potential carcinogenicity of formaldehyde was reviewed by the Cancer Assessment Committee (the Committee) of FDA's Center for Food Safety and Applied Nutrition. The Committee noted that for many years, formaldehyde has been known to be a carcinogen by the inhalation route, but it concluded that these inhalation studies are not appropriate for assessing the potential carcinogenicity of formaldehyde in food. The Committee's conclusion was based on the fact that the route of administration (inhalation) is not relevant to the safety of formaldehyde residues in food and the fact that tumors were observed only locally at the portal of entry (nasal turbinates). In addition, the agency has received literature reports of two drinking water studies on formaldehyde: (1) A preliminary report of a carcinogenicity study purported to be positive by Soffritti et al. (1989), conducted in Bologna, Italy (Ref. 1); and (2) a negative study by Til et al. (1989), conducted in The Netherlands (Ref. 2). The Committee reviewed both studies and concluded that data concerning the Soffritti study reported, ''* * * were unreliable and could not be used in the assessment of the oral carcinogenicity of formaldehyde'' (Ref. 3). This conclusion is based on a lack of critical details in the study, questionable histopathological conclusions, and the use of unusual nomenclature to describe the tumors. Based on the Committee's evaluation, the agency has determined that there is no basis to conclude that formaldehyde is a carcinogen when ingested.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before June 20, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Soffritti, M., F. Maltoni, and R. Biagi, ''Formaldehyde: An Experimental Multipotential Carcinogen,'' *Toxicology and Industrial Health*, vol. 5, No. 5:699–730, 1989.

2. Til, H. P., R. A. Woutersen, V. J. Feron, V. H. M. Hollanders, H. E. Falke, and J. J. Clary, ''Two-Year Drinking Water Study of Formaldehyde in Rats,'' *Food Chemical Toxicology*, vol. 27, No. 2, pp. 77–87, 1989.

3. Memorandum of conference concerning ''formaldehyde;'' meeting of the Cancer Assessment Committee, FDA; April 24, 1991, and March 4, 1993.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3860 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings ''List of substances'' and ''Limitations'' to read as follows:

§ 178.3860 Release agents.

* * * * *

(b) * * *

List of substances	Limitations
* * * * * * *	
Formaldehyde, polymer with 1-naphthylenol (CAS Reg. No. 25359–91–5).	For use only as an antiscaling or release agent, applied on the internal parts of reactors employed in the production of polyvinyl chloride and acrylic copolymers, provided that the residual levels of the additive in the polymer do not exceed 4 parts per million.
* * * * * * *	

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12761 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Departmental Offices

31 CFR Part 12

Sale and Distribution of Tobacco Products

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Section 636 of the Department of the Treasury's Appropriations Act, Pub. L. 104–52, requires the Secretary of the Treasury to promulgate regulations that restrict the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in any Federal building under the jurisdiction of the Secretary of the Treasury. Section 636 permits the Secretary to designate areas not subject to these prohibitions, if such areas also prohibit the presence of minors.

EFFECTIVE DATE: May 21, 1996.

FOR FURTHER INFORMATION CONTACT: Robert T. Harper, (202) 622–0500.

SUPPLEMENTARY INFORMATION: The Department of the Treasury has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866. Pursuant to 5 U.S.C. sec. 553(a)(2), this rule is not required to be published for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 31 CFR Part 12

Concessions, Federal buildings and facilities, Vending machines.

For the reasons set forth in the preamble, 31 CFR part 12 is added as follows:

PART 12—RESTRICTION OF SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

Sec.
12.1 Purpose.
12.2 Definitions.
12.3 Sale of tobacco products in vending machines prohibited.
12.4 Distribution of free samples of tobacco products prohibited.
12.5 Prohibitions not applicable in areas designated by the Secretary of the Treasury.

Authority: Sec. 636, Pub. L. 104–52, 109 Stat. 507.

§ 12.1 Purpose.

This part contains regulations implementing the ''Prohibition of Cigarette Sales to Minors in Federal Buildings Act,'' Public Law 104–52, Section 636, with respect to buildings under the jurisdiction of the Department of the Treasury.

§ 12.2 Definitions.

As used in this part—

(1) the term *Federal building under the jurisdiction of the Secretary of the Treasury* includes the real property on which such building is located;

(2) the term *minor* means an individual under the age of 18 years; and

(3) the term *tobacco product* means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

§ 12.3 Sale of tobacco products in vending machines prohibited.

The sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Secretary of the Treasury is prohibited, except in areas designated pursuant to § 12.5 of this part.

§ 12.4 Distribution of free samples of tobacco products prohibited.

The distribution of free samples of tobacco products in or around any Federal building under the jurisdiction of the Secretary of the Treasury is prohibited, except in areas designated pursuant to § 12.5 of this part.

§ 12.5 Prohibitions not applicable in areas designated by the Secretary of the Treasury.

The prohibitions set forth in this part shall not apply in areas designated by the Secretary as exempt from the prohibitions, but all designated areas must prohibit the presence of minors.

George Muñoz,

Assistant Secretary for Management and Chief Financial Officer.

[FR Doc. 96–12273 Filed 5–20–96; 8:45 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–5444–6]

State of California; Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The California Air Resources Board (CARB) requested approval, under section 112(l) of the Clean Air Act (CAA), to implement and enforce California's ''Airborne Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations'' (dry cleaning ATCM) in place of the ''National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities'' (dry cleaning NESHAP) for area sources. In addition, to streamline the approval process for future CAA section 112(l) applications, CARB also requested approval of its demonstration that California has adequate authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). The Environmental Protection Agency (EPA) has reviewed CARB's requests for approval and has found that these requests satisfy all of the requirements necessary to qualify for approval, with the exception of CARB's supplemental request for the authority to determine equivalent emission control technology for dry cleaning facilities. Thus, EPA is hereby granting California the authority to implement and enforce its dry cleaning ATCM in place of the dry cleaning NESHAP, except for those provisions of the dry cleaning NESHAP that apply to major sources; disapproving CARB's supplemental request for approval of the authority to determine equivalent emission control technology for dry cleaning facilities; and approving CARB's demonstration that California has adequate authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r).

EFFECTIVE DATE: This action is effective on June 20, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 20, 1996.

ADDRESSES: Copies of CARB's requests for approval are available for public inspection at the following locations:

U.S. Environmental Protection Agency, Region IX, Rulemaking Section (A–5–3), Air and Toxics Division, 75 Hawthorne Street, San Francisco, California 94105–3901.

California Air Resources Board, Stationary Source Division, 2020 ''L'' Street, P.O. Box 2815, Sacramento, California 95812–2815.

U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (Mail Code 6102), 401 M Street SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901, (415) 744–1200.

SUPPLEMENTARY INFORMATION:

I. Background

On September 22, 1993, the Environmental Protection Agency (EPA) promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for perchloroethylene dry cleaning facilities (*see* 58 FR 49354), which has been codified in 40 CFR Part 63, Subpart M, ''National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities'' (dry cleaning NESHAP). On July 10, 1995, EPA received the California Air Resources Board's (CARB) request for approval to implement and enforce section 93109 of Title 17 of the California Code of Regulations, ''Airborne Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations'' (dry cleaning ATCM), in place of the dry cleaning NESHAP for area sources. As part of its dry cleaning ATCM application, CARB also requested approval of its demonstration that California has adequate authorities and resources to implement and enforce all Clean Air Act (CAA) section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). The purpose of this demonstration is to streamline the approval process for future CAA section 112(l) applications. Finally, as a supplement to its request for approval of the dry cleaning ATCM, CARB also requested approval of the authority to determine equivalent emission control technology for dry cleaning facilities in place of 40 CFR 63.325.

On October 17, 1995, EPA announced in the Federal Register (*see* 60 FR 53728) its receipt of CARB's requests and the availability for the public to comment on CARB's application. This announcement included a detailed discussion of the background and format of CARB's application.

II. Summary of Public Comments

EPA received letters from four commenters regarding CARB's requests. All four commenters were in favor of granting California the authority to implement and enforce its dry cleaning ATCM in place of the dry cleaning NESHAP. One commenter also believed that California has adequate authorities and resources to implement and enforce all CAA section 112 programs and rules. Comments regarding CARB's supplemental request for the authority to determine equivalency of control technology for dry cleaning facilities is discussed in section III.A.3 below.

III. EPA Action

A. California's Dry Cleaning ATCM

Under CAA section 112(l), EPA may approve State rules or programs to be implemented and enforced in place of certain otherwise applicable CAA section 112 Federal rules, emission standards, or requirements. The Federal regulations governing EPA's approval of State rules or programs under section 112(l) are located at 40 CFR Part 63, Subpart E (*see* 58 FR 62262, dated November 26, 1993). Under these regulations, a State has the option to request EPA's approval to substitute a State rule for the applicable Federal rule. Upon approval, the State is given the authority to implement and enforce its rule in place of the otherwise applicable Federal rule. To receive EPA approval using this option, the requirements of 40 CFR 63.91 and 63.93 must be met.

After reviewing CARB's request for approval of its dry cleaning ATCM, EPA has determined that CARB's request meets all the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91 and 63.93. Accordingly, with the exception of the dry cleaning NESHAP provisions discussed in sections III.A.2 and III.A.3 below, California is granted the authority to implement and enforce its dry cleaning ATCM in place of the dry cleaning NESHAP. Although California now has primary implementation and enforcement responsibility, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable

emission standard or requirement under CAA section 112. As of the effective date of this final notice, the dry cleaning ATCM is the Federally-enforceable standard in California and is enforceable by the Administrator and citizens under the CAA.

1. Stringency

When a State requests EPA's approval to substitute a State rule for the applicable CAA section 112 Federal rule, EPA is required to make a detailed and thorough evaluation of the State's submittal to ensure that it meets the stringency and other requirements of 40 CFR 63.93. During its evaluation of the dry cleaning ATCM, EPA noted that several provisions of the dry cleaning NESHAP did not directly correlate with provisions of the dry cleaning ATCM, including some of the equipment installation compliance deadlines and some of the reporting and recordkeeping requirements. On the other hand, EPA also noted that many aspects of the dry cleaning ATCM afford greater overall emission reductions than the dry cleaning NESHAP. In the final analysis, EPA believes that approval of the dry cleaning ATCM will result in emission reductions from each affected source that are no less stringent than would result from the dry cleaning NESHAP.

2. Major Dry Cleaning Sources

Under the dry cleaning NESHAP, dry cleaning facilities are divided between major sources and area sources. CARB's request for approval included only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, dry cleaning facilities that are major sources, as defined by the dry cleaning NESHAP, remain subject to the dry cleaning NESHAP and the CAA Title V operating permit program.

3. Authority to Determine Equivalent Emission Control Technology for Dry Cleaning Facilities

Under the dry cleaning NESHAP, any person may petition the EPA Administrator for a determination that the use of certain equipment or procedures is equivalent to the standards contained in the dry cleaning NESHAP (*see* 40 CFR 63.325). As a supplement to its request for approval of the dry cleaning ATCM, CARB also requested approval of the authority to determine equivalent emission control technology for dry cleaning facilities. This supplement included the following sections of the dry cleaning ATCM that CARB requested to be approved in place of 40 CFR 63.325: sections 93109(a)(17); 93109(g)(3)(A)(5); 93109(g)(3)(B)(2)(iii); and 93109(h).

While one commenter was in favor of EPA delegating this authority to California, another commenter, who also supported such delegation, believed that EPA should retain some authority for the equivalency determination to provide a minimum amount of consistency among the various State programs; otherwise, according to this commenter, manufacturers of alternative technologies may have to seek approval from a number of State authorities in order to develop a national market for their equipment. In its response to this latter comment, CARB stated that the authority to approve alternative equipment relates solely to alternative equipment offered for sale to the California perchloroethylene dry cleaning industry. According to CARB, nationwide consistency will be maintained for any equipment offered for sale both in California and other States because EPA would continue to approve that alternative equipment under the dry cleaning NESHAP; if other States receive this authority, then the manufacturers of alternative equipment who wish to target nationwide sales may have to design alternative technologies that meet the most stringent standard, whether it is a State or Federal standard.

EPA is disapproving CARB's supplemental request based on the statutory language of CAA section 112(h)(3). This disapproval, however, is limited only to those provisions within the dry cleaning ATCM (i.e., sections 93109(a)(17); 93109(g)(3)(A)(5); 93109(g)(3)(B)(2)(iii); and 93109(h)) that allow for the use of alternative emission control technology without previous approval from EPA under CAA section 112(h)(3) and 40 CFR 63.325.

The delegation of authority to determine equivalent emission control technology was discussed in EPA's notice of final rulemaking, ''Approval of State Programs and Delegation of Federal Authorities,'' published on November 26, 1993 (*see* 58 FR 62262). In that notice, it was concluded that ''EPA does not delegate authority to determine equivalency of emission control technologies to the States * * * because these determinations require notice and opportunity for comment and impact National [sic] consistency standards.'' 58 FR 62279. While States may develop procedures for alternative control technology demonstrations and make their own equivalency determinations under State law, a source seeking permission to use an alternative means of emission limitation under CAA section 112(h)(3) must also receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112.

B. California's Authorities and Resources To Implement and Enforce CAA Section 112 Standards

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR Part 63, Subpart E. To streamline the approval process for future applications, a State may submit a one-time demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. If such demonstration is approved, then the State would no longer need to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of CAA section 112 standards. However, EPA maintains the authority to withdraw its approval if the State does not adequately implement or enforce an approved rule or program.

As part of its dry cleaning ATCM application, CARB also requested approval of its demonstration that California has adequate authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). After reviewing CARB's demonstration of California's authorities and resources, EPA is approving this demonstration as meeting the approval criteria of 40 CFR 63.91(b) (1), (3), and (6). Although this approval will not result in delegation of the CAA section 112 standards, it will obviate the need for CARB to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of CAA section 112 standards, regardless of whether CARB requests approval of rules that are identical to or differ from the CAA section 112 standards as promulgated.

Since the above demonstration is also required under 40 CFR Part 70, EPA will evaluate this demonstration as it applies to Part 70 sources when it evaluates the Part 70 program applications submitted by the California air pollution control or air quality management districts.

1. Penalty Authorities

As part of its request for approval, CARB submitted a finding by California's Attorney General stating that ''State law provides civil and criminal enforcement authority consistent with [40 CFR] 63.91(b)(1)(i), 63.91(b)(6)(i), and 70.11, including authority to recover penalties and fines

in a maximum amount of not less than $10,000 per day *per violation* * * *.'' [emphasis added]. In accordance with this finding, EPA understands that the California Attorney General interprets section 39674 and the applicable sections of Division 26, Part 4, Chapter 4, Article 3 (''Penalties'') of the California Health and Safety Code as allowing the collection of penalties for multiple violations per day. In addition, EPA also understands that the California Attorney General interprets section 42400(c)(2) of the California Health and Safety Code as allowing for, among other things, criminal penalties for knowingly rendering inaccurate any monitoring *method* required by a toxic air contaminant rule, regulation, or permit.

As stated in section III.A above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112, including the authority to seek civil and criminal penalties up to the maximum amounts specified in CAA section 113.

2. Variances

Division 26, Part 4, Chapter 4, Articles 2 and 2.5 of the California Health and Safety Code provide for the granting of variances under certain circumstances. EPA regards these provisions as wholly external to CARB's requests for approval to implement and enforce CAA section 112 programs or rules and, consequently, is proposing to take no action on these provisions of State law. EPA has no authority to approve provisions of State or local law, such as the variance provisions referred to, that are inconsistent with the CAA. EPA does not recognize the ability of a State or local agency who has received delegation of a CAA section 112 program or rule to grant relief from the duty to comply with such Federally-enforceable program or rule, except where such relief is granted in accordance with procedures allowed under CAA section 112. As stated above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112.

Similarly, section 39666(f) of the California Health and Safety Code allows local agencies to approve alternative methods from those required in the ATCMs, but only as long as such approvals are consistent with the CAA. As mentioned in section III.A.3 above, a source seeking permission to use an alternative means of emission limitation under CAA section 112 must also receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112.

IV. Administrative Requirements

A. Unfunded Mandates Reform Act

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

The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final determination does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

B. Regulatory Flexibility Act

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

Approvals under 40 CFR 63.93 do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because this approval does not impose any new requirements, it does not have a significant impact on affected small entities.

C. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. Section 7412.

Dated: March 1, 1996.

Felicia Marcus,

Regional Administrator.

Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for Part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 63.14 is amended by adding paragraph (d) to read as follows:

§ 63.14 Incorporation by Reference.

* * * * *

(d) *State and Local Requirements.* The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW., Washington, DC.

(1) *California Regulatory Requirements Applicable to the Air Toxics Program*, March 1, 1996, IBR approved for § 63.99(a)(5)(ii) of subpart E of this part.

(2) [Reserved]

Subpart E—Approval of State Programs and Delegation of Federal Authorities

3. Subpart E is amended by reserving §§ 63.97 and 63.98; and by adding § 63.99 to read as follows:

§ 63.97 [Reserved]

§ 63.98 [Reserved]

§ 63.99 Delegated Federal Authorities.

(a) This section lists the specific source categories that have been delegated to the air pollution control agencies in each State under the procedures described in this subpart.

(1)–(4) [Reserved]

(5) California

(i) [Reserved]

(ii) Affected sources must comply with the *California Regulatory Requirements Applicable to the Air Toxics Program*, March 1, 1996 (incorporated by reference as specified in § 63.14) as described below.

(A) The material incorporated in Chapter 1 of the *California Regulatory Requirements Applicable to the Air Toxics Program* pertains to the perchloroethylene dry cleaning source category, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources only, as defined in § 63.320(h).

(1) Authorities not delegated.

(i) California is not delegated the Administrator's authority to implement

and enforce those provisions of Subpart M which apply to major sources, as defined in § 63.320(g). Dry cleaning facilities which are major sources remain subject to Subpart M.

(ii) California is not delegated the Administrator's authority of § 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation, under sections 93109(a)(17), 93109(g)(3)(A)(5), 93109(g)(3)(B)(2)(iii), and 93109(h) of the California Airborne Toxic Control Measure, must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

[FR Doc. 96–12475 Filed 5–20–96; 8:45 am]

BILLING CODE 6560–50–W

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7180]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

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

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Pima	City of Tucson	Mar. 21, 1996, Mar. 28, 1996, *Arizona Daily Star*.	The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85710–7210.	Feb. 22, 1996	040076

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado: Summit	Unincorporated areas	Mar. 6, 1996, Mar. 13, 1996, *Summit County Journal*.	The Honorable Marsha Osborn, Chairperson, Summit County Board of Commissioners, P.O. Box 68, Breckenridge, Colorado 80424.	Feb. 8, 1996	080290
Kansas:					
Johnson	City of Olathe	Mar. 20, 1996, Mar. 27, 1996, *Johnson County Sun*.	The Honorable Larry Campbell, Mayor, City of Olathe, P.O. Box 768, Olathe, Kansas 66051–0768.	Feb. 23, 1996	200173
Johnson	City of Overland Park	Mar. 20, 1996, Mar. 27, 1996, *Johnson County Sun*.	The Honorable Ed Eilert, Mayor, City of Overland Park, P.O. Box 168, Overland Park, Kansas 66212.	Feb. 23, 1996	200174
Sedgwick	Unincorporated areas	Mar. 1, 1996, Mar. 8, 1996, *Daily Reporter*.	The Honorable Mark Schroeder, Chairman, Board of County Commissioners, Sedgwick County, 525 North Main Street, Suite 320, Wichita, Kansas 67203.	Feb. 12, 1996	200321
Maryland: Montgomery	City of Gaithersburg	Mar. 20, 1996, Mar. 27, 1996, *Gaithersburg Gazette*.	The Honorable W. Edward Bohrer, Jr., Mayor, City of Gaithersburg, 31 South Summit Avenue, Gaithersburg, Maryland 20877–2098.	Feb. 27, 1996	240050
Montana: Fergus	Town of Denton	Mar. 20, 1996, Mar. 27, 1996, *Lewistown News-Argus*.	The Honorable Robert Patterson, Mayor, Town of Denton, Office of the Town Clerk, Denton, Montana 59430.	Feb. 23, 1996	300020
Oklahoma: Canadian	City of Oklahoma City	Mar. 13, 1996, Mar. 20, 1996, *Journal Record*.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.	Feb. 26, 1996	405378
Texas:					
Travis	City of Austin	Mar. 13, 1996, Mar. 20, 1996, *Williamson County Sun*.	The Honorable Bruce Todd, Mayor, City of Austin, P.O. Box 1088, Austin, Texas 78767.	Jan. 19, 1996	480624
Tarrant	City of Bedford	Mar. 22, 1996, Mar. 29, 1996, *Fort Worth Star-Telegram*.	The Honorable Rick D. Hurt, Mayor, City of Bedford, P.O. Box 157, Bedford, Texas 76095–0157.	Mar. 5, 1996	480585
El Paso	City of El Paso	Mar. 7, 1996, Mar. 14, 1996, *El Paso Times*.	The Honorable Larry Francis, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901–1196.	Feb. 16, 1996	480214
Bexar, Comal, and Guadalupe.	City of Schertz	Mar. 7, 1996, Mar. 14, 1996, *Herald Newspaper*.	The Honorable Earl W. Sawyer, Mayor, City of Schertz, P.O. Drawer I, Schertz, Texas 78154.	Feb. 14, 1996	480269

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Smith	City of Tyler	Mar. 21, 1996, Mar. 28, 1996, *Tyler Morning Telegraph*.	The Honorable Smith T. Reynolds, Jr., Mayor, City of Tyler, P.O. Box 2039, Tyler, Texas 75710–2039.	Feb. 20, 1996	480571
Williamson	Unincorporated areas	Mar. 13, 1996, Mar. 20, 1996, *Williamson County Sun*.	The Honorable John Doerfler, Williamson County Judge, Williamson County Courthouse, 710 Main Street, Georgetown, Texas 78626.	Jan. 19, 1996	481079

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

Dated: May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12718 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–04–P

44 CFR Part 65

[Docket No. FEMA–7178]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

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

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Lake	Unincorporated areas	Mar. 26, 1996, Apr. 2, 1996 *The Lake Sentinel*.	Ms. Sue Whittle, Lake County Manager, P.O. Box 7800, Tavares, Florida 32778.	Mar. 18, 1996	120421 B
Georgia: Bryan	Unincorporated areas	Mar. 27, 1996, Apr. 3, 1996, *Richmond Hill-Bryan County News*.	Mr. Thomas Bacon, Chairman of the Bryan County Board of Commissioners, P.O. Box 430, Pembroke, Georgia 31321.	Mar. 19, 1996	130016 A
Illinois: McHenry County.	Lake-In-The-Hills (Village).	Mar. 15, 1996, Mar. 22, 1996, *The Northwest Herald*.	Ms. Christine Thornrose, President of the Village of Lake-In-The-Hills, 1115 Crystal Lake Road, Lake-In-The-Hills, Illinois 60102.	Mar. 7, 1996	170481 C
Indiana: Lake	Schererville (town)	Mar 27, 1996, Apr. 3, 1996, *Post-Tribune*.	Mr. Stephen Z. Kil, Manager of the Town of Schererville, 833 West Lincoln Highway, Schererville, Indiana 46375.	July 2, 1996	180142 B
New Jersey: Union	Roselle (borough)	Apr. 11, 1996, Apr. 18, 1996, *Roselle Spectator*.	The Honorable Joseph L. Picaro, Mayor of the Borough of Roselle, 210 Chestnut Street, Roselle, New Jersey 07203.	April 2, 1996	340472 A
North Carolina: Dare	Unincorporated areas	Apr. 2, 1996, Apr. 9, 1996, *The Coastal Times*.	Mr. Robert V. Owens, Chairman of the Dare County Board of Commissioners, P.O. Box 1000, Manteo, North Carolina 27954.	Mar. 25, 1996	375348 E
Puerto Rico	Commonwealth	Mar. 19, 1996, Mar. 25, 1996, *El Nuevo Dia*.	Ms. Norma N. Burgos-Andujar, Chairwoman of the Puerto Rico Planning Board, Minillas Station, P.O. Box 41119, San Juan, Puerto Rico 00940–9985.	Sept. 13, 1996	720000 C

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

Dated: May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12716 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–03–P

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Acting Associate Director has resolved

any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612 Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Georgia: Cobb (FEMA Docket No. 7169).	City of Marietta	Dec. 1, 1995, Dec. 8, 1995, *Marietta Daily Journal.*	The Honorable Ansley Meaders, Mayor of the City of Marietta, P.O. Box 609, Marietta, Georgia 30061.	Oct. 23, 1995	130226F
Indiana:					
Hamilton (FEMA Docket No. 7169).	City of Carmel	Nov. 8, 1995, Nov. 15, 1995, *Carmel News Tribune.*	The Honorable James Brainard, Mayor of the City of Carmel, One Civic Square, Carmel, Indiana 46032.	Oct. 31, 1995	180081
Johnson (FEMA Docket No. 7165).	Unincorporated areas	Oct. 18, 1995, Oct. 25, 1995, *Daily Journal.*	Mr. Joseph Dettart, Chairman of the Johnson County Board of Commissioners, 86 West Court Street, Courthouse Annex, Franklin, Indiana 46131.	Jan. 23, 1996	180111C
New Jersey: Bergen (FEMA Docket No. 7165).	Borough of Rockleigh	Oct. 18, 1995, Oct. 25, 1995, *The Record.*	The Honorable Roberta Adams, Mayor of the Borough of Rockleigh, 26 Rockleigh Road, Rockleigh, New Jersey 07647.	Oct. 13, 1995	340071F

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pennsylvania: Clinton (FEMA Docket No. 7169).	Borough of Flemington	Nov. 21, 1995, Nov. 28, 1995, *The Lock Haven Express.*	Mr. Gerry Yanneralla, President of the Flemington Borough Council, 126 High Street, Flemington, Pennsylvania 17745.	Nov. 13, 1995	420326B
Wisconsin: Juneau (FEMA Docket No. 7165).	Unincorporated areas	June 1, 1995, June 8, 1995, *Juneau County Star Times.*	Mr. James Barrett, President of the Juneau County Board, 220 State Street, Juneau, Wisconsin 53948.	May 25, 1995	550580C

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

Dated: May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12715 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–03–P

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
ALABAMA	
Oneonta (city), Blount County (FEMA Docket No. 7168)	
Dry Creek:	
Approximately 0.4 mile downstream of Pocoda Drive	*785
At U.S. Route 231	*850
Maps available for inspection at the Oneonta City Hall, 202 Third Avenue East, Oneonta, Alabama.	
MASSACHUSETTS	
Gay Head (town), Dukes County (FEMA Docket No. 7164)	
Atlantic Ocean:	
Approximately 0.7 mile west of the intersection of Black Brook and Moshup Trail	*9
Approximately 1,400 feet southwest of the intersection of Moshup Trail and South Road near Lighthouse Road	*11
Menemsha Bight:	
Approximately 600 feet north of the intersection of Lobsterville Road and West Payson Road	*12
Approximately 500 feet north of the intersection of Lobsterville Road and West Payson Road	*10
Vineyard Sound:	
Approximately 0.4 mile north of the intersection of Lighthouse Road and Moshup Trail	*11
Maps available for inspection at the Office of the Building Inspector, 65 State Road, Gay Head, Massachusetts.	
West Tisbury (Town), Dukes County (FEMA Docket No. 7164)	
Atlantic Ocean:	
Approximately 700 feet south of the end of Butlers Pond Road	*10
Approximately 650 feet south of the intersection of Jennie Athearn Road and Little Homer Pond Road	*9
Maps available for inspection at the West Tisbury Town Hall, 1059 State Street, West Tisbury, Massachusetts.	
MICHIGAN	
Hartland (township), Livingston County (FEMA Docket No. 7155)	
North Ore Creek:	
At Parshallville Road	*909
At Fenton Road	*966
Maps available for inspection at the Hartland Township Office, 3191 Hartland Road, Hartland, Michigan.	
MINNESOTA	
Koochiching County (unincorporated areas) (FEMA Docket No. 7138)	
Rainy River:	
At downstream county boundary with the City of International Falls	*1,111
At Canadian National Railroad bridge	*1,112
Maps available for inspection at the Administration Office, Koochiching County Courthouse, International Falls, Minnesota.	
NORTH CAROLINA	
Williamston (town), Martin County (FEMA Docket No. 7164)	
Roanoke River:	
Approximately 0.3 mile downstream of U.S. Route 13	*12
Approximately 0.4 mile upstream of U.S. Route 13	*12
Maps available for inspection at the Town Hall, 100 East Main Street, Williamston, North Carolina.	
NEW YORK	
Dresden (town), Washington County (FEMA Docket No. 7164)	
Lake George:	
Entire shoreline within community	*321
Maps available for inspection at the Town Hall, Dresden Center Road, RD 1, Whitehall, New York.	
Elmira (town), Chemung County (FEMA Docket No. 7164)	
Newtown Creek:	
Approximately 0.5 mile downstream of confluence of Diven Creek	*861
Approximately 0.51 mile upstream of confluence of Diven Creek	*862
McCann's Tributary:	
At confluence with Diven Creek	*861
Approximately 825 feet upstream of McCann's Boulevard	*862
Maps available for inspection at the Elmira Town Hall, 1255 West Water Street, Elmira, New York.	
Elmira Heights (village), Chemung County (FEMA Docket No. 7164)	
McCann's Tributary:	
At McCann's Boulevard	*861
Approximately 1,000 feet upstream of McCann's Boulevard	*862
Maps available for inspection at the Elmira Heights Village Hall, 215 Elmwood Avenue, Elmira Heights, New York.	
Geneseo (town), Livingston County (FEMA Docket No. 7168)	
Jaycox Creek:	
At Lima Road	*815
Approximately 2.79 miles upstream of Lima Road	*1001
Maps available for inspection at the Geneseo Town Office, 119 Main Street, Geneseo, New York.	
Geneseo (village), Livingston County (FEMA Docket No. 7168)	
Jaycox Creek:	
Approximately 75 feet downstream of downstream corporate limits	*822
Approximately 330 feet upstream of Seminole Avenue	*867
Genesee River:	
At downstream corporate limit	*557
At upstream corporate limit	*558
Maps available for inspection at the Geneseo Village Office, 119 Main Street, Geneseo, New York.	
Hague (town), Warren County (FEMA Docket 7168)	
Lake George:	
Entire shoreline within community	*321
Maps available for inspection at the Town of Hague Community Center, Route 8, Hague, New York.	
Hillburn (village), Rockland County (FEMA Docket No. 7164)	
Ramapo River:	
Approximately 550 feet downstream of the downstream crossing of the Conrail	*277
At upstream corporate limits	*299

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at the Village Hall, 31 Mountain Avenue, Hillburn, New York.	
Horseheads (town), Chemung County (FEMA Docket No. 7164)	
Beaver Brook:	
At confluence with Newtown Creek	*877
Approximately 1,035 feet upstream of East Mills Street	*885
North Branch Newtown Creek:	
At confluence with Newtown Creek	*929
Approximately 325 feet upstream of confluence with Newtown Creek	*932
Maps available for inspection at the Horseheads Town Hall, 150 Wygant Road, Horseheads, New York.	
Horseheads (village), Chemung County (FEMA Docket No. 7164)	
Newtown Creek:	
Approximately 750 feet downstream of Route 14/17	*877
Approximately 535 feet upstream of East Franklin Street	*891
Maps available for inspection at the Horseheads Village Hall, 202 South Main Street, Horseheads, New York.	
Lake George (village), Warren County (FEMA Docket No. 7159)	
Lake George:	
Entire shoreline within community	*321
Maps available for inspection at the Village of Lake George Administrative Building, Amherst Street, Lake George, New York.	
Lewis (town), Lewis County (FEMA Docket No. 7168)	
East Branch Mohawk River:	
Approximately 0.47 mile downstream of State Route 26	*1457
Approximately 0.74 mile upstream of State Route 26	*1499
Maps available for inspection at the Lewis Town Clerk's Office, 791 Main Street, West Leyden, New York.	
OHIO	
Dayton (city), Montgomery County (FEMA Docket No. 7164)	
Lilly Creek:	
Approximately 0.15 mile upstream of confluence with Mad River	*761
Approximately 0.60 mile upstream of Byesville Boulevard	*781
Shallow Ponding Area (Zone AH):	
Just Southeast of Springfield Pike; approximately 900 feet northeast of unnamed road	*767
Approximately 200 feet northwest of Springfield Pike	*766
Maps available for inspection at the Dayton City Hall, 101 West Third Street, Dayton, Ohio.	
Montgomery County (unincorporated areas) (FEMA Docket No. 7168)	
Lilly Creek:	
Approximately 100 feet downstream of downstream corporate limits	*780
At upstream corporate limits	*786
Maps available for inspection at the County Planning Commission, 451 North Third Street, Dayton, Ohio.	
Riverside (city), Montgomery County (FEMA Docket No. 7168)	
Lilly Creek:	
Approximately 200 feet upstream of Byesville Boulevard	*768
Approximately 132 feet downstream of Harshman Road	*787
Shallow Ponding Area (Zone AH):	
Approximately 700 feet northwest of the intersection of Byesville Boulevard and Fairfax Avenue	*766
Approximately 500 feet north of intersection of Glendean Avenue and Springfield Avenue	*766
Just south of intersection of Springfield Pike and Fairfax Avenue	*767
North side of intersection of Fairfax Avenue and Derwent Drive	*767
Shallow Flooding Area (Zone AO):	
Southside of intersection of Fairfax Avenue and Derwent Drive	#2
North side of intersection of Fairpark Avenue and Fairfax Avenue	#2
Shallow Ponding Area (Zone AH):	
Approximately 700 feet northwest of the intersection of Byesville Boulevard and Fairfax Avenue	*766
Approximately 500 feet north of intersection of Glendean Avenue and Springfield Avenue	*766
Maps available for inspection at the City Hall, 1791 Harshman Road, Riverside, Ohio.	
PENNSYLVANIA	
Shirley (Township), Huntingdon County (FEMA Docket No. 7164)	
Aughwick Creek:	
Approximately 1,090 feet upstream of U.S. Route 522	*571
Approximately 1,775 feet upstream of U.S. Route 522	*571
Maps available for inspection at the Shirley Township Building, Shirleysburg, Pennsylvania.	
PUERTO RICO	
Commonwealth (FEMA Docket No. 7149)	
Espiritu Santo River:	
Approximately 0.65 kilometer upstream of the confluence with the Atlantic Ocean	*2.2
Approximately 4.61 kilometers upstream of the confluence with the Atlantic Ocean	*6.9
Rio Guanajibo:	
Approximately 1,200 meters downstream of Puerto Rico Highway 2	*80.0
Approximately 870 meters downstream of Puerto Rico Highway 368	*100.8
*Elevation in meters (Mean Sea Level)	
Maps available for inspection at the North Minillas Building, Dediezo Avenue, 22 Top, Santurce, Puerto Rico.	

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

Dated: May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12713 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF DEFENSE

48 CFR Parts 209 and 243

[DFARS Case 96–D305]

Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a statutory prohibition on providing funds to institutions of higher education which have an anti-ROTC policy.

DATES: Effective date: May 21, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before July 22, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Michael Pelky, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D305 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Michael Pelkey, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106). Section 541 provides that no funds available to DoD may be provided by contract or grant to institutions of higher education which have an anti-ROTC policy.

B. 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 the rule only applies to institutions of higher education which are determined to have an anti-ROTC policy. 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 subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 96–D305 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. 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 541 of the National Defense Authorization Act for Fiscal year 1996 (Public Law 104–106), which was effective upon enactment on February 10, 1996. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 209 and 243

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209 and 243 are amended as follows:

PART 209—CONTRACTOR QUALIFICATIONS

The authority citation for 48 CFR Parts 209 and 243 continues to read as follows:

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

2. Sections 209.470–1 and 209.470–2 are revised to read as follows:

209.470–1 Policy.

(a)(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) provides that no funds available to DoD may be provided by grant or contract to any institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—

(i) Entry to campuses or access to students on campuses; or

(ii) Access to directory information pertaining to students.

(2) Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 983) provides that no funds appropriated or otherwise available to DoD may be obligated by contract or by grant, including a grant of funds to be available for student aid, to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps, or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education. This prohibition applies to new contracts and all contract modifications. (See 243.105.) This prohibition shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

(b) Institutions of higher education that are determined under 32 CFR part 216 to have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection shall be listed as ineligible on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs published by the General Services Administration. (See FAR 9.404.)

(c) In cases where a determination is made under 32 CFR part 216 that specific subordinate elements of an institution of higher education, rather than the institution as a whole, have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection, 32 CFR part 216 provides that the prohibition on use of DoD funds applies only to those subordinate elements.

209.470–2 Procedures.

(a) Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with ineligible contractors.

(b) After a determination of ineligibility under 209.470–1(a)(1), departments and agencies shall make no further payments under existing contracts with the institutions, and shall initiate termination action.

PART 243—CONTRACT MODIFICATIONS

3. Section 243.105 is revised to read as follows:

243.105 Availability of funds.

(a)(i) 10 U.S.C. 2405 prohibits adjustments in price under a shipbuilding contract entered into after December 7, 1983, for a claim, request for equitable adjustment, or demand for payment under the contract, arising out of events occurring more than 18 months before submission of the claim, request, or demand.

(ii) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)

provides that no funds available to DoD may be provided by contract or contract modification, nor may contract payments be made, to an institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—

(A) Entry to campuses or access to students on campuses; or

(B) Access to directory information pertaining to students. (See 209.470.)

(iii) Pursuant to 10 U.S.C. 983, no funds may be obligated by contract or contract modification to an institution of higher education that has an anti-ROTC policy. (See 209.470.)

[FR Doc. 96–12766 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Part 242

[DFARS Case 96–D007]

Defense Federal Acquisition Regulation Supplement; Direct Submission of Vouchers to Disbursing Office

AGENCY: Department of Defense (DOD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to allow the contract auditor to authorize direct submission of interim vouchers for provisional payment to the disbursing office, for contractors with approved billing systems.

EFFECTIVE DATE: May 21, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350. Please cite DFARS Case 96–D007.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 242.803 to reduce unnecessary review and approval, by the contract auditor, of interim vouchers for provisional payment under DoD contracts.

B. Regulatory Flexibility Act

This final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96–D007 in correspondence.

C. Paperwork Reduction Act

This rule does not impose any new information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 242

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 242 is amended as follows:

PART 242—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR Part 242 continues to read as follows:

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

2. Section 242.803 is amended by redesignating paragraphs (b)(i)(C) and (b)(i)(D) as paragraphs (b)(i)(D) and (b)(i)(E), respectively, and by adding a new paragraph (b)(i)(C) to read as follows:

242.803 Disallowing costs after incurrence.

* * * * *

(b) * * *

(i) * * *

(C) Authorizing direct submission of interim vouchers for provisional payment to the disbursing office for contractors with approved billing systems.

* * * * *

[FR Doc. 96–12765 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 37 and 38

[Docket No. 49658]

RIN 2105–AC13

Transportation for Individuals With Disabilities

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: The Department is amending several provisions of its rules implementing the Americans with Disabilities Act (ADA). Some of the changes are being made in response to petitions received by the Department. The first change will ensure that the rule treats independent private schools similarly to other schools. The second change will apply the same gap standard to high speed automated guideway transit (AGT) systems as is applied to other rapid and light rail systems. The third petition granted in this rule will give local jurisdictions more discretion with respect to advance reservation systems for paratransit services. However, the Department is withdrawing a proposal that would have permitted transit authorities to determine that certain bus stops may be designated as non-accessible stops.

This rule will also make six amendments that derive from the Department's own proposals. The first will decrease the paperwork burden of producing annual paratransit plan updates once the paratransit system reaches full compliance with ADA regulations. The second will clarify a visitor's eligibility for paratransit services. The third will clarify the vehicle acquisition requirements for private entities not primarily engaged in the business of transporting people. The fourth amendment will remove ''inability to comply'' as a condition of gaining a determination of equivalent facilitation. The final two amendments will eliminate confusion in a cross reference within the regulation and correct a typographical error. The Department has concluded that no change is warranted in the regulatory definition of a personal care attendant.

EFFECTIVE DATE: This final rule is effective June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590. (202) 366–9306 (voice); (202) 755–7687 (TDD); or Richard Wong, Office of Chief Counsel, Federal Transit Administration, same street address, Room 9316. (202) 366–4011.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department published its notice of proposed rulemaking (NPRM) on the issues covered by this rule on July 21, 1994. The NPRM included proposed amendments that were petitioned for by the public on which the Department took no initial position and proposals that the Department generated internally. The Department received over 275 comments on the NPRM, most of which came from individuals with disabilities, organizations representing them and transit authorities. Additional

comments were received from state disability advocates, engineering groups, paratransit providers and equipment manufacturers, as well as others.

II. Petitions for Rulemaking

1. Bus Stops

This issue, raised in the NPRM on the basis of a petition from Seattle Metro, was the most controversial in the rulemaking. Disability community commenters were virtually unanimous in strongly opposing Seattle's suggestion that transit authorities be authorized to declare a bus stop ''off limits'' to wheelchair users, or in some cases, to all lift users, on the basis that conditions at the stop made its use too dangerous for such passengers. These commenters included disability advocacy organizations, individuals, the U.S. Department of Justice, and state and local government agencies. A few transit agencies also shared their point of view.

The first point these commenters made was that individuals with disabilities—not transit agencies—should decide when a given stop is appropriate for them to use. Individuals with disabilities know their own abilities better than anyone else, and can make reasonable choices about what is or is not safe for them. Allowing other parties, such as transit agencies, to make these choices smacks of paternalism and is the sort of well-intended constraint on the activities of persons with disabilities that the ADA is specifically intended to prevent. Providing discretion to transit authorities to deny to passengers with disabilities the use of facilities that other passengers are allowed to use is a clear violation of the ADA's nondiscrimination mandate, many commenters said.

What made the proposal additionally objectionable, many of these commenters said, was that there was no empirical evidence that there was a significant safety problem at bus stops. There might be speculation that a safety problem existed, and worry about potential liability, but there were few, if any, facts presented that the problem was real. When there is a nondiscrimination mandate like that of the ADA, any classification that denies services to the protected class must be based on demonstrated facts, they said, not on fear. Many of these commenters pointed to the ADA's ''direct threat'' concept as a model for determining when it is acceptable to deny services or facilities to individuals with disabilities based on a safety risk. This concept, they noted, focuses on the individual situation of each disabled person, not on the presumed abilities of a class of persons with disabilities.

Finally, a number of these commenters noted that, if individuals are denied use of stops, they will become eligible for paratransit, which will increase costs to transit authorities. There could also be situations in which people would be denied service altogether because of limited capacity on paratransit systems, one commenter noted. (Two transit authority commenters said, on the other hand, that transit authorities' desire to avoid adding to paratransit costs would be a deterrent to abuse of discretion to limit passengers' use of unsafe stops.)

Many disability community commenters, and several transit authorities as well, opposed the petition's suggestion that the standard for determining the suitability of a stop for disabled passengers be the new construction standard for bus stops in the Americans with Disabilities Act Accessibility Guidelines (AADAG). This standard, they said, was of questionable relevance to streetside bus stops in mass transit systems, and was inappropriate for use in a situation involving existing facilities in any event. The obligation that public entities have for existing facilities, they noted, is to make them program accessible, not necessarily to bring them up to new construction standards. The new construction standard was never intended to be a safety standard, or a criterion to determine when an individual with disabilities would be allowed to use a facility. The petitioner was the only commenter to support the proposal to use the new construction standard.

A large majority of the transit providers that commented supported the idea that they should have discretion to declare stops ''off limits'' to lift users on the basis of safety. Because some stops had hazards that affect passengers with disabilities in ways that other passengers are not affected (e.g., stops that have a narrow area for maneuvering that present a problem to wheelchair users but not ambulatory persons, stops with a drop-off that can result in a wheelchair overturning), it is rational to prevent accidents and injuries by denying use of these stops to persons for whom the hazards are serious. Concern about liability was another reason advanced by many transit commenters. Seattle said it had experienced seven accidents because of bus stop problems since 1987, including one serious injury that resulted in a settlement of over $400,000.

While the transit community generally supported Seattle's petition, there were a number of interesting nuances in transit provider comments. Some emphasized the necessity of working with the disability community on bus stop access issues, including public hearings or other opportunities for public participation. Improving or moving existing bus stops was a step mentioned by others. Differences among buses and passengers need to be taken into consideration, others said. Prodding the Department of Justice to issue regulations requiring local governments to work on making bus stops under their control program accessible was another suggestion. Better training for drivers on how to deploy lifts safely in a variety of situations was also recommended. Some commenters also mentioned (but apparently did not favor) the possibility of closing stops to all passengers if they were not safely usable by passengers with disabilities.

This is a case in which both sides of the debate have genuine concerns. The petitioner and comments supporting its position worry, in good faith, about potential safety problems facing wheelchair users at some bus stops and about ensuing liability problems that may result for transit providers. In the absence of legal constraints on the use of classifications based on disability, it could arguably be rational for transit providers to take the kind of action that the petition proposes.

However, the ADA imposes strong legal constraints on the use of classifications based on disability. Under the ADA, a proposed action which treats a disability-based class of persons differently from the rest of the public cannot be accepted merely because it may assuage a party's good faith concerns about safety. This is a position that the Department has taken consistently as it has developed and implemented its ADA regulations.

For example, before and during the development of Part 37, there was considerable discussion of transit providers' good-faith safety concerns about transporting three-wheeled ''scooters.'' Many commenters asserted that these devices were unstable and difficult to secure, and asked that transit providers have the discretion to exclude them on the basis of these safety-related concerns. The Department required that providers carry such mobility devices, noting the absence of ''information in the record that would support a finding that carrying non-traditional wheelchairs would constitute a 'direct threat' to the safety of others. * * *'' (56 FR 45617; September 6, 1991).

Subsequently, transit community commenters raised the issue of the use

of lifts by standees, which the original version of Part 37 required. The commenters expressed the concern that standees could fall off the lifts or hit their heads, resulting in injury to passengers and liability for providers. With one exception (concerning a particular lift model that was no longer being manufactured), there was little information in the record demonstrating that a real safety problem, as distinct from speculation or fears concerning potential safety problems, existed. The Department rejected the proposal, saying that—

> [t]he ADA is a nondiscrimination statute, intended to ensure * * * that people with disabilities have access to transportation services. To permit a transportation provider to exclude a category of persons with disabilities from * * * access to a vehicle on the basis of a perceived safety hazard, absent information in the record that the hazard is real, would be inconsistent with the statute. * * * While we understand the concerns of transit agency commenters about the potential safety risks that may be involved, the Department does not have a basis in the rulemaking record for authorizing a restriction on lift use by standees. (58 FR 63096; November 30, 1993).

The Department's analysis of the Seattle petition is very similar to its response to these two previous issues. The petition presents a genuine, good-faith concern that a certain condition (here, terrain or other problems at particular bus stops) may create a safety hazard for a class of persons with disabilities. There is, in the comments favoring the petition, agreement that difficult conditions at some stops might, indeed, create some safety risks for wheelchair users or other persons with disabilities. But there is little in the record to suggest that there is substantial, pervasive, or strong evidence that a real, as distinct from speculative, safety problem exists.

To its credit, the petitioner attempted to show the Department that problem stops existed for which the petitioner's proposed remedy was needed. The petitioner provided a videotaped demonstration of wheelchair users attempting to get on and off buses using lifts at several problem stops. After reviewing the tape, the Department concluded that it is reasonable to believe that at such stops, wheelchair users may well have greater difficulty, and take longer, in using bus lifts than at other stops. In some of the situations, there could be a higher risk to wheelchair users than at other, more ''normal,'' stops. The Department does not find this evidence sufficient, however, to justify carving out an exception to the nondiscrimination mandate of the ADA.

In thinking about situations in which safety reasons are advanced for using disability-based classifications, the Department finds it useful to consider the ''direct threat'' provisions that exist in other provisions of the ADA. ''Direct threat'' permits exceptions—specific to an individual—to be made to ADA nondiscrimination requirements on the basis of safety. The Department of Justice (DOJ) rule implementing Title III of the ADA in the context of public accommodations defines the concept as follows:

> Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on a reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. (28 CFR 36.208 (b)–(c)).

Very similar regulatory language appears in the Equal Employment Opportunity Commission (EEOC) rules implementing Title I of the ADA in the context of employment (29 CFR 1630.2(r); see also discussion 56 FR 35745; July 26, 1991). The Department of Justice regulation implementing Title II of the ADA in the context of state and local government programs does not include ''direct threat'' language in its regulatory text, but the preamble applies the concept to the essential eligibility requirements for participating in state and local programs (56 FR 35701; July 26, 1991).

While the DOJ and EEOC language concerning ''direct threat'' does not necessarily apply in its entirety to transportation issues, the Department believes that it is appropriate, and in keeping with the language and intent of the statute, to determine that disability-based classifications in transportation having a safety rationale are supportable only on the basis of analysis that incorporates the essentials of the ''direct threat'' concept in a way consistent with the nature of transportation programs. The petition at issue in this rulemaking does not, in the Department's view, closely approach what is necessary to be adopted under such an analysis.

As a general matter, the points raised by commenters opposed to the proposal, as described above, have been more persuasive to the Department than those points made by its proponents. These points add to the discussion above as reasons for the Department's decision.

The Department believes that transit providers which, like Seattle, sincerely desire both to provide nondiscriminatory service to individuals with disabilities and to maximize bus stop safety have some means available to achieve these objectives. For example, a transit provider could provide information to lift users about potential hazards at certain stops and offer informational on alternative stops or routings to such passengers, where alternatives were available. The provider could also offer paratransit to those passengers who chose to avoid using the stops as a result.

The transit provider could make operational modifications to mitigate potential hazards. For example, if there is limited space or a potential hazard at a stop, the bus could let a wheelchair user board at a nearby area that was easier to use or stop at a greater distance from the curb. We are aware that transit providers are often reluctant to depart from normal practices in this regard (although such deviations appear commonplace during inclement weather, such as when bottomless puddles, ''Blizzard of '96''-size snowbanks, or carnivorous potholes make access to normal stops difficult for all passengers). Nevertheless, these are among the kinds of ''reasonable modifications of policies, practices, or procedures [to] mitigate the risk'' that the ADA calls for.

Transit providers can also urge local governments to improve accessibility to bus stops, mitigate hazards at stops, or, if need be, move stops to better locations. The Department is aware that transit providers often do not control the placement of stops or the land on which they are located, though we believe that transit providers should continue the effort to work with their local governments on these matters.

For these reasons, the Department is withdrawing the proposal, based on the Seattle petition, to permit transit providers to limit the use of certain bus stops by lift users. The existing rule's language (49 CFR 37.167(g)) will remain in effect, without change. Any transit provider that may have instituted limits on the use of particular stops by lift users, except as authorized by this provision, must cease implementing the limits, as they are explicitly contrary to the Department's ADA rule.

2. Requirements for Private School Transportation

The Department has decided to grant the petition of the National Association of Independent Schools (NAIS) and adopt the proposed private school exemption. In doing so, the Department emphasizes the importance of ensuring that schools provide disabled students with equal access to all of the schools' academic and extracurricular programs. Private schools will therefore have to provide equivalent transportation services to disabled students in order to be eligible for the exemption. The final rule will apply the same standard for equivalent service as is found in § 37.105.

This change is being made because the current requirement that all new buses purchased be lift equipped does not apply to most schools. Public schools are exempt because their transportation services are excluded from the ADA's definition of ''designated public transportation.'' Schools with a religious affiliation are exempt based on the ADA's exemption for religious organizations. Private elementary and secondary schools that receive Federal financial assistance get the same exemption as public schools if they provide equivalent transportation services to students with disabilities and are covered by section 504 of the Rehabilitation Act of 1973. By now, the Department's regulation exempts all schools except private, non-religious schools that receive no Federal financial assistance.

The NAIS petition pointed out the anomalous result of the regulation applying more stringent and costly standards to schools that receive no Federal financial assistance than is applied to schools that do receive assistance. In response to the NAIS petition, the NPRM proposed amending § 37.27 to apply the same equivalent services standard to independent schools as is applied to private schools that receive Federal assistance. The majority of the comments received on this aspect of the proposal supported extending the private school exemption. However, many commenters did express concerns about disabled students' access to school events. This concern was shared by the few commenters who opposed the exemption.

The Department also shares these concerns. The independent private schools will be subject to the same equivalent service standard that other private schools must meet, namely that ''when viewed in [their] entirety'' transportation services must be ''provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals * * *'' 49 C.F.R. § 37.105. Any test for equivalence under § 37.105 would go beyond providing equal access to transportation to and from school and include transportation to and from all of the school's extracurricular activities. This approach is consistent with the Department of Education's requirement that non-academic and extracurricular activities and services be provided in such a way as to ensure disabled students an equal opportunity for participation. See 34 C.F.R. § 104.37(a)(1). In fact, the Department of Education goes so far as to include transportation itself as a covered non-academic service. See id. at § 104.37(a)(2).

One commenter raised the possibility that a school that does not purchase lift equipped buses because it has no disabled students might exclude disabled applicants in the future to avoid the expense of purchasing lifts. This concern could be valid. However, the possibility of the rule change encouraging future discrimination in the admissions process is speculative and the Department has neither the authority nor the expertise to address admissions discrimination.

3. People Mover Gap Standards

The Department has decided to adopt the NPRM's proposal to allow high speed AGT systems to comply with the same train door to platform gap standard as other high speed rail systems. The petition was submitted by the American Society of Civil Engineers (ASCE). ASCE cited the wide variation in AGT system speed—5 to 80 miles per hour—and requested that faster AGT systems be subjected to the less stringent requirements applied to rapid and light rail systems. ASCE had studied existing AGT systems and claimed that most do not meet current AGT standards of one inch horizontal and half inch vertical gaps between the train door and the platform edge. According to ASCE's analysis, AGT systems that run at under 20 miles per hour can reasonably be expected to meet the current gap standards. Faster AGT systems, however, require vehicles with larger, more complicated suspensions that make it more difficult to meet the smaller gap standard.

The proposal was not controversial. Only one of the 17 comments received objected to the principle of a speed division and two objected to the proposed 3-inch gap standard for the higher speed trains. The proposal would allow AGT systems that operate at over 20 mph at any point on the system to comply with the rapid/light rail gap standards of a 3 inch horizontal gap and ⅝ inch vertical gap. One commenter suggested that the larger gap only be permitted on sections of the track on which the AGT system actually ran at over 20 mph. The suggestion is being rejected because it ignores the underlying rationale for the speed division. If the AGT vehicle is to be capable of traveling at higher speeds on other segments of the system, it will require the more sophisticated suspension, which will in turn make the smaller gap standard more difficult to meet at all stops.

ASCE pointed out that the Access Board's preamble discussion refers to ''AGT vehicles that travel at slow speed,'' and subsequent Access Board manuals suggest that the rapid/light rail gap standard should apply to faster AGT vehicles. The Access Board has interpreted its guidelines as permitting the construction that ASCE urges and the Department's action today will prevent any conflict or confusion between the guidelines and the rule.

4. 14-Day Advance Reservations

The proposal to remove the 14-day advance reservation requirement generated significant interest among commenters of all types. While approximately 130 commenters advocated keeping the reservation requirement, most expressed dissatisfaction with current reservation systems, suggested different reservation times, capacity allotments for advanced reservations or demonstration projects before a change in the requirement is made. Of the approximately 60 commenters who advocated repealing the requirement, many made similar recommendations.

Approximately 45 commenters made 11 different suggestions for changing the number of days allowed for advance reservations. Ten of these commenters believed that the number of days should be flexible and made no specific suggestion, five others suggested a range of 1 to 3 days, one commenter suggested 3 to 7 days and one suggested 7 to 8 days. Among the 27 commenters who endorsed a specific number of days, there were seven different recommendations, ranging from 1 day to 10 days, with 7 days being the most popular (13 commenters).

Eight commenters suggested limiting the percentage of paratransit capacity which could be reserved in advance. Most of these eight commenters did not offer a specific percentage limit, those who did were split between 40 and 50 percent. Three other commenters

suggested capping the number of trips an individual rider could reserve in advance. Similarly, these commenters did not agree on any one number.

The most common complaint about advance reservations was that they caused an unmanageable number of cancellations and no-shows. Twenty one commenters suggested penalties for riders who failed to show up for scheduled rides. Twelve other commenters suggested that this problem could be solved by requiring confirmation. Among these twelve comments were three different suggestions for when the confirmation should be made; there was also disagreement over whether the rider or the transit provider should be responsible for making the confirmation call.

Finally, ten commenters complained that long reservation times created prioritization, illegally favoring individuals with certain types of disabilities or favoring certain types of trips. Eight commenters pointed out that advance reservations drain the capacity of paratransit systems, but seven others countered that the real problem is limited capacity, which in turn causes reservation problems.

In light of the substantial dissatisfaction with the current 14-day reservation requirement evident from the comments and the abundant and varied suggestions for improving reservation systems, the Department has decided to remove the requirement and allow local transit providers, in conjunction with the riding public, the discretion to establish reservation systems that best meet local needs. Under the amended rule, transit systems can establish any reservation system that meets the other requirements of this part, with a maximum 14-day advance reservation period. Paratransit systems that wish to take advantage of the flexibility provided by this amendment by changing their reservation systems will have to ensure public participation in the decision to change and local review of the functioning of the new system. The public participation requirements of § 37.137(b) will apply.

One of the points commenters made in favor of retaining some advance reservation capacity in paratransit systems was the added security it affords concerning occasional, important, time-sensitive trips. For example, if someone has airline reservations, the person needs to be at the airport at a particular time on a particular day. The person is likely to be more comfortable if he or she knows, prior to the day before travel, that a paratransit reservation is confirmed. While we do not believe that this kind of situation is sufficient, given the downsides of an advance reservation requirement, to justify mandating advance reservations, we suggest that, as transit providers consult with their communities about reservation system changes, that they explore means of addressing this concern.

It should be emphasized that, in order to meet Part 37 requirements, all paratransit systems must provide at least one-day advance reservations at all times. One of the apparent reasons that users take advantage of existing advance reservation systems in large numbers is their apprehension that, if they wait until the day before travel, the capacity of the system to serve them will have been exhausted. This can lead, in turn, to the scheduling, no-show, and cancellation problems cited in many comments. To make a short-term reservation or real-time scheduling system work properly, transit providers need to make sure that adequate vehicle and communications capacity is available, such that systematic denials of service do not exist to an extent that would constitute a capacity constraint (see § 37.131(f)(3)((i)(B)).

III. DOT-Proposed Adjustments to the Rule

1. Reduction of Paperwork for Paratransit Plan Updates

The NPRM proposed that transit authorities that had fully implemented the paratransit requirements of the rule would no longer have to send in annual updates to FTA. The thinking behind this proposal was that, once full compliance had been achieved, annual updates, and the process required to generate them, would become an unnecessary administrative burden. Instead, there would be a simple certification of compliance. If, for any reason, a transit authority slipped out of full compliance, it would have to inform FTA and file updates until it was once again in full compliance.

Transit agencies generally supported the proposed change, citing the difficulty that many small providers have with annual paperwork submissions. Some of these commenters said, however, that there should be other means (e.g., additions to the National Transportation Database) of monitoring and reporting data on paratransit costs and service. Disability community commenters, on the other hand, favored retention of the existing requirement. Some were suspicious of claims by transit authorities that they were really in full compliance. A common theme in these comments was that the public participation requirements accompanying the annual update was a good opportunity for the disability community to have input concerning service problems. Indeed, some commenters said, public participation provisions should be strengthened.

Some of the comments also pointed to a statutory issue. Section 233(c)(7)(B) of the ADA provides that the Department's regulations shall require each public entity that operates fixed route service to submit a paratransit plan to the Secretary within 18 months after the effective date of the section and ''on an annual basis thereafter, submit to the Secretary, and commence implementation of, a plan for providing [paratransit] services.'' In its original ADA rule, the Department implemented this requirement by establishing the annual plan update requirement.

This requirement makes sense during the phase-in period for paratransit service. While a transit authority is gradually building up its paratransit service to the point where it meets all service criteria, it is reasonable for the transit authority to send in annual progress reports that have been developed through the public participation process set forth in the rule. Once the transit authority has fully met all the service criteria, however, there is no new ''progress'' to report. There is no implementation to ''commence,'' since the service required by the rule is already up and running, and need only be continued for the transit authority to meet its ADA paratransit obligations.

Once the transit authority is fully meeting all service criteria (including the criterion concerning capacity constraints), submitting an annual certification that it is continuing to meet all these criteria as provided in its previously-approved plan meets the letter and intent of § 223(c)(7)(B). Of course, should the transit authority fall below full compliance with all criteria, it would need to inform FTA and resume substantive annual updates until it was once again in full compliance.

In response to comments, the Department will make two modifications to the proposed regulatory language. First, as noted above, there would need to be a report to FTA if the transit authority fell out of compliance. Second, we are adding a provision authorizing FTA to direct a transit authority to conduct a public participation process and submit a plan update if, in FTA's judgment (based, for example, on consumer complaints about service), there is a reasonable basis for

concern about continuing full compliance.

Because the regulation already requires a mechanism for continuing public participation (see § 37.137(c)), the Department is not persuaded that the public participation process accompanying plan updates is essential to provide public input to providers about paratransit service. While changes to National Transit Database reporting concerning paratransit are outside the scope of this rulemaking, the Federal Transit Administration will consider whether some modifications to this report to provide more data about paratransit service are desirable.

2. Visitor Eligibility

The NPRM requested comment on its proposal to clarify the eligibility of visitors to use paratransit services. The proposed change would have specified that the 21 days that transit operators must provide service to eligible visitors was 21 days within a year period, as opposed to 21 continuous days. The proposed regulatory text would have read: ''A public entity is not required to provide service to a visitor for more than 21 days per year from the date of the first paratransit trip used by the visitor.'' (emphasis added). The Department has decided to clarify the provision by specifying that the maximum amount of service which transit providers must provide eligible visitors is 21 days per calendar year. The Department will further amend the rule to allow local providers the option of restricting the 21 days of service use to 21 continuous service days following the first trip.

Transit providers were split on whether visitors should be eligible for 21 continuous days or 21 days per year. Approximately half of the providers who commented complained of administrative difficulties inherent in keeping track of 21 days of service spread out over an entire year. It was also pointed out that with 21 days per year, paratransit operators have more difficulty managing capacity because they cannot predict demand. Other providers disagreed, reporting no administrative burden or capacity drain from allowing visitors 21 days per year. Capital Metro of Austin, Texas believes that 21 continuous days of eligibility is insufficient to meet the needs of frequent visitors, such as college students returning home on breaks, and instead allows visitors six months of service before requiring them to apply for local eligibility. Individuals with disabilities and advocacy groups almost all favored 21 days per year.

When an individual with a disability travels to another city, it remains the Department's policy that he or she have open and ready access to local mass transit without any need to have planned the trip in advance. Indeed, often the traveler will be unfamiliar with the new city and have no way to know in advance what his or her travel needs will be. For this reason, the Department's amendment to this provision emphasizes that in no case may a transit provider require a visitor to apply for or be granted eligibility certification before being able to use the provider's paratransit service as provided in § 37.127.

Given the desire commenters expressed for clarification of how the visitor eligibility provision is intended to work, and the likelihood that there may be many situations in which individuals (e.g., business travelers, weekend trip visitors) will make repeat trips to a given city during a year, the Department has decided to require that transit authorities permit a visitor to use the service on any combination of 21 days throughout a 365-day period. For example, if Ms. Smith first uses the service on April 1, she could use the service on April 2–6, May 17, July 10–15, October 7, etc. until she had used the service on 21 days in the period extending through March 31 of the next calendar year. The way that XYZ chooses to implement visitor eligibility should be made part of its paratransit program and visitors should be provided materials clearly explaining how XYZ's visitor policy works.

3. Vehicle Acquisition for ''Private Not Primarily Engaged'' Providers

Section 37.101 contains the vehicle acquisition requirements for private entities not primarily engaged in the business of transporting people. Paragraph (d) of the section applies to private entities which operate demand responsive systems which purchase vehicles with seating capacity over 16. When these entities purchase such a vehicle, it must be accessible to individuals who use wheelchairs, unless the entity can show that when viewed in its entirety, its system provides equivalent service to individuals with disabilities. The standard for equivalent service is found in § 37.105, to which paragraph (d) refers the reader.

Neither § 37.101 nor the ADA has any vehicle acquisition requirement for private entities not primarily engaged in transporting people which operate demand responsive systems which purchase vehicles with seating capacity of 16 or less. This has created the mistaken impression that there are no service standards which apply to these systems. The ADA does require private operators of demand responsive systems to provide equivalent service to individuals with disabilities regardless of whether or not they purchase any new vehicles. This requirement is contained in Section 302(b)(2)(C) of the ADA and is reflected in the Department's regulations in § 37.171. Section 37.171 applies the same standard for overall equivalent service as is found in § 37.105.

To eliminate the confusion which has resulted from these requirements, this final rule adds a new paragraph to § 37.101 which explicitly states that private entities operating demand responsive systems that purchase vehicles with capacity of 16 or fewer must provide equivalent service to individuals with disabilities. The new paragraph refers the reader to both the requirement stated in § 37.171 and the standard articulated in § 37.105.

4. Personal Care Attendants

The NPRM requested comments on the question of how to define a personal care attendant (PCA), and whether further definition was necessary, for the purposes of determining eligibility to ride paratransit free while accompanying a paratransit eligible individual. Half of all comments received on the NPRM addressed this issue. Individuals with disabilities and advocacy groups were overwhelmingly opposed to any attempt to further define a PCA, often expressing the opinion that further definition would constitute an invasion of privacy.

Transit authorities were divided on the question, with eight believing that there was no problem and no further action warranted, and more than a dozen believing that something should be done. Three transit authorities suggested registering the PCAs themselves, and three more believed that only PCAs needed for the trip should qualify, not those whose services were required at the destination. Several commenters suggested that individuals who needed PCAs should register that need as part of the application process—something that the Appendix already allows paratransit providers to require. Three of the transit authorities that supported requiring riders to register the need for a PCA went further to suggest that individuals who have registered a need for a PCA be denied service when riding alone.

The Department has decided not to amend the regulatory text regarding PCAs. We wish to reemphasize, however, that the existing definition of

a PCA does not distinguish between PCAs whose services are required during the paratransit ride and those required at the destination. Limiting riders to PCAs who were required on the paratransit trip could leave a rider unable to function at his or her destination, thereby making the trip meaningless.

Finally, several commenters suggested requiring those who register as using a PCA be denied service when riding alone. The Department did not adopt this suggestion. Riders who use a PCA for destination needs may well have varying needs depending on the trip purposes. Requiring these riders to be accompanied by a PCA even when they do not expect to require assistance will create unnecessary expenses for the rider and further burden the seating capacity of the transit provider. Other riders may have varying levels of assistance needs over time, and requiring these riders to either further define their needs in advance or always travel with a PCA is unjustifiably intrusive.

5. Equivalent Facilitation

The final substantive change proposed in the NPRM was to delete the requirement that an entity demonstrate an inability to comply with existing requirements as a condition of obtaining a determination of equivalent facilitation. As explained in the NPRM, the original purpose of the provision was to limit departures from established regulatory standards and promote uniformity and predictability. The Department was concerned, however, that requiring a showing of inability to comply was having the effect of stifling innovation and discouraging the development of new technologies that might provide equal or even greater accessibility at a lower cost.

The discussion of this change that appeared in the preamble of the NPRM addressed only whether a petitioning entity should have to demonstrate its inability to comply. A drafting error in the proposed regulatory text created the impression that the amendment would have gone further, eliminating other reporting requirements associated with the petition for equivalent facilitation. The Department apologizes for the error and wishes to note that at no time were the other requirements considered for removal.

Commenters were split on this proposal. All commenting transit authorities and providers agreed with the proposal, as did a few other commenters. Many of these commenters clearly conditioned their support on the Department ensuring that the change did not allow any decrease in accessibility. Members of the disability community voiced strong dissent to the proposal. Almost all of the comments filed by individuals with disabilities and their advocacy groups viewed the change as a weakening of the ADA's accessibility standards and many expressed distrust of the Department's ability to ensure legitimate equivalence.

Recognizing that significant costs can be associated with ADA compliance, the Department feels that to ensure the most widespread long-term compliance, it must allow as much flexibility as possible and encourage the development of new, more cost effective technologies. Accordingly, the requirement that an entity show that it is unable to comply with current standards is being eliminated from the petition for equivalent facilitation. Petitioning entities must continue to show that their alternative method actually provides equal or greater accessibility. This point protects the interests of the disability community concerning maintaining the strength of accessibility requirements. The other reporting requirements of the petition found in § 37.7 and § 37.9 will also remain, such as demonstrating the effectiveness of the alternative measures for compliance and documenting the public participation used in developing the alternative method. The Department notes that the original purpose of the requirement, encouraging uniformity and predictability, remains an important goal.

6. Clarification of Appendix Statement on Vehicle Lift Dimensions

The NPRM proposed to clarify a reference to the Part 38 standards for accessible vehicles. Appendix D to Part 37 contains explanatory statements and guidelines for Part 37. In Appendix D, section 37.13, the discussion of section 37.13 of the rule refers to the ''new 30″ by 48″ lift platform specifications.'' This statement was intended to refer to the Part 38 standards for lift platforms. The reference oversimplifies the Part 38 standard, which requires 30 × 48 inch dimensions at a height of 2 inches above the platform base, but only requires a width of 28.5 inches at the base itself. To eliminate the confusion created by the reference, section 37.13 of Part 37, Appendix D will be amended to replace the words ''new 30″ by 48″'' with the words ''Part 38''.

7. Typographical Errors

The typographical errors in §§ 37.3 and 37.11(a) will be corrected as described in the NPRM.

Regulatory Analyses and Notices

This final rule is not significant under Executive Order 12866. It is significant under the Department's Regulatory Policies and procedures, because it amends a significant rule having substantial public interest. We expect economic impacts to be minimal, so we have not prepared a regulatory evaluation. There are no Federalism impacts sufficient to warrant the preparation of a Federalism assessment. The Department certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Issued this 7th day of March, 1996, at Washington, DC.

Federico Peña,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department proposes to amend 49 CFR Part 37 and 49 CFR Part 38 as follows:

PART 37—[AMENDED]

1. The authority citation for 49 CFR Part 37 is proposed to continue to read as follows:

Authority: Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213); 49 U.S.C. 322.

2. The authority citation for 49 CFR Part 38 is proposed to be revised to read as follows:

Authority: Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213); 49 U.S.C. 322.

3. In part 37, § 37.27(b) is proposed to be revised to read as follows:

§ 37. 27 Transportation for elementary and secondary education systems.

* * * * *

(b) The requirements of this part do not apply to the transportation of school children to and from a private elementary or secondary school, and its school-related activities, if the school is providing transportation service to students with disabilities equivalent to that provided to students without disabilities. The test of equivalence is the same as that provided in § 37.105. If the school does not meet the requirement of this paragraph for exemption from the requirements of this part, it is subject to the requirements of this part for private entities not primarily engaged in transporting people.

§ 37.3 [Amended]

4. In part 37, § 37.3 the definition of the term ''Designated public transportation'' is amended by replacing

the word ''containing'' with the word ''continuing.''

5. In Part 37, § 37.7 is amended by revising paragraph (b)(2)(ii) and removing and reserving (b)(2)(iii) to read as follows:

§ 37.7 Standards for accessible vehicles.

* * * * *

(b) * * *

(2) * * *

(ii) Specific provision of part 38 of this title concerning which the entity is seeking a determination of equivalent facilitation.

* * * * *

6. In Part 37, § 37.9 is amended by revising paragraph (d)(2)(ii) to read as follows and removing and reserving (d)(2)(iii):

§ 37.9 Standards for accessible facilities.

* * * * *

(d) * * *

(2) * * *

(ii) Specific provision of Appendix A to Part 37 concerning which the entity is seeking a determination of equivalent facilitation.

* * * * *

§ 37.11 [Amended]

7. In part 37, § 37.11(a) is amended by replacing the words ''subpart F'' with the words ''subpart C.''

8. In Part 37, § 37.101 is amended by adding a new paragraph (e), to read as follows:

§ 37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.

* * * * *

(e) Demand Responsive System, Vehicle Capacity of 16 or Fewer. Entities providing demand responsive transportation covered under this section are not specifically required to ensure that new vehicles with seating capacity of 16 or fewer are accessible to individuals with wheelchairs. These entities are required to ensure that their systems, when viewed in their entirety, meet the equivalent service requirements of §§ 37.171 and 37.105, regardless of whether or not the entities purchase a new vehicle.

9. In Part 37, § 37.127(e) is revised to read as follows:

§ 37.127 Complementary paratransit service for visitors.

* * * * *

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.

10. In part 37, § 37.131(b)(4) is revised to read as follows:

§ 37.131 Service criteria for complementary paratransit.

* * * * *

(b)* * *

* * * * *

(4) The entity may permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of § 37.131(b) and (c).

* * * * *

11. In Part 37, § 37.135 is amended by revising paragraph (c) to read as follows:

§ 37.135 Submission of paratransit plan.

* * * * *

(c) *Annual Updates.* Except as provided in this paragraph, each entity shall submit an annual update to its plan on January 26 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in §§ 37.121–37.133 of this part, the entity may submit to FTA an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under § 37.141 may submit a joint certification under this paragraph. The requirements of §§ 37.137–37.139 do not apply when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of continued compliance falling short of compliance with §§ 37.121–37.133, the entity shall immediately notify FTA in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of §§ 37.137–37.139 of this part on the next following January 26 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the FTA shall file a plan update meeting the requirements of §§ 37.137–37.139 of this part on each January 26 until full compliance with §§ 37.121–37.133 is attained.

(4) If FTA reasonably believes that an entity may not be fully complying with all service criteria, FTA may require the entity to provide an annual update to its plan.

Appendix D [Amended]

12. In Part 37, Appendix D, the paragraph entitled ''Section 37.13 Effective Date for Certain Vehicle Lift Specifications'' is proposed to be amended by replacing the words ''new 30″ by 48″'' with the words ''Part 38.''

§ 38.173 [Amended]

13. In part 38, § 38.173(a) is amended by adding the words ''(i.e., at a speed of no more than 20 miles per hour at any location on their route during normal operation)'' after the words ''slow speed.''

14. In part 38, § 38.173(d) is amended by adding the following sentence at the end thereof, to read as follows:

§ 38.173 Automated guideway transit vehicles and systems.

* * * * *

(d) * * * AGT systems whose vehicles travel at a speed of more than 20 miles per hour at any location on their route during normal operation are covered under this paragraph rather than under paragraph (a) of this section.

[FR Doc. 96–11935 Filed 5–20–96; 8:45 am]

BILLING CODE 4910–62–P

Proposed Rules

Federal Register
Vol. 61, No. 99
Tuesday, May 21, 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–264–AD]

RIN 2120–AA64

Airworthiness Directives; de Havilland Model DHC–7 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 de Havilland Model DHC–7 series airplanes. This proposal would require repetitive non-destructive inspections to detect disbonding of fuselage skin panels, and repair, if necessary. This proposal is prompted by a report of disbonding on fuselage skin panels, which was attributed to a manufacturing process error. The actions specified by the proposed AD are intended to prevent disbonding of the skin panels of the fuselage, which could result in degradation of the structural capability of the airplane fuselage.

DATES: Comments must be received by July 1, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–264–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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sol Maroof, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7522; fax (516) 568–2716.

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–264–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–264–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC–7 series airplanes. Transport Canada Aviation advises that it has received a report indicating that, during a routine inspection, disbonding was discovered on a fuselage skin panel. Investigation revealed that the apparent cause of the disbonding was due to the initial material preparation process that was used on the fuselage skin panels during manufacture. Such disbonding, if not corrected, could result in degradation of the structural capability of the airplane fuselage.

Explanation of Relevant Service Information

Bombardier has issued Service Bulletin S.B. 7–51–1, Revision 'A', dated March 31, 1995, which describes procedures for conducting repetitive non-destructive inspections of de Havilland Model DHC–7 series airplanes to detect disbonding of the fuselage skin panels. Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian airworthiness directive CF–94–15 in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

This airplane model is manufactured in Canada 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, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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.

Explanation of the Requirements of the Proposed Rule

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 repetitive non-destructive inspections to detect disbonding of the fuselage skin panels. These inspections would be required to be accomplished in accordance with the service bulletin described previously.

If any disbonding is detected on any fuselage skin panel, its repair would be required to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 50 de Havilland Model DHC–7 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 18 work hours per airplane to accomplish the proposed inspections, 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 $54,000, or $1,080 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

De Havilland, Inc: Docket 95–NM–264–AD.

Applicability: Model DHC–7 series airplanes, serial numbers 003 through 113 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 disbonding of the skin panels of the fuselage, which could result in degradation of the structural capability of the airplane fuselage, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform a non-destructive inspection to detect disbonding of the fuselage skin panels, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin S.B. 7–51–1, Revision 'A', dated March 31, 1995.

(1) If no disbonding is detected, repeat the inspection thereafter at intervals not to exceed 3 years.

(2) If any disbonding is detected, prior to further flight, repair it in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate.

(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, New York ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York 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 14, 1996.

S. R. Miller,

Acting Manager,Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–12602 Filed 5–20–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 96–NM–54–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Beech (Raytheon) Model Hawker 1000 and BAe 125–1000A series airplanes, that currently requires inspections to detect various discrepancies of the fuel hose assemblies on the auxiliary power unit (APU), and correction of any discrepancy found. That AD was prompted by several reports of heat damage to the fuel hose assembly on the APU. This action would add a requirement to replace the existing conduit of the fuel feed hose with new improved conduit, which would terminate the repetitive inspections. The actions specified by the proposed AD are intended to prevent failure of a fuel hose due to heat damage caused by incorrect routing or bleed air leakage; such failure could result in a malfunction of the APU, a fuel fire in the fuselage rear equipment bay, and reduced structural integrity of the surrounding structure.

DATES: Comments must be received by July 1, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–54–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 Beech Aircraft Corporation, 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: Karl Schletzbaum, Aerospace Engineer, ACE–116W, Wichita Aircraft Certification Office, FAA, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; telephone (316) 946–4146; fax (316) 946–4407.

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–54–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–54–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 27, 1995, the FAA issued AD 95–10–01, amendment 39–9218 (60 FR 22501, May 8, 1995), applicable to certain Beech (Raytheon) Model Hawker 1000 and BAe 125–1000A series airplanes, to require inspections to detect various discrepancies of the fuel hose assemblies on the auxiliary power unit (APU), and correction of any discrepancy found. That action was prompted by several reports of heat damage to the fuel hose assembly on the APU. The requirements of that AD are intended to prevent failure of a fuel hose due to heat damage caused by incorrect routing or bleed air leakage; such failure could result in a malfunction of the APU, a fuel fire in the fuselage rear equipment bay, and reduced structural integrity of the surrounding structure.

Actions Since Issuance of AD 95–10–01

Since the issuance of that AD, the FAA has reviewed and approved Beech (Hawker/Raytheon) Service Bulletin SB.49–47–25A825A, dated August 1, 1995, which describes procedures for the replacement of existing vinyl conduit (Pt. No. SLV–40–1½)of the fuel feed hose for the APU with a new improved conduit (Pt. No. 20 97 04415). The new conduit is made from convoluted PTFE (a commercial fluoro plastic tubing), which can withstand temperatures of up to 240 degrees Centigrade. Accomplishment of this replacement eliminates the need for repetitive inspections, as described in Raytheon Service Bulletin SB 49–44, dated January 20, 1995 (which was cited in AD 95–10–01 as the appropriate source of service information).

FAA's Conclusions

The FAA has determined that replacement of the existing conduit with convoluted PTFE tubing will positively address the unsafe condition identified as failure of a fuel hose due to heat damage caused by incorrect routing or bleed air leakage; such failure could result in a malfunction of the APU, a fuel fire in the fuselage rear equipment bay, and reduced structural integrity of the surrounding structure.

Explanation of the Requirements of the Proposed Rule

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 supersede AD 95–10–01. It would continue to require inspections to detect various discrepancies of the fuel hose assemblies on the auxiliary power unit (APU), and correction of any discrepancy found. However, this proposed AD also would add a new requirement to replace the existing vinyl conduit of the fuel feed hose for the APU with a new improved conduit, which would constitute terminating action for the repetitive inspection requirements. The new action would be required to be accomplished in accordance with Beech (Hawker/Raytheon) Service Bulletin SB.49–47–25A825A, dated August 1, 1995, as described previously.

The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

Cost Impact

There are approximately 48 Beech Model Hawker 1000 and BAe 125–1000A series airplanes of the affected design in the worldwide fleet. The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 95–10–01 take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $1,860, or $60 per airplane, per inspection cycle.

The new actions that are proposed in this AD action would take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $218 per airplane. Based on these figures, the cost impact on U.S. operators of the new proposed requirements of this AD is estimated to be $14,198, or $458 per airplane.

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

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 removing amendment 39–9218 (60 FR 22501, May 8, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Beech Aircraft Corporation (formerly DeHavilland; Hawker Siddeley; British Aerospace, plc; Raytheon Corporate Jets, Inc.): Docket 96–NM–54–AD. Supersedes AD 95–10–01, Amendment 39–9218.

Applicability: Model Hawker 1000 and BAe 125–1000A series airplanes, post modification 259722C, 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 125–1000B 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 125–1000B 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 prevent failure of a fuel hose assembly on the auxiliary power unit (APU), which could result in a malfunction of the APU, a potential fuel fire in the fuselage rear bay, and reduced structural integrity of the surrounding structure, accomplish the following:

(a) Within 30 days after May 23, 1995 (the effective date of AD 95–10–01, amendment 39–9218), perform inspections to detect discrepancies of the fuel feed hose assemblies on the APU; an inspection to assure proper positioning of the air leak detection system; and an inspection of the bleed air system for signs of leakage; in accordance with paragraph 2.B. of the Accomplishment Instructions of Raytheon Service Bulletin SB 49–44, dated January 20, 1995.

(1) If no discrepancy is found: Thereafter, following the last flight of each day, perform an inspection to detect discoloration of the fuel hose assembly (outlet from the fuel pump box) on the APU, in accordance with paragraph 2.B.(2) and 2.C. of the Accomplishment Instructions of the service bulletin.

(2) If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with paragraph 2.B. of the Accomplishment Instructions of the service bulletin.

(b) Within 200 flight hours after the effective date of this AD, replace the existing conduit of the fuel feed hose for the auxiliary power unit (APU) with new improved conduit (modification 25A825A), in accordance with Beech (Raytheon/Hawker) Service Bulletin SB.49–47–25A825A, dated August 1, 1995. Accomplishment of the replacement constitutes terminating action for 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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

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

Issued in Renton, Washington, on May 14, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–12601 Filed 5–20–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 158

[Docket No. 27791; Notice No. 96–3A]

RIN 2120–AF69

Passenger Facility Charges

AGENCY: Federal Aviation Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); extension of comment period.

SUMMARY: This document announces an extension of the comment period on The ANPRM entitled, ''Passenger Facility Charges'' (61 FR 16678; April 16, 1996). This comment period is extended from May 16, 1996, until August 16, 1996. The extension responds to the request of the Air Transport Association of America (ATA) and is needed to permit ATA, and other affected parties, additional time to develop comments responsive to the ANPRM.

DATES: The comment period is being extended from May 16, 1996, to August 16, 1996.

ADDRESSES: As stated in Notice No. 96–3, comments should be mailed or delivered in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–200), Docket No. 27791, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27791. Comments may be examined in Room 915G on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Sheryl Scarborough, Passenger Facility Charge Branch (App–530), Airports Financial Assistance Division, Office of Airports Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8825.

SUPPLEMENTARY INFORMATION: On April 16, 1996, the Federal Aviation Administration (FAA) issued Notice No. 96–3, entitled ''Passenger Facility

Charges'' that sought public comment on changes to several sections of Title 14, Code of Federal Regulations, Part 158 that deal with the collection, handling, and remittance of PFC's. The notice specified the quantity and quality of airline cost data necessary for the FAA to determine an adequate rate of airline compensation. In addition, the notice included several proposed modifications to part 158 that would allow air carriers to be compensated based on PFC's collected; would implement the statutory prohibition (FAA Authorization Act of 1994) on collection of PFC's from passengers traveling on frequent flyer awards; and clarified various terms. Finally, the notice requested comments on several proposals dealing with ways to safeguard PFC revenue in the event of carrier bankruptcy.

By a request dated April 23, 1996, ATA asked that the comment period be extended 90 days to allow interested parties to respond adequately to the complex issues in the notice. ATA states that in light of the demands that the cost data guidance will place upon responding carriers and the carrier response rate that the FAA has established, an extension is needed to permit the submission of the information in the detail and to the extent that the FAA wishes.

The FAA has determined that an extension of the comment period will allow ATA and its members additional time for a more thorough review of applicable issues and questions raised by the ANPRM, and the drafting of responsive comments.

In order, therefore, to give all interested persons additional time to complete their comments, the FAA finds that it is in the public interest to extend the comment period.

Accordingly, the comment period will close on August 16, 1996.

Issued in Washington, DC, on May 16, 1996.

Paul L. Galis,

Director, Office of Airport Planning and Programming.

[FR Doc. 96–12739 Filed 5–16–96; 3:32 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 91N–384H and 95P–0241]

RIN 0910–AA19

Food Labeling: Nutrient Content Claims, Definition of Term: Healthy

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the Federal Register of February 12, 1996 (61 FR 5349). The document proposed to amend the food labeling regulations to permit certain processed fruits and vegetables and enriched cereal-grain products that conform to a standard of identity to bear the term ''healthy.'' The document was published with an inadvertent error. This document corrects that error.

DATES: Written comments by July 18, 1996. FDA proposes that any final rule that may issue based on this proposal become effective on the date of publication in the Federal Register.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Felicia B. Satchell, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

In FR Doc. 96–2980, appearing on page 5349 in the Federal Register of Monday, February 12, 1996, the discussion that appears on page 5354 in the first column under the heading ''V. Environmental Impact'' is corrected by removing the paragraph that appears there in its entirety and adding in its place ''The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.''

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12689 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 206, and 211

RIN 1010–AC02

Amendments to Gas Valuation Regulations for Federal Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: The Minerals Management Service (MMS) is reopening the public comment period under a proposed rule published in the Federal Register on November 6, 1995, amending the regulations governing the valuation for royalty purposes of natural gas produced from Federal leases (60 FR 56007). In the December 13, 1995, Federal Register we extended the comment period through February 5, 1996 (60 FR 64000). Based on the diversity of comments received under the proposed rule, in this notice we are publishing a summary of those comments, outlining five options for proceeding with further rulemaking, and requesting public comment on the five options.

DATES: Comments must be submitted on or before July 22, 1996.

ADDRESSES: You must send comments to: David S. Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3101, Denver, Colorado 80225–0165, telephone (303) 231–3432, fax (303) 231–3194, e-Mail David__ Guzy@smtp.mms.gov, courier delivery to building 85, Room A–212, Denver Federal Center, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, telephone (303) 231–3432, fax (303) 231–3194, e-Mail David__Guzy@smtp.mms.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 27, 1994, in response to the Vice President's National Performance Review, the Secretary chartered the Federal Gas Valuation Negotiated Rulemaking Committee (Committee) for the purpose of improving the regulations that govern the valuation, for royalty purposes, of gas produced from Federal leases. The Committee was comprised of representatives from large oil and gas companies, independents,

trade associations, States, and MMS. We asked the Committee to address the valuation and reporting of gas from approved Federal unit and communitization agreements and the valuation of gas sold under non-arm's-length contracts. We later expanded the charter of the Committee to include the valuation of gas sold under arm's-length contracts in a post-Federal Energy Regulatory Commission Order No. 636 marketing environment. Other issues, such as allowable gathering and compression deductions, transportation allowance determinations, transportation and processing allowance forms, and dual accounting, also were the subject of the Committee's attempt at streamlining and simplifying the procedures for valuing Federal gas.

On November 6, 1995, we published a proposed rule reflecting the consensus decisions of the Committee that would amend the regulations governing the valuation of Federal gas. The amendments would add several alternative valuation methods to the existing regulations. The amendments would allow lessees to choose from several options for valuing gas for royalty purposes, including for example published index prices, affiliated companies' arm's-length resale prices, and residue gas prices applied to the wellhead. The amendments would eliminate several administrative functions such as allowance form filing and accounting for comparison, also known as ''dual accounting'' as well as redefine specific terms to provide certainty regarding their deductibility from royalty. The amendments would also clarify who is responsible for reporting and paying royalties on gas produced from approved Federal agreements containing a mix of leases with different lessors, royalty rates, or funds recipients, so called ''mixed agreements''.

While the proposed rule reflected the consensus decisions of the Committee, we received many comments opposing the proposed valuation alternatives and the reporting and payment requirements for mixed agreements. Many of the comments focused on the complexity of the rule that arose from trying to develop options for valuing gas sold under an array of marketing environments. While many comments were supportive of allowing various options, clarifying terms, and eliminating certain administrative burdens, we received a significant number of comments that raise concerns about whether we should proceed in publishing a final rule based on the consensus of the Committee.

We also received comments on five specific issues associated with the proposed amendments for which comments were requested:

1. How should we improve the benchmarks (at 30 CFR § 206.152(c) and 206.153(c)) for valuing gas sold under non-arm's-length contracts when the gas is not subject to the alternative valuation methods?

2. Should we require royalties on amounts received by lessees using index-based valuation for gas contract settlements entered into after the effective date of the rule?

3. What should be the consequences if we do not publish the final safety net median value (as defined in the November 6, 1995, Federal Register Notice) within 2 years after the end of the relevant calendar year?

4. How should we process a credit for royalties paid on volumes in excess of the volume a lessee is entitled to take from a mixed agreement during the relevant calendar year?

5. How should we address the additional reporting on the Report of Sales and Royalty Remittance (Form MMS–2014) that would be necessary to implement the proposed rule?

II. Summary of Public Comments

We received comments from 44 entities, including independents, major oil and gas companies, trade associations, States, a royalty owner, and a pipeline company. Below is a summary of those comments. On January 22, 1996, we held a public meeting to receive verbal comments on the proposed rule. Five industry participants provided verbal comments that were consistent with the written comments submitted by their companies or trade associations. We have a transcript of those comments available for review. If you are interested in reviewing either the written comments in full or the transcript of the public meeting, you may contact David S. Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, telephone (303) 231–3432, fax (303) 231–3194, e-Mail David__ Guzy@smtp.mms.gov. A complete set of the public comments is also available on the Internet at www.rmp.mms.gov.

Independents (24 Commenters)

In general, most independents opposed index pricing as a valuation alternative. They claimed its complexity discriminates against them from a competitive standpoint. They also feared that index-based valuation would lead to it becoming a *minimum* for royalties in excess of gross proceeds. They pointed out that gross proceeds should be acceptable and that the rule should state so explicitly.

A form letter was submitted by 17 small independents outlining their concerns. They asserted that the rule, because of the increased costs under index valuation (and associated safety net median value and transportation allowance requirements), would violate the Regulatory Flexibility Act. Many claimed that they did not have the staff to implement the different options and to track the published index points. They also cited overall concerns that a more complex rule coupled low prices and higher transportation costs, particularly in the Rocky Mountains, would harm them. However, one large independent expressed its support for index-based valuation.

All independents objected to paying additional royalties under the safety net median value procedure if MMS is late in publishing the final safety net median value. Many objected to comparing spot sales valued on an index price to other types of sales valued on gross proceeds under the safety net procedure. They also objected to paying royalties on their entitled share of production under a mixed agreement because it would discriminate against them as a small producer who cannot market its full share of production every month.

Both small and large independents supported:

(1) eliminating the allowance forms and dual accounting for Federal leases,

(2) using a residue gas price or an index price to value gas at the wellhead, and

(3) the new definitions of gathering and compression. In addition, the larger independents recommended:

(1) reordering the benchmarks for valuing mixed agreement production to which the lessee is entitled but does not sell,

(2) including exceptions to entitlements reporting for mixed agreements and exceptions to takes reporting (as explained in the June 9, 1995, Federal Register, 60 FR 30492, Amendments of Regulations to Establish Liability for Royalty Due on Federal and Indian Leases, and To Establish Responsibility to Pay and Report Royalty and Other Payments) for agreements containing only Federal leases with the same royalty rate and fund recipients, so-called 100 percent Federal agreements, and

(3) clarifying that royalties must be reported and paid on a lessee's takes for 100 percent Federal agreements.

The larger independents opposed:

(1) the provision denying royalty-free use of gas downstream from the facility measurement point (FMP),

(2) the proposal to require royalties on gas contract settlement monies received by payors using index-based valuation,

(3) the concept of looking to an affiliate's resale under the benchmarks, and

(4) the exclusion of coalbed methane for consideration as a separate zone (as defined in the November 6, 1995, Federal Register Notice) under index-based valuation.

Majors (9 Commenters)

The majors held the same views as the independents on many issues:

—Allowance forms,
—Dual accounting,
—Wellhead valuation option,
—Takes for 100 percent Federal agreements with exceptions,
—The mixed agreement benchmarks,
—Royalty-free use of gas downstream of the FMP,
—Royalties on gas contract settlement monies,
—Late publication of the final safety net median value,
—Looking to an affiliate's resale price, and
—Coalbed methane.

However, the majors diverged from independents regarding entitlements reporting for mixed agreements and index-based valuation. In keeping with the consensus of the Committee, the majors advocated entitlements for mixed agreements and index-based valuation as an alternative to gross proceeds.

One major requested that the rule be more explicit that MMS is accepting a ''range'' of values for royalty purposes and that the highest one isn't necessarily what determines value. They also wanted assurance that gross proceeds values would not be subject to additional royalties by comparison to indices. They opposed any additional royalties if MMS delays publishing the final safety net median value.

Trade Associations (6 Commenters)

The various trade associations represented primarily majors, independents, or both groups. Therefore, their comments were mixed on several issues. Only two trade associations, representing independents, provided negative views towards index-based valuation. Understandably, their comments were very similar to the independents' comments.

In general, the trade associations held the same views as the other industry groups regarding:

—Allowance forms,
—Dual accounting,
—Wellhead valuation option,
—Takes for 100 percent Federal agreements with exceptions,
—Mixed agreement benchmarks,
—Royalty-free use of gas downstream of the FMP,
—Royalties on gas contract settlement monies,
—Late publication of the final safety net median value,
—Looking to an affiliate's resale price, and
—Coalbed methane.

They also recommended:

(1) allowing all compression after the separator as a cost of transportation,

(2) retaining the term ''location differential'' as adopted by the Committee (in the March 1995 Final Report of the Committee) in situations where the lessee's gas does not flow to the Index Pricing Point (as defined in the November 6, 1995, Federal Register Notice) used for valuation, and

(3) allowing full depreciation on all newly purchased transportation or processing facilities, regardless whether previously depreciated under an MMS schedule.

Most all independent, major, and trade association commenters agreed that all reporting issues should be left to the Royalty Policy Committee's Subcommittee on Royalty Reporting and Production Accounting.

States (3 Commenters)

The States' basically objected to the option to allow index-based valuation. A few could live with it if the safety net median value procedure remained intact. However, they objected to the limits imposed on additional royalties and the abundance of options for valuation. Therefore, they insisted on retaining an election period minimum of 2 years for all options to prevent manipulation of royalty valuation. They also pointed out perceived inequities between lessees paying on gross proceeds and those paying on an index price:

(1) The election procedure discriminates against dedicated (as defined in the November 6, 1995, Federal Register Notice) contract holders who have no options but to pay on gross proceeds.

(2) Lessees paying on gross proceeds are treated inequitably if lessees paying on an index price are allowed to pay on less than market value.

(3) Lessees paying on gross proceeds have less transportation allowance options.

(4) Lessees paying on an index price are excused from the ''marketable condition'' requirement applicable to gross proceeds.

The States also believed there should be no limit on additional royalties under the safety net median value procedure because:

(1) the median value calculation protects the lessee from high-priced contracts,

(2) the limits were only agreed to prior to developing the abundance of options, and

(3) lessees should pay on the full market value of production, not a percentage.

The States were concerned that index prices or residue gas prices applied to the wellhead would cost them revenues because of the forgone loss of the value of liquids extracted from the gas.

Further, the States believed that there should be no interest holiday for the period prior to the initial safety net median value calculation (that is, interest should accrue from the date of production). They stressed that accurate reporting is critical to the safety net median value procedure. They were concerned that the new gathering definition would lead to a loss in royalty revenue, and suggested using the FMP as the dividing line between gathering and transportation. The States supported or recommended:

(1) entitlements for mixed agreements, with no exception to pay on takes for small producers. One State opposed waiving interest for lessees paying on takes for the period prior to the deadline to pay on entitlements.

(2) royalties due on gas contract settlement monies,

(3) new benchmarks providing for great latitude in establishing value, including looking to an affiliate's resale price and prices reported to public utility commissions or the Federal Energy Regulatory Commission,

(4) excluding quality as a factor in determining zones (such as for coalbed methane), and

(5) developing zones only within or close to areas with valid index prices.

III. Options for Proceeding

Because the comments on the proposed rule were substantial, particularly from independents and the States, we are considering five options for proceeding with a final rulemaking on the valuation of gas from Federal leases. We request comments from all interested parties on each of the following five options.

Option 1

—Publish a final rule implementing the consensus of the Committee with minor modifications reflecting the comments received from the public.

1. Write the final rule in plain English.

2. Adopt the minor procedural and technical improvements suggested in the public comments that would not modify the consensus of the Committee.

3. Delete the second sentence in proposed 30 CFR 202.450(b), denying royalty-free use of gas downstream of the FMP.

4. Include a provision for takes-based reporting for 100 percent Federal agreements and stand alone leases.

Issues for Which MMS Specifically Requested Comments in the Proposed Rule

5. If the final safety net median value is not published within 2 years following the end of the applicable calendar year, then we would not require the lessee paying on an index-based method to pay interest from the end of the 2 years until we publish the final safety net median value. If we have still not published the final safety net median value within 2 years and 6 months after the end of the calendar year, then the initial safety net median value becomes the final safety net median value.

6. We would require index-based payors to pay royalty on contract settlement proceeds received from settlement entered into after the effective date of the rule.

7. For overtaken volumes in a mixed agreement by a small producer who paid on takes, we would process the credit through a recoupment based on the weighted average value of the previous year's sales.

8. We would issue separate guidance on the reporting of gas valuation methods consistent with the recommendations of the Royalty Policy Committee's Subcommittee on Royalty Reporting and Production Accounting.

9. We would publish a separate rulemaking on benchmark valuation taking into consideration the comments received under the November 6, 1995, proposed rule.

Option 2

—Retain the Committee's index-based method but replace the MMS-calculated safety net median value with a safety net value based on company specific data.

For example, at the end of the applicable calendar year we would require an index-based payor to compare the weighted average of its index-based values for its production in the zone to its own weighted average pool price (net of transportation) for all of its arm's-length sales of production from the zone. This would include all arm's-length sales in the pool including sales by an affiliate. If the weighted average index-based value is within plus or minus a certain percent of the weighted average pool price, then there is no additional royalty or no refund. However, if the weighted average index-based value for the zone for the year is a certain percent (or more) greater than the weighted average pool price net at the lease, we would issue a refund to the index-based payor. Likewise, if the weighted average index-based value for the year is a certain percent (or more) less than the weighted average pool price, then the index-based payor would owe additional royalty. This provision would be self-implementing and subject to audit.

Option 3

—Retain the basic philosophy of the Committee's index-based method but propose changes to simplify the rule as follows:

1. Index-based valuation must be applied to the wellhead MMBtu. No option to value residue gas based on an index price and no option for gross proceeds payors to apply a gross-proceeds based residue value to the wellhead MMBtu.

2. Retain the safety net median value procedure, but eliminate the additional royalty limitations.

3. Determine the Index Pricing Point using the weighted average method. No option to use the fixed-index method (both of these methods are described in the November 6, 1995, Federal Register Notice).

4. The safety net median value would be based on the weighted average of all arm's-length gross proceeds in the zone.

5. For all arm's-length transportation and all jurisdictional (as defined in the November 6, 1995, Federal Register Notice) transportation, the transportation allowance would equal the weighted average of all of the actual rates paid to each of the applicable Index Pricing Points through which the lessee's gas flowed. For non-arm's-length, non-jurisdictional transportation, lessees would use third party arm's-length transportation contracts as recommended by the Committee.

6. In order to provide more certainty and consistency, modify the ''bright line'' (distinction) between transportation and gathering to be at the FMP consistent with the ''bright line'' test for the allowability of compression. We would approve exceptions on a case-by-case basis. Add a provision to prevent manipulation in location of compressors.

Option 4

—Retain the Committee's index-based method but propose changes to simplify the rule as follows:

1. Eliminate the MMS-calculated safety net median value and instead use the self-implementing company-based safety net value described in option 2 above.

2. The index-based value must be applied to the wellhead MMBtu. No option to value residue gas based on an index price. Gross proceeds payors would have the option to apply a gross-proceeds based residue value to the wellhead MMBtu with a self-implementing safety net value procedure that compares the gross proceeds of their processed gas and NGL's with the gross proceeds residue gas price applied to the wellhead MMBtu. Provisions for refund/payment would be the same as under option 2 above.

3. Determine the Index Pricing Point using the closest index pricing point to which the gas physically flows using any valid publication (as described in the November 6, 1995, Federal Register Notice).

4. For all arm's-length transportation and all jurisdictional transportation, the transportation allowance would equal the actual rate paid to the closest index pricing point. For non-arm's-length, non-jurisdictional transportation, use third-party arm's-length transportation contracts as recommended by the Committee.

5. In order to provide more certainty and consistency, modify the ''bright line'' (distinction) between transportation and gathering to be at the FMP consistent with the ''bright line'' test for the allowableness of compression. Exceptions may be approved by us on a case-by-case basis. Add a provision to prevent manipulation in location of compressors.

Option 5

—Do not implement the alternative valuation options recommended by the Committee and instead:

1. Maintain the current gross proceeds-based valuation regulations with modifications to simplify the current benchmark system for non-arm's-length sales at 30 CFR 206.152(c) and 206.153(c) (1995) as follows: First Benchmark: Weighted average of comparable arm's-length contracts in the field or area between third parties and the lessee or its affiliate. Comparable arm's-length contracts are those whose volumes are within plus or minus 20 percent of the volumes sold

under the non-arm's-length contract on a monthly basis. MMS requests comments on whether the volume transferred under a non-arm's-length arrangement should be evaluated on the basis of all gas under the contract or by the size of each individual delivery package. Second Benchmark: First bona-fide arm's-length sale by the affiliate, except to retail customers. Third Benchmark: Other relevant matters.

2. Adopt the Committee's recommendation for entitlements-based reporting for mixed agreements, but with no exception for small producers. Under limited circumstances, allow MMS-approved exceptions to entitlements-based reporting if all lessees agree.

3. Adopt industry's comments to include in this rule the explicit provision for takes-based reporting for 100 percent Federal agreements and stand alone leases.

4. In response to the State's comments and in order to provide more certainty and consistency, modify the ''bright line'' (distinction) between transportation and gathering to be at the FMP, consistent with the ''bright line'' test for the allowability of compression. We may approve exceptions on a case-by-case basis. Add a provision to prevent manipulation in the location of compressors.

IV. Request for Public Comments

It is our intent to publish regulations that are: (1) Clear and understandable (2) responsive to the changing needs of royalty payors, (3) equitable to all affected parties, and (3) practical for us to administer. Such regulations should reduce administrative costs to both payors and MMS, while not generating a significant loss of royalty revenues. Based on the comments received, we are concerned that the proposed rule may not satisfy these goals. Therefore, we request input on how to improve the gas valuation regulations so that all affected parties benefit.

We specifically request comments on the five options outlined above for finalizing the proposed regulations in light of the public comments we received. We recognize that, for each affected party, each option holds benefits in certain areas while containing drawbacks in other areas. We emphasize that the five listed options are not exhaustive but merely suggestions for an improved, simplified, and streamlined valuation process. We welcome any new options or any modifications to the proposed options for consideration.

We are not requesting comments on the summary of comments outlined in this notice, only on the five options described above or other options suggested for valuing gas from Federal leases.

The policy of the Department is, whenever practicable, to give the public an opportunity to participate in the rulemaking process. Accordingly, you should submit written comments, suggestions, or objections regarding this notice to the location identified in the **ADDRESSES** section of this notice. You should submit comments on or before the date identified in the **DATES** section of this notice.

Dated: May 15, 1996.

Michael A. Miller,

Acting Associate Director for Royalty Management.

[FR Doc. 96–12723 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–MR–P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[ND–033–FOR]

North Dakota Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the North Dakota abandoned mine land reclamation (AMLR) plan (hereinafter, the ''North Dakota plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information for North Dakota's proposed statute and plan provisions pertain to contractor eligibility and sole-source procurement procedures and policies. The amendment is intended to revise the North Dakota plan to meet the requirements of the corresponding Federal regulations and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.d.t., June 20, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below. Copies of the North Dakota plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, Wyoming 82601–1918

Louis A. Ogaard, Director, AML Division, Public Service Commission, Capitol Building, Bismarck, ND 58505–0165

FOR FURTHER INFORMATION CONTACT:

Guy Padgett, Telephone: (307) 261–6555, Internet address: GPADGETT@CWYGW.OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Plan

On December 23, 1981, the Secretary of the Interior approved the North Dakota plan. General background information on the North Dakota plan, including the Secretary's findings and the disposition of comments, can be found in the December 23, 1981, Federal Register (46 FR 62253). Subsequent actions concerning North Dakota's plan and plan amendments can be found at 934.25.

II. Proposed Amendment

By letter dated September 20, 1995, North Dakota submitted a proposed amendment to its plan (administrative record No. ND–X–02) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). North Dakota submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. ND–X–01) that OSM sent to North Dakota in accordance with 30 CFR 884.15(b), and at its own initiative. The provisions of the North Dakota plan that North Dakota proposed to add or revise were: North Dakota Century Code (NDCC) 38–14.2–03(14), powers and duties of the Commission; procurement procedures; contract procedures; policy 2–01–81(5), procurement policy and contract policy; and State agency organizational chart.

OSM announced receipt of the proposed amendment in the October 16, 1995, Federal Register (60 FR 53564), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. ND–X–05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on November 15, 1995.

During its review of the amendment, OSM identified concerns relating to (1)

the powers and duties of the Commission at NDCC 38–14.2–03(14), concerning the eligibility of successful bidders to receive AMLR contracts and (2) procurement procedures at section IV. C. 5 of the North Dakota plan provisions, concerning noncompetitive negotiation (sole-source procurement) when emergency or severe time constraints preclude issuing a formal request for proposals. OSM notified North Dakota of the concerns by letter dated December 7, 1995 (administrative record No. ND–X–04). North Dakota responded in a letter dated April 30, 1996, be submitting additional explanatory information (administrative record No. ND–X–09).

North Dakota proposes additional explanatory information for NDCC 38–14.2–03(14), contractor responsibility, in the form of a policy that provides guidelines to govern the selection of successful bidders for AMLR contracts, and section IV. C. 5 of its plan provisions, procurement procedures, in the form of a statement concerning sole-source procurement.

Specifically, North Dakota proposes to add a policy statement that requires a background search of successful bidders for AMLR contracts, provides the criteria to be used in determining the eligibility of the successful bidder under 30 CFR 773.15(b)(1) at the time of contract award, limits the award of the AMLR contract to a successful bidder who meets the criteria used to determine eligibility, and provides that the eligibility determination will be made through OSM's Applicant/Violator System for each AMLR contract to be awarded. North Dakota also proposes that the Federal regulation at 43 CFR 12.76(d)(4)(i)(B), which is cited in OSM's December 7, 1995, issue letter, and implements one part of the Office of Management and Budget (OMB) Circular A–102 (commonly known as the ''Common Rule''), does not apply to States and that States are required to abide by 43 CFR 12–76(a) only.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the North Dakota plan.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under ''DATES'' or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

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

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of Tribe or State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

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

6. Unfunded Mandates Reform Act

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 934

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 9, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–12726 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 936

[OK–018–FOR]

Oklahoma Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a propose amendment to the Oklahoma regulatory program (hereinafter, the ''Oklahoma program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Oklahoma's Coal Program Rules and Regulations. Oklahoma proposes to recodify and reinstate rules pertaining to an exemption for coal extraction incidental to government-financed or other construction. The amendment is intended to revise the Oklahoma program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., c.d.t., June 20, 1996. If requested, a public hearing on the proposed amendment will be held on June 17, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.d.t., on June 5, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Jack R. Carson, Acting Director, Tulsa Field Office, at the address listed below.

Copies of the Oklahoma program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470 Tulsa, Oklahoma, 74135–6547, Telephone: (918) 581–6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521–3859.

FOR FURTHER INFORMATION CONTACT: Jack R. Carson, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the January 19, 1981, Federal Register (46 FR 4902). Subsequent actions concerning Oklahoma's program and program amendments can be found at 30 CFR 936.15 and 936.16.

II. Proposed Amendment

By letter dated April 26, 1996, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record No. OK–974). Oklahoma submitted the proposed amendment at its own initiative. Oklahoma proposes to reinstate rules pertaining to an exemption for coal extraction incidental to government-financed or other construction. These rules were previously codified as part 707. Oklahoma proposes to recodify these rules at Oklahoma Administrative Code (OAC) 460, Chapter 20, Subchapter 6.

Section 460:20–6–1, Purpose

This section specifies the purpose of Subchapter 6 as establishing procedures for determining those surface coal mining and reclamation operations that meet the exemption criteria for coal extraction as an incidental part of government-financed construction.

Section 460:20–6–2, Responsibility

This section specifies that the Department of Mines is responsible for enforcing the requirements of Subchapter 6. It also specifies that persons conducting coal extraction as an incidental part of government-financed construction is responsible for keeping specified documentation on the site of the extraction operation.

Section 460:20–6–3, Definitions

This section contains definitions for the terms ''Extraction of coal as an incidental part''; ''Government financing agency''; and ''Government-financed construction.''

Section 460:20–6–4, Applicability

This section specifies that a permit must be obtained unless the coal extraction is an incidental part of government-financed construction.

Section 460:20–6–5, Information to be Maintained on Site

This section specifies the information that must be maintained on the site of the extraction operation.

III. Public Comment Procedures

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

1. Written Comments

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

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t., on June 5, 1996. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber.

Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

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

3. Public Meeting

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

IV. Procedural Determinations

1. Executive Order 12866

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

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and

its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

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

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 9, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96–12725 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AH77

Contract Program for Veterans With Alcohol and Drug Dependence Disorders

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 38 CFR Part 17 by modifying eligibility criteria for veterans participating by contract in the Department of Veterans Affairs' program of alcohol and drug dependence or abuse treatment and rehabilitation in residential and nonresidential facilities. Current regulations stipulate that, prior to participation in contract care under this program, veterans must be provided hospital care in facilities over which the Secretary has direct jurisdiction. It is proposed to change the regulations to stipulate that, prior to participation in contract care, veterans must have been or must be receiving care (regardless of whether it was or is hospital care) by professional staff over whom the Secretary has jurisdiction (regardless of whether it is direct jurisdiction). The proposed elimination of the requirement of ''hospital care'' appears to be necessary to address changed clinical practices and continue the intended program. In the past, substance abuse treatment generally was provided in a hospital setting. Now, much substance abuse treatment also is provided in an ambulatory care or residential setting. Also, the proposal to change ''direct jurisdiction of the Secretary'' to ''jurisdiction of the Secretary'' would allow for continuation of any cases in which VA has had involvement (including, among other things, fee basis care) and thereby help ensure that a complete course of treatment is provided.

DATES: Comments must be received on or before July 22, 1996.

ADDRESSES: Mail written comments concerning these proposed regulations to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or hand deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW., Washington, DC 20001. Comments should indicate that they are submitted in response to ''RIN 2900–AH77.'' All written comments are available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW., Washington, DC 20001 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Karen G. Boies, Ph. D., Deputy Associate Director for Addictive Disorders and Psychiatric Rehabilitation, Veterans Health Administration, Department of Veterans Affairs, (202) 565–7316.

SUPPLEMENTARY INFORMATION: This proposed rule is authorized under provisions of 38 U.S.C. 501 and 38 U.S.C. 1720A.

The Secretary hereby certifies that the provisions of the proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. There does not appear to be a basis for considering special provisions for small entities since, in all likelihood, only entities that are small entities would conduct activities affected by this rule. Also, because of budgetary constraints and the high utilization of this program, we anticipate no change in the total number of bed days of care paid by VA to participating small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, dental health, Drug abuse, Foreign relations, Government contracts, Grant program—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: February 20, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 17 is proposed to be amended as follows:

PART 17—MEDICAL

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

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

2. In section 17.80, paragraph (a)(1) is revised to read as follows:

§ 17.80 Alcohol and drug dependence or abuse treatment and rehabilitation in residential and nonresidential facilities by contract.

(a) * * *

(1) Veterans who have been or are being furnished care by professional

staff over which the Secretary has jurisdiction and such transitional care is reasonably necessary to continue treatment.

* * * * *

[FR Doc. 96–12662 Filed 5–20–96; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7179]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Connecticut	Granby (Town), Hartford County.	Dismal Brook	Upstream side of East Street	None	*279
		.....	At the Massachusetts State boundary	None	*370
		East Branch Salmon Brook.	Approximately 1,830 feet downstream of Silver Street Dam.	None	*284
			At State boundary	None	*533
		Creamery Brook	Approximately 2,000 feet upstream of the confluence with East Branch Salmon Brook.	None	*219
			Approximately 875 feet upstream of Creamery Hill Road.	None	*252
		Hungary Brook	At upstream side of Notch Road	None	*202
			Approximately 0.87 mile upstream of Quarry Road.	None	*230
		Bradley Brook	At upstream side of Meadowbrook Road	None	*216

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 760 feet upstream of East Street.	None	*278
		West Branch Bradley Brook.	Approximately 1,125 feet downstream of Twilight Drive.	None	*226
			Approximately 1,685 feet upstream of Stardust Drive.	None	*255
		East Branch Bradley Brook.	At the confluence with Bradley Brook	None	*217
			Approximately 150 feet upstream of East Street.	None	*259
		East Fork of East Branch Bradley Brook.	At confluence with East Branch Bradley Brook.	None	*243
			Approximately 170 feet upstream of East Street.	None	*259
Maps available for inspection at the Granby Town Hall, 15 North Granby Road, Granby, Connecticut.					
Send comments to Mr. William F. Smith, Jr., Granby Town Manager, Granby Town Hall, 15 North Granby Road, Granby, Connecticut 06035.					
Michigan	Fork (Township) Mecosta County.	Chippewa River	Approximately 2.1 miles downstream from 19 Mile Road.	None	*941
			Approximately 100 feet upstream of 10th Avenue.	None	*956
Maps available for inspection at the Fork Township Hall, 147 Northern Avenue, Barryton, Michigan.					
Send comments to Mr. Louis McNelley, Supervisor of Fork Township, 5186 Hoover Road, Barryton, Michigan 49305.					
New York	Atlantic Beach (Village).	Atlantic Ocean	At intersection of Bay Boulevard and Bermuda Street.	None	*10
	Nassau County		Approximately 550 feet south of intersection of Ocean Boulevard and Wayne Avenue.	*14	*15
		Reynolds Channel	Approximately 500 feet north of Bay Boulevard and Albany Boulevard.	*7	*8
Maps available for inspection at the Village Hall, 65 The Plaza, Atlantic Beach, New York.					
Send comments to The Honorable Earliene Shipper, Mayor of the Village of Atlantic Beach, 65 The Plaza, Atlantic Beach, New York 11509.					
New York	Bayville (Village) Nassau County.	Mill Neck Creek/Oyster Bay Harbor.	Approximately 600 feet Northeast of Bayville Bridge enters community.	*13	*15
Maps available for inspection at the Village Hall, 34 School Street, Bayville, New York.					
Send comments to The Honorable Victoria Siegel, Mayor of the Village of Bayville, Village Hall, 34 School Street, Bayville, New York 11709.					
New York	Cedarhurst (Village) Nassau County.	Head of Bay/Motts Creek	Intersection of Oxford Road and Arlington Place.	None	*8
Maps available for inspection at the Village Hall, 200 Cedarhurst, Cedarhurst, New York.					
Send comments to The Honorable Andrew J. Parise, Mayor of the Village of Cedarhurst, 200 Cedarhurst, Cedarhurst, New York 11516.					
New York	East Rockaway (Village) Nassau County.	Mill River	At intersection of Rhame Avenue and Althouse Avenue.	None	*7
			At intersection of Williamson Street and 6th Avenue.	*8	*7
Maps available for inspection at the East Rockaway Village Hall, 376 Atlantic Avenue, East Rockaway, New York.					
Send comments to The Honorable Charles H. Formont, Mayor of the Village of East Rockaway, 376 Atlantic Avenue, East Rockaway, New York 11518–0189.					
New York	Freeport (Village) Nassau County.	Atlantic Ocean/Baldwin Bay.	Approximately 200 feet west of intersection of Suffolk Street and South Long Beach Avenue.	*9	*8
		Baldwin Bay	Approximately 150 feet south of intersection of Morris Avenue and Meister Boulevard.	*7	*8
		Hudson Bay	Approximately 1,750 feet southeast of intersection of Anchorage Way and South Grove Avenue.	*7	*9

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Freeport Village Building Department, 46 North Ocean Avenue, Freeport, New York.					
Send comments to The Honorable Richard Wissler, Mayor of the Village of Freeport, 46 North Ocean Avenue, Freeport, New York 11520.					
New York	Great Neck (Village) Nassau County.	Manhasset Bay	Approximately 200 feet southeast of the intersection of East Shore Road and Vista Hill Road.	*15	*14
Maps available for inspection at the Great Neck Village Hall, 61 Baker Hill Road, Great Neck, New York.					
Send comments to The Honorable Isabel Varlotta, Mayor of the Village of Great Neck, 61 Baker Hill Road, Great Neck, New York 11023.					
New York	Great Neck Plaza (Village) Nassau County.	Russells Creek	Approximately 1,640 feet downstream of Clent Road.	None	*63
			At Clent Road	None	*74
Maps available for inspection at the Village Hall, Building Department, 2 Gussack Plaza, Great Neck, New York.					
Send comments to The Honorable Robert Rosegarden, Mayor of the Village of Great Neck Plaza, 2 Gussack Plaza, Great Neck, New York 11022.					
New York	Hempstead (Town) Nassau County.	Head of Bay	Approximately 250 feet west of intersection of West Avenue and Baker Avenue.	*9	*8
		Hewlett Bay/Macy Channel.	Approximately 700 feet east of intersection of Elinor Road and Cedar Avenue.	*8	*7
		Brosewere Bay	Approximately 500 feet south of intersection of Woodmere Boulevard and Hickory Road.	*9	*8
		Valley Stream	Approximately 300 feet west of the intersection of Mill Road and Sidney Place.	*8	*10
		Hewlett Bay	Approximately 50 feet south of West Boulevard extended.	*8	*9
		East Rockaway Inlet	Approximately 200 feet west of intersection of Bay Boulevard and Granada Street.	*11	*10
		Atlantic Ocean	Approximately 500 feet south of Malone Avenue extended.	*14	*15
		Reynolds Channel	Approximately 1,200 feet north from intersection of Yates Avenue and West Beach Street.	*7	*8
		Freeport Creek	Approximately 1,000 feet southeast of the end of South Main Street.	*9	*7
Maps available for inspection at the Engineering Department, 350 Front Street, Hempstead, New York.					
Send comments to Mr. Gregory Peterson, Hempstead Town Supervisor, 1 Washington Avenue, Hempstead, New York 11550–4923.					
New York	Hewlett Bay Park (Village) Nassau County.	Hewlett Bay: Macy Channel.	At intersection of Everett Avenue and Seawane Drive.	None	*7
			Approximately 650 feet east of intersection of Piermont Avenue and Veeder Drive.	*8	*7
Maps available for inspection at the Village Hall, 30 Piermont Avenue, Hewlett, New York.					
Send comments to The Honorable Mitchell Sahn, Mayor of the Village of Hewlett Bay Park, 30 Piermont Avenue, Hewlett, New York 11557.					
New York	Hewlett Harbor (Villiage) Nassau County.	Hewlett Bay: Thixton Creek.	Approximately 500 feet southeast of intersection of Harbor Road and Thixton Drive.	*8	*9
		Hewlett Bay: Macy Channel.	Intersection of Everett Avenue and Seawane Drive.	*8	*7
Maps available for inspection at the Hewlett Harbor Village Hall, 449 Pepperidge Road, Hewlett Harbor, Hew York.					
Send comments to The Honorable Gerald H. Morganstern, Mayor of the Villiage of Hewlett Harbor, 449 Pepperidge Road, Hewlett Harbor, New York 11557.					
New York	Hewlett Neck (Village) Nassau County.	Brosewere Bay: Georges Creek.	Approximately 600 feet southeast of the intersection of Dolphin Drive and Curtis Road.	*8	*7
			Approximately 50 feet east of Adams Cane cul-de-sac.	*8	*7

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Hewlett Bay: Georges Creek.	Approximately 300 feet east of intersection of Hewlett Neck Road and Dolphin Lane.	None	*7
Maps available for inspection at the Village Hall, 30 Piermont Avenue, Hewlett, New York.					
Send comments to The Honorable Sheldon Shame, Mayor of the Village of Hewlett Neck, 30 Piermont Avenue, Hewlett, New York 11557.					
New York	Island Park (Village) Nassau County.	Wreck Lead Channel	Approximately 500 feet southwest of intersection of Railroad Place and Bridge Plaza.	*7	*8
		Hog Island Channel	Approximately 475 feet north of intersection of Island Parkway and Sherborne Place.	*7	*8
Maps available for inspection at the Village Hall, 127 Long Beach Road, Island Park, New York.					
Send comments to The Honorable Jacqueline Papatsos, Mayor of the Village of Island Park, 127 Long Beach Road, Island Park, New York 11558.					
New York	Lawrence (Village) Nassau County.	Brosewere Bay	Approximately 1,000 feet south of the intersection of Burton Lane and Albro Lane.	*8	*7
			Approximately 1,000 feet southeast from intersection of Buxton Lane and Albro Lane.	*8	*9
		Broad Channel	Approximately 1,000 feet southeast of confluence with Post Lead.	*8	*9
		Reynolds Channel	Approximately 250 feet southeast from 2nd Street extended.	*8	*10
		Bannister Creek	Approximately 1,000 feet south of the intersection of Rock Hall Road and Nassau Expressway.	None	*7
			Intersection of North Street and Monroe Street.	*8	*7
Maps available for inspection at the Lawrence Village Building Department, 196 Central Avenue, Lawrence, New York.					
Send comments to The Honorable Nancy B.W. Coe, 196 Central Avenue, Lawrence, New York 11559					
New York	Long Beach (City) Nassau County.	Atlantic Ocean	Approximately 850 feet southeast of the intersection of East Broadway and Roosevelt Boulevard.	*14	15
		Reynolds Channel	Approximately 500 feet north of intersection of Lindell Boulevard and West Bay Drive.	*7	*8
Maps available for inspection at the City Hall, 1 West Chester Street, Long Beach, New York.					
Send comments to Mr. Edwin L. Eaton, Long Beach City Manager, City Hall, 1 West Chester Street, Long Beach, New York 11561.					
New York	Malverne (Village) Nassau County.	Motts Creek	At Motley Street	None	*24
			Approximately 220 feet upstream of Franklin Avenue.	None	*30
Maps available for inspection at the Village Hall, 99 Church Street, Malverne New York.					
Send comments to The Honorable Joseph Canzoneri, Mayor of the Village of Malverne, 99 Church Street, Malverne, New York 11561.					
New York	Massapequa Park (Village) Nassau County.	Atlantic Ocean: South Oyster Bay.	Approximately 350 feet south of the intersection of Skylark Road and Whitewood Drive.	*8	*9
			Approximately 125 feet southwest of the intersection of Knell Drive and Harbor Lane East.	*7	*8
		Massapequa Creek	Approximately 250 feet downstream of Southern State Parkway.	None	*38
			At Clark Street	None	*18

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Village Hall, 151 Front Street, Massapequa Park, New York.					
Send comments to The Honorable George Nussbaum, Mayor of the Village of Massapequa Park, 151 Front Street, Massapequa Park, New York 11762.					
New York	North Hempstead (Town) Nassau County.	Little Neck Bay	Approximately 200 feet southwest of the intersection of Shorecliff Place and Bayside Road.	*14	*13
			Approximately 400 feet northwest of the intersection of Woodland Place and Bayview Avenue.	None	*13
		Manhasset Bay	Approximately 175 feet west of West Shore Drive and Bayview Avenue.	*14	*16
		Russells Creek	Approximately 700 feet upstream of Melbourne Road.	None	*115
Maps available for inspection at the North Hempstead Town Hall, 220 Plandome Road, Manhasset, New York.					
Send comments to Ms. Mary Newburger, North Hempstead Town Supervisor, 220 Plandome Road, Manhasset, New York 11030.					
New York	Plandome Heights (Village) Nassau County.	Manhasset Bay	Approximately 100 feet west of the waterway and Shore Drive at the intersection of Shore Drive and The Beachway.	None	*14
			At northern corporate limits approximately 500 feet west of intersection of The Beachway and Shore Drive.	None	*16
Maps available for inspection at the Plandome Heights Village Office, 34 Grandview Circle, Manhassett, New York.					
Send comments to The Honorable John Keitz, Mayor of the Village of Plandome Heights, P.O. Box 1384, Manhasset, New York 11030.					
New York	Plandome Manor (Village) Nassau County.	Manhasset Bay	Approximately 750 feet west of intersection of Lake and Bayview Roads.	*17	*16
Maps available for inspection at the Plandome Manor Village Hall, 1526 North Plandome Road, Plandome Manor, New York.					
Send comments to Mr. Richard Rode, Plandome Manor Village Building Inspector, P.O. Box 951, Plandome Manor, New York 11030.					
New York	Plandome (Village) Nassau County.	Manhasset Bay	Approximately 600 feet west of intersection of Shoreview Lane and Plandome Road.	None	*14
			Approximately 750 feet west of intersection of Shoreview Lane and Plandome Road.	None	*16
Maps available for inspection at the Plandome Village Hall, 65 South Drive, Plandome, New York.					
Send comments to The Honorable Brian J. Vincent, Mayor of the Village of Plandome, 65 South Drive, Plandome, New York 11030.					
New York	Rockville Centre (Village) Nassau County.	Mill River	Approximately 360 feet west of intersection of River Avenue and Demott Place.	None	*7
Maps available for inspection at the Rockville Centre Village Engineer's Office, 110 Maple Avenue, Rockville Centre.					
Send comments to Mr. Anthony M. Cancellieri, Rockville Centre Village Administrator, P.O. Box 950, Rockville Centre, New York 11571.					
New York	Sands Point (Village) Nassau County.	Sandspoint/Hempstead Harbor.	Approximately 800 feet east of intersection of Harbor Road and Todd Drive.	*17	*10
Maps available for inspection at the Sands Point Village Hall, Tibbits Lane, Port Washington, New York.					
Send comments to The Honorable Leonard Wurzel, Mayor of the Village of Sands Point, P.O. Box 188, Port Washington, New York 11050.					
New York	Thomaston (Village) Nassau County.	Manhasset Bay	Approximately 500 feet northeast of Colonial Road and East Shore Road.	None	*15
		Russells Creek	At Clent Road	None	*74
			Approximately 0.15 mile upstream of Clent Road.	None	*92

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inpsection at the Thomaston Village Hall, 100 East Shore Road, Great Neck, New York.					
Send comments to The Honorable Bryan J. Holzberg, Mayor of the Village of Thomaston, 100 East Shore Road, Great Neck, New York 11023.					
New York	Valley Stream (Village) Nassau County.	Motts Creek	Approximately 120 feet northeast of the intersection of Hungry Harbor Road and Rosedale Road.	None	*8
Maps available for inpsection at the Valley Stream Village Hall, 123 South Central Avenue, Valley Stream, New Y ork.					
Send comments to The Honorable James Darcy, Mayor of the Village of Valley Stream, 123 South Central Avenue, Valley Stream, New York 11582.					
New York	Woodsburgh (Village) Nassau County.	Woodmere Channel	At intersection of Meadow Drive and Channel Road.	None	*7
			Approximately 500 feet south of intersection of Channel Road and Meadow Drive.	*8	*7
		Brosewere Bay	Approximately 450 feet southeast of intersection of Bay Drive and Hickory Road.	*8	*9
Maps available for inspection at the Woodsburgh Village Hall, 30 Piermont Avenue, Hewlett, New York.					
Send comments to The Honorable Susan L. Schlaff, Mayor of the Village of Woodsburgh, 30 Piermont Avenue, Hewlett, New York 11557.					
North Carolina	Whiteville (City) Columbus County.	Griffith Branch	Approximately 0.5 mile downstream of Nolan Avenue.	None	*55
			Approximately 210 feet upstream of Bentmoor Drive.	None	*79
		Mollies Branch	At Seaboard Coastline Railroad	None	*59
			Approximately 0.4 mile upstream of U.S. Business Routes 74–76.	None	*72
		Soules Swamp	Approximately 0.9 mile downstream of U.S. Route 701 Bypass.	None	*53
			Approximately 0.6 mile upstream of U.S. Route 701 Bypass.	None	*58
		White Marsh	At Seaboard Coastline Railroad	None	*54
			Approximately 20 feet upstream of U.S. Route 74–76 Bypass.	None	*59
Maps available for inspection at the Whiteville City Hall, 317 South Madison Street, Whiteville, North Carolina.					
Send comments to Mr. Jeff Emory, Whiteville City Manager, P.O. Box 607, Whiteville, North Carolina 28472.					
Pennsylvania	Hartfield (Borough) Montgomery County.	West Branch Neshaminy Creek.	Approximately 300 feet downstream of Lakewood Avenue.	None	*300
			Approximately 150 feet upstream of Lakewood Avenue.	None	*301
Maps available for inspection at the Borough Hall, 401 South Main Street, Hatfield, Pennsylvania.					
Send comments to Ms. Stephanie Teoli, Manager of the Borough of Hatfield, P.O. Box 190, Hatfield, Pennsylvania 19440–0190.					
Pennsylvania	Tredyffrin (Township) Chester County.	Little Valley Creek	On the upstream side of Mill Road	*149	*147
			Approximately 1,800 feet upstream of Church Road.	None	*245
		Tributary No. 2 of Trout Creek.	At confluence with Trout Creek	*155	*160
			Approximately 100 feet upstream of the confluence with Trout Creek.	*159	*160
		East Tributary to Crum Creek.	Approximately 650 feet upstream of Devon Road.	None	*467
			Approximately 830 feet upstream of Devon Road.	None	*470
Maps available for inspection at the Tredyffrin Municipal Building, 1100 DuPortail Road, Berwyn, Pennsylvania.					
Send comments to Mr. Jospeh A. Janasik, Tredyffrin Township Manager, 1100 DuPortail Road, Berwyn, Pennsylvania 19312.					

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

Dated May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12714 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–04–P

44 CFR Part 67

[Docket No. FEMA–7181]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood elevations and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Associate Director for Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Arizona	Pima County (Unincorporated Area).	Santa Cruz River	Just upstream of Pima Mine Road	*2,663	*2,668
			4,650 feet upstream of Pima Mine Road	*2,671	*2,673
			3,850 feet downstream of Sahura Rita Road.	*2,698	*2,698
			Just upstream of Sahura Rita Road	*2,709	*2,711
			1,870 feet upstream of Sahura Rita Road	*2,716	*2,716
			3,350 feet downstream of U.S. Highway 89.	*2,736	*2,741
			Just upstream of U.S. Highway 89	*2,751	*2,751
			1,770 feet upstream of U.S. Highway 89	*2,755	*2,758
			11,270 feet upstream of U.S. Highway 89	*2,791	*2,790
			5,010 feet downstream of Continental Road.	*2,830	*2,829

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			370 feet upstream of Continental Road ...	*2,854	*2,850
			7,340 feet upstream of Continental Road	*2,868	*2,869
			12,410 feet upstream of Continental Road.	*2,886	*2,888
			21,540 feet upstream of Continental Road.	*2,917	*2,924
			19,800 feet downstream of Pima County-Santa Cruz.	*2,961	*2,960
			7,128 feet downstream of Pima County-Santa Cruz County corporate limits.	*3,005	*3,004
			500 feet downstream of Pima County-Santa Cruz County corporate limits.	*3,027	*3,029
			Just downstream of Pima County-Santa Cruz County corprate limits.	*3,028	*3,030

Maps are available for inspection at Pima County Department of Transportation and Flood Control District, Public Works, Building, 201 North Stone Avenue, Tucson, Arizona.

Send comments to the Honorable Paul Marsh, Chairman, Pima County Board of Supervisors, 130 West Congress Street, Tucson, Arizona 85701.

California	Hesperia (City) San Bernardino County.	Antelope Valley Wash	At confluence with the Mojave River	None	*2,900
			Approximately 150 feet upstream of Lake Arrowhead Road.	None	*2,940
			At Peach Avenue	None	*2,974
			Approximately 50 feet upstream of Pico Avenue.	None	*3,035
			Approximately 200 feet upstream of Joshua Street.	None	*3,120
			At Ash Street	None	*3,154
			At E Avenue	None	*3,182
			Approximately 850 feet upstream of Ranchero Road.	None	*3,206

Maps are available for inspection at the City of Hesperia, 15776 Main Street, Hesperia, California

Send comments to Mr. David A. Berger, City Manager, City of Hesperia, City Hall, 15776 Main Street, Hesperia, California 92345

California	Vacaville (City) Solano County.	Ulatis Creek	At Leisure Town Road	*81	+85
			Approximately 100 feet upstream of Ulatis Drive.	*111	+114
			Approximately 2,250 feet upstream of Allison Drive.	*129	+133
			Just downstream of East Monte Vista Drive.	*170	+172
			Just downstream of Fruitvale Road	*194	+195
			At Farrell Road	*232	+233
		Laguna Creek	At confluence with Alamo Creek	*181	+183
			Approximately 100 feet upstream of Highway 80.	*198	+205
		Alamo Creek	Approximately 2,000 feet downstream of Alamo Drive (main channel).	*96	+100
			Approximately 2,000 feet downstream of Alamo Drive (west overbank).	N/A	+103
			Approximately 1,600 feet downstream of Nut Tree Road.	*105	+108
			Just upstream of Tulare Drive	*120	+125
			Just downstream of Crystal Lane	*174	+176
			At confluence with Encinosa Creek	*208	+213
			Approximately 5,300 feet upstream of the confluence of Encinosa Creek.	*233	+234
		Encinosa Creek	At confluence with Alamo Creek	*208	+213
			Approximately 3,100 feet upstream of Alamo Drive.	*233	+233
		Bucktown Creek	Approximately 400 feet downstream of Farrell Road.	*224	+227
			Just downstream of Farrell Road	*228	+229

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
*Elevation in feet (NGVD of 1929) (To convert to NAVD, and 2.59 feet to NGVD elevation).					
+Elevation in feet (NAVD of 1988).					
Maps are available for inspection at the City of Vacaville, City Hall, Department of Community Development, 650 Merchant Street, Vacaville, California.					
Send comments to The Honorable David Fleming, Mayor, City of Vacaville, 650 Merchant Street, Vacaville, California 95688.					
Texas	Aledo (City) Parker County.	Clear Fork Trinity River	At the southern corporate limit	None	*792
			At confluence of the unnamed tributary near Hidden Valley Drive.	None	*795
			At Old Tunnel Road on the western corporate limit.	None	*798
Maps are available for inspection at the City of Aledo, Aledo City Hall, 200 Old Annetta Road, Aledo, Texas.					
Send comments to The Honorable Robert A. Lewis, P.O. Drawer R, Aledo, Texas 76008.					
Texas	Annetta (Town) Parker County.	Clear Fork Trinity River	At eastern corporate limit south of Annetta Road.	None	*800
			At eastern corporate limit, near South Fork Trinity River.	None	*804
Maps are available for inspection at the Town of Annetta, City Office, 405–407 Highway 1187 North, Aledo, Texas.					
Send comments to The Honorable Bruce Moore, Mayor, Town of Annetta, P.O. Box 91, Aledo, Texas 76008.					
Texas	Annetta North (Town) Parker Couty.	Clear Fork Trinity River	Just upstream of Union Pacific Railroad Bridge.	None	*808
			At eastern corporate limit approximately 3,000 feet upstream of Underwood Road.	None	*809
			Approximately 2 miles upstream of Underwood Road.	None	*816
Maps are available for inspection at the home of the Town Secretary, Town of Annetta North, 457 Qual Ridge Drive, Aledo, Texas.					
Send comments to The Honorable Kenneth Hensley, Mayor, Town of Annetta North, P.O. Box 262, Aledo, Texas 76008.					
Texas	Annetta South (Town) Parker County.	Clear Fork Trinity River	At the southern corporate limit	None	*786
			At the northern corporate limit	None	*789
Maps are available for inspection at the home of The Honorable Douglas Koldin, Mayor, Town of Annetta South, 403 Koldin Drive, Aledo, Texas.					
Send comments to The Honorable Douglas Koldin, Mayor, Town of Annetta South, P.O. Box 61, Aledo, Texas 76008.					
Texas	Hays County	San Marcos River	At the border of Hays County and Guadalupe County.	*552	*551
			At confluence of Sink Creek	*577	*577
		Plum Creek	At the border of Township of Uhland and Caldwell County.	*542	*538
			8,500 feet upstream of Interstate Highway 35 Bridge.	*730	*732
		Stream Plum-1	At confluence with Plum Creek	*632	*631
			Just above Sledge Street bridge	None	*729
		Brushy Creek	Just above State Highway 21	*544	*542
			1,150 feet upstream of Satterwhite Road bridge.	*653	*654
		Stream Brushy-1	At confluence with Brushy Creek	*557	*556
			650 feet upstream of County Road 131 Bridge.	*645	*643
		Stream Brushy-1A	At confluence with Stream Brushy-1	*597	*596
			Behind dam located 1,200 feet from County Road 157 Bridge.	*631	*631
		Cottonwood Creek	At Old Bastrop Highway bridge	*593	*592
			200 feet upstream of Center Point Road	None	*669
		Stream CC–1	At confluence with Cottonwood Creek	*603	*601
			Just west of Interstate Highway 35	None	*642
		Stream CC–2	At confluence with Cottonwood Creek	*643	*639

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			1,870 feet upstream of Hunter Road Bridge.	*711	*711
		Stream CC–2D	At confluence with Cottonwood Creek	*637	*634
			Just upstream of Interstate Highway 35	*654	*656
		Stream CC–IH35	At confluence with Stream CC–1	None	*643
			At the divergence from Cottonwood Creek.	*654	*656
		Blanco River	At confluence with San Marcos River	*572	*571
			3,300 feet upstream of confluence of Wanslow Creek.	*1,029	*1,021
		Bypass Creek	2,500 feet south of Missouri, Kansas, Texas Railroad bridge.	None	*563
			1,050 feet upstream of Harris Hill Road Bridge.	*606	*603
		Stream BPC–1	At confluence with Stream BPC–2	*579	*573
			At divergence from Blanco River	*590	*593
		Stream BPC–2	At confluence with Bypass Creek	*581	*573
			At the divergence from Blanco River	*597	*599
		Loneman Creek	At confluence with Blanco River	*767	*760
			Just above Deer Lake Road bridge	*917	*913
			200 feet downstream of County Road 317.	*1,044	*1,042
		Smith Creek	At confluence with Loneman Creek	*877	*872
			Above earthen dam 4,700 feet upstream from Deer Lake Road Bridge.	*1,015	*1,015
		Cypress Creek	At confluence with Blanco River	*841	*839
			1,250 feet above confluence of Stream CC–3.	*1,004	*1,001
		Stream Cypress-1	At confluence with Cypress Creek	*972	*967
			3,900 feet upstream of Valley Spring Road.	*1,035	*1,033
		Wilson Creek	At confluence with Blanco River	*848	*843
			100 feet downstream of dirt road that intersects FM 2325.	*1,006	*1,005
		Willow Springs Creek	At confluence with San Marcos River	*574	*571
			2,400 feet upstream of McCarty Lane	*716	*715
		Stream WSC–RR	At confluence with Purgatory Creek	*586	*582
			At the diversion from Willow Springs Creek.	*591	*592
		Stream WSC–1	At confluence with Willow Springs Creek	*671	*672
			600 feet upstream of McCarty Lane	*707	*707
		Purgatory Creek	At confluence with San Marcos River	*574	*571
			Approximately 20,000 feet upsteam of SCS Dam #4.	*910	*910
		Stream PC–1	At confluence with Purgatory Creek	*656	653
			6,300 feet upstream of McCarty Lane bridge.	*793	*792
		Sink Creek	At confluence with San Marcos River	*579	*577
			At County Road 213 crossing	*802	*801
		Onion Creek	At the border of Travis County and Hays County.	*649	*644
			Approximately 2,5 miles upstream of County Road 190 bridge.	*1,145	*1,141
		Bear Creek	At the border of Hays County and Travis County.	*805	*805
			At dam located 2,000 feet upstream of Wildwood Hills Lane.	*983	*986
		Little Bear Creek	At the border of Hays County and Travis County.	*675	*672
			2,500 feet upstream of Arbor Trail	*814	*815
		Stream LB–1	At confluence with Little Bear Creek	*743	*741
			2,500 feet upstream of Chaparral Road	*791	*790
		Stream Bear-1	At confluence with Bear Creek	*848	*848
			At the border of Hays County and Travis County.	*923	*922
		Stream Bear-1A	At confluence with Stream Bear-1	*851	*851
			2,000 feet upstream of Todd Road bridge	*1,036	*1,037
		Stream Bear-2	At confluence with Bear Creek	*850	*848
			4,650 feet upstream of confluence with Bear Creek.	*920	*921

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
		Barton Creek	At the border of Hays County and Travis County.	*951	*942
			At County Road 169	None	*1,133
		Long Branch	At the border of Hays County and Travis County.	*1,036	*1,035
			Above dam located 3,000 feet upstream of Carriage House Lane.	*1,160	*1,160
		Stream BC–1	At confluence with Barton Creek	*955	*948
			3,300 feet upstream of confluence of Stream BC–1A.	*1,151	*1,151
		Stream BC–1A	At confluence with Stream BC–1	*1,085	*1,085
			1,870 feet upstream of confluence with Stream BC–1.	*1,124	*1,124
		Roy Branch	At confluence with Barton Creek	*962	*957
			2,100 feet upstream of Oakwood Lane Bridge.	*1,105	*1,103
		Cottonwood Branch	At confluence with Ray Branch	*993	*991
			1,000 feet upstream of Hidden Hills Drive bridge.	*1,096	*1,096
		Little Barton Creek	At confluence with Barton Creek	*996	*989
			2,500 feet upstream of Spring Lake Drive bridge.	*1,246	*1,245
		Stream BC–2	At confluence with Barton Creek	*1,100	*1,096
			750 feet upstream of County Road 169	*1,227	*1,227
		Stream BC–2A	At confluence with Stream BC–2	*1,154	*1,153
			Approximately 5,500 feet upstream of confluence with Stream BC–2.	*1,236	*1,236
		School House Hollow	At confluence with Barton Creek	None	*1,119
			Above dam located 2,000 feet upstream of County Road 169 bridge.	*1,192	*1,192
		Stream SH–1	At confluence with School House Hollow	*1,186	*1,185
			Approximately 4,000 feet upstream of confluence with School House Hollow.	*1,262	*1,261
		Purgatory Creek Diversion #1.	At confluence with Purgatory Creek	*584	*583
			At divergence from Purgatory Creek	*605	*602
		Purgatory Creek Diversion #2.	At confluence with Willow Springs Creek	*581	*581
			At divergence from Purgatory Creek	*586	*585

Maps are available for inspection at Hays County Environmental Health Department, 1251 Civic Center Loop, San Marcos, Texas.

Send comments to The Honorable Eddie Etheredge, Judge, Hays County Courthouse, 102 North L.B.J. Drive, San Marcos, Texas 78666.

Maps are available for inspection at the City of Kyle, Department of Public Works, City Hall, 101 South Burleson, Kyle, Texas.

Send comments to The Honorable Marle D. Wilkins, Mayor, City of Kyle, P.O. Box 40, Kyle, Texas 78640.

Maps are available for inspection at the City of San Marcos, Engineering Department, San Marcos City Hall, 630 East Hopkins Street, San Marcos, Texas.

Send comments to The Honorable Kathy Morris, Mayor, City of San Marcos, 630 East Hopkins Street, San Marcos, Texas 78666.

Maps are available for inspection at the City of Woodcreek, 17 Wildwood, Wimberley, Texas 78676.

Send comments to The Honorable Jeannie Pool, Mayor, City of Woodcreek, P.O. Box 1570, Woodcreek, Texas 78676.

Maps are available for inspection at the City of Buda, City Hall, 121 North Main Street, Buda, Texas.

Send comments to The Honorable W.G. White, Mayor, City of Buda, P.O. Box 1218, Buda, Texas 78610.

Maps are available for inspection at the City of Hays, c/o Mayor of Hays, 12633 Red Bud Trail, Buda, Texas.

Send comments to The Honorable William Couch, Mayor, City of Hays, 12633 Red Bud Trail, Buda, Texas 78610.

Maps are available for inspection at the City of Niederwald, Go Forth Water Supply, 13841 Comino Real, Neiderwald, Texas.

Send comments to The Honorable Fern Howze, Mayor, City of Neiderwald, 13851 Comino Real, Neiderwald, Texas 78640.

Maps are available for inspection at the Township of Uhland, 17 Cotton Gin Road, Uhland, Texas.

Send comments to The Honorable Dan Sorrells, Mayor, Township of Uhland, 17 Cotton Gin Road, Uhland, Texas 78640.

Texas	Newton County (Unincorporated Areas).	Sabine River	At the border of Orange County and Newton County.	None	*17
			At the State Highway 12 bridge	None	*24
			At the U.S. Highway 190 bridge	None	*72
			At the State Highway 63 bridge	None	*107

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			At the border of Newton County and Sabine Parish.	None	*117
Maps are available for inspection at the Newton County Courthouse, Highway 190 West, Newton, Texas.					
Send comments to The Honorable Lon Sharver, Newton County Judge, P.O. Box J, Newton, Texas 75966.					
Texas	Parker County (Unincorporated Areas).	Clear Fork Trinity River	At Tarrant County-Parker County Line	None	*734
			Just downstream of Armageddon Ranch Road.	None	*752
			At Underwood Road	None	*808
			Approximately 150 feet upstream of Crown Road Bridge.	*847	*843
			At City of Weatherford corporate limits	*859	*856
		Stream CF (WP)–1	Approximately 1,200 feet downstream of East Bankhead Drive.	None	*827
			Approximately 120 feet downstream of East Bankhead Drive.	None	*835
			Just upstream of East Bankhead Drive	None	*841
Maps are available for inspection at the Floodplain Department, Office of the County Judge, One Courthouse Square, Weatherford, Texas.					
Send comments to The Honorable Ben Long, County Judge, Parker County Courthouse, One Courthouse Square, Weatherford, Texas 76086.					
Texas	Weatherford (City) Parker County.	Clear Fork Trinity River	At the corporate limits approximately 1,000 feet downstream of West Lake Drive.	*859	*856
			Approximately 400 feet upstream of West Lake Road.	None	*860
Maps are available for inspection at the Department of Code Enforcement, City of Weatherford, City Hall, 303 Palo Pinto Street, Weatherford, Texas.					
Send comments to The Honorable Sherry Watson, Mayor, City of Weatherford, P.O. Box 255, Weatherford, Texas 76086.					
Texas	Willow Park (City)	Clear Fork Trinity River	At the corporate limits approximately 400 feet downstream of East Bankhead Highway.	*833	*830
			Approximately 100 feet upstream of Interstate Highway 20.	*839	*834
			At the upstream corporate limits approximately 6,300 feet upstream of Interstate Highway 20 westbound.	*845	*843
Maps are available for inspection at City Hall, City of Willow Park, 101 Stage Coach Trail, Willow Park, Texas.					
Send comments to The Honorable William Clemens, Mayor, City of Willow Park, 101 Stage Coach Trail, Willow Park, Texas 76086.					

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

Dated: May 13, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–12717 Filed 5–20–96; 8:45 am]

BILLING CODE 6718–04–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1515 and 1552

[FRL–5505–3]

Acquisition Regulation; Source Selection Process

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise its acquisition regulation (48 CFR Chapter 15) coverage on the source selection process. EPA is aware that Part 15 of the Federal Acquisition Regulation is currently undergoing revision. The Agency believes that its changes will not conflict with any subsequent revisions to Part 15. Additionally, the Agency believes that the changes to its acquisition regulation are needed now as an interim measure to streamline the process and empower Contracting Officers at EPA. This rule is also necessary to implement portions of the Federal Acquisition Streamlining Act of 1994.

DATE: Comments should be submitted not later than July 22, 1996.

ADDRESSES: Written comments should be submitted to the contact listed below at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: Senzel.Louise@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed on-line at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Louise Senzel, Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460. Telephone: (202) 260–6204.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12866

The proposed rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

C. Regulatory Flexibility Act

The EPA certifies that this proposed rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the proposed rule impose no reporting, record-keeping, or any compliance costs.

D. Unfunded Mandates

This proposed rule will not impose unfunded mandates on state or local entities, or others.

E. Regulated Entities

EPA contractors are entities potentially affected by this action. Specifically, those entities competing under solicitations for negotiated procurements will be affected.

Category	Regulated entity
Industry	EPA Contractors.

List of Subjects in 48 CFR Parts 1515 and 1552

Government procurement.

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Dated: May 7, 1996.

Betty L. Bailey,

Director, Ofice of Acquisition Management.

Therefore, 48 CFR chapter 15 is proposed to be amended as set forth below:

PARTS 1515 AND 1552—[AMENDED]

1. The authority citations for parts 1515 and 1552 continue to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

§ 1515.407 [Amended]

2. Section 1515.407 is amended by removing paragraph (a)(1) and by redesignating paragraphs (a) (2) and (3) as (a) (1) and (2).

3. Section 1515.604 is amended by revising paragraphs (a), (c) and (d) to read as follows:

1515.604 Responsibilities and duties.

* * * * *

(a) *Source Selection Official.* The Source Selection Official (SSO) is the official responsible for overall management of the source selection process. Duties of the SSO include, but are not limited to, appointing members and chairpersons of the Source Evaluation Board, the Technical Evaluation Panel (TEP), and the Business Evaluation Panel (BEP); and approving solicitation related documents. However, the Contracting Officer is responsible for approving amendments to solicitation documents. The SSO may waive the requirement in 1515.612(a)(v) for at least one member of the TEP to be an individual not involved in managing the current contract. The SSO also approves the competitive range determination and makes the source selection decision.

* * * * *

(c) *Technical Evaluation Panel (TEP).* The Program Office has the responsibility for developing the technical evaluation criteria and statement of work for the solicitation. The TEP has the responsibility for evaluating the technical aspects of the offerors' technical proposals. Based on the recommendation of the Program Office, the SSO has the discretion of assigning this evaluation responsibility to the Project Officer, if appropriate, or to the TEP. When offerors' past performance is evaluated as part of the technical proposal evaluation process, the past performance evaluation shall be conducted by the TEP, or by the Contracting Officer and the Project Officer. Based on input from the Project Officer, the Contracting Officer has the discretion of assigning this responsibility to the TEP or to the Contracting Officer and Project Officer.

(d) *Business Evaluation Panel (BEP).* (1) The Contracts Office has the responsibility for reviewing solicitation evaluation criteria and the Statement of Work from a business perspective; evaluating the business, pricing, and contractual aspects of the offerors' business and technical proposals; and examining other factors such as the responsibility of the offerors. Based on the recommendation of the Contracting Officer, the SSO has the discretion to designate these responsibilities to the Contracting Officer or designating a BEP. Sections 1515.612(a) (vi) and (vii) are applicable only when the SSO has designated a BEP. (2) When no BEP is convened, the Contracting Officer shall perform a preliminary cost evaluation of each offeror's cost/price proposal to identify any cost elements that appear unreasonable or questionable. When cost analysis is employed, the Contracting Officer shall perform a detailed cost analysis of the business proposal which includes an evaluation of the offeror's subcontracting program, management structure, and any other relevant factors which may prevent award to an offeror. This analysis may be included in a separate report, in the competitive range determination, or in the pre/post-negotiation memorandum.

4. Section 1515.604–70 is amended by adding paragraph (c) to read as follows:

1515.604–70 Personal conflicts of interest.

* * * * *

(c) Each EPA employee (including special employees) involved in source evaluation and selection is required to comply with the Office of Government Ethics ethics provisions at 5 CFR part 2635.

5. Section 1515.605 is amended by revising paragraphs (a) and (b) and adding paragraph (c) to read as follows:

1515.605 Evaluation factors.

* * * * *

(a) The Contracting Officer shall insert the provisions at 1552.215–70, ''EPA Source Evaluation and Selection Procedures—Negotiated Procurement'' and either: the provision in 1552.215–

71, ''Evaluation Factors for Award,'' where all evaluation factors other than cost or price when combined are significantly more important than cost or price; or the provision in Alternate I to 1552.215–71, where all evaluation factors other than cost or price when combined are significantly less important than cost or price; or the provision in Alternate II to 1552.215–71, where award will be made to the offeror with the lowest-evaluated cost or price whose technical proposal meets the minimum needs of the Government; or the provision in Alternate III where all evaluation factors other than cost or price when combined are approximately equal to cost or price. The Contracting Officer may use provisions substantially the same as 1552.215–71, Alternate I to 1552.215–71, Alternate II to 1552.215–71, or Alternate III to 1552.215–71 without requesting a deviation to the EPAAR.

(b) Technical evaluation criteria should be prepared in accordance with FAR 15.605 and inserted into paragraph (b) of the provision at 1552.215–71, Alternate I, and Alternate III. If technical evaluation criteria are used in Alternate II, the criteria should be prepared in accordance with FAR 15.605 and inserted into paragraph (b). When past performance is to be used as an evaluation factor, the Contracting Officer must develop a criteria for evaluating past performance and include such criteria in section M of the solicitation.

(c) *Evaluation Methodologies.* Evaluation criteria may be developed using methodologies other than numerical scoring, e.g., adjectival ratings or color scoring. The relative importance of the evaluation criteria must be clearly identified in the solicitation. The Contracting Officer should identify and prepare evaluation criteria consistent with FAR 15.605.

6. Section 1515.608 is amended by revising paragraphs (a)(1), (b)(1)(ii), and (b)(2)(i); by adding paragraph (b)(3); by removing paragraph (c) and by redesignating paragraphs (d) and (e) as (c) and (d) to read as follows:

1515.608 Proposal evaluation.

(a) * * *

(1) Technical proposals shall be evaluated solely on the factors specified in the solicitation and in accordance with FAR 15.608. Additionally, the evaluation of technical proposals (including past performance factors) shall be accomplished using the scoring plan shown below or one specifically developed for the solicitation. Contracting Officers may request that the TEP also indicate whether proposals are acceptable or unacceptable, and/or whether the offerors' response to individual criteria are acceptable or unacceptable.

SCORING PLAN

Value	Descriptive statement
0	The factor is not addressed, or is totally deficient and without merit.
1	The factor is addressed, but contains deficiencies and/or weaknesses that can be corrected only by major or significant changes to relevant portions of the proposal, or the factor is addressed so minimally or vaguely that there are widespread information gaps. In addition, because of the deficiencies, weaknesses, and/or information gaps, serious concerns exist on the part of the TEP about the offeror's ability to perform the required work.
2	Information related to the factor is incomplete, unclear, or indicates an inadequate approach to, or understanding of the factor. The TEP believes there is question as to whether the offeror would be able to perform satisfactorily.
3	The response to the factor is adequate. Overall, it meets the specifications and requirements, such that the TEP believes that the offeror could perform to meet the Government's minimum requirements.
4	The response to the factor is good with some superior features. Information provided is generally clear, and the approach is acceptable with the possibility of more than adequate performance.
5	The response to the factor is superior in most features. The goal of the technical evaluation is to understand each offeror's proposal and to assess each proposal relative to the specified evaluation factors. The TEP report(s) should address any perceived strengths, as well as any perceived weaknesses or deficiencies, and risks associated with the offerors' performance. Scores may or may not change from the initial evaluation to the supplemental evaluation, depending on the offeror's response to interrogatories. The supplemental TEP report must explain the rationale for no change in score as well as any decrease or increase in score as a result of the offeror's response to interrogatories.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(ii) Any interrogatories the Contracting Officer should submit to offerors to clarify their technical proposals to address any weaknesses, deficiencies, or questions associated with their technical proposals. The Contracting Officer may review the technical proposals and TEP evaluation, and submit any additional interrogatories deemed appropriate.

(2)(i) A statement that the respective technical evaluation panel members are free from actual or potential personal conflicts of interest and are in compliance with the Office of Government Ethics ethics provisions at 5 CFR Part 2635.

* * * * *

(3) The Contracting Officer may release the cost/price proposals to the entire TEP or solely to the TEP Chairperson, after the TEP has completed its evaluation of initial proposals. The TEP or Chairperson should evaluate cost/price proposals to determine whether the offerors' cost/price proposals adequately reflect their technical proposals and the requirements of the solicitation, and demonstrate that the proposed price or cost provides an adequate understanding of the requirements of the solicitation. Any inconsistencies between the proposals and the solicitation requirements should be identified. Any inconsistencies between the cost and technical proposals should also be identified.

* * * * *

7. Section 1515.609 is amended by revising paragraph (c) to read as follows:

1515.609 Competitive range.

(a) * * *

(b) * * *

(c)(1) When a single proposal is the only proposal in the competitive range, as part of the required discussion in the competitive range determination, Contracting Officers shall address at a minimum the following factors: whether the requirement could have been broken up into smaller components; whether the solicitation provided adequate response time; whether the requirement could have been satisfied with reduced staffing levels (discussion may be combined with the first factor); and if applicable, whether the work required onsite could otherwise be performed at a contractor's facility, avoiding the cost and logistical implications of relocating employees.

(2) In cases where only a single proposal has been received and a competitive range determination has not been prepared, the discussion of the reasons for receipt of the single proposal which otherwise would be contained in the competitive range determination shall be included in the source selection document. The discussion in the source

selection document at a minimum shall address the factors referenced in paragraph (c)(1) of this section.

(3) The Contracting Officer shall provide a copy of the competitive range determination or source selection document to the Competition Advocate for review and concurrence prior to approval.

8. Section 1515.611 is revised to read as follows:

1515.611 Best and final offers.

The Contracting Officer shall establish a common cut-off date for receipt of revised proposals and/or confirmations of negotiations (best and final offers) upon completion of negotiations.

9. Section 1515.612 is amended by revising paragraphs (a)(1) (iii), (iv) and (v); and by adding paragraph (c) to read as follows:

1515.612 Formal source selection.

(a) * * *

(1) * * *

(iii) SEB Membership—The SSO will determine the organizational levels of the individuals to serve on the SEB.

(iv) TEP Chairperson—The SSO will determine, based on the recommendation of the requesting program office, the Chairperson of the TEP. For recompetes or follow-on contracts, the Chairperson should normally not be the incumbent contract's Project Officer.

(v) TEP Membership—At least two members, in addition to the Project Officer, who are knowledgeable of the procurement's technical aspects. If the procurement is a follow-on to an existing contract, at least one of the TEP members should be someone who is not involved in managing the current contract, preferably from outside of the program division which originated the requirement. See 1515.605(a) for waiver of this requirement.

* * * * *

(c) *Source selection plan.* No separate source selection plan is required. The Contracting Officer may include the information required by FAR 15.612(c) in the individual acquisition plan.

10. Section 1552.215–70 is revised to read as follows:

1552.215–70 EPA Source Selection and Selection Procedures—Negotiated Procurements (XX 1996)

As prescribed in 1515.605, insert the following provision.

EPA Source Selection and Selection Procedures—Negotiated Procurements (XX 1996)

(a) The Government will perform source selection in accordance with FAR part 15 and the EPA Source Evaluation and Selection Procedures in EPAAR Part 1515 (48 CFR part 1515). The significant features of this procedure are:

(1) The Government will perform either cost analysis or price analysis of the offeror's cost/business proposal in accordance with FAR parts 15 and 31, as appropriate. In addition, the Government will also evaluate proposals to determine contract cost or price realism. Cost or price realism relates to an offeror's demonstrating that the proposed cost or price provides an adequate reflection of the offeror's understanding of the requirements of this solicitation, i.e., that the cost or price is not unrealistically low or unreasonably high.

(2) The Government will evaluate technical proposals as specified in 1552.215–71, Evaluation Factors for Award.

(b) In addition to evaluation of the previously discussed elements, the Government will consider in any award decision the responsibility factors set forth in FAR part 9.

(End of Provision)

11. Section 1552.215–71 is revised as follows:

1552.215–71 Evaluation Factors for Award.

As prescribed in 1515.605, insert one of the following provisions.

Evaluation Factors for Award (XX 1996)

(a) The Government will make award to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government, cost or price and other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are significantly more important than cost or price.

(b) Technical Evaluation Criteria.

(End of Provision)

Evaluation Factors for Award (XX 1996) Alternate I (XX 96)

(a) The Government will make award to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government, cost or price, and other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are significantly less important than cost or price.

(b) Technical Evaluation Criteria.

(End of Provision)

Evaluation Factors for Award—Proposal Meets the Minimum Needs of the Government With the Lowest Evaluated Cost/Price. Alternate II (XX 1996)

(a) The Government will make award to the lowest-evaluated cost or price, technically acceptable, responsible offeror whose offer meets the minimum needs of the Government. In the event that there are two or more technically acceptable, equal price (cost) offers, the Government will consider other factors, as listed below in descending order of importance:

(b) Technical Evaluation Criteria.

(End of Provision)

Evaluation Factors for Award (XX 1996) Alternate III (XX 96)

(a) The Government will make award to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government, cost or price, and other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are approximately equal to cost or price.

(b) Technical Evaluation Criteria.

(End of Provision)

1552.215–72 [Removed]

12. Section 1552.215–72 is removed.

[FR Doc. 96–12628 Filed 5–20–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 246, 280, 281, 282, 298, 299, 300, 301, 371, 380, and 695

[Docket No. 960419115–6115–01; I.D. 032196A]

RIN 0648–AI22

International Fisheries; Consolidation of Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to consolidate 10 CFR parts into one part that would contain regulations governing international fisheries in the U.S. Exclusive Economic Zone (EEZ) and on the high seas. All but one of the consolidated parts implement an international agreement, convention, or treaty to which the United States is a party. The consolidated text would be reorganized into a more logical and cohesive order, duplicative and outdated provisions would be eliminated, and editorial changes would be made for readability, clarity, and uniformity. Framework procedures would be added for the specifications of annual management measures under two parts. In addition, an obsolete CFR part would be removed. The purpose of this proposed rule is to make the regulations more concise, better organized and, therefore, easier for the public to use. This proposed action is part of the President's Regulatory Reinvention Initiative.

DATES: Comments must be received on or before June 14, 1996.

ADDRESSES: Comments should be sent to Robert Gorrell, Office of Fisheries Conservation and Management, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule should be sent to Robert Gorrell at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Robert Gorrell, 301–713–2343.

SUPPLEMENTARY INFORMATION:

Background

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for comprehensive regulatory reform. The President directed all agencies to undertake a review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This proposed rule is intended to carry out the President's directive with respect to those regulations governing international fisheries, other than whaling and Atlantic highly migratory species, under the jurisdiction of NMFS.

Consolidation of regulations into one CFR part (50 CFR part 300). Currently, regulations governing international fisheries, other than whaling and Atlantic highly migratory species, are contained in 11 separate parts of title 50 of the CFR. NMFS is proposing to remove nine of the parts (parts 246 (Marking of Containers or Packages), 280 (Pacific Tuna Fisheries), 282 (South Pacific Tuna Fisheries), 298 (United States-Canada Fisheries Enforcement Agreement), 299 (U.S. Nationals Fishing in the Russian Fisheries), 301 (Pacific Halibut Fisheries), 371 (Fraser River Sockeye and Pink Salmon Fisheries), 380 (Antarctic Marine Living Resources Convention Act of 1984), and 695 (Vessels of the United States Fishing in Columbian Treaty Waters)) and to consolidate the regulations contained therein with the existing regulations in part 300 (High Seas Fisheries). NMFS also is proposing to eliminate part 281 (Restrictions on Tuna Imports) as no longer necessary. The consolidated regulations would provide the public with a single reference source for the regulations applying to international fisheries. Consolidation would result in one set of regulations that is more concise, clearer, and easier to use than the existing regulations found in 11 separate parts.

Reorganization of measures within the consolidated regulations and elimination of obsolete or duplicative provisions. NMFS proposes to simplify and shorten all the existing international fisheries regulations and recodify these in part 300. A subpart A containing general provisions would be created with a separate subpart (subparts B through K) for each of the 10 parts being consolidated. Because portions of the existing regulations contain identical or nearly identical provisions, this rule would combine and restructure text. Regulatory language would be revised to improve clarity and consistency.

Duplicative and obsolete provisions would be removed. Terms and other regulatory provisions believed to be nonessential also would be removed. No substantive changes, except for those specifically identified below, are intended.

This proposed rule includes five types of substantive revisions. First, proposed subpart A—General includes a definitions section (§ 300.2). The standard for inclusion under general definitions is that the term have general applicability throughout the part. All these terms were moved from one or more of the existing parts that would be consolidated. Where a term was defined similarly in two or more existing parts, a single definition was selected for inclusion in § 300.2. Consequently, definitions for some parts have been modified slightly, while others are newly applicable. Some terms in subpart A are defined differently in certain other subparts. In those instances, the definition of the term as set forth in the program subpart applies therein, rather than the definition contained in the general subpart.

Second, proposed subpart A—General includes both a general prohibitions section (§ 300.4) and a facilitation of enforcement section (§ 300.5). The prohibitions and facilitation of enforcement sections contain provisions that are generally applicable to many situations. One group of prohibitions deals with the protection of authorized officers and observers, another group insures the validity of information and recordkeeping and assists in investigations, another protects against destruction of evidence, and another prohibits the transportation or possession of illegally obtained living marine resources. The prohibitions in the other subparts contain prohibitions that are specific to each subpart. The facilitation of enforcement provisions are grouped by compliance assurance, communications, boarding, and signals. Some subparts have their own facilitation of enforcement provisions that are specific to each subpart. The general provisions were drawn from several of the existing parts that would be consolidated; however, these provisions are newly applicable for most subparts.

Third, proposed subpart E—Pacific Halibut Fisheries would greatly reduce the existing Pacific halibut regulations by eliminating from codification all but one of the existing sections containing management measures and substituting a new International Pacific Halibut Commission (IPHC) annual management measures section (§ 300.62) and a new catch sharing plan and domestic management section (§ 300.63). Many of the definitions also would be removed from codification, as those terms would no longer be used in codified text. The IPHC annual management measures section would establish a procedure for the Assistant Administrator for Fisheries, NMFS (Assistant Administrator), to publish the IPHC regulations by single notice in the Federal Register. The catch sharing plan section would establish a procedure for the Assistant Administrator and the appropriate Regional Fishery Management Council to develop plans to apportion catch limits adopted by the IPHC and implement domestic management measures by preliminary and final notices in the Federal Register. A prohibitions section would be added to make it unlawful to fish for halibut except in accordance with the IPHC's annual management measures or in accordance with the Assistant Administrator's catch sharing plans and implementing management measures. The one existing section that would remain codified concerns fishing by U.S. treaty Indian tribes (§ 300.64). All those management measures adopted by the IPHC and NMFS and currently in effect (as codified in the current 50 CFR part 301 with 1996 revisions published at 61 FR 11337, March 20, 1996) would continue in effect until replaced by management measures in 1997 to be published in the Federal Register pursuant to §§ 300.62 and 300.63 proposed by this rule. This substantive change is discussed in more detail below.

Fourth, proposed subpart H—Antarctic Marine Living Resources would establish a framework procedure by which NMFS would publish annual management measures by single notice in the Federal Register, rather than by codified rules. These management

measures are modified annually and need not be codified. All those management measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (Commission) and published on March 5, 1996 (61 FR 8483), as well as other Commission measures still in effect, would continue in effect until replaced by management measures in 1997 to be published in the Federal Register under the proposed framework procedures at § 300.111. This substantive change is discussed in more detail below.

Fifth, the requirements of part 281—Restrictions on Tuna Imports are proposed for elimination because they are no longer necessary. For approximately 2 decades, there have not been yellowfin quotas under the Convention for the Establishment of an Inter-American Tropical Tuna Commission that the part 281 regulations were designed to address. If there were a need in the future for a tuna quota regime under the Inter-American Tropical Tuna Commission, there would be adequate time to implement such a regulatory scheme. No quotas are expected in the foreseeable future.

Decodification of the IPHC's Regulations and NMFS's Catch Sharing Regulations. Proposed subpart E contains an annual management measures section that explains the process for NMFS publishing IPHC's annual management measures by single notice, with immediate regulatory effect, in the Federal Register. The annual management measures would need to be published by March 15. In addition, the IPHC makes its regulations available to fishermen in handbook form. Presently, IPHC's regulations are codified. Of the current codified domestic halibut management sections, only one section (Fishing by U.S. Treaty Indian Tribes) would be retained.

Proposed subpart E also contains a catch sharing plan section that explains implementation of catch sharing plans. It explains the two notice process for NMFS to implement management measures under the area 2A catch sharing plan. The preliminary notice of management measures would need to be published by January 1. The public would be provided a comment period that extends until after the annual IPHC meeting when the final catch limits are announced. The measures will then be published in a final notice, with immediate regulatory effect.

By decodifying the IPHC regulations and NMFS's catch sharing regulations, the administration of the management program would be improved and the potential for confusion would be avoided.

The parties to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea convene an annual meeting in January. At the annual meeting the Commission adopts final catch limits and other management measures after considering staff and industry recommendations and public testimony. These measures generally are revised annually. Because title 50 CFR is published only once a year, reflecting measures in effect as of the preceding October 1, many of the measures would have been superseded and conceivably could cause confusion. Also, the Office of the Federal Register prefers not to codify regulations with limited effect, i.e., generally a year or less.

Establishment of broad framework procedures for future Antarctic regulatory changes. Proposed subpart G contains framework procedures to implement annual management measures by regulatory notice. By establishing a framework for implementing management measures that are adopted annually by the Commission and agreed to by the United States, the administration of the management program would be improved, the potential for confusion would be avoided, and the codification of regulations would be reduced.

The parties to the Convention on the Conservation of Antarctic Marine Living Resources meet annually to adopt conservation and other management measures to govern fishing and related activities to be conducted in the Antarctic region. Following the conclusion of the meeting, the Secretary of State publishes a document for public comment, in the Federal Register, of the measures adopted by the Commission. If the United States does not object to the measures within 90 days of notification by the Commission, the United States is bound by those measures. After considering any public comment on the measures, the Assistant Administrator publishes a final rule codifying the management measures. These measures generally have a limited effect of approximately 1 year, when measures for the succeeding year supersede current measures. Therefore codification is not necessary and could cause confusion. Further, the Office of the Federal Register prefers not to codify regulations with limited effect. Under the framework proposed in this rule, notification of annual measures would be published in the Federal Register, and would have force and effect until superseded by the next year's notice, unless otherwise modified or withdrawn.

References to Other Proposed Rules. NMFS, in another rulemaking published May 1, 1996, at 61 FR 19390, proposed to consolidate general provisions of the Magnuson Fishery Conservation and Management Act into 50 CFR part 600. Because some of the general provisions to be consolidated into part 600 apply to several international fisheries regulations proposed for consolidation in this rule, the regulatory text in this rule includes references to the consolidated part 600, rather than to existing codified text.

Request for comments. NMFS specifically requests comments or suggestions for further consolidation or elimination of obsolete or duplicative provisions contained in the proposed revision to international fisheries regulations.

Under NOAA Administrative Order 205–11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated, to the Assistant Administrator, the authority to sign material for publication in the Federal Register.

Classification

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed consolidations and revisions to the existing regulatory text are intended to make the regulations more concise, better organized, and easier for the public to use and would have little or no economic impact on any small entities. Applying selected prohibitions and facilitation of enforcement provisions to all subparts could result in improved enforcement of the regulations, but are not expected to change fishing practices, costs, or revenues. As a result, a regulatory flexibility analysis was not prepared.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) that were previously approved by the Office of Management and Budget.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless

that collection of information displays a currently valid OMB Control Number.

The following collection-of-information requirements have been approved by OMB for international fisheries regulations under the following approval numbers:

(a) *Approved under 0648–0304*—High seas fisheries, vessel permits (§ 300.13), estimated at .5 hours per response.

(b) *Approved under 0648–0148*—Pacific tuna fisheries, yellowfin tuna recordkeeping and written reports (§ 300.22), estimated at .1 hours per response.

(c) *Approved under 0648–0202*—Pacific bluefin tuna dealer permits (§ 300.24), estimated at .083 hours per response.

(d) *Approved under 0648–0239*—Pacific bluefin tuna dealer recordkeeping and reporting (§ 300.25), estimated at .25 hours per response.

(e) *Approved under 0648–0239*—Pacific tuna fisheries, Pacific bluefin tuna affixing of tags (§ 300.26(c)), estimated at .017 hours per response.

(f) *Approved under 0648–0239*—Pacific tuna fisheries, Pacific bluefin tuna removal of tags (§ 300.26(d)), estimated at .017 hours per response.

(g) *Approved under 0648–0218*—South Pacific tuna fisheries, vessel licenses (§ 300.32), estimated at .25 hours per response.

(h) *Approved under 0648–0306*—South Pacific tuna fisheries, reporting requirements (§ 300.34), estimated at .25 hours per marking.

(i) *Approved under 0648–0306*—South Pacific tuna fisheries, vessel and gear identification (§ 300.35), estimated at .25 hours per marking.

(j) *Approved under 0648–0194*—Antarctic marine living resources, procedure for according protection to CCAMLR ecosystem monitoring program sites, general (§ 300.103(a)), estimated at 1 hour per response.

(k) *Approved under 0648–0194*—Antarctic marine living resources, scientific research (§ 300.104(d)), estimated at 80 hours per response.

(l) *Approved under 0648–0194*—Antarctic marine living resources, scientific research (§ 300.104(e)), estimated at .25 hours per response.

(m) *Approved under 0648–0194*—Antarctic marine living resources, initiating a new fishery (§ 300.105(c)), estimated at 16 hours per response.

(n) *Approved under 0648–0194*—Antarctic marine living resources, exploratory fishing (§ 300.106(e)), estimated at 40 hours per response.

(o) *Approved under 0648–0306*—Antarctic marine living resources, vessel identification (§ 300.108(a)), estimated at .25 hours per marking.

(p) *Approved under 0648–0305*—Antarctic marine living resources, gear identification (§ 300.108(c)), estimated at .25 hours per marking.

(q) *Approved under 0648–0194*—Antarctic marine living resources, harvesting permits (§ 300.112), estimated at .5 hours per response.

(r) *Approved under 0648–0194*—Antarctic marine living resources, import permits (§ 300.113), estimated at .5 hours per response.

(s) *Approved under 0648–0205*—Vessels of the United States fishing in Colombian Treaty waters, certificates and permits (§ 300.123), estimated at .33 hours per response.

(t) *Approved under 0648–0016*—Vessels of the United States fishing in Colombian Treaty waters, recordkeeping and reporting (§ 300.124(b)), estimated at .22 hours per response.

(u) *Approved under 0648–0306*—Vessels of the United States fishing in Colombian Treaty waters, vessel identification (§ 300.125), estimated at .25 hours per marking.

(v) *Approved under 0648–0228*—U.S. nationals fishing in Russian fisheries, permit procedures (§ 300.152), estimated at .5 hours per response.

(w) *Approved under 0648–0228*—U.S. nationals fishing in Russian fisheries, permit issuance, copies (§ 300.153(b)), estimated at .167 hours per response.

(x) *Approved under 0648–0228*—U.S. nationals fishing in Russian fisheries, recordkeeping and reporting, vessel permit abstract report (§ 300.154(b)), estimated at .5 hours per response.

(y) *Approved under 0648–0228*—U.S. nationals fishing in Russian fisheries, recordkeeping and reporting, activity reports (§ 300.154(c)), estimated at .5 hours per response.

(z) *Approved under 0648–0228*—U.S. nationals fishing in Russian fisheries, recordkeeping and reporting, recordkeeping (§ 300.154(d)), estimated at .083 hours per response.

The estimated response times shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding burden estimates, or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

List of Subjects

50 CFR Part 246

Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Parts 280 and 282

Fisheries, Reporting and recordkeeping requirements, Treaties.

50 CFR Part 281

Fisheries, Imports, Treaties.

50 CFR Part 298

Canada, Fisheries, Treaties.

50 CFR Part 299

Fisheries, Reporting and recordkeeping requirements, Russian Federation, Treaties.

50 CFR Part 300

Fisheries, High seas fishing, International agreements, Reporting and recordkeeping requirements, Permits.

50 CFR Parts 301 and 695

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

50 CFR Part 371

Canada, Fisheries, Fishing, Indians, Treaties.

50 CFR Part 380

Administrative practice and procedure, Antarctica, Fish, Imports, Marine resources, Reporting and recordkeeping requirements, Treaties, Wildlife.

Dated: May 13, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, chapters II, III, and VI are proposed to be amended as follows:

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PARTS 246, 280, 281, 282, 298, AND 299 [REMOVED]

1. Under the authority of 16 U.S.C. 3371–3378, 16 U.S.C. 951–961 and 971 *et seq.*, 16 U.S.C. 973–973r, and 16 U.S.C. 1801 *et seq.*, 50 CFR parts 246, 280, 281, 282, 298, and 299 are removed and subchapter L is vacated.

2. Chapter III is revised to read as follows:

CHAPTER III—INTERNATIONAL FISHING AND RELATED ACTIVITIES

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart A—General

Sec.

300.1 Purpose and scope.
300.2 Definitions.
300.3 Relation to other laws.
300.4 General prohibitions.
300.5 Facilitation of enforcement.

Subpart B—High Seas Fisheries

300.10 Purpose.
300.11 Definitions.
300.12 Issuing offices.
300.13 Vessel permits.
300.14 Vessel and gear identification. [Reserved]
300.15 Prohibitions.
300.16 Penalties.
300.17 Reporting and recordkeeping. [Reserved]

Subpart C—Pacific Tuna Fisheries

300.20 Purpose and scope.
300.21 Definitions.
300.22 Yellowfin Tuna—Recordkeeping and written reports.
300.23 Yellowfin Tuna—Persons and vessels exempted.
300.24 Pacific Bluefin Tuna—Dealer permits.
300.25 Pacific Bluefin Tuna—Dealer recordkeeping and reporting.
300.26 Pacific Bluefin Tuna—Tags.
300.27 Pacific Bluefin Tuna—Documentation requirements.
300.28 Pacific Bluefin Tuna—Prohibitions.

Subpart D—South Pacific Tuna Fisheries

300.30 Purpose and scope.
300.31 Definitions.
300.32 Vessel licenses.
300.33 Compliance with applicable national laws.
300.34 Reporting requirements.
300.35 Vessel and gear identification.
300.36 Closed area stowage requirements.
300.37 Radio monitoring.
300.38 Prohibitions.
300.39 Exceptions.
300.40 Civil penalties.
300.41 Investigation notification.
300.42 Findings leading to removal from fishing area.
300.43 Observers.
300.44 Other inspections.

Subpart E—Pacific Halibut Fisheries

300.60 Purpose and scope.
300.61 Definitions.
300.62 Annual management measures.
300.63 Catch sharing plans and domestic management measures.
300.64 Fishing by U.S. treaty Indian tribes.
300.65 Prohibitions.

Subpart F—Fraser River Sockeye and Pink Salmon Fisheries

300.90 Purpose and scope.
300.91 Definitions.
300.92 Relation to other laws.
300.93 Reporting requirements.
300.94 Prohibitions and restrictions.
300.95 Treaty Indian fisheries.
300.96 Penalties.
300.97 Inseason orders.

Subpart G—Antarctic Marine Living Resources

300.100 Purpose and scope.
300.101 Definitions.
300.102 Relationship to other treaties, conventions, laws, and regulations.
300.103 Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites.
300.104 Scientific research.
300.105 Initiating a new fishery.
300.106 Exploratory fisheries.
300.107 Reporting and recordkeeping requirements.
300.108 Vessel and gear identification.
300.109 Gear disposal.
300.110 Mesh size.
300.111 Framework for annual management measures.
300.112 Harvesting permits.
300.113 Import permits.
300.114 Appointment of a designated representative.
300.115 Prohibitions.
300.116 Facilitation of enforcement and inspection.
300.117 Penalties.

Figure 1 to Subpart G—Boundaries of the Statistical Reporting Area in the Southern Ocean

Figure 2 to Subpart G—The Use of Streamer Lines to Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area

Subpart H—Vessels of the United States Fishing in Colombian Treaty Waters

300.120 Purpose.
300.121 Definitions.
300.122 Relation to other laws.
300.123 Certificates and permits.
300.124 Recordkeeping and reporting.
300.125 Vessel identification.
300.126 Prohibitions.
300.127 Facilitation of enforcement.
300.128 Penalties.
300.129 Fishing year.
300.130 Vessel and gear restrictions.
300.131 Conch harvest limitations.
300.132 Lobster harvest limitations.

Subpart I—United States-Canada Fisheries Enforcement

300.140 Purpose and scope.
300.141 Definitions.
300.142 Prohibitions.
300.143 Facilitation of enforcement.
300.144 Penalties and sanctions.

Subpart J—U.S. Nationals Fishing in Russian Fisheries

300.150 Purpose.
300.151 Definitions.
300.152 Procedures.
300.153 Permit issuance.
300.154 Recordkeeping and reporting.
300.155 Requirements.
300.156 Prohibited acts.
300.157 Penalties.

Subpart K—Transportation and Labeling of Fish or Wildlife

300.160 Requirement for marking of containers or packages.
300.161 Alternatives and exceptions.

Subpart A—General

Authority: 16 U.S.C. 773 *et seq.*; 16 U.S.C. 951–961 and 971 *et seq.*; 16 U.S.C. 973–973r; 16 U.S.C. 2431 *et seq.*; 16 U.S.C. 3371–3378; 16 U.S.C. 3636(b); 16 U.S.C. 5501 *et seq.*; and 16 U.S.C. 1801 *et seq.*

§ 300.1 Purpose and scope.

The purpose of this part is to implement the fishery conservation and management measures provided for in the international treaties, conventions, or agreements specified in each subpart, as well as certain provisions of the Lacey Act Amendments of 1981. The regulations in this part apply, except where otherwise specified in this part, to all persons and all places subject to the jurisdiction of the United States under the acts implemented under each subpart.

§ 300.2 Definitions.

In addition to the definitions in each act, agreement, convention, or treaty specified in subparts B through K of this part, the terms used in this part have the following meanings:

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, or a designee. Address: Room 14555, 1315 East-West Highway, Silver Spring, MD 20910.

Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard; or any U.S. Coast Guard personnel accompanying and acting under the direction of a commissioned, warrant, or petty officer of the U.S. Coast Guard;

(2) Any special agent or fisheries enforcement officer of NMFS; or

(3) Any person designated by the head of any Federal or state agency that has entered into an agreement with the Secretary of Commerce or the Commandant of the U.S. Coast Guard to enforce the provisions of any statute administered by the Secretary.

CCAMLR inspector means a person designated by a member of the Commission for the Conservation of Antarctic Marine Living Resources as an inspector under Article XXIV of the Convention on the Conservation of Antarctic Marine Living Resources to verify compliance with measures in effect under the Convention.

Director, Alaska Region, means Director, Alaska Region, NMFS, 709 West Ninth Street, Suite 401, P.O. Box 21668, Juneau, AK 99802, or a designee.

Director, Northeast Region, means Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298, or a designee.

Director, Northwest Region, means Director, Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Bldg. 1, Seattle, WA 98115, or a designee.

Director, Southeast Fisheries Science Center, means Director, Science and Research, Southeast Fisheries Science

Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, or a designee.

Director, Southeast Region, means Director, Southeast Region, NMFS, 9721 Executive Center Drive, N., St. Petersburg, FL 33702, or a designee.

Director, Southwest Region, means Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

Exclusive Economic Zone or *EEZ* means the zone established by Presidential Proclamation 5030, dated March 10, 1983, as defined in 16 U.S.C. 1802(6).

Fishing or *to fish* means:

(1) The catching or taking of fish;

(2) The attempted catching or taking of fish;

(3) Any other activity that can reasonably be expected to result in the catching or taking of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1) through (3) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type normally used for fishing.

IATTC means the Inter-American Tropical Tuna Commission, established pursuant to the Convention for the Establishment of an Inter-American Tropical Tuna Commission.

Import means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction, constitutes an importation within the meaning of the customs laws of the United States.

IRCS means International Radio Call Sign.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

National of the United States or *U.S. national* means any person subject to the jurisdiction of the United States, including, but not limited to, a citizen or resident of the United States, or a person employed on a vessel of the United States. In the case of a corporation, partnership or other non-natural person, this includes, but is not limited to, any entity that is the owner of a vessel of the United States.

NMFS means the National Marine Fisheries Service, NOAA, Department of Commerce.

NMFS Headquarters means NMFS, 135 East-West Highway, Silver Spring, MD 20910. Attention: Office of Fisheries Conservation and Management.

Official number means the documentation number issued by the USCG or the certificate number issued by a state or the USCG for an undocumented vessel, or any equivalent number if the vessel is registered in a foreign nation.

Operator means, with respect to any vessel, the master or other individual aboard and in charge of that vessel.

Owner means, with respect to any vessel:

(1) Any person who owns that vessel in whole or part (whether or not the vessel is leased or chartered);

(2) Any charterer of the vessel, whether bareboat, time, or voyage;

(3) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(4) Any agent designated as such by a person described in this definition.

Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized, or existing under the laws of any state), and any Federal, state, local, or foreign government or any entity of any such government.

Secretary means the Secretary of Commerce or a designee.

USCG means the United States Coast Guard.

Yellowfin tuna means any fish of the species *Thunnus albacares* (synonomy: *Neothunnus macropterus*).

§ 300.3 Relation to other laws.

Other laws that may apply to fishing activities addressed herein are set forth in § 600.705 of this chapter.

§ 300.4 General prohibitions.

It is unlawful for any person subject to the jurisdiction of the United States to:

(a) Violate the conditions or restrictions of a permit issued under this part.

(b) Fail to submit information, fail to submit information in a timely manner, or submit false or inaccurate information, with respect to any information required to be submitted, reported, communicated, or recorded pursuant to this part.

(c) Make any false statement, oral or written, to an authorized officer concerning the catching, taking, harvesting, possession, landing, purchase, sale, or transfer of fish, or concerning any other matter subject to investigation by that officer under this part.

(d) Conceal any material fact (including by omission), concerning any matter subject to investigation by an authorized officer under this part.

(e) Refuse to allow an authorized officer to inspect any report or record required to be made or kept under this part.

(f) Falsify, cover, or otherwise obscure, the name, home port, official number (if any), or any other similar marking or identification of any fishing vessel subject to this part such that the vessel cannot be readily identified from an enforcement vessel or aircraft.

(g) Fail to comply immediately with any of the enforcement and boarding procedures specified in this part.

(h) Refuse to allow an authorized officer to board a fishing vessel, or enter any other area of custody (i.e., any vessel, building, vehicle, live car, pound, pier, or dock facility where fish might be found) subject to such person's control, for the purpose of conducting any inspection, search, seizure, investigation, or arrest in connection with the enforcement of this part or any other applicable law.

(i) Destroy, stave, or dispose of in any manner, any fish, gear, cargo, or other matter, upon any communication or signal from an authorized officer of the United States, or upon the approach of such an officer, enforcement vessel, or aircraft, before the officer has had the opportunity to inspect same, or in contravention of directions from such an officer.

(j) Intentionally destroy evidence that could be used to determine if a violation of this part has occurred.

(k) Assault, resist, oppose, impede, intimidate, threaten, obstruct, delay, prevent, or interfere, in any manner, with an authorized officer in the conduct of any boarding, inspection, search, seizure, investigation, or arrest in connection with enforcement of this part.

(l) Resist a lawful arrest or detention for any act prohibited by this part.

(m) Interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this part.

(n) Interfere with, obstruct, delay, or prevent, by any means, an investigation, search, seizure, or disposition of seized property in connection with enforcement of this part.

(o) Ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this part.

(p) Violate any provision of any statute implemented by this part.

(q) Attempt to do any of the foregoing.

§ 300.5 Facilitation of enforcement.

(a) *Compliance.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer or CCAMLR inspector to stop the vessel, and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing this part.

(b) *Communications.* (1) Upon being approached by a USCG vessel or aircraft, or other vessel or aircraft with an authorized officer or CCAMLR inspector aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) VHF–FM radiotelephone is the preferred method of communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio. Hand signals, placards, high frequency radiotelephone, voice, flags, whistle or horn may be employed by an authorized officer or CCAMLR inspector, and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. USCG units will normally use the flashing light signal ''L'' which, in the International Code of Signals, means ''you should stop your vessel instantly.''

(4) Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer or CCAMLR inspector, or by an enforcement vessel or aircraft, using loudhailer, radiotelephone, flashing light, flags, whistle, horn or other means constitutes prima facie evidence of the offense of refusal to allow an authorized officer or CCAMLR inspector to board.

(5) A person aboard a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel immediately.

(c) *Boarding.* The operator of a vessel directed to stop must:

(1) Monitor Channel 16, VHF–FM, if so equipped.

(2) Stop immediately and lay to or, if appropriate and/or directed to do so by the authorized officer or CCAMLR inspector, maneuver in such a way as to allow the safe boarding of the vessel by the authorized officer or CCAMLR inspector and the boarding party.

(3) Except for those vessels with a freeboard of 4 ft (1.25 m) or less, provide a safe ladder, if needed, for the authorized officer or CCAMLR inspector and boarding party to come aboard.

(4) When necessary to facilitate the boarding or when requested by an authorized officer or CCAMLR inspector, provide a manrope or safety line, and illumination for the ladder.

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer or CCAMLR inspector and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal ''L'' and the necessity for the vessel to stop instantly.

(1) ''AA'' repeated (.– .–) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) ''RY–CY'' (.–. –.– – –.–. –.– –) means ''you should proceed at slow speed, a boat is coming to you.'' This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear that may be in the water.

(3) ''SQ3'' (... – –.– ...– –) means ''you should stop or heave to; I am going to board you.''

Subpart B—High Seas Fisheries

Authority: 16 U.S.C. 5501 *et seq.*

§ 300.10 Purpose.

This subpart implements the High Seas Fishing Compliance Act of 1995 (Act), which requires the Secretary to license U.S. vessels fishing on the high seas.

§ 300.11 Definitions.

In addition to the terms defined in § 300.2 and those in the Act and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993 (Agreement), the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Agreement, the definition in this section shall apply.

High seas means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any Nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

High seas fishing vessel means any vessel of the United States used or intended for use on the high seas for the purpose of the commercial exploitation of living marine resources as a harvesting vessel, mothership, or any other support vessel directly engaged in a fishing operation.

International conservation and management measures means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States.

Regional Director means any one of the Directors of the five NMFS regional offices, defined under § 300.2, serving as the issuing office.

§ 300.12 Issuing offices.

Any Regional Director may issue permits required under this subpart. While applicants for permits may submit an application to any Regional Director, applicants are encouraged to submit their applications (with envelopes marked ''Attn: HSFCA Permits'') to the Regional Director with whom they normally interact on fisheries matters.

§ 300.13 Vessel permits.

(a) *Eligibility.* (1) Except for vessels having unpaid or overdue civil penalties, criminal fines, or other liabilities incurred in a judicial proceeding under any statute administered by NOAA, any high seas fishing vessel of the United States is eligible to receive a permit under this subpart, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and—

(i) The foreign nation suspended such authorization, because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(ii) The foreign nation, within the 3 years preceding application for a permit under this section, withdrew such authorization, because the vessel

undermined the effectiveness of international conservation and management measures.

(2) The restrictions in paragraphs (a)(1) (i) and (ii) of this section do not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Regional Director demonstrating that the owner and operator at the time the vessel undermined the effectiveness of such measures has no further legal, beneficial, or financial interest in, or control of, the vessel.

(3) The restrictions in paragraphs (a)(1) (i) and (ii) of this section do not apply if it is determined by the Regional Director that issuing a permit would not subvert the purposes of the Agreement.

(b) *Application forms.* The owner or operator of a high seas fishing vessel may apply for a permit under this subpart by completing an application form. Applicants may obtain an application form from a Regional Director.

(c) *Application information.* An applicant must submit a complete and accurate permit application, signed by the owner or operator, to the appropriate Regional Director.

(d) *Fees.* NMFS will charge a fee to recover the administrative expenses of permit issuance. The amount of the fee will be determined in accordance with the procedures of the NOAA Finance Handbook, available from a Regional Director, for determining administrative costs of each special product or service. The fee is specified with the application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded will invalidate any permit.

(e) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit, which will include appropriate conditions or restrictions, within 30 days of receipt of a completed application and payment of the appropriate fee.

(2) The Regional Director will notify the applicant of any deficiency in the application.

(f) *Validity.* Permits issued under this subpart are valid for 5 years from the date of issuance. Renewal of a permit prior to its expiration is the responsibility of the permit holder. For a permit to remain valid to its expiration date, the vessel's USCG documentation or state registration must be kept current. A permit issued under this subpart is void when the name of the owner or vessel changes, or in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is removed from such documentation.

(g) *Change in application information.* Any changes in vessel documentation status or other permit application information must be reported to the Regional Director in writing within 15 days of such changes.

(h) *Transfer.* A permit issued under this subpart is not transferable or assignable to another vessel or owner; it is valid only for the vessel and owner to which it is issued.

(i) *Display.* A valid permit, or a copy thereof, issued under this subpart must be on board the vessel while operating on the high seas and available for inspection by an authorized officer. Faxed copies of permits are acceptable.

§ 300.14 Vessel and gear identification. [Reserved]

§ 300.15 Prohibitions.

In addition to the prohibitions in § 300.4, it is unlawful for any person to:

(a) Use a high seas fishing vessel on the high seas in contravention of international conservation and management measures.

(b) Use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under § 300.13.

§ 300.16 Penalties.

Any person or high seas fishing vessel found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions, permit sanctions, and forfeiture provisions prescribed in the Act, 15 CFR part 904 (Civil Procedures), and other applicable laws.

§ 300.17 Reporting and recordkeeping. [Reserved]

Subpart C—Pacific Tuna Fisheries

Authority: 16 U.S.C. 951–961 and 971 *et seq.*

§ 300.20 Purpose and scope.

The regulations in this subpart implement the Tuna Conventions Act of 1950 (Act), the Atlantic Tunas Convention Act of 1975, and the IATTC recommendations for the conservation of yellowfin tuna and the recommendations of the International Commission for the Conservation of Atlantic Tunas for the conservation of bluefin tuna, so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 300.21 Definitions.

In addition to the terms defined in § 300.2, in the Act, the Convention for the Establishment of an Inter-American Tropical Tuna Commission, and the International Convention for the Conservation of Atlantic Tunas, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Conventions, the definition in this section shall apply.

Bluefin tuna means the fish species *Thunnus thynnus* that is found in any ocean area.

Fishing vessel means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for fishing or for assisting or supporting a vessel engaged in fishing, except purse seine skiffs.

Pacific bluefin tuna means the subspecies of bluefin tuna *Thunnus thynnus orientalis* that is found in the Pacific Ocean.

Regional Director means the Director, Southwest Region.

Tag means the flexible, self-locking ribbon issued by the NMFS for the identification of bluefin tuna under § 300.26 or § 285.30 of this chapter.

§ 300.22 Yellowfin tuna—Recordkeeping and written reports.

The master or other person in charge of a fishing vessel, or a person authorized in writing to serve as the agent for either person, must keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish on board, by species. The record and bridge log maintained at the request of the IATTC shall be sufficient to comply with this paragraph, provided the items of information specified are accurately entered in the log.

§ 300.23 Yellowfin tuna—Persons and vessels exempted.

This subpart does not apply to:

(a) Any person or vessel authorized by the IATTC, the Assistant Administrator, or any state of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 300.24 Pacific bluefin tuna—Dealer permits.

(a) *General.* A dealer importing Pacific bluefin tuna, or purchasing or receiving for export Pacific bluefin tuna first landed in the United States, must

have a valid permit issued under this section.

(b) *Application.* A dealer must apply for a permit in writing on an appropriate form obtained from the Regional Director. The application must be signed by the dealer and be submitted to the Regional Director at least 30 days before the date upon which the dealer desires to have the permit made effective. The application must contain the following information: Company name, principal place of business, owner's or owners' names, applicant's name (if different from owner or owners) and mailing address and telephone number, and any other information required by the Regional Director.

(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit within 30 days of receipt of a completed application.

(2) The Regional Director will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section is valid until December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit that is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer must keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any authorized officer, or any employee of NMFS designated by the Regional Director for such purpose.

(i) *Sanctions.* The Assistant Administrator may suspend, revoke, modify, or deny a permit issued or sought under this section. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Fees.* The Regional Director may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook, available from the Regional Director, for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the dealer issued a permit must report the change to the Regional Director in writing. The permit is void if any change in information is not reported within 15 days.

§ 300.25 Pacific bluefin tuna—Dealer recordkeeping and reporting.

Any person issued a dealer permit under § 300.24:

(a) Must submit to the Regional Director a biweekly report on bluefin imports and exports on forms supplied by NMFS.

(1) The report required by this paragraph (a) must be postmarked and mailed at the dealer's expense within 10 days after the end of each 2-week reporting period in which Pacific bluefin tuna were exported. The biweekly reporting periods are defined as the first day to the 14th day of each month and the 15th day to the last day of the month.

(2) Each report must specify accurately and completely for each tuna or each shipment of bulk-frozen tuna exported: Date of landing or import; any tag number (if so tagged); weight in kilograms (specify if round or dressed); and any other information required by the Regional Director. At the top of each form, the company's name, license number, and the name of the person filling out the report must be specified. In addition, the beginning and ending dates of the 2-week reporting period must be specified by the dealer and noted at the top of the form.

(b) Must allow an authorized officer, or any employee of NMFS designated by the Regional Director for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Pacific bluefin tuna.

(c) Must retain at his/her principal place of business a copy of each biweekly report for a period of 2 years from the date on which it was submitted to the Regional Director.

§ 300.26 Pacific bluefin tuna—tags.

(a) *Issuance.* The Regional Director will issue numbered tags to each person receiving a dealer's permit under § 300.24.

(b) *Transfer.* Tail tags issued under this section are not transferable and are usable only by the permitted dealer to whom they are issued.

(c) *Affixing tags.* At the discretion of dealers permitted under § 300.24, a tag issued under paragraph (a) of this section may be affixed to each Pacific bluefin tuna purchased or received by the dealer. If so tagged, the tag must be affixed to the tuna between the fifth dorsal finlet and the keel and tag numbers must be recorded on NMFS reports required by § 300.25(a) and any documents accompanying the shipment of Pacific bluefin tuna for domestic commercial use or export.

(d) *Removal.* An NMFS-issued tag affixed to any Pacific bluefin tuna at the option of any permitted dealer under paragraph (c) of this section or any tag affixed to any Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter must remain on the tuna until the tuna is cut into portions. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the tag number must be written legibly and indelibly on the outside of any package or container.

(e) *Reuse.* Tags issued under this section are separately numbered and may be used only once, one tail tag per fish, to distinguish the purchase of one Pacific bluefin tuna. Once affixed to a tuna or recorded on any package, container or report, a tail tag and associated number may not be reused.

§ 300.27 Pacific bluefin tuna—documentation requirements.

Bluefin tuna imported into, or exported or re-exported from the customs territory of the United States is subject to the documentation requirements specified in part 285 of this chapter (§§ 285.200–285.203).

§ 300.28 Pacific bluefin tuna—prohibitions.

In addition to the prohibitions in § 300.4, it is unlawful for any person or vessel subject to the jurisdiction of the United States to:

(a) Import Pacific bluefin tuna or purchase or receive for export Pacific bluefin tuna first landed in the United States without a valid dealer permit issued under § 300.24.

(b) Remove any NMFS-issued tag affixed to any Pacific bluefin tuna at the option of any permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter, before removal is allowed under § 300.26, or fail to write the tag number on the shipping package or container as specified in § 300.26.

(c) Reuse any NMFS-issued tag affixed to a Pacific bluefin tuna at the option of a permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 285.202(a)(6)(v) of this chapter or reuse any tag number previously written on a shipping package or container as prescribed by § 300.26.

Subpart D—South Pacific Tuna Fisheries

Authority: 16 U.S.C. 973–973r.

§ 300.30 Purpose and scope.

This subpart implements the South Pacific Tuna Act of 1988 (Act) and the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) and applies to persons and vessels subject to the jurisdiction of the United States.

§ 300.31 Definitions.

In addition to the terms defined in § 300.2, in the Act, and in the Treaty, and unless the context requires otherwise, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Treaty, the definition in this section shall apply.

Administrator means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States.

Applicable national law means any provision of law of a Pacific Island Party that is described in paragraph 1(a) of Annex I of the Treaty.

Authorized inspector means any individual authorized by a Pacific Island Party or the Secretary to conduct inspections, to remove samples of fish, and to gather any other information relating to fisheries in the Licensing Area.

Authorized officer means any officer who is authorized by the Secretary, or the Secretary of Transportation, or the head of any Federal or state agency that has entered into an enforcement agreement with the Secretary under section 10(a) of the Act.

Authorized party officer means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.

Closed area means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.

Fishing means searching for, catching, taking, or harvesting fish; attempting to search for, catch, take, or harvest fish; engaging in any other activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fish; placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons; any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or aircraft use, relating to the activities described in this definition, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.

Fishing arrangement means an arrangement between a Pacific Island Party and the owner of a U.S. fishing vessel that complies with section 6(b) of the Act.

Fishing vessel or *vessel* means any boat, ship, or other craft that is used for, equipped to be used for, or of a type normally used for commercial fishing, and that is documented under the laws of the United States.

Licensing Area means all waters in the Treaty Area except for:

(1) Those waters subject to the jurisdiction of the United States in accordance with international law.

(2) Those waters within closed areas.

(3) Those waters within limited areas closed to fishing.

Licensing period means the period of validity of licenses issued in accordance with the Treaty.

Limited area(s) means those areas so identified in Schedule 3 of Annex I of the Treaty.

Operator means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master.

Pacific Island Party means a Pacific island nation that is a party to the Treaty.

Regional Director means the Director, Southwest Region, or a designee.

Transship means to unload any or all of the fish on board a licensed vessel either ashore or onto another vessel.

Treaty Area means the area described in paragraph 1(k) of Article I of the Treaty.

§ 300.32 Vessel licenses.

(a) Each vessel fishing in the Licensing Area must have a license issued by the Administrator for the licensing period being fished, unless excepted by § 300.39. Each licensing period begins on June 15 and ends on June 14 of the following year.

(b) Upon receipt, the license or a duly certified copy, facsimile or telex confirmation must be carried on board the vessel when in the Licensing Area or Closed Areas and must be produced at the request of authorized officers, authorized party officers, or authorized inspectors. Prior to receipt of the license, but after issuance, a vessel may be used to fish, provided the number of the issued license is available on board.

(c) Application forms for licenses to use a vessel to fish in the Licensing Area may be requested from, and upon completion, must be returned to, the Regional Director. All of the information requested on the form and the following must be supplied before the application will be considered complete:

(1) The licensing period for which the license is requested.

(2) The name of an agent, located in Port Moresby, Papua New Guinea, who, on behalf of the license holder, will receive and respond to any legal process issued in accordance with the Treaty.

(3) Documentation from an insurance company showing that the vessel will be fully insured for the licensing period against all risks and liabilities normally covered by maritime liability insurance.

(4) If the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, reasonable assurances that the owner or charterer will be financially able to fulfill any and all responsibilities under the Treaty, Act, and regulations, including the payment of any penalties or fines.

(5) A copy of the vessel's USCG Certificate of Documentation.

(d) The number of available licenses are set forth in Schedule 2 of Annex II of the Treaty.

(e) Applications for vessels may be submitted at any time; complete applications will be forwarded to the Secretary of State for transmittal to the Administrator.

(f) The Secretary, in consultation with the Secretary of State, may determine that a license application for a vessel should not be forwarded to the Administrator if:

(1) The application is not in accord with the Treaty, Act, or regulations;

(2) The owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, and reasonable financial assurances have not been provided to the Secretary that the owner or charterer will be financially able to fulfill any and all responsibilities under the Treaty, Act, and regulations, including the payment of any penalties or fines;

(3) The owner or charterer has not established to the satisfaction of the Secretary that the vessel will be fully insured for the licensing period against all risks and liabilities normally covered by maritime liability insurance; or

(4) The owner or charterer has not paid any final penalty assessed by the Secretary in accordance with the Act.

(g) An applicant will be promptly notified if that applicant's license

application will not be forwarded to the Administrator, and of the reasons therefor. Within 15 days of notification by the Regional Director that the application will not be forwarded, an applicant may request reconsideration by providing a petition for reconsideration accompanied by new or additional information.

§ 300.33 Compliance with applicable national laws.

The operator of the vessel shall comply with each of the applicable national laws, and the operator of the vessel shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

§ 300.34 Reporting requirements.

(a) License holders shall comply with the reporting requirements of parts 4 and 5 of Annex I to the Treaty.

(b) Information provided by license holders under Schedule 5 of Annex I of the Treaty shall be provided on the designated Forum Fisheries Agency form(s) to the Regional Director within 2 days of reaching port.

(c) Information provided by license holders under Schedule 6 of Annex I of the Treaty shall be provided on the designated Forum Fisheries Agency form(s) to the Regional Director within 2 days of completing unloading.

(d) Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of these regulations, the Act, or the Treaty shall be true, complete and correct. Any change in circumstances that has the effect of rendering any of the information provided false, incomplete or misleading shall be communicated immediately to the Regional Director.

§ 300.35 Vessel and gear identification.

While a vessel is in the Licensing Area, a Limited Area closed to fishing, or a Closed Area, a recent and up-to-date copy of the International Code of Signals (INTERCO) shall be on board and accessible at all times. The operator shall comply with the 1989 Food and Agricultural Organization standard specifications for the marking and identification of fishing vessels. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, and be clear, distinct, and uncovered, in the following manner:

(a) On both sides of the vessel's hull or superstructure, with each letter and number being at least 1 m high and having a stroke width of 16.7 cm, with the background extending to provide a border around the mark of not less than 16.7 cm.

(b) On the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 cm high, and having a stroke width of 5 cm with the background extending to provide a border around the mark of not less than 5 cm.

(c) On any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 cm high and having a stroke width of 1.7 cm, with the background extending to provide a border around the mark of not less than 1.7 cm.

§ 300.36 Closed area stowage requirements.

At all times while a vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing, but so that the skiff is accessible for use in emergency situations; the helicopter, if any shall be tied down; and launches shall be secured.

§ 300.37 Radio monitoring.

The international distress frequency, 2.182 mHz, and 156.8 mHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the fisheries management, surveillance and enforcement authorities of the Parties.

§ 300.38 Prohibitions.

(a) Except as provided for in § 300.39, in addition to the prohibitions in § 300.4, it is unlawful for any person subject to the jurisdiction of the United States to do any of the following:

(1) To violate the Act or any provision of any regulation or order issued pursuant to Act.

(2) To use a vessel for fishing in violation of an applicable national law.

(3) To violate the terms and conditions of any fishing arrangement to which that person is a party.

(4) To use a vessel for fishing in a Limited Area in violation of the requirements set forth in Schedule 3 of Annex I of the Treaty on ''Limited Areas''.

(5) To use a vessel for fishing in any Closed Area.

(6) To refuse to permit any authorized officer or authorized party officer to board a fishing vessel for purpose of conducting a search or inspection in connection with the enforcement of the Act or the Treaty.

(7) To refuse to comply with the instructions of an authorized officer or authorized party officer relating to fishing activities under the Treaty.

(8) To refuse to permit an authorized inspector full access to any place where fish taken in the Licensing Area is unloaded.

(9) To refuse to allow an authorized inspector to remove samples of fish from a vessel that fished in the Licensing Area.

(10) To forcibly assault, resist, oppose, impede, intimidate, or interfere with:

(i) Any authorized officer, authorized party officer or authorized inspector in the conduct of a search or inspection in connection with the enforcement of these regulations, the Act or the Treaty; or

(ii) An observer in the conduct of observer duties under the Treaty.

(11) To transship fish on board a vessel that fished in the Licensing Area, except in accordance with the conditions set out in parts 3 and 4 of Annex I to the Treaty.

(b) Except as provided for in § 300.39, it is unlawful for any person subject to the jurisdiction of the United States when in the Licensing Area:

(1) To use a vessel to fish unless validly licensed as required by the Administrator.

(2) To use a vessel for directed fishing for southern bluefin tuna or for fishing for any kinds of fish other than tunas, except that fish may be caught as a incidental bycatch.

(3) To use a vessel for fishing by any method, except the purse-seine method.

(4) To use any vessel to engage in fishing after the revocation of its license, or during the period of suspension of an applicable license.

(5) To operate a vessel in such a way as to disrupt or in any other way adversely affect the activities of traditional and locally based fishermen and fishing vessels.

(6) To use a vessel to fish in a manner inconsistent with an order issued by the Secretary under § 300.42 (section 11 of the Act).

(7) Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, to use aircraft in association with fishing activities of a vessel, unless it is identified on the license application for the vessel, or any amendment thereto.

§ 300.39 Exceptions.

(a) The prohibitions of § 300.38 and the licensing requirements of § 300.32 do not apply to fishing for albacore tuna by vessels using the trolling method outside of the 200 nautical mile

fisheries zones of the Pacific Island Parties.

(b) The prohibitions of § 300.38(a)(4), (a)(5), and (b)(3) do not apply to fishing under the terms and conditions of a fishing arrangement.

§ 300.40 Civil penalties.

The procedures of 15 CFR part 904 apply to the assessment of civil penalties, except as modified by the requirements of section 8 of the Act.

§ 300.41 Investigation notification.

Upon commencement of an investigation under section 10(b)(1) of the Act, the operator of any vessel concerned shall have 30 days after receipt of notification of the investigation and the operator's rights under section 10(b)(1) to submit comments, information, or evidence bearing on the investigation, and to request in writing that the Secretary provide the operator an opportunity to present the comments, information, or evidence orally to the Secretary or the Secretary's representative.

§ 300.42 Findings leading to removal from fishing area.

(a) Following an investigation conducted under section 10(b) of the Act, the Secretary, with the concurrence of the Secretary of State, and upon the request of the Pacific Island Party concerned, may order a fishing vessel that has not submitted to the jurisdiction of that Pacific Island Party to leave immediately the Licensing Area, all Limited Areas, and all Closed Areas upon making a finding that:

(1) The fishing vessel—

(i) While fishing in the Licensing Area did not have a license under the Treaty to fish in the Licensing Area, and that under paragraph 2 of Article 3 of the Treaty, the fishing is not authorized to be conducted in the Licensing Area without a license;

(ii) Was involved in any incident in which an authorized officer, authorized party officer, or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcibly resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of duties as authorized by the Act or the Treaty;

(iii) Has not made full payment within 60 days of any amount due as a result of a final judgement or other final determination deriving from a violation in waters within the Treaty Area of a Pacific Island Party; or

(iv) Was not represented by an agent for service of process in accordance with the Treaty; or

(2) There is probable cause to believe that the fishing vessel—

(i) Was used in violation of section 5(a)(4), (a)(5), (b)(2), or (b)(3) of the Act;

(ii) Used an aircraft in violation of section 5(b)(7) of the Act; or

(iii) Was involved in an incident in which section 5(a)(7) of the Act was violated.

(b) Upon being advised by the Secretary of State that proper notification to Parties has been made under paragraph 7 of Article 5 of the Treaty that a Pacific Island Party is investigating an alleged infringement of the Treaty by a vessel in waters under the jurisdiction of that Pacific Island Party, the Secretary shall order the vessel to leave those waters until the Secretary of State notifies the Secretary that the order is no longer necessary.

(c) The Secretary shall rescind any order issued on the basis of a finding under paragraphs (a)(1)(iii) or (iv) of this section (subsections 11(a)(1)(C) or (D) of the Act) as soon as the Secretary determines that the facts underlying the finding do not apply.

(d) An order issued in accordance with this section is not subject to judicial review.

§ 300.43 Observers.

(a) The operator and each member of the crew of a vessel shall allow and assist any person identified as an observer under the Treaty by the Pacific Island Parties:

(1) To board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island Parties to the Secretary.

(2) Without interfering unduly with the lawful operation of the vessel, to have full access to and use of facilities and equipment on board the vessel that the observer may determine are necessary to carry out observer duties; have full access to the bridge, fish on board, and areas that may be used to hold, process, weigh and store fish; remove samples; have full access to vessel's records, including its log and documentation for the purpose of inspection and copying; have reasonable access to navigation equipment, charts, and radios, and gather any other information relating to fisheries in the Licensing Area.

(3) To disembark at the point and time notified by the Pacific Island Parties to the Secretary.

(4) To carry out observer duties safely.

(b) The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island Parties, with food, accommodation and medical facilities of reasonable standard as may be acceptable to the Pacific Island Party whose representative is serving as the observer.

§ 300.44 Other inspections.

The operator and each member of the crew of any vessel from which any fish taken in the Licensing Area is unloaded or transshipped shall allow, or arrange for, and assist any authorized inspector, authorized party officer, or authorized officer to have full access to any place where the fish is unloaded or transshipped, to remove samples, to have full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying, and to gather any other information relating to fisheries in the Licensing Area without interfering unduly with the lawful operation of the vessel.

Subpart E—Pacific Halibut Fisheries

Authority: 16 U.S.C. 773–773k.

§ 300.60 Purpose and scope.

This subpart implements the North Pacific Halibut Act of 1982 (Act) and is intended to supplement, not conflict with, the annual fishery management measures adopted by the International Pacific Halibut Commission (Commission) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

§ 300.61 Definitions.

In addition to the terms defined in § 300.2 and those in the Act and the Convention, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Convention, the definition in this section shall apply.

Area 2A includes all waters off the States of California, Oregon, and Washington.

Commercial fishing means fishing, the resulting catch of which either is, or is intended to be, sold or bartered.

Person includes an individual, corporation, firm, or association.

Subarea 2A–1 includes all U.S. waters off the coast of Washington that are north of 46°53′18″ N. lat. and east of 125°44′00″ W. long., and all inland marine waters of Washington.

Treaty Indian tribes means the Hoh, Jamestown S'Klallam, Lower Elwha S'Klallam, Lummi, Makah, Port Gamble S'Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, and Tulalip tribes.

§ 300.62 Annual management measures.

Annual management measures may be added and modified through adoption by the Commission and publication in the Federal Register by the Assistant Administrator, with immediate regulatory effect. Such measures may include, *inter alia,* provisions governing: Licensing of vessels, inseason actions, regulatory areas, fishing periods, closed periods, closed areas, catch limits (quotas), fishing period limits, size limits, careful release of halibut, vessel clearances, logs, receipt and possession of halibut, fishing gear, retention of tagged halibut, supervision of unloading and weighing, and sport fishing for halibut. The Assistant Administrator will publish the Commission's regulations setting forth annual management measures in the Federal Register by March 15 each year. Annual management measures may be adjusted inseason by the Commission.

§ 300.63 Catch sharing plans and domestic management measures.

Catch sharing plans (CSP) may be developed by the appropriate regional fishery management council, and approved by NMFS, for portions of the fishery. Any approved catch sharing plan may be obtained from the Director, Northwest Region, or the Director, Alaska Region.

(a) The catch sharing plan for area 2A provides a framework that shall be applied to the annual Area 2A total allowable catch (TAC) adopted by the Commission, and shall be implemented through domestic and Commission regulations, which will be published in the Federal Register each year before March 15. The Area 2A CSP allocates halibut among the treaty Indian fishery, segments of the non-Indian commercial fishery, and segments of the recreational fishery.

(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the Federal Register the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register along with the annual salmon management measures.

(3) The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§ 300.62 and 300.63.

(4) The treaty Indian fishery is governed by § 300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under § 300.62

(b) The catch sharing plan for area 4 allocates the annual TAC among area 4 subarea, and will be implemented by the Commission in management measures published pursuant to § 300.62.

§ 300.64 Fishing by U.S. treaty Indian tribes.

(a) Halibut fishing in subarea 2A–1 by members of U.S. treaty Indian tribes located in the State of Washington is governed by this section.

(b) Commercial fishing for halibut by treaty Indians is permitted only in subarea 2A–1 with hook-and-line gear in conformance with the season and quota established annually by the Commission.

(c) Commercial fishing periods and management measures to implement paragraph (b) of this section will be established by treaty Indian tribal regulations.

(d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, and fishing gear (published pursuant to § 300.62), except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.

(e) Ceremonial and subsistence fishing for halibut by treaty Indians in subarea 2A–1 is permitted with hook-and-line gear from January 1 to December 31.

(f) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (b) of this section, treaty Indians may take and retain not more than two halibut per person per day.

(g) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.

(h) Any member of a U.S. treaty Indian tribe who is engaged in commercial or ceremonial and subsistence fishing under this section must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States* v. *Washington* 384 F. Supp. 312 (W.D. Wash., 1974).

(i) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A–1, boundaries of a tribe's fishing area may be revised as ordered by a Federal Court.

Tribe	Boundaries
HOH	Between 47°54′18″ N. lat. (Quillayute River) and 47°21′00″ N. lat. (Quinault River), and east of 125°44′00″ W. long.
JAMESTOWN S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown S'Klallam Tribe may fish under rights secured by treaties with the United States.
LOWER ELWHA S'KLALLAM.	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha S'Klallam Tribe may fish under rights secured by treaties with the United States.
LUMMI	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89–08 (W.D. Wash., February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.
MAKAH	North of 48°02′15″ N. lat. (Norwegian Memorial), west of 123°42′30″ W. long., and east of 125°44′00″ W. long.

Tribe	Boundaries
PORT GAMBLE S'KLALLAM.	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble S'Klallam Tribe may fish under rights secured by treaties with the United States.
QUILEUTE	Between 48°07′36″ N. lat. (Sand Point) and 47°31′42″ N. lat. (Queets River), and east of 125°44′00″ W. long.
QUINAULT	Between 47°40′06″ N. lat. (Destruction Island) and 46°53′18″ N. lat. (Point Chehalis), and east of 125°44′00″ W. long.
SKOKOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 377, to be places at which the Skokomish Tribe may fish under rights secured by treaties with the United States.
SUQUAMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Suquamish Tribe may fish under rights secured by treaties with the United States.
SWINOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Swinomish Tribe may fish under rights secured by treaties with the United States.
TULALIP	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1531–1532, to be places at which the Tulalip Tribe may fish under rights secured by treaties with the United States.

§ 300.65 Prohibitions.

In addition to the prohibitions in § 300.4, the following prohibitions apply within this subpart. It is unlawful for any person to fish for halibut except in accordance with:

(a) The management measures published under § 300.62.

(b) The catch sharing plans and management measures implemented under § 300.63.

Subpart F—Fraser River Sockeye and Pink Salmon Fisheries

Authority: Pacific Salmon Treaty Act, 16 U.S.C. 3636(b).

§ 300.90 Purpose and scope.

This subpart implements the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631–3644) (Act) and is intended to supplement, not conflict with, the fishery regimes and Fraser River Panel regulations adopted under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985 (Treaty).

§ 300.91 Definitions.

In addition to the terms defined in § 300.2 and those in the Act and the Treaty, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Treaty, the definition in this section shall apply.

All-citizen means any person who is not a treaty Indian fishing in that treaty Indian's tribal treaty fishing places pursuant to treaty Indian tribal fishing regulations (whether in compliance with such regulations or not).

Authorized officer means, in addition to those individuals identified under *authorized officer* at § 300.2, any state, Federal, or other officer as may be authorized by the Secretary in writing, including any treaty Indian tribal enforcement officer authorized to enforce tribal fishing regulations.

Commission means the Pacific Salmon Commission established by the Pacific Salmon Treaty.

Consistent regulation or consistent order means any Federal, state, or treaty Indian tribal regulation or order that is in addition to and not in conflict with (at least as restrictive as) any regime of the Commission, Fraser River Panel regulation, inseason order of the Secretary, or these regulations.

Fishing gear—

(1) *Gill net* means a fishing net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift.

(2) *Purse seine* means all types of fishing gear consisting of a lead line, cork line, auxiliary lines, purse line and purse rings and of mesh net webbing fashioned in such a manner that it is used to encircle fish, and in addition prevent their escape under the bottom or lead line of the net by drawing in the bottom of the net by means of the purse line so that it forms a closed bag.

(3) *Reef net* means a non-self-fishing open bunt square or rectangular section of mesh netting suspended between two anchored boats fashioned in such a manner that to impound salmon passing over the net, the net must be raised to the surface.

(4) *Troll fishing gear* means one or more lines that drag hooks with bait or lures behind a moving fishing vessel.

(5) *Treaty Indian fishing gear* means fishing gear defined, authorized, and identified under treaty Indian tribal laws and regulations in accordance with the requirements of Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974).

Fraser River Panel means the Fraser River Panel established by the Pacific Salmon Treaty.

Fraser River Panel Area (U.S.) means the United States' portion of the Fraser River Panel Area specified in Annex II of the Treaty as follows:

(1) The territorial water and the high seas westward from the western coast of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse of Tatoosh Island, Washington—which line marks the entrance of Juan de Fuca Strait—and embraced between 48° and 49° N. lat., excepting therefrom, however, all the waters of Barkley Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

(2) The waters included within the following boundaries: Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph (1) of this definition, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on

Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway (Burlington Northern Railroad), thence northerly following the shoreline of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, then westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shoreline to Welcome Point on Sechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island, to the starting point at Bonilla Point, as shown on the British Admiralty Chart Number 579, and on the U.S. Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to the 1930 Convention between Canada and the United States of America for Protection, Preservation, and Extension of the Sockeye Salmon Fishery in the Fraser River System as amended, signed May 26, 1930. [Note: U.S. Coast and Geodetic Survey Chart Number 6300 has been replaced and updated by NOAA Chart Number 18400.]

(3) The Fraser River and the streams and lakes tributary thereto.

(4) The Fraser River Panel Area (U.S.) includes Puget Sound Management and Catch Reporting Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 7D, and 7E as defined in the Washington State Administrative Code at Chapter 220–22 as of June 27, 1986.

Fraser River Panel regulations means regulations applicable to the Fraser River Panel Area that are recommended by the Commission (on the basis of proposals made by the Fraser River Panel) and approved by the Secretary of State.

Mesh size means the distance between the inside of one knot to the outside of the opposite (vertical) knot in one mesh of a net.

Pink salmon means *Oncorhynchus gorbuscha.*

Sockeye salmon means the anadromous form of *Oncorhynchus nerka.*

Treaty fishing places (of an Indian tribe) means locations within the Fraser River Panel Area (U.S.) as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash. 1974), to be places at which that treaty Indian tribe may take fish under rights secured by treaty with the United States.

Treaty Indian means any member of a treaty Indian tribe whose treaty fishing place is in the Fraser River Panel Area (U.S.) or any assistant to a treaty Indian authorized to assist in accordance with § 300.95(d).

Treaty Indian tribe means any of the federally recognized Indian tribes of the State of Washington having fishing rights secured by treaty with the United States to fish for salmon stocks subject to the Pacific Salmon Treaty in treaty fishing places within the Fraser River Panel Area (U.S.). Currently these tribes are the Makah, Tribe, Lower Elwha Klallam Tribe, Port Gamble Klallam Tribe, Jamestown Klallam Tribe, Suquamish Tribe, Lummi Tribe, Nooksack Tribe, the Swinomish Indian Tribal Community, and the Tulalip Tribe.

§ 300.92 Relation to other laws.

(a) Insofar as they are consistent with this part, any other applicable Federal law or regulation, or any applicable law and regulations of the State of Washington or of a treaty Indian tribe with treaty fishing rights in the Fraser River Panel Area (U.S.) will continue to have force and effect in the Fraser River Panel Area (U.S.) with respect to fishing activities addressed herein.

(b) Any person fishing subject to this subpart is bound by the international boundaries now recognized by the United States within the Fraser River Panel Area (U.S.) described in § 300.91, notwithstanding any dispute or negotiation between the United States and Canada regarding their respective jurisdictions, until such time as different boundaries are published by the United States.

(c) Any person fishing in the Fraser River Panel Area (U.S.) who also fishes for groundfish in the EEZ should consult Federal regulations at part 663 of this title for applicable requirements, including the requirement that vessels engaged in commercial fishing for groundfish (except commercial passenger vessels) have vessel identification in accordance with § 663.6. Federal regulations governing salmon fishing in the EEZ, which includes a portion of the Fraser River Panel Area (U.S.), are at part 661 of this title. Annual regulatory modifications are published in the Federal Register.

(d) Except as otherwise provided in this subpart, general provisions governing off-reservation fishing by treaty Indians are found at 25 CFR part 249, subpart A. Additional general and specific provisions governing treaty Indian fisheries are found in regulations and laws promulgated by each treaty Indian tribe for fishermen fishing pursuant to tribal authorization.

(e) Nothing in this subpart relieves a person from any other applicable requirements lawfully imposed by the United States, the State of Washington, or a treaty Indian tribe.

§ 300.93 Reporting requirements.

Any person fishing for sockeye or pink salmon within the Fraser River Panel Area (U.S.) and any person receiving or purchasing fish caught by such persons are subject to State of Washington reporting requirements at Washington Administrative Code, Chapter 220–69. Treaty Indian fishermen are subject also to tribal reporting requirements. No separate Federal reports are required.

§ 300.94 Prohibitions and restrictions.

In addition to the prohibitions in § 300.4, the following prohibitions and restrictions apply.

(a) In addition to the prohibited acts set forth in the Act at 16 U.S.C. 3637(a), the following restrictions apply to sockeye and pink salmon fishing in the Fraser River Panel Area (U.S.):

(1) The Fraser River Panel Area (U.S.) is closed to sockeye and pink salmon fishing, unless opened by Fraser River Panel regulations or by inseason orders of the Secretary issued under § 300.97 that give effect to orders of the Fraser River Panel, unless such orders are determined not to be consistent with domestic legal obligations. Such regulations and inseason orders may be further implemented by regulations promulgated by the United States, the State of Washington, or any treaty Indian tribe, which are also consistent with domestic legal obligations.

(2) It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States to fish for, or take and retain, any sockeye or pink salmon:

(i) Except during times or in areas that are opened by Fraser River Panel regulations or by inseason order, except that this provision will not prohibit the direct transport of legally caught sockeye or pink salmon to offloading areas.

(ii) By means of gear or methods not authorized by Fraser River Panel regulations, inseason orders, or other applicable Federal, state, or treaty Indian tribal law.

(iii) In violation of any applicable area, season, species, zone, gear, or mesh size restriction.

(b) It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States to—

(1) Remove the head of any sockeye or pink salmon caught in the Fraser River Panel Area (U.S.), or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(2) Fail to permit an authorized officer to inspect a record or report required by the State of Washington or treaty Indian tribal authority.

(c) Notwithstanding paragraph (a) of this section, nothing in this subpart will be construed to prohibit the retention of sockeye or pink salmon caught by any person while lawfully engaged in a fishery for subsistence or ceremonial purposes pursuant to treaty Indian tribal regulations, for recreational purposes pursuant to recreational fishing regulations promulgated by the State of Washington, or as otherwise authorized by treaty Indian tribal or State of Washington law or regulation, provided that such treaty Indian tribal or State regulation is consistent with U.S.-approved Commission fishery regimes, Fraser River Panel regulations, or inseason orders of the Secretary applicable to fishing in the Fraser River Panel Area (U.S.).

(d) The following types of fishing gear are authorized, subject to the restrictions set forth in this subpart and according to the times and areas established by Fraser River Panel regulations or inseason orders of the Secretary:

(1) All citizens: Gill net, purse seine, reef net, and troll fishing gear. Specific restrictions on all citizens gear are contained in the Washington State Administrative Code of Chapter 220–47.

(2) Treaty Indians: Treaty Indian fishing gear.

(e) Geographic descriptions of Puget Sound Salmon Management and Catch Reporting Areas, which are referenced in the Commission's regimes, Fraser River Panel regulations, and in inseason orders of the Secretary, are found in the Washington State Administrative Code at Chapter 220–22.

§ 300.95 Treaty Indian fisheries.

(a) Any treaty Indian must comply with this section when fishing for sockeye and pink salmon at the treaty Indian tribe's treaty fishing places in the Fraser River Panel Area (U.S.) during the time the Commission or the Secretary exercises jurisdiction over these fisheries. Fishing by a treaty Indian outside the applicable Indian tribe's treaty fishing places will be subject to the Fraser River Panel regulations and inseason orders applicable to all citizens, as well as to the restrictions set forth in this section.

(b) Nothing in this section will relieve a treaty Indian from any applicable law or regulation imposed by a treaty Indian tribe, or from requirements lawfully imposed by the United States or the State of Washington in accordance with the requirements of Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974).

(c) *Identification.* (1) Any treaty Indian fishing under the authority of this subpart must have in his or her possession at all times while fishing or engaged in any activity related to fishing the treaty Indian identification required by 25 CFR 249.3 or by applicable tribal law.

(2) Any person assisting a treaty Indian under the authority of paragraph (d) of this section must have in his or her possession at all such times a valid identification card issued by the Bureau of Indian Affairs or by a treaty Indian tribe, identifying the holder as a person qualified to assist a treaty Indian. The identification card must include the name of the issuing tribe, the name, address, date of birth, and photograph of the assistant, and the name and identification number of the treaty Indian whom the assistant is authorized to assist.

(3) Identification described in paragraph (c) (1) or (2) of this section must be shown on demand to an authorized officer by the treaty Indian or authorized assistant.

(4) Any treaty Indian fishing under this subpart must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974).

(d) *Fishing assistance.* (1) Any member of a treaty Indian tribe fishing under this subpart may, if authorized by the treaty Indian's tribe, receive fishing assistance from, and only from, the treaty Indian tribal member's spouse, forebears, children, grandchildren, and siblings, as authorized by the U.S. District Court for the Western District of Washington in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974). For purposes of this section, the treaty Indian tribal member whom the assistant is authorized to assist must be present aboard the fishing vessel at all times while engaged in the exercise of treaty Indian fishing rights subject to this subpart.

(2) No treaty Indian may, while fishing at a treaty fishing place in accordance with treaty-secured fishing rights, permit any person 16 years of age or older other than the authorized holder of a currently valid identification card issued in accordance with the requirements of paragraphs (c) (1) and (2) of this section to fish for said treaty Indian, assist said treaty Indian in fishing, or use any gear or fishing location identified as said treaty Indian's gear or location.

(3) Treaty Indians are prohibited from participating in a treaty Indian fishery under this section at any time persons who are not treaty Indians are aboard the fishing vessel or in contact with fishing gear operated from the fishing vessel, unless such persons are authorized employees or officers of a treaty Indian tribe or tribal fisheries management organization, the Northwest Indian Fisheries Commission, the Commission, or a fisheries management agency of the United States or the State of Washington.

§ 300.96 Penalties.

Any treaty Indian who commits any act that is unlawful under this subpart normally will be referred to the applicable tribe for prosecution and punishment. If such tribe fails to prosecute such persons in a diligent manner for the offense(s) referred to the tribe, or if other good cause exists, such treaty Indian may be subject to the penalties and procedures described in the Magnuson Act.

§ 300.97 Inseason orders.

(a) During the fishing season, the Secretary may issue orders that establish fishing times and areas consistent with the annual Commission regime and inseason orders of the Fraser River Panel. Inseason orders will be consistent with domestic legal obligations. Violation of such inseason orders is violation of this subpart.

(b) *Notice of inseason orders.* (1) Official notice of such inseason orders is available from NMFS (for orders applicable to all-citizen fisheries) and from the Northwest Indian Fisheries Commission (for orders applicable to treaty Indian fisheries) through the following Area Code 206 toll-free telephone hotlines: All-citizen fisheries: 1–800–562–6513; Treaty Indian fisheries: 1–800–562–6142.

(2) Notice of inseason orders of the Secretary and other applicable tribal regulations may be published and released according to tribal procedures in accordance with Final Decision No. 1 and subsequent orders in *United States* v. *Washington,* 384 F. Supp. 312 (W.D. Wash., 1974).

(3) Inseason orders may also be communicated through news releases to radio and television stations and newspapers in the Fraser River Panel Area (U.S.).

(4) Inseason orders of the Secretary will also be published in the Federal Register as soon as practicable after they are issued.

Subpart G—Antarctic Marine Living Resources

Authority: 16 U.S.C. 2431 *et seq.*

§ 300.100 Purpose and scope.

(a) This subpart implements the Antarctic Marine Living Resources Convention Act of 1984 (Act).

(b) This subpart regulates—

(1) The harvesting of Antarctic marine living resources or other associated activities by any person subject to the jurisdiction of the United States or by any vessel of the United States.

(2) The importation into the United States of any Antarctic marine living resource.

§ 300.101 Definitions.

In addition to the terms defined in § 300.2, in the Act, and in the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980 (Convention). Convention, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, such Act, or such Convention, the definition in this section shall apply.

ACA means the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*).

Antarctic convergence means a line joining the following points along the parallels of latitude and meridians of longitude:

Lat.	Long.
50° S	0.
50° S	30° E.
45° S	30° E.
45° S	80° E.
55° S	80° E.
55° S	150° E.
60° S	150° E.
60° S	50° W.
50° S	50° W.
50° S	0.

Antarctic finfishes include the following:

Scientific name	Common name
Gobionotothen gibberifrons	Humped rockcod.
Notothenia rossii	Marbled rockcod.
Lepidorhirus squamifrons	Grey rockcod.
Dissostichus eleginoides	Patagonian toothfish.
Patagonothen brevicauda guntheri.	Patagonian rockcod.
Pleuragramma antarcticum	Antarctic silverfish.
Trematomus spp.	Antarctic cods.
Chaenocephalus aceratus	Blackfin icefish.
Chaenodraco wilsoni	Spiny icefish.
Champsocephalus gunnari	Mackerel icefish.
Chionodraco rastrospinosus	Ocellated icefish.
Pseudochaenichthys georgianus.	South Georgia icefish.

Antarctic marine living resources or *AMLR(s)* means the populations of finfish, mollusks, crustaceans, and all other species of living organisms, including birds, found south of the Antarctic Convergence, and their parts or products.

Commission means the Commission for the Conservation of Antarctic Marine Living Resources established under Article VII of the Convention.

Convention waters means all waters south of the Antarctic Convergence.

Directed fishing, with respect to any species or stock of fish, means any fishing that results in such fish comprising more than 1 percent by weight, at any time, of the catch on board the vessel.

Fish means finfish, mollusks, and crustaceans.

Fishery means:

(1) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(2) Any fishing for such stocks.

Harvesting vessel means any vessel of the United States (this includes any boat, ship, or other craft), that is used for, equipped to be used for, or of a type that is normally used for harvesting.

Individual permit means an NSF permit issued under 45 CFR part 670; or an NSF award letter (demonstrating that the individual has received an award from NSF to do research in the Antarctic); or a marine mammal permit issued under § 216.31 of this chapter; or an endangered species permit issued under § 222.21 of this chapter.

Inspection vessel means a vessel carrying a CCAMLR inspector and displaying the pennant approved by the Commission to identify such vessel.

Land or *landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

NSF means National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Recreational fishing means fishing with hook and line for personal use and not for sale.

Scientific research activity means any activity for which a person has a permit from NMFS under § 216.31 of this title or an award letter from NSF or a permit from the NSF under 45 CFR part 670. Scientific research activities may also include harvesting or other associated activities if such activities are designated as scientific research activities by the Assistant Administrator.

§ 300.102 Relationship to other treaties, conventions, laws, and regulations.

(a) Other conventions and treaties to which the United States is a party and other Federal statutes and implementing regulations may impose additional restrictions on the harvesting and importation into the United States of AMLRs.

(b) The ACA implements the Antarctic Treaty Agreed Measures for the Conservation of Antarctic Fauna and Flora (12 U.S.T. 794). The ACA and its implementing regulations (45 CFR part 670) apply to certain defined activities of U.S. citizens south of 60° S. lat.

(c) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*), and their implementing regulations also apply to the harvesting and importation of AMLRs.

§ 300.103 Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites.

(a) *General.* (1) Any person subject to the jurisdiction of the United States must apply for and be granted an entry permit authorizing specific activities prior to entering a CCAMLR Ecosystem Monitoring Program (CEMP) Protected Site designated in accordance with the CCAMLR Conservation Measure describing the Procedures for According Protection for CEMP Sites.

(2) If a CEMP Protected Site is also a site specially protected under the Antarctic Treaty (or the Protocol on Environmental Protection to the Antarctic Treaty and its Annexes, when it enters into force), an applicant seeking to enter such a Protected Site

must apply to the Director of the NSF for a permit under applicable provisions of the ACA or any superseding legislation. The permit granted by NSF shall constitute a joint CEMP/ACA Protected Site permit and any person holding such a permit must comply with the appropriate CEMP Protected Site Management Plan. In all other cases, an applicant seeking a permit to enter a CEMP Protected Site must apply to the Assistant Administrator for a CEMP permit in accordance with the provisions of this section.

(b) *Responsibility of CEMP permit holders and persons designated as agents under a CEMP permit.* (1) The CEMP permit holder and person designated as agents under a CEMP permit are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under this subpart.

(2) The CEMP permit holder and agents designated under a CEMP permit are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the CEMP permit holder or agents, and regardless of knowledge concerning their occurrence.

(c) *Prohibitions regarding the Antarctic Treaty System and other applicable treaties and statutes.* Holders of permits to enter CEMP Protected Sites are not permitted to undertake any activities within a CEMP Protected Site that are not in compliance with the provisions of:

(1) The Antarctic Treaty, including the Agreed Measures for the Conservation of Antarctic Fauna and Flora (including the Protocol on the Environmental Protection to the Antarctic Treaty and its Annexes when it enters into force), as implemented under by the ACA and any superseding legislation. (Persons interested in conducting activities subject to the Antarctic Treaty or the Protocol should contact the Office of Polar Programs, NSF).

(2) The Convention for the Conservation of Antarctic Seals.

(3) The Convention and its Conservation Measures in force, implemented under the Act.

(d) *Prohibitions on takings.* Permits issued under this section do not authorize any takings as defined in the applicable statutes and implementing regulations governing the activities of persons in Antarctica.

(e) *Issuance criteria.* Permits designated in this section may be issued by the Assistant Administrator upon a determination that:

(1) The specific activities meet the requirements of the Act.

(2) There is sufficient reason, established in the permit application, that the scientific purpose for the intended entry cannot be served elsewhere.

(3) The actions permitted will not violate any provisions or prohibitions of the Protected Site's Management Plan submitted in compliance with the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites.

(f) *Application process.* An applicant seeking a CEMP permit from the Assistant Administrator to enter a CEMP Protected Site shall include the following in the application.

(1) A detailed justification that the scientific objectives of the applicant cannot be accomplished elsewhere and a description of how said objectives will be accomplished within the terms of the Protected Site's Management Plan.

(2) A statement signed by the applicant that the applicant has read and fully understands the provisions and prohibitions of the Protected Site's Management Plan. Prospective applicants may obtain copies of the relevant Management Plans and the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites by requesting them from the Assistant Administrator.

(g) *Conditions.* CEMP permits issued under this section will contain special and general conditions including a condition that the permit holder shall submit a report describing the activities conducted under the permit within 30 days of the expiration of the CEMP permit.

(h) *Duration.* Permits issued under this section are valid for a period of 1 year. Applicants requesting a permit to reenter a Protected Site must include the report required by the general condition in the previously issued CEMP permit describing the activities conducted under authority of that permit.

(i) *Transfer.* CEMP permits are not transferable or assignable. A CEMP permit is valid only for the person to whom it is issued.

(j) *Modification.* (1) CEMP permits can be modified by submitting a request to the Assistant Administrator. Such requests shall specify:

(i) The action proposed to be taken along with a summary of the reasons therefore.

(ii) The steps that the permit holder may take to demonstrate or achieve compliance with all lawful requirements.

(2) If a requested modification is not in compliance with the terms of the Protected Site's Management Plan, the Assistant Administrator will treat the requested modification as an application for a new CEMP permit and so notify the holder. Modifications will be acted upon within 30 days of receipt. The CEMP permit holder must report to the Assistant Administrator any change in previously submitted information within 10 days of the change.

(3) Additional conditions and restrictions. The Assistant Administrator may revise the CEMP permit effective upon notification of the permit holder, to impose additional conditions and restrictions as necessary to achieve the purposes of the Convention, the Act and the CEMP Management Plan. The CEMP permit holder must, as soon as possible, notify any and all agents operating under the permit of any and all revisions or modifications to the permit.

(k) *Revocation or suspension.* CEMP permits may be revoked or suspended based upon information received by the Assistant Administrator and such revocation or suspension shall be effective upon notification to the permit holder.

(1) A CEMP permit may be revoked or suspended based on a violation of the permit, the Act, or this subpart.

(2) Failure to report a change in the information submitted in a CEMP permit application within 10 days of the change is a violation of this subpart and voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(l) *Exceptions.* Entry into a Protected Site described in this section is lawful if committed under emergency conditions to prevent the loss of human life, compromise human safety, prevent the loss of vessels or aircraft, or to prevent environmental damage.

(m) *Protected sites.* (1) Sites protected by the Antarctic Treaty and regulated under the ACA are listed at 45 CFR part 670 subparts G and H.

(2) The following sites have been identified as CEMP Protected Sites subject to the regulatory authority of the Act:

(i) *Seal Islands, South Shetland Islands*—The Seal Islands are composed of islands and skerries located approximately 7 km north of the northwest corner of Elephant Island, South Shetland Islands. The Seal Islands CEMP Protected Site includes the entire Seal Islands group, which is defined as Seal Island plus any land or rocks exposed at mean low tide within a distance of 5.5 km of the point of

highest elevation on Seal Island. Seal Island is situated at 60°59′14″ S. lat., 55°23′04″ W. long.

(ii) *Cape Shirreff and the San Telmo Islands.* This designation takes effect on May 1, 1995. Cape Shirreff is a low, ice-free peninsula towards the western end of the north coast of Livingston Island, South Shetland Islands, situated at 62°29′ S. lat., 60°47′ W. long., between Barclay Bay and Hero Bay. San Telmo Island is the largest of a small group of ice-free rock islets, approximately 2 km west of Cape Shirreff. The boundaries of the Cape Shirreff CEMP Protected Site are identical to the boundaries of the Site of Special Scientific Interest No. 32, as specified by ATCM Recommendation XV–7. No manmade boundary markers indicate the limits of the SSSI or protected site. The boundaries are defined by natural features and include the entire area of the Cape Shirreff peninsula north of the glacier ice tongue margin, and most of the San Telmo Island group. For the purposes of the protected site, the entire area of Cape Shirreff and the San Telmo Island group is defined as any land or rocks exposed at mean low tide within the area delimited by the map of SSSI No. 32 and available from the Assistant Administrator.

§ 300.104 Scientific research.

(a) The management measures issued pursuant to the procedures at § 300.111 do not apply to catches of less than 5 tons taken by any vessel for research purposes, unless otherwise indicated.

(b) Catches taken by any vessel for research purposes will be considered as part of any catch limit.

(c) The catch reporting procedure identified in management measures issued pursuant to the procedures at § 300.111 applies whenever the catch within any 5-day reporting period exceeds 5 tons, unless more specific reporting requirements apply to the species being fished.

(d) Any person, organization or institution planning to use a vessel for research purposes, when the estimated catch is expected to be less than 50 tons, must provide the following vessel and research notification to the Assistant Administrator at least 2 months in advance of the planned research:

(1) Name and registration number of vessel.

(2) Division and subarea in which research is to be carried out.

(3) Estimated dates of entering and leaving CCAMLR Convention Area.

(4) Purposes of research.

(5) Fishing equipment to be used (bottom trawl, midwater trawl, longline, crab pots, other).

(e) The following measures apply to any person planning to use any vessel for research purposes, when the estimated catch is expected to be more than 50 tons:

(1) The person must use the CCAMLR Format for Reporting Plans for Finfish Surveys in the Convention Area when the Total Catch is Expected to be More Than 50 Tons to report the details of the research plan to the Assistant Administrator at least 7 months in advance of the planned starting date for the research. A copy of the format is available from the Assistant Administrator.

(2) The format requires:

(i) The name of the CCAMLR Member.

(ii) Survey details.

(iii) Description of the vessel.

(iv) Description of the fishing gear to be used.

(v) Description of acoustic gear to be used.

(vi) Survey design and methods of data analyses.

(vii) Data to be collected.

(3) A summary of the results of any research fishing subject to these provisions must be provided to the Assistant Administrator within 150 days of the completion of the research fishing and a full report must be provided within 11 months.

(4) Catch and effort data resulting from the research fishing must be reported to the Assistant Administrator using the CCAMLR C4 haul-by-haul reporting format for research vessels.

§ 300.105 Initiating a new fishery.

(a) A new fishery, for purposes of this section, is a fishery on a species using a particular method in a statistical subarea for which:

(1) Information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing has not been submitted to CCAMLR;

(2) Catch and effort data have never been submitted to CCAMLR; or

(3) Catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.

(b) An individual subject to these regulations intending to develop a new fishery shall notify the Assistant Administrator no later than July 1 of the year in which he or she intends to initiate the fishery and shall not initiate the fishery pending CCAMLR review.

(c) The notification shall be accompanied by information on:

(1) The nature of the proposed fishery, including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery.

(2) Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity.

(3) Details of dependent and associated species and the likelihood of them being affected by the proposed fishery.

(4) Information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield.

§ 300.106 Exploratory fisheries.

(a) An exploratory fishery, for purposes of this section, is a fishery that was previously defined as a new fishery under § 300.105.

(b) A fishery will continue to be classified as an exploratory fishery until sufficient information is available to:

(1) Evaluate the distribution, abundance, and demography of the target species, leading to an estimate of the fishery's potential yield.

(2) Review the fishery's potential impacts on dependent and related species.

(3) Allow the CCAMLR Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels and fishing gear.

(c) Each vessel participating in an exploratory fishery must carry a scientific observer.

(d) The operator of any vessel engaging in an exploratory fishery must submit, by the date specified in the operator's harvesting permit, catch, effort, and related biological, ecological, and environmental data as required by a data collection plan for the fishery formulated by the CCAMLR Scientific Committee.

(e) In addition to the requirements in § 300.112, any individual planning to enter an exploratory fishery must notify the Assistant Administrator no later than 4 months in advance of the annual meeting of CCAMLR. The Assistant Administrator will not issue a permit to enter an exploratory fishery until after the requirements of § 300.112 have been met and the meeting of CCAMLR, which receives and considers the notice made to the Assistant Administrator, has been concluded.

§ 300.107 Reporting and recordkeeping requirements.

The operator of any vessel required to have a permit under this subpart must:

(a) Accurately maintain on board the vessel a fishing logbook and all other reports and records required by its permit.

(b) Make such reports and records available for inspection upon the

request of an authorized officer or CCAMLR inspector.

(c) Within the time specified in the permit, submit a copy of such reports and records to the Assistant Administrator.

§ 300.108 Vessel and gear identification.

(a) *Vessel identification.* (1) The operator of each harvesting vessel assigned an IRCS must display that call sign amidships on both the port and starboard sides of the deckhouse or hull, so that it is visible from an enforcement or inspection vessel, and on an appropriate weather deck so that it is visible from the air.

(2) The operator of each harvesting vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, must display the IRCS of the associated vessel, followed by a numerical suffix specific for the non-assigned vessel.

(3) The vessel identification must be in a color in contrast to the background and must be permanently affixed to the harvesting vessel in block roman alphabet letters and arabic numerals at least 1 m in height for harvesting vessels over 20 m in length, and at least 0.5 m in height for all other harvesting vessels.

(b) *Navigational lights and shapes.* Each harvesting vessel must display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972 (TIAS 8587, and 1981 amendment TIAS 10672), for the activity in which the harvesting vessel is engaged (as described at 33 CFR part 81).

(c) *Gear identification.* (1) The operator of each harvesting vessel must ensure that all deployed fishing gear that is not physically and continuously attached to a harvesting vessel is clearly marked at the surface with a buoy displaying the vessel identification of the harvesting vessel (see paragraph (a) of this section) to which the gear belongs, a light visible for 2 miles at night in good visibility, and a radio buoy. Trawl codends passed from one vessel to another are considered continuously attached gear and do not have to be marked.

(2) The operator of each harvesting vessel must ensure that deployed longlines, strings of traps or pots, and gillnets are marked at the surface at each terminal end with a buoy displaying the vessel identification of the harvesting vessel to which the gear belongs (see paragraph (a) of this section), a light visible for 2 miles at night in good visibility, and a radio buoy.

(3) Unmarked or incorrectly identified fishing gear may be considered abandoned and may be disposed of in accordance with applicable Federal regulations by any authorized officer or CCAMLR inspector.

(d) *Maintenance.* The operator of each harvesting vessel must:

(1) Keep the vessel and gear identification clearly legible and in good repair.

(2) Ensure that nothing on the harvesting vessel obstructs the view of the markings from an enforcement or inspection vessel or aircraft.

(3) Ensure that the proper navigational lights and shapes are displayed for the harvesting vessel's activity and are properly functioning.

§ 300.109 Gear disposal.

(a) The operator of a harvesting vessel may not dump overboard, jettison or otherwise discard any article or substance that may interfere with other fishing vessels or gear, or that may catch fish or cause damage to any marine resource, including marine mammals and birds, except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the appropriate USCG commander or authorized officer. These articles and substances include, but are not limited to, fishing gear, net scraps, bale straps, plastic bags, oil drums, petroleum containers, oil, toxic chemicals or any manmade items retrieved in a harvesting vessel's gear.

(b) The operator of a harvesting vessel may not abandon fishing gear in Convention waters.

(c) The operator of a harvesting vessel must provide a copy of the CCAMLR information brochure ''Marine Debris—A Potential Threat to Antarctic Marine Mammals'' to each member of the crew of the harvesting vessel and must display copies of the CCAMLR placard ''Avoidance of Incidental Mortality of Antarctic Marine Mammals'' in the wheelhouse and crew quarters of the harvesting vessels. Copies of the brochure and placard will be provided to each holder of a harvesting permit by NMFS when issuing the permit.

§ 300.110 Mesh size.

(a) The use of pelagic and bottom trawls having the mesh size in any part of a trawl less than indicated is prohibited for any directed fishing for the following Antarctic finfishes:

(1) *Notothenia rossii* and *Dissostichus eleginoides*—120 mm.

(2) *Champsocephalus gunnari*—90 mm.

(3) *Gobionotothen gibberifrons, Notothenia kempi* and *Lepidorhirus squamifrons*—80 mm.

(b) Any means or device that would reduce the size or obstruct the opening of the meshes is prohibited.

(c) The following procedure will be used for determining compliance with mesh size requirements.

(1) *Description of gauges.* (i) Gauges for determining mesh sizes will be 2 mm thick, flat, of durable material and capable of retaining their shape. They may have either a series of parallel-edged sides connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper defined above. They will have a hole at the narrowest extremity.

(ii) Each gauge will be inscribed on its face with the width in millimeters both on the parallel-sided section, if any, and on the tapering section. In the case of the latter, the width will be inscribed every 1 mm interval, but the indication of the width may appear at regular intervals other than 1 mm.

(2) *Use of the gauge.* (i) The net will be stretched in the direction of the long diagonal of the meshes.

(ii) A gauge as described in paragraph (c)(1) of this section will be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.

(iii) The gauge may be inserted into the mesh opening either with a manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

(3) *Selection of meshes to be measured.* (i) Meshes to be measured will form a series of 20 consecutive meshes chosen in the direction of the long axis of the net, except that the meshes to be measured need not be consecutive if the application of paragraph (c)(3)(ii) of this section prevents it.

(ii) Meshes less than 50 cm from lacings, ropes, or codline will not be measured. This distance will be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. No mesh will be measured which has been mended or broken or has attachments to the net fixed at that mesh.

(iii) Nets will be measured only when wet and unfrozen.

(4) The measurement of each mesh will be the width of the gauge at the point where the gauge is stopped, when using this gauge in accordance with paragraph (c)(2) of this section.

(5) Determination of the mesh size of the net will be the arithmetical mean in millimeters of the measurements of the total number of meshes selected and measured as provided for in paragraphs (c) (3) and (4) of this section, the arithmetical mean being rounded up to the next millimeter.

(6) *Inspection procedure.* (i) One series of 20 meshes, selected in accordance with paragraph (c)(3) of this section, will be measured by inserting the gauge manually without using a weight or dynamometer. The mesh size of the net will then be determined in accordance with paragraph (c)(5) of this section. If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, then two additional series of 20 meshes selected in accordance with paragraph (c)(3) of this section will be measured. The mesh size will then be recalculated in accordance with paragraph (c)(5) of this section, taking into account the 60 meshes already measured; this recalculation will be the mesh size of the net.

(ii) If the captain of the vessel contests the mesh size determined in accordance with paragraph (c)(6)(i) of this section, such measurement will not be considered for the determination of the mesh size and the net will be remeasured.

(A) A weight or dynamometer attached to the gauge will be used for remeasurement. The choice of weight or dynamometer is at the discretion of the inspectors. The weight will be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge.

(B) The accuracy of the weight or dynamometer must be certified by the appropriate national authority.

(C) For nets of a mesh size of 35 mm or less as determined in accordance with paragraph (c)(6)(i) of this section, a force of 19.61 newtons (equivalent to a mass of 2 kg) will be applied, and for other nets, a force of 49.03 newtons (equivalent to a mass of 5 kg).

(D) For the purposes of determining the mesh size in accordance with paragraph (c)(5) of this section, when using a weight or dynamometer, one series of 20 meshes only will be measured.

§ 300.111 Framework for annual management measures.

(a) *Introduction.* New management measures may be added and others modified through publication of a regulatory action in the Federal Register. The following framework process authorizes the implementation of measures that may affect the operation of the commercial or exploratory fisheries, gear, area restrictions, or changes in catch and/or effort.

(b) *Preliminary notice.* The Secretary of State shall publish preliminary notice in the Federal Register of the management measures adopted by the parties to the Convention.

(c) *Procedure.* At its annual meeting, usually in October or November, the Commission may recommend new measures and that established measures be modified, removed, or re-instituted. After public notice of those recommendations by the Secretary of State and opportunity for public comment, and after considering the impact of instituting the measures and any public comment received by the Secretary of State, the Assistant Administrator may implement the management measures by notice in the Federal Register, with immediate force and effect. The notification in the Federal Register will summarize new management measures, and respond to any public comments received by the Secretary of State on the preliminary notice.

(d) *Types of management measures to be frameworked.* Management measures that may be implemented by regulatory notice rather than by codified regulation are those that generally will not remain in effect for more than 12 months and include catch restrictions, time and area closures, and gear restrictions.

§ 300.112 Harvesting permits.

(a) *General.* (1) Every vessel subject to the jurisdiction of the United States that attempts to reduce or reduces any AMLR to possession must have a harvesting permit authorizing the attempt or reduction, unless the attempt or reduction occurs during recreational fishing or is covered by an individual permit. Boats launched from a vessel issued a harvesting permit do not require a separate permit, but are covered by the permit issued the launching vessel. Any enforcement action that results from the activities of a launched boat will be taken against the launching vessel.

(2) Permits issued under this section do not authorize vessels or persons subject to the jurisdiction of the United States to harass, capture, harm, kill, harvest, or import marine mammals. No marine mammals may be taken in the course of commercial fishing operations unless the taking is allowed under the Marine Mammal Protection Act and/or the Endangered Species Act pursuant to an exemption or permit granted by the appropriate agency.

(b) *Responsibility of owners and operators.* (1) The owners and operators of each harvesting vessel are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under the Act and this subpart.

(2) The owners and operators of each such vessel are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the owners or operators, and regardless of knowledge concerning their occurrence.

(3) The owner of such vessel must report any sale, change in ownership, or other disposition of the vessel to the Assistant Administrator within 15 days of the occurrence.

(c) *Application.* Application forms for harvesting permits are available from the Assistant Administrator (Attn: CCAMLR permits). A separate fully completed and accurate application must be submitted for each vessel for which a harvesting permit is requested at least 90 days before the date anticipated for the beginning of harvesting.

(d) *Issuance.* The Assistant Administrator may issue a harvesting permit to a vessel if the Assistant Administrator determines that the harvesting described in the application will meet the requirements of the Act and will not:

(1) Decrease the size of any harvested population to levels below those that ensure its stable recruitment. For this purpose, the Convention recommends that its size not be allowed to fall below a level close to that which ensures the greatest net annual increment.

(2) Upset the ecological relationships between harvested, dependent, and related populations of AMLRs and the restoration of depleted populations to levels that will ensure stable recruitment.

(3) Cause changes or increase the risk of changes in the marine ecosystem that are not potentially reversible over 2 or 3 decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of AMLRs.

(4) Violate the management measures issued pursuant to § 300.111 of this subpart.

(5) Violate any other conservation measures in force with respect to the United States under the Convention or the Act.

(e) *Duration.* A harvesting permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended.

(f) *Transfer.* Permits are not transferable or assignable. A permit is valid only for the vessel to which it is issued.

(g) *Display.* Each harvesting vessel when engaged in harvesting must either have on board an up-to-date copy of its harvesting permit or a fully completed and up-to-date harvesting vessel certificate and the vessel operator must produce it for inspection upon the request of an authorized officer or CCAMLR inspector. In order for the certificate to be considered complete, the vessel owner or operator must enter on it the name and IRCS of the vessel issued the harvesting permit, the number of the harvesting permit and its date of issuance and expiration, the harvesting authorized by the permit, and all conditions and restrictions contained in the permit. Blank certificates are available from the Assistant Administrator.

(h) *Changes in information submitted by permit applicants or holders*—(1) *Changes in pending applications.* Applicants for a harvesting permit must report to the Assistant Administrator in writing any change in the information contained in the application. The processing period for the application will be extended as necessary to review the change.

(2) *Changes occurring after permit issuance*—(i) *Changes other than in the manner and amount of harvesting.* The owner or operator of a vessel that has been issued a harvesting permit must report to the Assistant Administrator in writing any change in previously submitted information other than a proposed change in the location, manner, or amount of harvesting within 15 days of the change. Based on such reported information, the Assistant Administrator may revise the permit effective upon notification to the permit holder. As soon as possible, the vessel owner or operator must revise any harvesting vessel certificate evidencing the permit, accordingly.

(ii) *Requested changes in the location, manner, or amount of harvesting.* Any changes in the manner or amount of harvesting must be proposed in writing to the Assistant Administrator and may not be undertaken unless authorized by the Assistant Administrator through a permit revision or issuance of a new permit. If a requested change in the location, manner, or amount of harvesting could significantly affect the status of any Antarctic marine living resource, the Assistant Administrator will treat the requested change as an application for a new permit and so notify the holder.

(i) *Additional conditions and restrictions.* The Assistant Administrator may revise the harvesting permit, effective upon notification to the permit holder, to impose additional conditions and restrictions on the harvesting vessel as necessary to achieve the purposes of the Convention or the Act. The permit holder must, as soon as possible, direct the vessel operator to revise the harvesting vessel certificate, if any, accordingly.

(j) *Revision, suspension, or revocation for violations.* A harvesting permit may be revised, suspended, or revoked if the harvesting vessel is involved in the commission of any violation of its permit, the Act, or this subpart. Failure to report a change in the information contained in an application within 15 days of the change is a violation of this subpart and voids the application or permit, as applicable. If a change in vessel ownership is not reported, the violation is chargeable to the previous owner. Title 15 CFR part 904 governs permit sanctions under this subpart.

§ 300.113 Import permits.

(a) *General.* (1) Any AMLR may be imported into the United States if its harvest is authorized by an individual permit or a harvesting permit. The harvesting permit, the harvesting vessel certificate, or the individual permit, or a copy of any thereof, must accompany the import. AMLRs harvested by entities not subject to U.S. jurisdiction and, thus, not harvested under a U.S. issued permit (i.e., a harvesting permit or an individual permit), also may be imported into the United States if such harvesting will meet or met the requirements of the Act and will not or did not violate any conservation measure in force with respect to the United States under the Convention or the Act or violate any of the regulations in this subpart, including resource management measures contained therein. A NMFS issued import permit or copy thereof must accompany such an import as proof that the foreign harvested resources met such requirements. Further, the importer is required to complete and return to the Assistant Administrator, no later than 10 days after the date of the importation, an import ticket reporting the importation. However, in no event may a marine mammal be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act.

(2) A permit issued under this section does not authorize the harvest of any AMLRs.

(b) *Application.* Application forms for import permits are available from the Assistant Administrator (Attn: CCAMLR permits). A fully completed and accurate application must be submitted for each import permit requested at least 30 days before the anticipated date of the importation.

(c) *Issuance.* The Assistant Administrator may issue an import permit if the Assistant Administrator determines that the importation meets the requirements of the Act and that the resources were not or will not be harvested in violation of any conservation measure in force with respect to the United States or in violation of any regulation in this subpart. Blank import tickets will be attached to the permit. Additional blank import tickets are available from the Assistant Administrator.

(d) *Duration.* An import permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended.

(e) *Transfer.* An import permit is not transferable or assignable.

(f) *Changes in information submitted by permit applicants or holders*—(1) *Changes in pending applications.* Applicants for an import permit must report in writing to the Assistant Administrator any change in the information submitted in their import permit application. The processing period for the application will be extended as necessary to review the change.

(2) *Changes occurring after permit issuance.* Any entity issued an import permit must report in writing to the Assistant Administrator any changes in previously submitted information. Any changes that would not result in a change in the importation authorized by the permit must be reported on the import ticket required to be submitted to the Assistant Administrator no later than 10 days after the date of importation. Any changes that would result in a change in the importation authorized by the permit, such as country of origin, type and quantity of the resource to be imported, and Convention statistical subarea from which the resource was harvested, must be proposed in writing to the Assistant Administrator and may not be undertaken unless authorized by the Assistant Administrator by a permit revision or new permit.

(g) *Revision, suspension, or revocation.* An import permit may be revised, suspended, or revoked based upon information subsequently reported, effective upon notification to the permit holder. An import permit may be revised, suspended, or revoked,

based upon a violation of the permit, the Act, or this subpart. Failure to report a change in the information contained in an import permit application is a violation of this subpart and voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(h) *Disposition of resources not accompanied by required documentation.* (1) When AMLRs are imported into the United States unaccompanied by a permit authorizing import, the importer must either:

(i) Abandon the resources;

(ii) Waive claim to the resources; or

(iii) Place the resources into a bonded warehouse and attempt to obtain a permit authorizing their importation.

(2) If, within 60 days of such resources being placed into a bonded warehouse, the District Director of the U.S. Customs Service receives documentation that import of the resources into the United States is authorized by a permit, the resources will be allowed entry. If documentation of a permit is not presented within 60 days, the importer's claim to the resources will be deemed waived.

(3) When resources are abandoned or claim to them waived, the resources will be delivered to the Administrator of NOAA, or a designee, for storage or disposal as authorized by law.

§ 300.114 Appointment of a designated representative.

(a) All holders of permits authorizing fishing in subarea 48.3 must appoint a designated representative in the United States.

(b) The designated representative will be notified of closures under § 300.111 and must transmit this information to the vessel on the grounds.

(c) The designated representative may receive catch reports from the vessel and transmit the reports to NMFS in writing.

§ 300.115 Prohibitions.

In addition to the prohibitions in § 300.4, it is unlawful for any person to:

(a) Reduce to possession or attempt to reduce to possession any AMLRs without a permit for such activity as required by § 300.112.

(b) Import into the United States any AMLRs without either a permit to import those resources as required by § 300.113 or a permit to harvest those resources as required by § 300.112.

(c) Engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States under Article IX of the Convention.

(d) Ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any AMLR that he or she knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States under article IX of the Convention or in violation of any regulation promulgated under this subpart, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the AMLR.

(e) Refuse to allow any CCAMLR inspector to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for the purpose of conducting an inspection authorized by the Act, this subpart, or any permit issued under the Act.

(f) Refuse to provide appropriate assistance, including access as necessary to communications equipment, to CCAMLR inspectors.

(g) Refuse to sign a written notification of alleged violations of Commission measures in effect prepared by a CCAMLR inspector.

(h) Assault, resist, oppose, impede, intimidate, or interfere with a CCAMLR inspector in the conduct of any boarding or inspection authorized by the Act, this subpart, or any permit issued under the Act.

(i) Use any vessel to engage in harvesting after the revocation, or during the period of suspension, of an applicable permit issued under the Act.

(j) Fail to identify, falsely identify, fail to properly maintain, or obscure the identification of a harvesting vessel or its gear as required by this subpart.

(k) Fish in a closed area.

(l) Trawl with a mesh size in any part of the trawl net smaller than that allowed for any directed fishing for Antarctic finfishes as specified in management measures issued pursuant to § 300.111.

(m) Use any means or device that would reduce the size or obstruct the opening of the trawl meshes specified in management measures issued pursuant to § 300.111.

(n) Possess fish in violation of the catch limit specified in management measures issued pursuant to § 300.111.

(o) Discard netting or other substances in the Convention Area in violation of § 300.109.

(p) Violate or attempt to violate any provision of this subpart, the Act, any other regulation promulgated under the Act or any permit issued under the Act.

§ 300.116 Facilitation of enforcement and inspection.

In addition to the facilitation of enforcement provisions of § 300.5, the following requirements apply to this subpart.

(a) *Access and records.* (1) The owners and operator of each harvesting vessel must provide authorized officers and CCAMLR inspectors access to all spaces where work is conducted or business papers and records are prepared or stored, including but not limited to personal quarters and areas within personal quarters. If inspection of a particular area would interfere with specific on-going scientific research, and if the operator of the harvesting vessel makes such assertion and produces an individual permit that covers that specific research, the authorized officer or CCAMLR inspector will not disturb the area, but will record the information pertaining to the denial of access.

(2) The owner and operator of each harvesting vessel must provide to authorized officers and CCAMLR inspectors all records and documents pertaining to the harvesting activities of the vessel, including but not limited to production records, fishing logs, navigation logs, transfer records, product receipts, cargo stowage plans or records, draft or displacement calculations, customs documents or records, and an accurate hold plan reflecting the current structure of the vessel's storage and factory spaces.

(3) Before leaving vessels that have been inspected, the CCAMLR inspector will give the master of the vessel a Certificate of Inspection and a written notification of any alleged violations of Commission measures in effect and will afford the master the opportunity to comment on it. The ship's master must sign the notification to acknowledge receipt and the opportunity to comment on it.

(b) *Reports by non-inspectors.* All scientists, fishermen, and other non-inspectors present in the Convention area and subject to the jurisdiction of the United States are encouraged to report any violation of Commission conservation and management measures observed in the Convention area to the Office of Ocean Affairs (CCAMLR Violations), Department of State, Room 5801, Washington, DC 20520.

(c) *Storage of AMLRs.* The operator of each harvesting vessel storing AMLRs in a storage space on board the vessel must ensure that non-resource items are neither stowed beneath nor covered by resource items, unless required to maintain the stability and safety of the vessel. Non-resource items include, but are not limited to, portable conveyors, exhaust fans, ladders, nets, fuel bladders, extra bin boards, or other moveable non-resource items. These

non-resource items may be in a resource storage space when necessary for the safety of the vessel or crew or for the storage of the items. Lumber, bin boards, or other dunnage may be used for shoring or bracing of product to ensure the safety of crew and to prevent shifting of cargo within the space.

§ 300.117 Penalties.

Any person or harvesting vessel found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, 15 CFR part 904, and other applicable laws.

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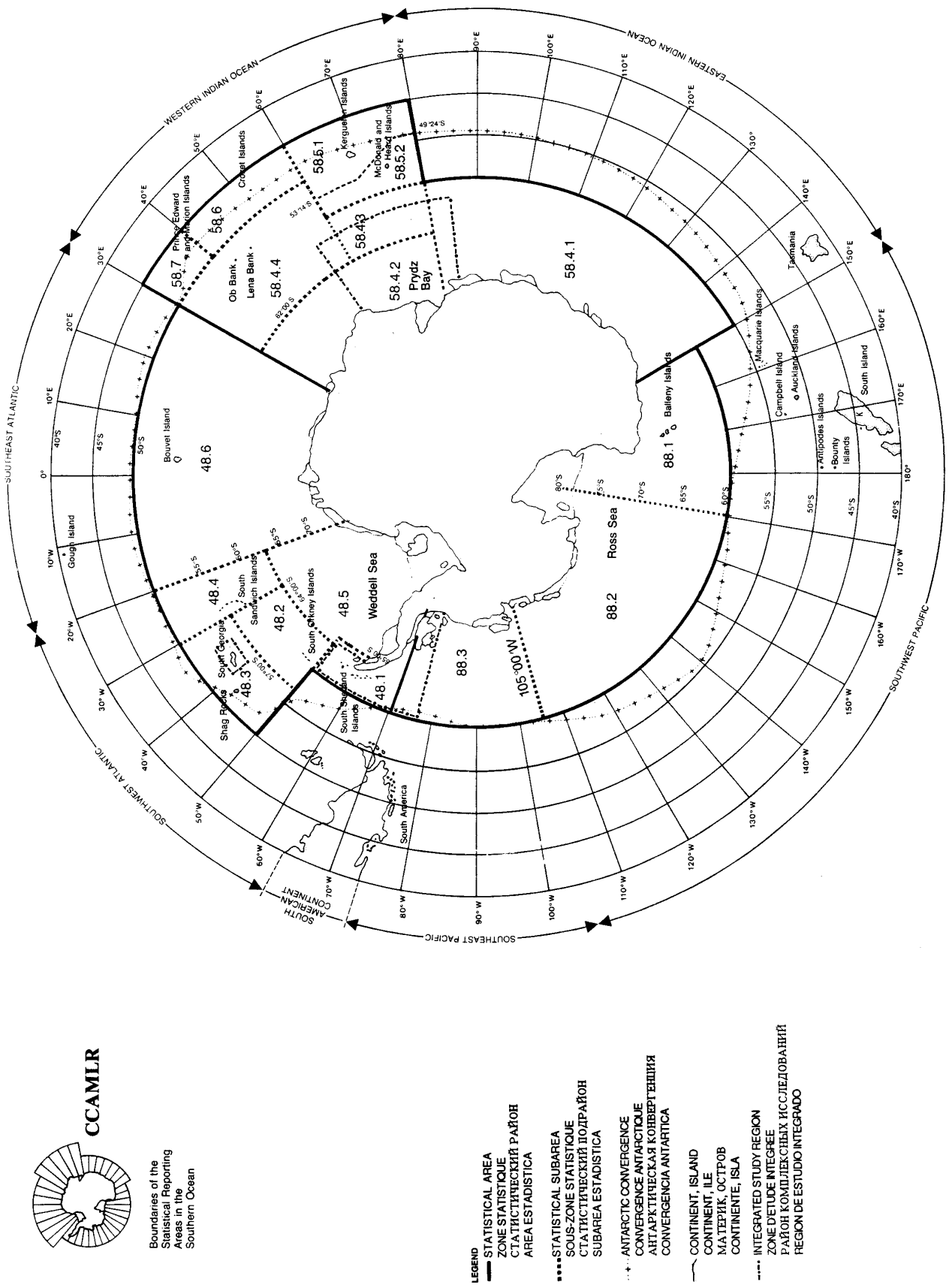

Figure 1 to Subpart G--Boundaries of the Statistical Reporting Area in the Southern Ocean

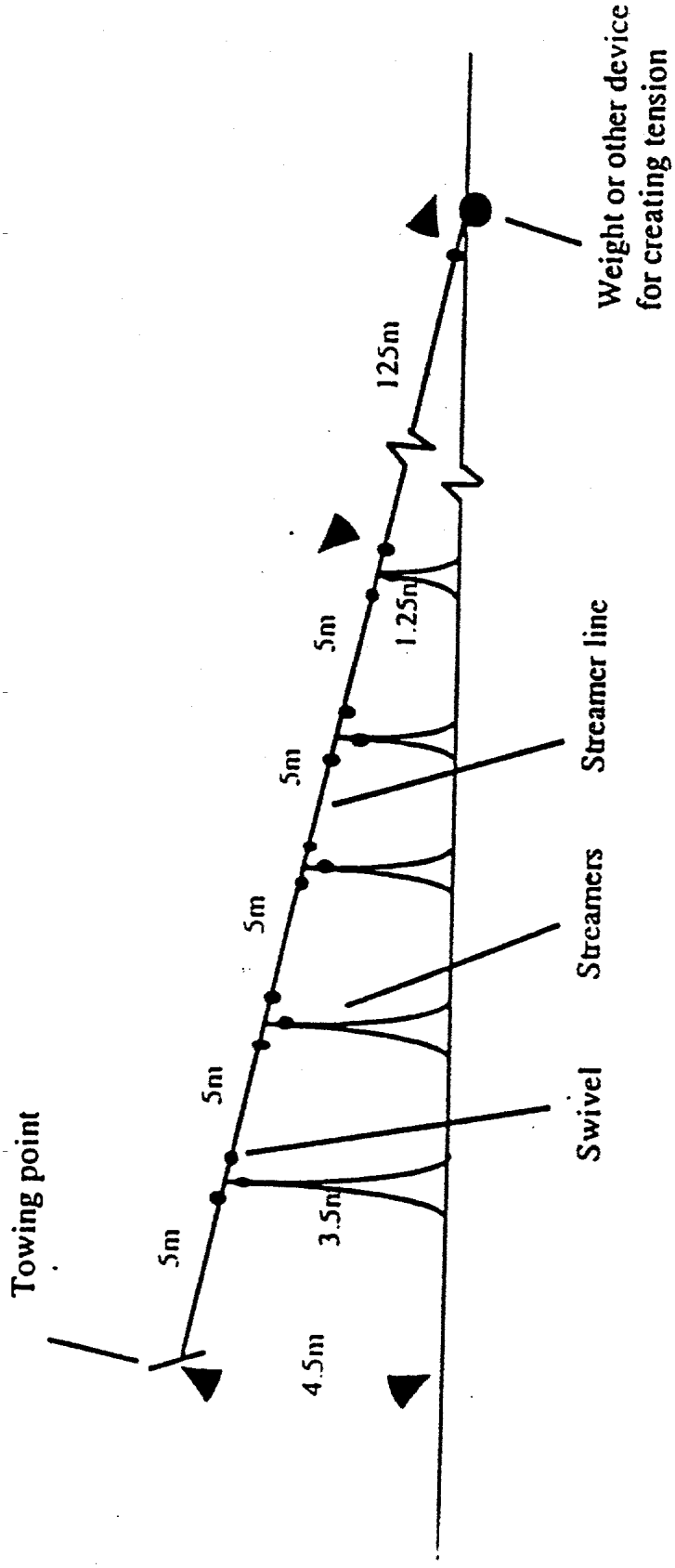

Figure 2 to Subpart G--The Use of Streamer Lines to Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area

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Subpart H—Vessels of the United States Fishing in Columbian Treaty Waters

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

§ 300.120 Purpose.

This subpart implements fishery conservation and management measures as provided in fishery agreements pursuant to the Treaty Between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Status of Quita Sueno, Roncador and Serrana (TIAS 10120) (Treaty).

§ 300.121 Definitions.

In addition to the terms defined in § 300.2, the Magnuson Act, and § 600.10 of this title, and in the Treaty, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Magnuson Act, or the Treaty, the definition in this section shall apply.

Conch means *Strombus gigas.*

Factory vessel means a vessel that processes, transforms, or packages aquatic biological resources on board.

Lobster means one or both of the following:

(1) Smoothtail lobster, *Panulirus laevicauda.*

(2) Spiny lobster, *Panulirus argus.*

Regional Director means the Director, Southeast Region, or a designee.

Science and Research Director means the Director, Southeast Fisheries Science Center.

Treaty waters means the waters of one or more of the following:

(1) *Quita Sueno*, enclosed by latitudes 13°55′ N. and 14°43′ N. between longitudes 80°55′ W. and 81°28′ W.

(2) *Serrana*, enclosed by arcs 12 nautical miles from the low water line of the cays and islands in the general area of 14°22′ N. lat., 80°20′ W. long.

(3) *Roncador*, enclosed by arcs 12 nautical miles from the low water line of Roncador Cay, in approximate position 13°35′ N. lat., 80°05′ W. long.

§ 300.122 Relation to other laws.

(a) The relation of this subpart to other laws is set forth in § 600.705 of this title and paragraph (b) of this section. Particular note should be made to the reference in § 600.705 to the applicability of title 46 U.S.C., under which a Certificate of Documentation is invalid when the vessel is placed under the command of a person who is not a citizen of the United States.

(b) Minimum size limitations for certain species, such as reef fish in the Gulf of Mexico, may apply to vessels transitting the EEZ with such species aboard.

§ 300.123 Certificates and permits.

(a) *Applicability.* An owner of a vessel of the United States that fishes in treaty waters is required to obtain an annual certificate issued by the Republic of Colombia and an annual vessel permit issued by the Regional Director.

(b) *Application for certificate/permit.* (1) An application for a permit must be submitted and signed by the vessel's owner. An application may be submitted at any time, but should be submitted to the Regional Director not less than 90 days in advance of its need. Applications for the ensuing calendar year should be submitted to the Regional Director by October 1.

(2) An applicant must provide the following:

(i) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(ii) Vessel name and official number.

(iii) Name, address, telephone number, and other identifying information of the vessel owner or, if the owner is a corporation or partnership, of the responsible corporate officer or general partner.

(iv) Principal port of landing of fish taken from treaty waters.

(v) Type of fishing to be conducted in treaty waters.

(vi) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(vii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(c) *Issuance.* (1) The Regional Director will request a certificate from the Republic of Colombia if:

(i) The application is complete.

(ii) The applicant has complied with all applicable reporting requirements of § 300.124 during the year immediately preceding the application.

(2) Upon receipt of an incomplete application, or an application from a person who has not complied with all applicable reporting requirements of § 300.124 during the year immediately preceding the application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the Regional Director's notification, the application will be considered abandoned.

(3) The Regional Director will issue a permit as soon as the certificate is received from the Republic of Colombia.

(d) *Duration.* A certificate and permit are valid for the calendar year for which they are issued, unless the permit is revoked, suspended, or modified under subpart D of 15 CFR part 904.

(e) *Transfer.* A certificate and permit issued under this section are not transferable or assignable. They are valid only for the fishing vessel and owner for which they are issued.

(f) *Display.* A certificate and permit issued under this section must be carried aboard the fishing vessel while it is in treaty waters. The operator of a fishing vessel must present the certificate and permit for inspection upon request of an authorized officer or an enforcement officer of the Republic of Colombia.

(g) *Sanctions and denials.* Procedures governing enforcement-related permit sanctions and denials are found at subpart D of 15 CFR part 904.

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

(i) *Replacement.* A replacement certificate or permit may be issued upon request. Such request must clearly state the reason for a replacement certificate or permit.

(j) *Change in application information.* The owner of a vessel with a permit must notify the Regional Director within 30 days after any change in the application information required by paragraph (b)(2) of this section. The permit is void if any change in the information is not reported within 30 days.

§ 300.124 Recordkeeping and reporting.

(a) *Arrival and departure reports.* The operator of each vessel of the United States for which a certificate and permit have been issued under § 300.123 must report by radio to the Port Captain, San Andres Island, voice radio call sign ''Capitania de San Andres,'' the vessel's arrival in and departure from treaty waters. Radio reports must be made on 8222.0 kHz or 8276.5 kHz between 8:00 a.m. and 12 noon, local time (1300–1700, Greenwich mean time) Monday through Friday.

(b) *Catch and effort reports.* Each vessel of the United States must report its catch and effort on each trip into treaty waters to the Science and Research Director on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director so as to be received no later than 7 days after the end of each fishing trip.

§ 300.125 Vessel identification.

(a) *Official number.* A vessel with a permit issued pursuant to § 300.123, when in treaty waters, must display its official number on the port and starboard sides of the deckhouse or hull,

and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft. The official number must be permanently affixed to or painted on the vessel and must be in block arabic numerals in contrasting color to the background at least 18 inches (45.7 cm) in height for fishing vessels over 65 ft (19.8 m) in length, and at least 10 inches (25.4 cm) in height for all other vessel.

(b) *Duties of operator.* The operator of each fishing vessel must—

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

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

§ 300.126 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this title and the prohibited acts specified in § 300.4, it is unlawful for any person to do any of the following:

(a) Fish in treaty waters without the certificate and permit aboard, or fail to display the certificate and permit, as specified in § 300.123 (a) and (f).

(b) Fail to notify the Regional Director of a change in application information, as specified in § 300.123(j).

(c) Fail to report a vessel's arrival in and departure from treaty waters, as required by § 300.124(a).

(d) Falsify or fail to display and maintain vessel identification, as required by § 300.125.

(e) Fail to comply immediately with instructions and signals issued by an enforcement officer of the Republic of Colombia, as specified in § 300.127.

(f) Operate a factory vessel in treaty waters, as specified in § 300.130(a).

(g) Use a monofilament gillnet in treaty waters, as specified in § 300.130(b).

(h) Use autonomous or semi-autonomous diving equipment in treaty waters, as specified in § 300.130(c).

(i) Use or possess in treaty waters a lobster trap or fish trap without a degradable panel, as specified in § 300.130(d).

(j) Possess conch smaller than the minimum size limit, as specified in § 300.131(a).

(k) Fish for or possess conch in the closed area or during the closed season, as specified in § 300.131 (b) and (c).

(l) Retain on board a berried lobster or strip eggs from or otherwise molest a berried lobster, as specified in § 300.132(a).

(m) Possess a lobster smaller than the minimum size, as specified in § 300.132(b).

(n) Fail to return immediately to the water unharmed a berried or undersized lobster, as specified in § 300.132(a) and (b).

§ 300.127 Facilitation of enforcement.

(a) The provisions of § 600.730 of this title and paragraph (b) of this section apply to vessels of the United States fishing in treaty waters.

(b) The operator of, or any other person aboard, any vessel of the United States fishing in treaty waters must immediately comply with instructions and signals issued by an enforcement officer of the Republic of Colombia to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record, and catch for purposes of enforcing this subpart.

§ 300.128 Penalties.

Any person committing or fishing vessel used in the commission of a violation of the Magnuson Act or any regulation issued under the Magnuson Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson Act, to part 600 of this title, to 15 CFR part 904, and to other applicable law. In addition, Colombian authorities may require a vessel involved in a violation of this subpart to leave treaty waters.

§ 300.129 Fishing year.

The fishing year for fishing in treaty waters begins on January 1 and ends on December 31.

§ 300.130 Vessel and gear restrictions.

(a) *Factory vessels.* Factory vessels are prohibited from operating in treaty waters.

(b) *Monofilament gillnets.* A monofilament gillnet made from nylon or similar synthetic material are prohibited from being used in treaty waters.

(c) *Tanks and air hoses.* Autonomous or semiautonomous diving equipment (tanks or air hoses) are prohibited from being used to take aquatic biological resources in treaty waters.

(d) *Trap requirements.* A lobster trap or fish trap used or possessed in treaty waters that is constructed of material other than wood must have an escape panel located in the upper half of the sides or on top of the trap that, when removed, will leave an opening no smaller than the throat or entrance of the trap. Such escape panel must be constructed of or attached to the trap with wood, cotton, or other degradable material.

(e) *Poisons and explosives.* [Reserved]

§ 300.131 Conch harvest limitations.

(a) *Size limit.* The minimum size limit for possession of conch in or from treaty waters is 7.94 oz (225 g) for an uncleaned meat and 3.53 oz (100 g) for a cleaned meat.

(b) *Closed area.* The treaty waters of Quita Sueno are closed to the harvest or possession of conch.

(c) *Closed season.* During the period July 1 through September 30 of each year, the treaty waters of Serrana and Roncador are closed to the harvest or possession of conch.

§ 300.132 Lobster harvest limitations.

(a) *Berried lobsters.* A berried (egg-bearing) lobster in treaty waters may not be retained on board. A berried lobster must be returned immediately to the water unharmed. A berried lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested to remove the eggs.

(b) *Size limit.* The minimum size limit for possession of lobster in or from treaty waters is 5.5 inches (13.97 cm), tail length. Tail length means the measurement, with the tail in a straight, flat position, from the anterior upper edge of the first abdominal (tail) segment to the tip of the closed tail. A lobster smaller than the minimum size limit must be returned immediately to the water unharmed.

Subpart I—United States-Canada Fisheries Enforcement

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

§ 300.140 Purpose and scope.

This subpart implements the Agreement Between the Government of the United States of America and the Government of Canada on Fisheries Enforcement executed at Ottawa, Canada, on September 26, 1990 (Agreement), allowing each party to the Agreement to take appropriate measures, consistent with international law, to prevent its nationals, residents and vessels from violating those national fisheries laws and regulations of the other party. This subpart applies, except where otherwise specified in this subpart, to all persons and all places (on water and on land) subject to the jurisdiction of the United States under the Magnuson Act. This includes, but is not limited to, activities of nationals, residents and vessels of the United States (including the owners and operators of such vessels) within waters subject to the fisheries jurisdiction of Canada as defined in this subpart, as well as on the high seas and in waters subject to the fisheries jurisdiction of the United States.

§ 300.141 Definitions.

In addition to the terms defined in § 300.2 and those in the Magnuson Act and the Agreement, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Magnuson Act, or the Agreement, the definition in this section applies.

Applicable Canadian fisheries law means any Canadian law, regulation or similar provision relating in any manner to fishing by any fishing vessel other than a Canadian fishing vessel in waters subject to the fisheries jurisdiction of Canada, including, but not limited to, any provision relating to stowage of fishing gear by vessels passing through such waters, and to obstruction or interference with enforcement of any such law or regulation.

Authorized officer of Canada means any fishery officer, protection officer, officer of the Royal Canadian Mounted Police, or other employee authorized by the appropriate authority of any national or provincial agency of Canada to enforce any applicable Canadian fisheries law.

Canadian fishing vessel means a fishing vessel:

(1) That is registered or licensed in Canada under the Canada Shipping Act and is owned by one or more persons each of whom is a Canadian citizen, a person resident and domiciled in Canada, or a corporation incorporated under the laws of Canada or of a province, having its principle place of business in Canada; or

(2) That is not required by the Canada Shipping Act to be registered or licensed in Canada and is not registered or licensed elsewhere but is owned as described in paragraph (1) of this definition.

Waters subject to the fisheries jurisdiction of Canada means the internal waters, territorial sea, and the zone that Canada has established, extending 200 nautical miles from its coasts, in which it exercises sovereign rights for the purpose of exploration, exploitation, conservation and management of living marine resources, to the extent recognized by the United States.

§ 300.142 Prohibitions.

The prohibitions in this section apply within waters subject to the fisheries jurisdiction of Canada and during hot pursuit therefrom by an authorized officer of Canada. It is unlawful for any national or resident of the United States, or any person on board a vessel of the United States, or the owner or operator of any such vessel, to do any of the following:

(a) Engage in fishing in waters subject to the fisheries jurisdiction of Canada without the express authorization of the Government of Canada.

(b) Take or retain fish in waters subject to the fisheries jurisdiction of Canada without the express authorization of the Government of Canada.

(c) Be on board a fishing vessel in waters subject to the fisheries jurisdiction of Canada, without stowing all fishing gear on board either:

(1) Below deck, or in an area where it is not normally used, such that the gear is not readily available for fishing; or

(2) If the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; unless the vessel has been authorized by the Government of Canada to fish in the particular location within waters subject to the fisheries jurisdiction of Canada in which it is operating.

(d) While on board a fishing vessel in waters subject to the fisheries jurisdiction of Canada, fail to respond to any inquiry from an authorized officer of Canada regarding the vessel's name, flag state, location, route or destination, and/or the circumstances under which the vessel entered such waters.

(e) Violate the Agreement, any applicable Canadian fisheries law, or the terms or conditions of any permit, license or any other authorization granted by Canada under any such law.

(f) Fail to comply immediately with any of the enforcement and boarding procedures specified in § 300.143.

(g) Destroy, stave, or dispose of in any manner, any fish, gear, cargo or other matter, upon any communication or signal from an authorized officer of Canada, or upon the approach of such an officer, enforcement vessel or aircraft, before the officer has had the opportunity to inspect same, or in contravention of directions from such an officer.

(h) Refuse to allow an authorized officer of Canada to board a vessel for the purpose of conducting any inspection, search, seizure, investigation or arrest in connection with the enforcement of any applicable Canadian fisheries law.

(i) Assault, resist, oppose, impede, intimidate, threaten, obstruct, delay, prevent, or interfere, in any manner, with an authorized officer of Canada in the conduct of any boarding, inspection, search, seizure, investigation or arrest in connection with the enforcement of any applicable Canadian fisheries law.

(j) Make any false statement, oral or written, to an authorized officer of Canada in response to any inquiry by that officer in connection with enforcement of any applicable Canadian fisheries law.

(k) Falsify, cover, or otherwise obscure, the name, home port, official number (if any), or any other similar marking or identification of any fishing vessel subject to this subpart such that the vessel cannot be readily identified from an enforcement vessel or aircraft.

(l) Attempt to do any of the foregoing.

§ 300.143 Facilitation of enforcement.

(a) *General.* Persons aboard fishing vessels subject to this subpart must immediately comply with instructions and/or signals issued by an authorized officer of the United States or Canada, or by an enforcement vessel or aircraft, to stop the vessel, and with instructions to facilitate safe boarding and inspection for the purpose of enforcing any applicable Canadian fisheries law, the Agreement, or this subpart. All of the provisions of § 300.5 regarding communications, boarding, and signals apply to this subpart. For purposes of this subpart, authorized officer in § 305 means an authorized officer of the United States or Canada. (See paragraph (b) of this section for specific requirements for complying with signals and instructions issued by an authorized officer of Canada.)

(b) *Canadian signals.* In addition to signals set forth in § 300.5, persons aboard fishing vessels subject to this subpart must immediately comply with the following signals by an authorized officer of Canada.

(1) Authorized officers of Canada use the following signals to require fishing vessels to stop or heave to:

(i) The hoisting of a rectangular flag, known as the International Code Flag ''L'', which is divided vertically and horizontally into quarters and colored so that:

(A) The upper quarter next to the staff and the lower quarter next to the fly are yellow; and

(B) The lower quarter next to the staff and the upper quarter next to the fly are black;

(ii) The flashing of a light to indicate the International Morse Code letter ''L'', consisting of one short flash, followed by one long flash, followed by two short flashes (. – . .); or

(iii) The sounding of a horn or whistle to indicate the International Morse Code letter ''L'', consisting of one short blast, followed by one long blast, followed by two short blasts (. – . .).

(2) Authorized officers of Canada use the following signals to require a fishing vessel to prepare to be boarded:

(i) The hoisting of flags representing the International Code Flag ''SQ3''; or

(ii) The flashing of a light, or the sounding of a horn or whistle, to indicate the International Morse Code Signal ''SQ3'' (. . . – – . – . . . – –).

§ 300.144 Penalties and sanctions.

Any person, any fishing vessel, or the owner or operator of any such vessel, who violates any provision of the Agreement or this subpart, is subject to the civil and criminal fines, penalties, forfeitures, permit sanctions, or other sanctions provided in the Magnuson Act, part 600 of this title, 15 CFR part 904 (Civil Procedures), and any other applicable law or regulation.

Subpart J—U.S. Nationals Fishing in Russian Fisheries

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

§ 300.150 Purpose.

This subpart regulates U.S. nationals fishing in the Russian fisheries and implements the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed May 31, 1988.

§ 300.151 Definitions.

In addition to the terms defined in § 300.2 and those in the Magnuson Act, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2 or the Magnuson Act, the definition in this section shall apply.

Affiliates means two persons (including individuals and entities) related in such a way that—

(1) One indirectly or directly controls or has power to control the other; or

(2) A third party controls or has power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a reorganized entity having the same or similar management, ownership, or employees as a former entity.

Agreement means the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed May 31, 1988.

Embassy of the Russian Federation means the Fisheries Attache of the embassy located in Washington, D.C.

Fishery resource means any fish, any stock of fish, any species of fish, and any habitat of fish.

Fishing or *to fish* means any activity that does, is intended to, or can reasonably be expected to result in catching or removing from the water fishery resources. Fishing also includes the acts of scouting, processing, and support.

Operator, with respect to any vessel, means the master or other individual on board and in charge of either the vessel, the vessel's fishing operation, or both.

Owner, with respect to any vessel, means any person who owns that vessel in whole or in part, whether or not it is leased or chartered to or managed by another person, or any charterer, whether bareboat, time, or voyage, and any person who acts in the capacity of a charterer, or manager, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel, any officer, director, manager, controlling shareholder of any entity described in this definition, any agent designated as such by any person described in this definition, and any affiliate of any person described in this definition.

Processing means any operation by a vessel to receive fish from a fishing vessel and/or the preparation of fish, including but not limited to cleaning, cooking, canning, smoking, salting, drying, or freezing, either on the vessel's behalf or to assist another vessel.

Regional Director means Director, Alaska Region, or a designee.

Relevant laws and regulations of the Russian Federation means those Russian laws and regulations that concern fishing for fishery resources over which Russia exercises sovereign rights or fishery management authority.

Russian and *Federation* mean the Russian Federation, its government, or any organ or entity of its government.

Russian continental shelf or *continental shelf of Russia* means the seabed and subsoil of the submarine areas over which, consistent with international law, Russia exercises sovereign rights.

Russian Economic Zone or *Russian EZ* means a zone of waters off the coast of Russia beyond and adjacent to the Russian territorial sea extending a distance of up to 200 nautical miles from the baseline from which the territorial sea is measured, within which, consistent with international law, Russia has sovereign rights over the fishery resources.

Russian Federation or *Russia* means the governing entity that succeeded the Union of Soviet Socialist Republics, and that is the successor party to the Agreement of May 31, 1988.

Russian fisheries, Russian fishery resources, or *fishery resources over which Russia exercises sovereign rights or fishery management authority* means fishery resources within the Russian EZ, fishery resources of the Russian continental shelf, and anadromous species that originate in the waters of Russia, whether found in the Russian EZ or beyond any exclusive economic zone or its equivalent.

Scouting means any operation by a vessel exploring (on behalf of the vessel or another vessel) for the presence of fish by any means that do not involve the catching of fish.

Support means any operation by a vessel assisting fishing by another vessel, including—

(1) Transferring or transporting fish or fish products; or

(2) Supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment, or other supplies.

§ 300.152 Procedures.

(a) *Application for annual permits.* U.S. vessel owners and operators must have a valid permit issued by the Russian Federation obtained pursuant to a complete application submitted through NMFS before fishing in the Russian EZ or for Russian fishery resources. Application forms and copies of applicable laws and regulations of the Russian Federation may be obtained from NMFS Headquarters.

(b) *Other application information.* Applications for motherships, processing or transport vessels must identify the type of fishing gear to be employed or the fishing quotas if the vessel has received or is requesting a quota. To facilitate processing, NMFS requests that permit applications for more than 10 vessels be grouped by type and fishing area, and provide the name, address, telephone, and FAX number(s) of an individual who will be the official point of contact for an application.

(c) *Review of Applications.* NMFS will review each application, and, if it is complete, forward it to the Department of State for submission to the competent authorities of the Russian Federation. NMFS will notify the permit applicant when the permit is submitted to the Russian Federation. NMFS will return incomplete applications to the applicant.

(d) *Direct Communication.* U.S. applicants may communicate directly with the Russian Federation with regard to the status of their applications or permits and are encouraged to do so.

Owners and operators should make direct contact and work with Russian industry and government authorities.

§ 300.153 Permit issuance.

(a) *Acceptance.* Once the Department of State has accepted the conditions and restrictions proposed by the Russian Federation and all fees have been paid, the competent authorities of the Russian Federation will approve the application. The Russian Federation will issue a permit to the vessel owner for each fishing vessel for which it has approved an application. That vessel will thereupon be authorized by the Russian Federation to fish in accordance with the Agreement and the terms and conditions set forth in the permit. The vessel owner is prohibited from transferring the permit to any other vessel or person. Any such transfer, or the sale or other transfer of the vessel, will immediately invalidate the permit. The vessel owner must notify NMFS of any change in the permit application information submitted to NMFS Headquarters under § 300.152 within 7 calendar days of the change.

(b) *Copies.* The vessel owner and operator must mail a copy of each permit and any conditions and restrictions issued for that vessel by the Russian Federation within 7 calendar days of its receipt to NMFS Headquarters.

(c) *Validity.* Any permit issued by the Russian Federation with respect to a vessel subject to this subpart will be deemed to be a valid permit only if:

(1) A completed permit application has been forwarded to the competent authorities of the Russian Federation as provided in § 300.152(b)(1).

(2) Such application has been approved and a permit issued by the competent authorities of the Russian Federation as provided in paragraph (a) of this section.

(3) The U.S. Department of State has notified the competent authorities of the Russian Federation that it has accepted the conditions and restrictions as provided in paragraph (a) of this section. The permit will be rendered invalid by: The transfer or sale of the permit specified in paragraph (a) of this section; the failure to submit to NMFS any changes in permit application information as required by paragraph (a) of this section; failure to submit to NMFS any permit copy required by paragraph (b) of this section or any other information or report required by any other provision of this subpart; or the failure to pay required permit fees.

(d) *Russian-imposed sanctions.* (1) The Russian Federation will impose appropriate fines, penalties, or forfeitures in accordance with its laws, for violations of its relevant laws or regulations.

(2) In the case of arrest and seizure of a U.S. vessel by Russian authorities, notification will be given promptly through diplomatic channels informing the United States of the facts and actions taken.

(3) The Russian Federation will release U.S. vessels and their crews promptly, subject to the posting of reasonable bond or other security.

(4) The sanctions for violations of limitations or restrictions on fishing operations will be appropriate fines, penalties, forfeitures, or revocations or suspensions of fishing privileges.

§ 300.154 Recordkeeping and reporting.

(a) *General.* The owner and operator of a vessel subject to this subpart are responsible for complying with all recordkeeping and reporting requirements in this part in a timely and accurate manner. Reports and records required by this subpart must be in English, in the formats specified, and unless otherwise specified, based on Greenwich mean time (GMT).

(b) *Vessel permit abstract report.* (1) The owner and operator of a vessel subject to this subpart must submit to NMFS Headquarters a permit abstract report containing the following information:

(i) Vessel name.

(ii) Russian Federation permit number.

(iii) Duration of permit (e.g., 1/1/91–12/31/91).

(iv) Authorized areas of fishing operations in geographic coordinates.

(v) Authorized catch quota in tons.

(vi) Authorized fishing gear.

(vii) Type of permit (e.g., catcher).

(2) The report must be telefaxed to (301) 713–0596 within 5 calendar days of receipt of the Russian permit.

(c) *Activity reports.* The owner and operator of a vessel subject to this subpart must submit to the Regional Director by telefax to (907) 586–7313, the following reports:

(1) *Depart Report* (Action code DEPART). At least 24 hours before the vessel departs from the EEZ for the Russian EZ, NMFS must receive the following information:

(i) The date (month and day), and time (hour and minute GMT), and position (latitude and longitude to the nearest degree and minute), at which the vessel will depart the EEZ for the Russian EZ.

(ii) The weight in metric tons (to the nearest hundredth of a metric ton) of all fish and fish product (listed by species and product codes) on board the vessel at the time it will depart the EEZ.

(2) *Return Report (Action code RETURN).* At least 24 hours before a vessel that has been in the Russian EZ enters the EEZ, NMFS must receive the following information:

(i) The date (month and day), time (hour and minute GMT), and position (latitude and longitude to the nearest degree and minute), at which the vessel will enter the EEZ.

(ii) The weight in metric tons (to the nearest hundredth of a metric ton) of all fish and fish products (listed by species and product codes) on board the vessel at the time it will enter the EEZ, and the areas (Russian EZ, U.S. EEZ, or other) in which such fish products were harvested or received.

(3) All reports must specify: The appropriate action code (''DEPART'' or ''RETURN''); the vessel's name and international radio call sign (IRCS); the sender's name and telephone number, and FAX, TELEX, and COMSAT numbers; the date (month and day) and time (hour and minute GMT) that the report is submitted to NMFS; and the intended date and U.S. port of landing. A list of species and product codes may be obtained from the Regional Director.

(d) *Recordkeeping.* The owner and operator of a vessel subject to this subpart must retain all copies of all reports required by this subpart on board the vessel for 1 year after the end of the calendar year in which the report was generated. The owner and operator must retain and make such records available for inspection upon the request of an authorized officer at any time for 3 years after the end of the calendar year in which the report was generated, whether or not such records on board the vessel.

§ 300.155 Requirements.

(a) *Compliance with permit requirements.* (1) U.S. nationals and vessels subject to this subpart must have a valid permit, as specified in § 300.153(c) in order to fish for Russian fishery resources.

(2) U.S. nationals and vessels subject to this subpart that are fishing for Russian fishery resources must comply with all provisions, conditions, and restrictions of any applicable permit.

(b) *Compliance with Russian law.* U.S. nationals and vessels fishing for Russian fishery resources must comply with the relevant laws and regulations of the Russian Federation.

(c) *Protection of marine mammals.* U.S. nationals and vessels fishing for Russian fishery resources may not harass, hunt, capture, or kill any marine mammal within the Russian EZ, attempt to do so, except as may be provided for by an international agreement to which

both the United States and Russia are parties, or in accordance with specific authorization and controls established by the Russian Federation. The provisions of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361 *et seq.* also apply to any person or vessel subject to the jurisdiction of the United States while in the Russian EZ, and it shall not be a defense to any violation of the MMPA that the person or vessel was acting in accordance with any permit or authorization issued by the Russian Federation.

(d) *Cooperation with enforcement procedures.* (1) The operator of, or any person aboard, any U.S. vessel subject to this subpart must immediately comply with instructions and signals issued by an authorized officer of the Russian Federation to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record, and catch for purposes of enforcing the relevant laws and regulations of Russia.

(2) The operator of, and any person aboard, any U.S. vessel subject to this subpart, must comply with directions issued by authorized officers of the Russian Federation in connection with the seizure of the vessel for violation of the relevant laws or regulations of the Russian Federation.

(3) U.S. nationals and vessels subject to this subpart must pay all fines and penalties and comply with forfeiture sanctions imposed by the Russian Federation for violations of its relevant laws and regulations.

(4) The operator of, and any person aboard, any U.S. vessel subject to this subpart must immediately comply with instructions and signals issued by an authorized officer of the United States to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing records, and catch for purposes of enforcing the Magnuson Act, the Agreement, and this subpart.

(e) *Compliance with observer requirements.* The owner of, operator of, and any person aboard, any U.S. vessel fishing in the Russian EZ or for Russian fishery resources to which a Russian observer is assigned must—

(1) Allow and facilitate, on request, boarding of a U.S. vessel by the observer.

(2) Provide to the observer, at no cost to the observer or the Russian Federation, the courtesies and accommodations provided to ship's officers.

(3) Cooperate with the observer in the conduct of his or her official duties.

(4) Reimburse the Russian Federation for the costs of providing an observer aboard the vessel.

§ 300.156 Prohibited acts.

In addition to the prohibited acts specified at § 300.4, it shall be unlawful for any U.S. national or vessel, or the owner or operator of any such vessel:

(a) To fish for Russian fishery resources without a valid permit issued by the competent authorities of the Russian Federation.

(b) To violate the provisions, conditions, and restrictions of an applicable permit.

(c) To violate the relevant laws and regulations of Russia.

(d) To harass, hunt, capture, or kill any marine mammal within the Russian EZ, or while fishing for Russian fishery resources, except as provided in § 300.155(c).

(e) To fail to comply immediately with enforcement and boarding procedures specified in § 300.155(d).

(f) To refuse to allow an authorized officer of the Russian Federation to board and inspect a vessel subject to this subpart for purposes of conducting any search, inspection, arrest, or seizure in connection with the enforcement of the relevant laws and regulations of the Russian Federation.

(g) To assault, resist, oppose, impede, intimidate, threaten, or interfere with, in any manner, any authorized officer of the Russian Federation in the conduct of any search, inspection, seizure, or arrest in connection with enforcement of the relevant laws and regulations of the Russian Federation.

(h) To fail to pay fines or penalties or comply with forfeitures imposed for a violation of the relevant laws and regulations of the Russian Federation.

(i) To refuse or fail to allow a Russian observer to board a vessel subject to this subpart while fishing in the Russian EZ, or for Russian fishery resources.

(j) To fail to provide to a Russian observer aboard a vessel fishing in the Russian EZ or for Russian fishery resources, the courtesies and accommodations provided to ship's officers.

(k) To assault, resist, oppose, impede, intimidate, threaten, interfere with, harass, or fail to cooperate, in any manner, with a Russian observer placed aboard a vessel subject to this subpart.

(l) To fail to reimburse the Russian Federation for the costs incurred in the utilization of Russian observers placed aboard such vessel.

(m) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, transship, import, export, or traffic in any manner, any fish or parts thereof taken or retained, landed, purchased, sold, traded, acquired, or possessed, in any manner, in violation of the relevant laws and regulations of the Russian Federation, the Magnuson Act, or this subpart.

(n) To enter the Russian EZ to fish unless a permit application has been submitted through NMFS to the competent authorities of the Russian Federation by the U.S. Department of State for such vessel as provided in this subpart.

(o) To fish for Russian fisheries or to possess fish taken in Russian fisheries on board a vessel subject to this subpart without a valid permit or other valid form of authorization issued by the competent authorities of the Russian Federation on board the vessel.

(p) To falsify, or fail to report to NMFS, any change in the information contained in a permit application subject to this subpart within 7 calendar days of such change.

(q) To attempt to do, cause to be done, or aid and abet in doing, any of the foregoing.

(r) To violate any other provision of this subpart.

§ 300.157 Penalties.

In addition to any fine, penalty, or forfeiture imposed by the Russian Federation, nationals and vessels of the United States violating the prohibitions of § 300.156 are subject to the fines, penalties, and forfeitures and the adjudicative procedures provided in the Magnuson Act, 16 U.S.C. 1858, 1860, 1861, and any other applicable laws and regulations of the United States.

Subpart K—Transportation and Labeling of Fish or Wildlife

Authority: 16 U.S.C. 3371–3378.

§ 300.160 Requirement for marking of containers or packages.

Except as otherwise provided in this subpart, all persons are prohibited from importing, exporting, or transporting in interstate commerce any container or package containing any fish or wildlife (including shellfish) unless each container or package is conspicuously marked on the outside with both the name and address of the shipper and consignee and an accurate list of its contents by species and number of each species.

§ 300.161 Alternatives and exceptions.

(a) The requirements of § 300.160 may be met by complying with one of the following alternatives to the marking requirement:

(1)(i) Conspicuously marking the outside of each container or package

containing fish or wildlife with the word ''fish'' or ''wildlife'' as appropriate for its contents, or with the common name of its contents by species, and

(ii) Including an invoice, packing list, bill of lading, or similar document to accompany the shipment that accurately states the name and address of the shipper and consignee, states the total number of packages or containers in the shipment, and for each species in the shipment specifies: The common name that identifies the species (examples include: chinook (or king) salmon; bluefin tuna; and whitetail deer); and the number of that species (or other appropriate measure of quantity such as gross or net weight). The invoice, packing list, bill of lading, or equivalent document must be securely attached to the outside of one container or package in the shipment or otherwise physically accompany the shipment in a manner that makes it readily accessible for inspection; or

(2) Affixing the shipper's wildlife import/export license number preceded by ''FWS'' on the outside of each container or package containing fish or wildlife if the shipper has a valid wildlife import/export license issued under authority of part 14 of this title. For each shipment marked in accordance with this paragraph (a)(2), the records maintained under § 14.93(d) of this title must include a copy of the invoice, packing list, bill of lading, or other similar document that accurately states the information required by paragraph (a)(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section, provided, that for live fish or wildlife that are packed in subcontainers within a larger packing container, if the subcontainers are numbered or labeled, the packing list, invoice, bill of lading, or other similar document, must reflect that number or label.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself, provided that:

(i) The fish or wildlife within the conveyance is carried loosely or is readily identifiable, and is accompanied by the document required by paragraph (a)(1)(ii) of this section; or

(ii) The fish or wildlife is otherwise packaged and marked in accordance with this subpart.

(b) The requirements of § 300.160 do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.;* or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

PART 695—[REMOVED]

3. Under the authority of 16 U.S.C. 1801 *et seq.,* 50 CFR part 695 is removed.

[FR Doc. 96–12447 Filed 5–15–96; 5:02 pm]

BILLING CODE 3510–22–W

Notices

Federal Register
Vol. 61, No. 99
Tuesday, May 21, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare an Environmental Impact Statement

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to construct, operate, and maintain a petroleum pipeline across National Forest System lands.

DATES: Comments concerning the scope of the analysis should be received in writing by June 21, 1996.

ADDRESSES: Send written comments to Michael Sieg, District Ranger, 6944 South 3000 East, Salt Lake City, Utah 84121.

FOR FURTHER INFORMATION CONTACT: Nancy Krebs, Project Leader, (801) 943–2763.

SUPPLEMENTARY INFORMATION: Anschutz Ranch East Pipeline, Inc. (AREPI) has proposed construction of a 10-inch petroleum pipeline form Kimball Junction in Summit County, Utah to North Salt Lake in Davis County, Utah. The proposed buried pipeline would be approximately 27 miles long with about nine miles of the pipeline on National Forest System lands in Salt Lake County, Utah. The purpose of the pipeline is to provide additional crude oil transportation capacity to five Salt Lake area oil refineries. This new crude pipeline would transport Canadian crude that would arrive at Kimball Junction through a series of existing and proposed interstate and intrastate pipelines. It is also AREPI's intent to install fiber optic cable in the pipeline trench both for pipeline communication purposes and for future commercial sale of excess fiber optic capacity.

Pipe corrosion protection, a communication system, pig launchers and receivers, test leads, mainline sectionalizing valves and various check valves are incorporated into the initial pipeline design for pipeline protection, systems and pipe monitoring, and emergency control. The pipeline would operate at a maximum pressure of 1,440 psi and has a minimum operating life of 25 years. No pump stations are proposed to be built within this pipeline segment. Initial pipeline capacity is proposed to be 55,000 barrels per day with the capability of increasing capacity to 70,000 barrels per day by adding a future pump to an existing line near Coalville, Utah. The pipeline parallels existing utility rights-of-way for most of its length. AREPI has proposed initiation of construction in late summer of 1997.

Most of the proposed pipeline right-of-way lies within municipal watersheds of northern Utah's Wasatch Mountains and within the boundaries of the Wasatch-Cache National Forest. In addition to Forest Service approvals, a number of local and state governmental agencies would be involved in permitting or regulating pipeline construction and right-of-way reclamation and maintenance.

The Forest Service's decisions are whether or not to issue Special Use Permits for the long-term operations and short-term construction rights-of-way on National Forest System lands as proposed, with modifications, or not at all taking into consideration the cumulative environmental effects of the pipeline over its entire 27 miles.

The public scoping process will close June 24. Scoping Notices describing the proposal, preliminarily identified issues, the Forest Service decision to be made, interests of other local and state government agencies, and opportunities for public participation was mailed on May 20 to over 600 individuals, organizations, and agencies. Public scoping meetings will be held May 30 at the Burns Fire Hall, 700 West Bitner Road, at Kimball Junction in Summit County and on June 12 at the Read Auditorium in Orson Spencer Hall, Central Campus Driver, the University of Utah, Salt Lake City, Utah. Both meetings begin at 6:30 p.m.

Preliminarily identified issues include potential effects to the watershed, surface water quality, and culinary water supplies; terrestrial and aquatic plant and animal species and their habitats; cultural and historic resources; open space and visual quality; public use areas and parks; existing and proposed hiking and biking trails; public safety; anticipated future adjacent resident, commercial, and business developments; and others. Alternatives may include adjustments to the proposed right-of-way, various approaches to construction and reclamation, exploring other transportation means such as increasing capacity in existing lines, and no action. No action would preclude construction of the proposed pipeline across National Forest System lands.

In order to construct and operate the line, other permits, rights-of-way, or regulatory approvals would have to be obtained by the proponent from private and public landowners, and local governments including the State of Utah, Summit County, Salt Lake County, Salt Lake City, and the City of North Salt Lake. Public agencies with regulatory authority over pipeline construction and approval have specifically been invited by the Forest Service to participate in the NEPA process.

The public is invited to submit comments or suggestions to the address above. The responsible official is Bernie Weingardt, Forest Supervisor. A draft EIS is anticipated to be filed in December 1996 and the final EIS filed in May 1997.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. It is very important that those interested in the proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act 40 CFR 1503.3).

In addition, Federal court decisions have established that reviews of the draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviews' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that

could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: May 14, 1996.

Robert Cruz,

Environmental Coordinator.

[FR Doc. 96–12661 Filed 5–20–96; 8:45 am]

BILLING CODE 3410–11–M

Revised Forest Legacy Program Guidelines

AGENCY: Forest Service, USDA.

ACTION: Notice of availability; request for comment.

SUMMARY: The Cooperative Forestry Assistance Act of 1978 (CFAA) authorizes a Forest Legacy Program, the purpose of which is to identify and protect environmentally important private forest lands that may be threatened by conversion to non-forest uses. The Federal Agricultural Improvement and Reform Act of 1996 amended the CFAA to provide for Optional State Grants to States requesting funding support to carry out the Program. The Forest Service hereby gives notice of the availability of revised guidelines for implementing the revisions to the Forest Legacy Program in Fiscal Year 1996 and requests comments.

DATES: Comments must be received in writing on or before June 20, 1996.

ADDRESSES: Send written comments to Director, Cooperative Forestry Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090, via FAX at (202) 205–1271, or via the INTERNET (ASCII only) at /s=cf/oul=w01c@mhs-fswa.attmail.com.

FOR FURTHER INFORMATION CONTACT: Single copies of the guidelines for implementing the Forest Legacy Program may be obtained by writing the Director, Cooperative Forestry Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090, via FAX at (202) 205–1271, or by calling (202) 205–1389. Information may also be requested by E-Mail (ASCII only) at /s=cf/oul=w01c@mhs=fswa.attmail.com.

Questions about the revised Forest Legacy Program Guidelines may be addressed to Ted Beauvais, Cooperative Forestry Staff, at (202) 205–1190.

SUPPLEMENTARY INFORMATION: Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (104 Stat. 3526) and the Federal Agricultural Improvement and Reform Act of 1996 authorize the Secretary of Agriculture to provide a Federal grant to a designated State agency for carrying out the Forest Legacy Program. The purpose of the Federal grant is to provide Optional State Grants to States for the acquisition of environmentally important private lands and interests in the lands with title to the land vested in the State. Under section 7(a) of the Cooperative Forestry Assistance Act (16 U.S.C. 2103c(c)), the Secretary of Agriculture continues to have authority to acquire from willing landowners, environmentally important forest lands and interests therein for Federal acquisition.

The revised Forest Legacy Program guidelines are divided into three parts:

Part 1—General Program Guidelines: Program direction applicable to all aspects of the Forest Legacy Program.

Part 2—Federal Acquisition Program Guidelines: Program direction applicable to States and Forest Service units selecting the Federal acquisition and ownership process, where ownership of lands or interests in lands is vested in the United States.

Part 3—State Grant Program Guidelines: Program direction applicable to States and Forest Service units where the State has elected the State grant option and acquisitions result in State ownership.

The guidelines are for the use of agencies, State Forest Stewardship Coordinating Committees, and the Forest Service in implementing the Forest Legacy Program nationwide.

The revised implementation guidelines are available for review and comment by the Governors through State forestry agencies and to land trusts, conservation organizations, forest industry groups, landowners, and other organizations interested in the Forest Legacy Program. Those entities currently on the Forest Legacy Program mailing list maintained by the Forest Service will receive direct notice of the revised guidelines.

Dated: May 15, 1996.

Jerry A. Sesco,

Acting Chief.

[FR Doc. 96–12732 Filed 5–20–96; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of the Census

The American Community Survey (ACS)

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paper work 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 22, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments(s) and instructions should be directed to Lawrence S. McGinn, Bureau of the Census, Room 2A, Silver Hill Executive Plaza, Washington, DC 20233–8400, (301) 763–8327.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major census authorized by Title 13, United States Code. The data from the ACS will determine the feasibility of a continuous measurement system that provides socioeconomic data on a continual basis throughout the decade for small areas and small subpopulations.

The American Community Survey, implemented in November 1995, is a continuing full-scale operation of a continuous measurement system in four survey sites—Fulton County, Pennsylvania; Rockland County, New York; Brevard County, Florida; and Multnomah County, Oregon, including the city of Portland. The survey also includes a national sample to test response rates and our ability to obtain telephone numbers for nonresponse households. The data collected in this survey will be within the general scope and nature of those inquiries covered in the decennial census every ten years.

We plan to continue sampling and enumeration in the American

Community Survey in 1997 and 1998. We also plan to add testing of procedures for identification, sampling, and data collection for special populations, i.e. American Indian reservations, military bases, college dormitories, and institutional group quarters such as hospitals.

The American Community Survey will include a national sample, the present survey sites, and additional sites in Douglas County, Nebraska; Otero County, New Mexico; Harris and Fort Bend Counties, Texas; and Franklin County, Ohio, including the entire city of Columbus.

II. Method of Collection

In the urban areas, the Census Bureau will mail questionnaires to the households covered by the American Community Survey and request a response as soon as possible after receipt. In the rural sites where city-style addresses are not available, Field Representatives will deliver the questionnaires to the household. For those households not returning the questionnaire, we will collect household information by both telephone interview and personal visit. Participation of the selected households will be mandatory in accordance with the provisions of Title 13.

III. Data

OMB Number: 0607–0810.

Form Number: TACS–1/1A, TACS–10/10A, TACS–12(L)/12A(L), TACS–13(L)/13A(L), TACS–14(L)/14A(L), TACS–15(L), TACS–16(L), TACS–20/20A, TACS–30/30A.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 135,000.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 67,500 hours.

Estimated Total Annual Cost: $19.5 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 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 collections techniques or others 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 15, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

(FR Doc. 96–12667 Filed 5–20–96; 8:45 a.m.)

BILLING CODE 3510–07–P

Company Organization Survey

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 22, 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 and instructions should be directed to Paul S. Hanczaryk, Bureau of the Census, Room 2546, Federal Building 3, Washington, DC 20233–6100; telephone (301) 457–2580.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the annual Company Organization Survey (COS) in order to update and maintain a central, multipurpose business register, known as the Standard Statistical Establishment List (SSEL). In particular, the COS supplies critical information to the SSEL concerning the establishment composition, organizational structure, and operating characteristics of multiestablishment enterprises.

The SSEL serves two fundamental purposes:

- First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the SSEL's ability to identify all known United States business establishments and their parent enterprises. Further, the SSEL must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industrial and geographic classifications, measures of size and economic activity, ownership characteristics, and contact information (for example, name and address).
- Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. CBP reports present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, states, the District of Columbia, Puerto Rico, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

The Census Bureau plans to revise the existing COS collection, which is approved through November 1997. This revision will not make substantive changes to the survey's content. Rather, it will amend instructions and add relatively short reference lists for respondents to use as guides when reporting updated industrial classifications for selected establishments. These changes will improve collection of classification information and obtain industry detail that is needed to prepare for implementation of the North American Industry Classification System in the 1997 Economic Censuses. The revised collection will employ procedures that the Census Bureau tested and used for the 1987 COS, when the agency implemented the most recent revision to the Standard Industrial Classification in conjunction with the 1987 Economic Censuses.

The planned change in the 1996 COS collection will affect reporting for some 120,000 establishments operated by approximately 30,000 multiestablishment enterprises. The impact on response burden for those enterprises should be small, and overall estimated response burden for the survey will actually decrease. The decrease is due primarily to a reduction in panel size made possible by improved methodology for selectively

targeting the collection to enterprises affected by changes in organization and/or operating characteristics.

A complementary collection, the 1997 Economic Censuses Refile Classification Survey, will obtain improved classification information from single-establishment enterprises and from selected small multiestablishment enterprises not covered by the 1996 COS. The Census Bureau will coordinate these collections so as to avoid duplication and minimize response burden on businesses.

II. Method of Collection

The 1996 COS will direct inquiries to 85,000 multiestablishment enterprises, which operate 1.1 million establishments. This panel will be drawn from the SSEL universe of nearly 200,000 multiestablishment enterprises, which operate 1.5 million establishments. Additionally, the panel will include approximately 1,000 new payroll tax entities that have become active during 1996. The procedure for constructing the COS panel selectively targets enterprises that are most likely to report changes in organization and/or operating characteristics, and it also targets new payroll tax entities that are most likely to report affiliation with a multiestablishment enterprise. In general, the selection of these units is based on enterprise size/complexity and administrative records indications. Additionally, the panel will include a small probability sample of the multiestablishment enterprises not selected by the targeting procedure.

The survey is conducted by mail canvass. More than 300 larger enterprises (accounting for approximately 22 percent of covered establishments) return their COS reports by automated/electronic means. All other survey respondents return a paper questionnaire. Data content is identical for all reporting modes. The instrument includes inquiries on ownership or control by a domestic parent, ownership or control by a foreign parent, and ownership of foreign affiliates. Further, the instrument lists an inventory of establishments belonging to the enterprise and its subsidiaries, and it requests updates to the inventory, including additions, deletions, and changes to information on Federal employer identification number, name and address, industrial classification, end-of-year operating status, mid-March employment, first quarter payroll, and annual payroll.

III. Data

OMB Number: 0607–0444.
Form Number: NC–9901.
Type of Review: Regular submission.
Affected Public: Businesses or other for-profit institutions, not-for-profit institutions.
Estimated Number of Respondents: 85,000 enterprises.
Estimated Time Per Response: 1.7 hour.
Estimated Total Annual Burden Hours: 144,500.
Estimated Total Annual Cost: Included in the total annual cost of the SSEL, which is estimated to be $6.1 million for fiscal year 1996.

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 15, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–12668 Filed 5–20–96; 8:45 a.m.]

BILLING CODE 3510–07–P

National Institute of Standards and Technology

Computer System Security and Privacy Advisory Board; Meeting

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Advisory Board will meet Wednesday, June 12 and Thursday, June 13, 1996 from 9:00 a.m. to 5:00 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on June 12 and 13, 1996 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology, Gaithersburg, Maryland 20899–0001.

AGENDA:

—Welcome and Overview
—Issues Update
—Encryption Update
—Privacy Update
—Fingerprint Identification Briefing
—Pending Business
—Public Participation
—Agenda development for September meeting
—Wrap-up.

PUBLIC PARTICIPATION: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking area asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the Computer Systems Laboratory, Building 820, Room 426, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. It would be appreciated if fifteen copies of written material were submitted for distribution to the Board by June 5, 1996. Approximately 20 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Computer Systems Laboratory, National Institute of Standards and Technology, Building 820, Room 426, Gaithersburg, MD 20899–0001, telephone: (301) 975–3696.

Dated: May 16, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–12749 Filed 5–20–96; 8:45 am]

BILLING CODE 3510–13–M

Announcement of an Opportunity To Join a Cooperative Research and Development Consortium for the Manufacturing Engineering Tool Kits Project

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Institute of Standards and Technology (NIST)

invites interested parties to attend a meeting on June 10–11, 1996 to discuss setting up a cooperative research consortium. The goal of the consortium is to develop an integrated tool kit for the manufacturing industry. Parties interested in participating in the consortium should be prepared to invest adequate resources in the collaboration and be firmly committed to the goal of developing an integrated tool kit.

The program will be within the scope and confines of The Federal Technology Transfer Act of 1986 (Public Law 99–502, 15 U.S.C. 3710a), which provides federal laboratories, including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment and facilities—but no funds—to the cooperative research program.

Members will be expected to make an in-kind contribution to the consortium's efforts in the form of test parts, product data, process data, manufacturing expertise, and personnel. The program is expected to last 18 months. This is not a grant program.

DATES: Interested parties should contact NIST to confirm their interest and learn the exact times and location at the address, telephone number or FAX number shown below no later than July 7, 1996.

ADDRESSES: Metrology Building, Room A127, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Swee K. Leong, Telephone: 301–975–5426; FAX: 301–258–9749.

SUPPLEMENTARY INFORMATION: Participating companies will contribute product data, process data and a sample test part containing typical machining features that will be of similar size and complexity as those found on the company's product. National Institute of Standards and Technology (NIST) will use this information to develop test cases. NIST will use the data to integrate and demonstrate software and hardware systems within the Manufacturing Engineering Took Kit project. The project will produce a virtual manufacturing system to demonstrate how leading edge technology could be applied to automate the creation of NC programs for machining operations, to conduct virtual NC tape try out, and to validate a manufacturing data package. The collaborative effort would allow participating companies to evaluate these leading edge technologies and systems more thoroughly at NIST.

Dated: May 14, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–12746 Filed 5–20–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 051496B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a public meeting.

DATES: The meeting will be held on June 11, beginning at 8 a.m. and may go into the evening until business for the day is completed. The meeting will reconvene on June 12 at 8 a.m. and continue no later than 5 p.m.

ADDRESSES: The meeting will be held at the Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to review the Council's April 1996 instructions to the GMT and prepare reports for the June 1996 Council meeting. The GMT will review information relating to the rate of groundfish landings, including analysis of the size of landings of various species during 1995 and early 1996. The proposed agenda also includes preliminary review of industry proposals relating to sale of amounts of fish landed in excess of trip limits, restrictions on transfers (including leases) of limited entry permits, allowing vessels to begin their landing periods mid-month, and data collection.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: May 15, 1996.

Richard W. Surdi,

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

[FR Doc. 96–12659 Filed 5–20–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 050496D]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce. 0

ACTION: Issuance of photography permit no. 1002 (P604).

SUMMARY: Notice is hereby given that Mr. Andrew Byatt, Great Natural Journeys, Natural History Unit, BBC, Whiteladies Road, Bristol, England BS8 2LR, has been issued a permit to take by Level B harassment several species of non-threatened, non-endangered marine mammals for purposes of commercial photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310/980–4001); and

Director, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206/526–6150).

SUPPLEMENTARY INFORMATION: On April 2, 1996, notice was published in the Federal Register (61 FR 14556) that the above-named applicant had submitted a request for a permit to take several species of marine mammals by Level B harassment during the course of commercial photographic activities. The requested permit has been issued, under the authority of § 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: May 8, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–12658 Filed 5–20–96; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, advisory group on electron devices.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, 11 June 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Public Law 92–463, as amended, (5 U.S.C. App. II § 10(d) (1988)), it has been determined that this Advisory Group 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 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–12654 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DOD Advisory Group on Electron Devices

Office of the Secretary

AGENCY: Department of Defense, Advisory Group on electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, 30 May 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Public Law No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: May 15, 1996.

L. M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–12655 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Meeting of the DoD Advisory on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION. Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 1800–2100, Thursday, May 23, 1996.

ADDRESSES: The meeting will be held at the Hyatt Regency Monterey, Windjammer I, Old Golf Course Rd., Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advance Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Public Law 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: May 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison OFficer, Department of Defense.

[FR Doc. 96–12656 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Improved Application of Intelligence to the Battlefield, Follow-up

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Improved Application of

Intelligence to the Battlefield, Follow-up will meet in closed session on May 30–31 and June 6, 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 these meetings the Task Force will evaluate the implementation of the Task Forces' previous recommendations and determine if other C4I/Information systems improvements will enhance support to the coalition operating forces.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: May 14, 1996.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–12653 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on June 4, 1996; June 11, 1996; June 18, 1996; and June 25, 1996, at 10:00 a.m. in room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: May 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–12652 Filed 5–20–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Acting Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 20, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: May 15, 1996.

Kent Hannaman,

Acting Director, Information Resources Group.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Children and Youth with Disabilities Receiving Special Education Under Part B of Individuals with Disabilities Education Act (IDEA).

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 58.

Burden Hours: 15,196.

Abstract: This package provides instructions and forms necessary for States to report the number of children with disabilities served under IDEA–B receiving special education and related services. It serves as the basis for distributing federal assistance, monitoring, implementing, and Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Personnel Employed and Needed to Provide Special Education and Related Services for Children and Youth with Disabilities.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 58.

Burden Hours: 10,585.

Abstract: This package provides instructions and forms for States to report the number of personnel employed and needed in the provision of special education and related services. Data are obtained from state and local education agencies and are used to assess the implementation of the Individuals with Disabilities Education Act and for monitoring, planning and reporting to Congress.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Individuals with Disabilities Education Act (IDEA), Part B, Implementation of Free Appropriate Public Education (FAPE) Requirement.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 58.
Burden Hours: 198,418.
Abstract: This package provides instructions and forms for States to report the setting in which children with disabilities served under IDEA–B receive special education and related services. The form satisfies reporting requirements in this area and is used to monitor SEAs and for Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Report of Children and Youth with Disabilities Exiting Special Education During the 1996–97 School Year.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 58.
Burden Hours: 16,124.
Abstract: This package provides instructions and a form necessary for States to report the settings in which children with disabilities served under Individuals with Disabilities Education Act, Part B receive special education and related services. The form satisfies reporting requirements and is used by the Office of Special Education Programs to monitor SEAs and for Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Report of Program Settings Where Early Intervention Services are Provided to Infants and Toddlers with Disabilities and Their Families.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 58.
Burden Hours: 928.
Abstract: This package provides instructions and forms necessary for States to report the program settings where early intervention services are provided to infants and toddlers with disabilities served under the Individuals with Disabilities Education Act (IDEA), Part H. Data are obtained from State and local service agencies and are used to assess the implementation of IDEA and for monitoring, implementing, and Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Number and Type of Personnel Employed and Contracted and Additional Personnel Needed to Provide Early Intervention Services for Infants and Toddlers with Disabilities and Their Families.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 58.
Burden Hours: 3,596.
Abstract: This package provides instructions and forms necessary for States to report the number of personnel employed and needed in the provision of early intervention services for infants and toddlers with disabilities served under the Individuals with Disabilities Education Act (IDEA), Part H. Data are obtained from state and local service agencies and are used to assess the implementation of IDEA and for monitoring, implementing, and Congressional reporting.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Report of Infants and Toddlers Receiving Intervention Services in Accord with Part H and Report of Early Intervention Services on Individualized Family Service Plans (IFSPS) Provided to Infants and Toddlers and Their Families in Accord with Part H.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 58.
Burden Hours: 2,378.
Abstract: This package provides instructions and forms necessary for States to report the number of infants and toddlers with disabilities served under the Individuals with Disabilities Education Act (IDEA), Part H receiving early intervention services and the services provided as indicated on the IFSP. Data are obtained from State and local service agencies and are used to assess the implementation of IDEA and for monitoring, implementing, and Congressional reporting.

[FR Doc. 96–12665 Filed 5–20–96; 8:45 am]
BILLING CODE 4000–01–P

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10 (a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIME: June 6, 1996, 2 p.m. to 5 p.m.; June 7, 1996, 8 a.m. to 2:30 p.m.

ADDRESSES: First Floor Conference Room, 80 F Street NW., Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT: John Christensen, Designated Federal Official, National Educational Research Policy and Priorities Board, 555 New Jersey Avenue, NW., Washington, D.C. 20208–7564. Telephone: (202) 219–2065; Fax: (202) 219–1528. Internet: John__Christensen@ed.gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act). The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (the Office) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The Act directs the Board to provide guidance to the Congress in its oversight of the Office; to advise the United States on the Federal educational research and development effort; and to solicit advice from practitioners, policymakers, and researchers to define research needs and suggestions for research topics. The meeting of the Board is open to the public.

The agenda for June 6 will center on the solicitation of public comment prior to the development of a long-term Educational Research Priorities Plan. On June 7, the Board will review the activities of several research and

development centers funded by the Office. A final agenda will be available from the Board's office on May 29.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Avenue, NW., Washington, D.C. 20208–7564.

Sharon P. Robinson,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 96–12742 Filed 5–20–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex Plant

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), Pantex Plant.

DATE AND TIME: Tuesday, May 28, 1996: 1:30 p.m.–5:30 p.m.

ADDRESSES: Amarillo Federation of Women's Clubs, 2001 Civic Circle, Amarillo, Texas.

FOR FURTHER INFORMATION CONTACT: Tom Williams, Program Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120 (806)477–3121.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Board provides input to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda:

1:30 pm—Welcome—Agenda Review—Approval of Minutes
1:45 pm—Co-Chairs' Comments
2:00 pm—Subcommittee Reports
—Community Outreach
—Budget and Finance
—Nominations
—Program and Training
—Policy and Personnel
2:45 pm—Updates
—Occurrence Reports—DOE
3:15 pm—Break
3:30 pm—Discussion
—Dr. Mark Somma, Core Value Assessment
—EIS June Technical Briefing
—Pantex Environmental Safety & Health Report
5:00 pm—Task Force Reports
—Sitewide Environmental Impact Statement
—Environmental Restoration
—Public Participation/Public Information
5:30 pm—Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Written comments will be accepted at the address above for 15 days after the date of the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Williams' office 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. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371–5400. Hours of operation are from 7:45 am to 10:00 pm, Monday through Thursday; 7:45 am to 5:00 pm on Friday; 8:30 am to 12:00 noon on Saturday; and 2:00 pm to 6:00 pm on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537–3742. Hours of operation are from 9:00 am to 7:00 pm on Monday; 9:00 am to 5:00 pm, Tuesday through Friday; and closed Saturday and Sunday as well as Federal Holidays. Minutes will also be available by writing or calling Tom Williams at the address or telephone number listed above.

Issued at Washington, DC on May 15, 1996.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–12708 Filed 5–20–96; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Fernald

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), Fernald.

DATES: Saturday, June 8, 1996: 8:30 a.m.–12:30 p.m. (Public comment session, 11:45 a.m.–12:00 p.m.).

ADDRESSES: Alpha Building, 10967 Hamilton Cleves Highway, Harrison, Ohio.

FOR FURTHER INFORMATION CONTACT: John S. Applegate, Chair of the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens Task Force office (513) 648–6478.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the Fernald site.

Tentative Agenda: Saturday, June 8, 1996

8:30 a.m.—Call to Order, Chair's Remarks and New Business
8:45 a.m.—Communitee Chairs' Reports
9:00 a.m.—Approve Changes to Operating Procedures and Ground Rules
9:15 a.m.—On-Site Disposal Facility 60% Design Issues
10:15 a.m.—Break
10:30 a.m.—Transportation Issues
11:45 a.m.—Opportunity for Public Input
12:00 p.m.—Wrap Up
12:15 p.m.—Adjourn.

A final agenda will be available at the meeting, Saturday, June 8, 1996.

Public Participation: The meeting is open to the public. Written statements may be filed with the Task Force chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Task Force chair 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, Gary Stegner, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, 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 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061 or by calling the Task Force message line at (513) 648–6478.

Issued at Washington, DC on May 15, 1996.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–12709 Filed 5–20–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–190–001]

Colorado Interstate Gas Company; Notice of Tariff Compliance Filing

May 15, 1996.

Take notice that on May 10, 1996, Colorado Interstate Gas Company (CIG), tendered for filing revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1. The new tariff sheets are filed to comply with Ordering Paragraph (c) of the Order issued April 25, 1996 in Docket No. RP96–190–000.

In accordance with the April 25, 1996 Order, Article 38 of the General Terms and Conditions of the Tariff has been revised to state that new and existing Shippers that pay the maximum recourse rates have the same right to capacity as a Shipper willing to pay the higher negotiated rate. In addition, the revised tariff sheets state that negotiated rates do not apply as the price cap for capacity release transactions.

Any person desiring to protest said filing should file a protest Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with 18 CFR 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. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12671 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–128–002]

East Tennessee Natural Gas Company; Notice of Cashout Report

May 15, 1996.

Take Notice that on May 13, 1996, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a report of cashout activity for the November 1993 through October 1994 period.

East Tennessee states that the cashout report reflects a total cashout loss during this period of $180,752.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 22, 1996. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12674 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–143–035]

Great Lakes Gas Transmission Limited Partnership; Notice of Revised Compliance Tariff Filing

May 15, 1996.

Take notice that Great Lakes Gas Transmission Limited Partnership (Great Lakes), on May 10, 1996, tendered its revised compliance filing providing for refund and surcharge amounts together with implementing tariff changes as required by the Commission's Order on Remand issued herein on July 26, 1995, and Order on Rehearing, Clarification and Compliance Filing issued herein on April 25, 1996. The tariff sheets setting forth the applicable rates for the locked-in period from November 1, 1991 through September 30, 1995, are as follows:

	Effective
First revised volume No. 1:	
6 Sub twenty-forth revised sheet No. 4	11/01/91
Sub twenty-fifth revised sheet No. 4	04/01/93
6 Sub fortieth revised sheet No. 57(i)	11/01/91
Sub forty first revised sheet No. 57(i)	04/01/93
Second revised volume No. 1:	
Fourth sub original sheet No. 4	11/01/93
Substitute first revised sheet No. 4	11/01/94
Substitute original sheet No. 4A	11/01/94
Third sub original sheet No. 5	11/01/93
Original volume No. 2:	
Sixth substitute twenty-sixth revised sheet No. 53	11/01/91
Substitute twenty-seventh revised sheet No. 53	04/01/93
Second substitute twenty-eight revised sheet No. 53	11/01/93
Seventh substitute eighteenth revised sheet No. 77	11/01/91
Second sub nineteenth revised sheet No. 77	04/01/93
Third substitute forth revised sheet No. 78	11/01/91
Substitute fifth revised sheet No. 78	04/01/93
Seventh substitute fourteenth revised sheet No. 151	11/01/91
Second sub fifteenth revised sheet No. 151	04/01/93
Second substitute sixteenth revised sheet No. 151	11/01/93
Sixth substitute eleventh revised sheet No. 223	11/01/91
Substitute twelfth revised sheet No. 223	04/01/93
Second substitute thirteenth revised sheet No. 223	11/01/93
Sixth substitute eleventh revised sheet No. 245	11/01/91
Substitute twelfth revised sheet No. 245	04/01/93
Second substitute thirteenth revised sheet No. 245	11/01/93
Sixth substitute fifth revised sheet No. 269	11/01/91
Substitute sixth revised sheet No. 269	04/01/93
Second substitute seventh revised sheet No. 269	11/01/93
Sixth substitute eleventh revised sheet No. 294	11/01/91
Substitute twelfth revised sheet No. 294	04/01/93
Second substitute thirteenth revised sheet No. 294	11/01/93
Seventh substitute sixth revised sheet No. 603	11/01/91
Substitute seventh revised sheet No. 603	04/01/93
Second substitute eighth revised sheet No. 603	11/01/93
Fourth substitute third revised sheet No. 604	11/01/91
Substitute fourth revised sheet No. 604	04/01/93
Second substitute fifth revised sheet No. 604	11/01/93
Sixth substitute fourth revised sheet No. 865	11/01/91

	Effective
Substitute fifth revised sheet No. 865	04/01/93
Sixth substitute fourth revised sheet No. 866	11/01/91
Substitute fifth revised sheet No. 866	04/01/93
Sixth substitute third revised sheet No. 905	11/01/91
Substitute fourth revised sheet No. 905	04/01/93
Sixth substitute fourth revised sheet No. 906	11/01/91
Substitute fifth revised sheet No. 906	04/01/93
Fourth substitute first revised sheet No. 1008	11/01/91
Substitute second revised sheet No. 1008	04/01/93
Original volume No. 3:	
7 Sub fourth revised sheet No. 2	11/01/91
3 Sub fifth revised sheet No. 2	01/01/92
2 Sub sixth revised sheet No. 2	10/01/92
2 Sub seventh revised sheet No. 2	01/01/93
Substitute eighth revised sheet No. 2	04/01/93
Substitute ninth revised sheet No. 2	10/01/93
7 Sub fourth revised sheet No. 3	11/01/91
4 Sub fifth revised sheet No. 3	01/01/92
3 Sub alt sixth revised sheet No. 3	05/01/92
2 Sub seventh revised sheet No. 3	10/01/92
2 Sub eighth revised sheet No. 3	01/01/93
Substitute ninth revised sheet No. 3	04/01/93
Substitute tenth revised sheet No. 3	10/01/93

Great Lakes states that, pursuant to the Commission's rehearing order, any party owing surcharge amounts must notify Great Lakes in writing no later than August 8, 1996, as to whether that party elects to make such payment in a lump sum or to amortize payment over a period of three years or less.

Great Lakes states that copies of the filing were served upon all parties to these proceedings, each of Great Lakes' customers, and the Public Service Commissions of the States of Michigan, Minnesota and Wisconsin.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's rules and Regulations. All such motions or protests should be filed on or before May 22, 1996. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12676 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–4–25–001]

Mississippi River Transmission Corporation; Notice of Compliance Filing

May 15, 1996.

Take notice that on April 22, 1996, Mississippi River Transmission Corporation (MRT) submitted for filing revised worksheets reflecting the calculation of Miscellaneous Revenues in accordance with Section 18 of the General Terms and Conditions of MRT's FERC Gas Tariff, Third Revised Volume No. 1 and in compliance with the April 11, 1996 ''Order Denying Request for Waiver'' issued by the Federal Energy Regulatory Commission in this proceeding.

MRT states that, as explained in its filing, the worksheets reflect the calculation of Miscellaneous Revenues applicable to the period November 1, 1993 through October 31, 1995 for the cashout costs related to onsystem imbalances, and the period November 1, 1993 through March 31, 1995 for the cashout costs related to offsystem imbalances.

MRT states that copies of the compliance filing have been mailed to all parties on the official service list.

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 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 22, 1996. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12669 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–195–000]

Tennessee Gas Pipeline Company; Notice of Technical Conference

May 15, 1996.

In the Commission's order issued on April 26, 1996, in the above-captioned proceeding,[1] the Commission held that the filing raises issues for which a technical conference is to be convened.

The conference has been scheduled for Wednesday, May 29, 1996, at 1:00 p.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12670 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–357–004]

Texas Eastern Transmission Corporation; Notice of Report Filing

May 15, 1996.

Take notice that on April 30, 1996, Texas Eastern Transmission Corporation (Texas Eastern) filed a report discussing its actual experience regarding the ''enhanced segment rights'' and the ''capacity release'' procedures. The report is pursuant to an order issued April 17, 1995 in Docket No. RP94–357–000.

The enhanced segmented transportation rights allow customers to receive and deliver their zone limit (MDQ adjusted for capacity release) once in each upstream market zone. These rights also give customers the right to deliver gas to Texas Eastern storage points without these deliveries being included in the calculation of gas delivered in excess of customer's contract MDQ.

Texas Eastern states that the report shows that 56 percent of enhanced segment rights transactions that occurred during the period October 1994 through February 1996 involved the use of capacity under released contracts. Texas Eastern also states that the report shows that the use of capacity release on its system has increased significantly. The report reflects that for the 12 months ended February 29, 1996, as compared to the 12 months ended February 28, 1995, capacity release delivered volumes increased by 61 percent, reservation charge credit backs increased by 66 percent, and total deals increased by 95 percent.

[1] 75 FERC ¶ 61,102 (1996).

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 22, 1996. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12675 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–173–002 and RP89–183–062]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 15, 1996.

Take notice that on May 9, 1996, Williams Natural Gas Company (WNG), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute First Revised Sheet Nos. 8A and 8B and Original Sheet Nos. 8C and 8D, with the proposed effective date of April 13, 1996, and Twelfth Revised Sheet No. 6A, with the proposed effective date of June 1, 1996.

WNG states that on March 13, 1996, it filed in Docket Nos. RP96–173–000 and RP89–183–000 to recover approximately $6.0 million of additional contract reformation and gas supply realignment costs pursuant to the November 24, 1992 Stipulation and Agreement (November 24 S & A) in Docket No. RP89–183, *et al.* and Article 14 of its FERC Gas Tariff. On April 9, 1996, the Commission issued an Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions (April 9 order). WNG was directed to file ''revised tariff sheets reflecting the allocation of 10 percent of the GSR costs above $50 million to IT customers, to be recovered through a volumetric surcharge and reflecting a 90 percent allocation of the remaining GSR costs to the firm transportation customers, to be recovered through a reservation surcharge.'' WNG states that the instant filing is made in compliance with the April 9 order.

WNG states that a copy of its filing were served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all of WNG's jurisdictional customers and interested state commissions.

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 18 CFR 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. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this fiing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12672 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–145–001]

Williams Natural Gas Company; Notice of Cash-Out Report

May 15, 1996.

Take notice that on May 10, 1996, Williams Natural Gas Company (WNG) tendered for filing, pursuant to Article 9.7(d) of the General Terms and Conditions of its FERC Gas Tariff, a revised report of net revenue received from cash-outs.

WNG states that it submitted its original report of net revenue received from cash-outs for the period October 1, 1994 through September 30, 1995 on February 16, 1996 pursuant to Article 9.7(d) of the General Terms and Conditions of its FERC Gas Tariff. By letter order issued April 10, 1996, the Commission accepted WNG's cash-out report pursuant to WNG increasing the principal refund amount by $73,233.95, plus the appropriate amount of interest. WNG states that the instant filing is being made to reflect this increase in refunds.

WNG states that a copy of its filing was served on all participants listed on the service list maintained by the Commission in the docket referenced above and on all jurisdictional customers and interested state commissions.

Any person desiring to protest this 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 on or before May 22, 1996. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12673 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10805–002, WI]

Midwest Hydraulic Company; Notice of Site Visit and Scoping Pursuant to the National Environmental Policy Act of 1969

May 15, 1996.

On April 23, 1993, the Federal Energy Regulatory Commission (Commission) issued a letter accepting the Midwest Hydraulic Company's application for license for the Hatfield Project, located on the Black River in Jackson and Clark Counties, Wisconsin.

The purpose of this notice is to: (1) advise all parties as to the proposed scope of the staff's environmental analysis, including cumulative effects, and to seek additional information pertinent to this analysis; and (2) advise all parties of their opportunity for comment.

Scoping Process

The Commission's scoping objectives are to:

- Identify significant environmental issues;
- Determine the depth of analysis appropriate to each issue;
- Identify the resource issues not requiring detailed analysis; and
- Identify reasonable project alternatives.

The purpose of the scoping process is to identify significant issues related to the proposed action and to determine what issues should be covered in the environmental document pursuant to the National Environmental Policy Act of 1969 (NEPA). The document entitled ''Scoping Document I'' (SDI) will be circulated shortly to enable appropriate federal, state, and local resource agencies, developers, Indian tribes, nongovernmental organizations (NGO's), and other interested parties to effectively participate in and contribute to the scoping process. SDI provides a brief description of the proposed action, project alternatives, the geographic and temporal scope of a cumulative effects analysis, and a list of preliminary issues identified by staff.

Project Site Visit

The applicant and the Commission staff will conduct a site visit of the Hatfield Project on June 6, 1996, at 9:00 a.m. They will meet at the powerhouse of the project site, located on Powerhouse Road, in the city of Hatfield, Jackson and Clark Counties, Wisconsin 54754. All interested individuals, NGO's and agencies are invited to attend. All participants are responsible for their own transportation and should bring a hard hat. For more details, interested parties should contact Andrew Blystra, the applicant contact, at (616) 394–0606, prior to the site visit date.

Scoping Meetings

The Commission staff will conduct two scoping meetings. All interested individuals, organizations, and agencies are invited to attend and assist the staff in identifying the scope of environmental issues that should be analyzed in the NEPA document.

The agency scoping meeting will be held on June 5, 1996, from 1:00 p.m. to 4:00 p.m., at the Wisconsin Department of Natural Resources, on Highway 54, Black River Falls, Wisconsin 54615.

The public scoping meeting will be held on June 6, 1996, from 7:00 p.m. to 10:00 p.m. at the Jackson County Bank Community Room, 8 Main Street, Black River Falls, Wisconsin 54615.

The Commission will decide, based on the application, and agency and public comments at the scoping session, whether licensing the Hatfield Project constitutes a major federal action significantly impacting the quality of the human environment. Irrespective of the Commission's determination to prepare an environmental assessment or an environmental impact statement for the Hatfield Project, the Commission staff will not hold additional scoping meetings other than those scheduled, as listed above.

Objectives

At the scoping meetings, the Commission staff will: (1) summarize the environmental issues tentatively identified for analysis in the NEPA document; (2) solicit from the meeting participants all available information, especially quantified data, on the resources at issue, and (3) encourage statements from experts and the public on issues that should be analyzed in the NEPA document. Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed.

Meeting Procedures

The meetings will be recorded by a stenographer and become a part of the formal record of the Commission proceeding on the Hatfield Project. Individuals presenting statements at the meetings will be asked to identify themselves for the record.

Concerned parties are encouraged to offer us verbal guidance during public meetings. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session, but all speakers will be provided at least 5 minutes to present their views.

All those attending the meeting are urged to refrain from making any communications concerning the merits of the application to any member of the Commission staff outside of the established process for developing the record as stated in the record of the proceeding.

Persons choosing not to speak but wishing to express an opinion, as well as speakers unable to summarize their positions within their allotted time, may submit written statements for inclusion in the public record 15 days after June 6, 1996.

All filings should contain an original and 14 copies. Failure to file an original and 14 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. See 18 CFR 4.34(h). In addition, commenters *may* submit a copy of their comments on a 3½-inch diskette formatted for MS–DOS based computers. In light of our ability to translate MS–DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, WordPerfect 5.1/5.2, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and then write them to files on a diskette formatted for MS–DOS machines. All comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, and should clearly show the following captions on the first page: Hatfield Project, FERC No. 10805.

Further, interested persons are reminded of the Commission's Rules of Practice and Procedures, requiring parties or interceders (as defined in 18 CFR 385.2010) to file documents on each person whose name is on the official service list for this proceeding. See 18 CFR 4.34(b).

The Commission staff will consider all written comments and may issue a Scoping Document II (SDII). SDII will include a revised list of issues, based on the scoping sessions.

For further information regarding the scoping process, please contact Christopher Metcalf, Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street NE., Washington, DC 20426 at (202) 219–2810.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12677 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Change of Name and Transfer of License

May 15, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Change of Name and Transfer of License.

b. Project No: 2935–008.

c. Date Filed: May 3, 1996.

d. Applicant: Graniteville Company and GTXL, Inc.

e. Name of Project: Enterprise.

f. Location: On the Augusta Canal of the Savannah River in the City of Augusta, Richmond County, Georgia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Ms. Sharon Rodgers, Vice President, Legal, Graniteville Company, PO Box 128, Graniteville, SC 29829–0128, (803) 663–2334.

i. FERC Contact: Thomas F. Papsidero, (202) 219–2715.

j. Comment Date: June 21, 1996.

k. Description of Filing: Application to change licensee's name from Granitvellie Company to TXL Corp. and to transfer the license for the Enterprise Project from TXL Corp. to GTXL, Inc.

l. This notice also consists of the following standard paragraphs: B, C2 and D2.

B. Comments, Protests, or Motions to Interven—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

C2. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. Any of these documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of a notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12678 Filed 5–20–96; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Third Meeting of the WRC–97 Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the next meeting of the WRC–97 Advisory Committee will be held on Wednesday, May 29, 1996, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 1997 World Radiocommunication Conference.

DATES: May 29, 1996; 2:00 p.m.–4:30 p.m.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Cecily C. Holiday, FCC International Bureau, Satellite and Radiocommunication Division, at (202) 418–0749.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission (FCC) established the Advisory Committee for the 1997 World Radiocommunication Conference to provide advice, technical support and recommendations relating to the preparation of recommended United States proposals and positions for the 1997 World Radiocommunication Conference (WRC–97). In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the third meeting of the WRC–97 Advisory Committee.

This meeting will continue reviewing the work of the organization of the Advisory Committee. It will also review the schedule of meetings of the International Telecommunication Union Radiocommunication Sector relating to international preparations for WRC–97 and provide an update on the FCC's preparatory process for WRC–97.

The WRC–97 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. Further information regarding the WRC–97 Advisory Committee is available on the World Wide Web at: http://www.fcc.gov/ib/wrc97/.

The proposed agenda for the third meeting is as follows:

Agenda

Third Meeting of the WRC–97 Advisory Committee, Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554, Wednesday, May 29, 1996; 2:00 p.m.–4:30 p.m.

1. Opening Remarks
2. Agenda Approval
3. Report on the Progress of the Informal Working Groups
4. Update on NTIA's Radio Conference Subcommittee Activities
5. Advisory Committee Meeting Schedule
6. Timeline of Significant International Events
7. Other Business.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12711 Filed 5–20–96; 8:45 am]

BILLING CODE 6712–01–M

Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353 for the Period Beginning October 1, 1995, Ending March 31, 1996, Summary Report; Revision

Reimbursement/In-kind Payments in Excess of $250

Total Number of Sponsored Events: 86.

Total Number of Sponsoring Organizations: 76.

Total Number of Different Commissioners/Employees Attending: 82.

Total Amount of Reimbursement Received

	Check	In-kind
In excess of $250	$103,597.12	$42,156.78
Under $250 (Detail not included)	948.25	356.60
Total ...	104,545.37	42,513.38

Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353 for Period Beginning April 1, 1995, Ending September 30, 1995

1. *Agency:* Federal Communications Commission.
2. *Employee:* Government Position: Jane E. Mago—Revised, Senior Advisor to Commissioner, Rachelle B. Chong.
3. *Event:* 1995 FCBA Annual Seminar.
4. *Sponsor of Event:* Federal Communications, Bar Association—FCBA.
5. *Sponsor Address:* 1722 Eye Street NW., Suite 300, Washington, D.C. 20006.
6. *Location of Event:* Hot Springs, Virginia.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 05/19–21/95.
9. *Travel Dates:* 05/19–21/95.

10. (a) Nature of benefit	(c) Type and amount of payment	
	Check	In kind
1. Round-trip Transportation	$120.00	$
2. Hotel Room		432.64
3. Meals		100.00
	120.00	532.64

(b) Non-Fed Source: Same as No. 4.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12710 Filed 5–20–96; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Request for Additional Information

Agreement No.: 202–010424–032.

Title: United States Atlantic and Gulf Hispaniola Steamship Freight Association.

Parties: Crowley American Transport, Inc., NPR, Inc. d/d/a Navieras, A.P. Moller-Maersk Line, Sea-Land Service, Inc.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701–1720) has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 202–010424–032 as required by the Act. This action extends the review period as provided in section 6(c) the Act.

Dated: May 16, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–12740 Filed 5–20–96; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations

The Federal Maritime Commission hereby gives notice that the following freight forwarder licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, effective on the corresponding revocation dates shown below:

License Number: 1466.
Name: Ana T. Binns d/b/a AAA International Shipping.
Address: 5730 W. Manchester Blvd., Los Angeles, CA 90045.
Date Revoked: January 13, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 3811.
Name: Ben Odihirin Company, Inc.
Address: 690 Wainwright Street, Union, NJ 07083.
Date Revoked: March 28, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 3860.
Name: Cargolink International, Inc.
Address: 1401 N.W. 78th Ave., Ste. 201, Miami, FL 33126.
Date Revoked: March 30, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 3569.
Name: Cojan Corporation d/b/a Ambassador International Services.
Address: 7035 West 65th Street, Bedford Park, IL 60638.
Date Revoked: March 26, 1996.
Reason: Surrendered license voluntarily.

License Number: 2613.
Name: Condor Shipping Company Inc.
Address: 35–35 149th Street, Flushing, NY 11354.
Date Revoked: March 23, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 3045.
Name: General Cargo Services, Inc.
Address: 1374 N.W. 78th Avenue, Miami, FL 33126.
Date Revoked: April 25, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 2609.
Name: Jose Regil-Martinez d/b/a Regil International Transportation Company.
Address: 932 Crestview Drive, Pasadena, CA 91107.
Date Revoked: April 6, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 2741.
Name: La Montana Moving & Storage, Inc.
Address: 1976 Crotona Parkway, Bronx, NY 10460.
Date Revoked: March 29, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 2625.
Name: Manufacturers Export Service, Inc.
Address: 8501 Inkster Road, Taylor, MI 48180.
Date Revoked: April 28, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 1730.
Name: Reliable International Inc.
Address: 550 Division Street, Elizabeth, NJ 07201.
Date Revoked: March 13, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 2750.
Name: Right-O-Way Ocean Transport International, Inc. d/b/a Eurocontinental, The Right-O-Way Maritime Co.
Address: 180 South Prospect Avenue, Tustin, CA 92680.
Date Revoked: March 30, 1996.
Reason: Failed to maintain a valid surety bond.

License Number: 3906.
Name: The Maust Corporation.
Address: 1762 6th Avenue South, Seattle, WA 98124.
Date Revoked: May 3, 1996.
Reason: Surrendered license voluntarily.

License Number: 3491.
Name: Tsuyoshi Nakamura d/b/a T. Nakamura CHB.
Address: 12620 Yukon Avenue, Hawthorne, CA 90250.
Date Revoked: March 28, 1996.
Reason: Failed to maintain a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 96–12648 Filed 5–20–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 5, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Eldon Bracton Thoma, II, Tullahoma, Tennessee; to acquire an additional 4.47 percent, for a total of 27.82 percent, and Eldon Bracton Thoma, III, Tullahoma, Tennessee, to acquire an additional 4.27 percent, for a total of 25.01 percent, of the voting shares of FN BancCorp., Inc., Tullahoma, Tennessee, and thereby indirectly acquire First National Bank of Tullahoma, Tullahoma, Tennessee.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230

South LaSalle Street, Chicago, Illinois 60690:

1. Jean W. Lange, Winterset, Iowa; to acquire an additional 35.44 percent, for a total of 38.28 percent of the voting shares of Madison Holding Company, Winterset, Iowa, and thereby indirectly acquire Union State Bank, Winterset, Iowa.

Board of Governors of the Federal Reserve System, May 15, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12680 Filed 5–20–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 14, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. F.N.B. Corporation, Hermitage, Pennsylvania; to acquire 100 percent of the voting shares of Southwest Bank, Inc., Naples, Florida, and thereby indirectly acquire First National Bank of Naples, Naples, Florida, and Cape Coral National Bank, Cape Coral, Florida.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Palm Beach National Holding Company, North Palm Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Palm Beach National Bank & Trust Company, North Palm Beach, Florida.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Thera Holding Partners, Inc., Houston, Texas (in formation); to become a bank holding company by acquiring 33 percent of the voting shares of Citizens Bankers, Inc., Baytown, Texas, and thereby indirectly acquire 100 percent of the voting shares of Citizens Bankers of Delaware, Inc., Wilmington, Delaware; 96.9 percent of the voting shares of Baytown State Bank, Baytown, Texas; 98.6 percent of the voting shares of Citizens Bank and Trust Company of Baytown, Baytown, Texas; and 100 percent of the voting shares of Pasadena State Bank, Pasadena, Texas.

Board of Governors of the Federal Reserve System, May 15, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12681 Filed 5–20–96; 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 June 5, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Community Bancshares, Inc., Joseph, Oregon; to acquire Citizens Title and Escrow Service, Inc., Enterprise, Oregon, and thereby engage in insurance agency activities, including the sale of title insurance, in small towns and escrow service activities, pursuant to §§ 225.25(b)(8)(iii) and 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted throughout Enterprise, Oregon, and surrounding area not to exceed 5,000 in population.

Board of Governors of the Federal Reserve System, May 15, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12682 Filed 5–20–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[Dkt. No. 5794]

Atlas Supply Company; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set aside order.

SUMMARY: This order reopens a 1951 consent order—which prohibited Atlas from receiving illegal allowances or knowingly accepting or inducing discriminatory prices in their purchase of automotive tires, tubes, batteries, accessories or other automobile products—and sets aside the consent order pursuant to the Commission's Sunset Policy Statement, under which the Commission presumes that the public interest requires terminating competition orders that are more than 20 years old.

DATES: Consent order issued July 19, 1951. Set aside order issued August 24, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S–2115, Washington, D.C. 20580, (202) 326–2526.

SUPPLEMENTARY INFORMATION: In the Matter of Atlas Supply Company. The prohibited trade practices and/or corrective actions are removed as indicated.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Donald S. Clark,

Secretary.

[FR Doc. 96–12700 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3633]

Blenheim Expositions, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a Florida-based company, that produces franchise trade shows and expositions, from misrepresenting the sales, income or profits, or the success rate of franchise owners, unless it possesses and relies upon competent and reliable scientific evidence to support the claims. In addition, the respondent is prohibited from misrepresenting the validity, results, contents, conclusions, or interpretations of any survey, test, poll or study.

DATES: Complaint and Order issued December 22, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Tom Cohn, FTC/H–238, Washington, DC 20580, (202) 326–3532.

SUPPLEMENTARY INFORMATION: On Thursday, October 12, 1995, there was published in the Federal Register, 60 FR 53186, a proposed consent agreement with analysis In the Matter of Blenheim Expositions, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 96–12701 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3650]

Devro International plc, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the respondents to divest, within three months to a Commission-approved acquirer, the assets they use to produce collagen sausage casings in the United States and Canada. If the transaction is not completed in the prescribed time, the Commission may appoint a trustee to divest the assets.

DATES: Complaint and Order issued April 3, 1996.[1]

SUPPLEMENTARY INFORMATION: On Tuesday, December 19, 1995, there was published in the Federal Register, 60 FR 65328, a proposed consent agreement with analysis In the Matter of Devro International plc, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary

[FR Doc. 96–12702 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3636]

Johnson & Johnson Consumer Products, Inc.; Prohibited Trade Practices, and Affirmative Correction Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a New Jersey-based personal health-care products company and its parent corporation from misrepresenting the results or conclusions of any test or study concerning any over-the-counter products with a use relating to human reproduction, reproductive organs or sexually transmitted diseases (STDs). It requires the respondent to have competent and reliable scientific evidence for any claims regarding the efficacy of over-the-counter contraceptives or products to protect

[1] Copies of the Consent Order and Set Aside Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

against STDs. In addition, the respondent must have competent and reliable scientific evidence to substantiate the advertising claims of any personal lubricant and/or spermicide.

DATES: Complaint and Order issued January 18, 1996.[1]

FOR FURTHER INFORMATION CONTACT: Linda Badger or Matthew Gold, FTC/San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103.

SUPPLEMENTARY INFORMATION: On Friday, October 27, 1995, there was published in the Federal Register, 60 FR 55033, a proposed consent agreement with analysis In the Matter of Johnson & Johnson Consumer Products, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 96–12703 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.

[Dkt C–3648]

Praxair, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, Praxair, Inc., a Connecticut corporation, to divest, within 12 months to Commission-approved acquirers, four CBI atmospheric gases production plants, located in Vacaville and Irwindale, California; Bozrah, Connecticut; and Madison, Wisconsin. If the transaction is not completed in the prescribed time, a trustee may be appointed to divest the four plants.

DATES: Compliant and Order issued April 1, 1996.[1]

FOR FURTHER INFORMATION CONTACT: Ann Malester, FTC/S–2308, Washington, DC 20580, (202) 326–2682.

SUPPLEMENTARY INFORMATION: On Monday, January 22, 1996, there was published in the Federal Register 61 FR 1573, a proposed consent agreement with analysis in the matter of Praxair, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 96–12704 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

[Dkt. C–3647]

Safe Brands Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires the respondents, among other things, to have reliable scientific evidence to substantiate certain claims regarding the environmental benefits, the level of engine protection and the safety of any antifreeze, coolant or deicer. The consent order also requires the respondents to provide a disclosure statement cautioning consumers that Sierra antifreeze may be harmful if swallowed. In addition, the consent order prohibits the respondents from misrepresenting the recyclability of such products and their packages.

DATES: Complaint and Order issued March 26, 1996.[1]

FOR FURTHER INFORMATION CONTACT: Joel Winston, FTC/S–4002, Washington, D.C. 20580, (202) 326–3153.

SUPPLEMENTARY INFORMATION: On Tuesday, December 12, 1995, there was published in the Federal Register, 60 FR 63717, a proposed consent agreement with analysis In the Matter of Safe Brands Corporation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 96–12705 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[Dkt. C–3649]

The Stop & Shop Companies, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the respondents to divest 17 supermarkets, within nine months, to Commission-approved acquirers. If the respondents fail to satisfy any of the divestiture provisions, the Commission may appoint a trustee to divest the supermarkets.

DATES: Complaint and Order issued April 2, 1996.[1]

FOR FURTHER INFORMATION CONTACT: Ronald Rowe, FTC/S–2602, Washington, DC 20580, (202) 326–2610.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On Wednesday, November 8, 1995, there was published in the Federal Register, 60 FR 56338, a proposed consent agreement with analysis In the Matter of The Stop & Shop Companies, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 96–12706 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3244]

West Point-Pepperell, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set aside order.

SUMMARY: This order reopens a 1988 consent order—which required West Point to divest certain towel and sheet manufacturing facilities and prohibited West Point, for 10 years, from making certain acquisitions in the sheet and towel industries without prior Commission approval—and sets aside the consent order pursuant to the Commission's Prior Approval Policy Statement, under which the Commission presumes that the public interest requires setting aside the prior approval requirements in outstanding merger orders and making them consistent with that policy.

DATES: Consent order issued December 14, 1988. Set aside order issued October 4, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S–2115, Washington, D.C. 20580, (202) 326–2526.

SUPPLEMENTARY INFORMATION: In the Matter of West Point-Pepperell, Inc. The prohibited trade practices and/or corrective actions are removed as indicated.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 96–12707 Filed 5–20–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Consent Order and Set Aside Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering Laboratory Health Effects Subcommittee

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) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering Laboratory Health Effects Subcommittee (INEL).

Times and Dates: 8 a.m.–5 p.m., June 5, 1996; 7 p.m.–9 p.m., June 5, 1996; 8 a.m.–12:15 p.m., June 6, 1996.

Place: Quality Inn Pocatello Park Hotel, 1555, Pocatello Creek Road, Pocatello, Idaho 83201.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The Subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at respective DOE sites. Activities shall focus on providing a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for community concern to be expressed as advice and recommendations to CDC and ATSDR.

Matters To Be Discussed: Agenda items include: the Biological Effects of Radiation—Radionuclides releases other than plutonium that could cause health effects, declassification issues, high efficiency particulate air filters, environmental monitoring—past and present, discussion of Phase I, and other than radionuclides present at INEL (e.g., chemicals: most toxic and carcinogenic).

Agenda items are subject to change as priorities dictate.

Contact Persons For More Information: Arthur J. Robinson or Nadine Dickerson, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S F–35, Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7044.

Dated: May 15, 1996.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12686 Filed 5–20–96; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 92N–0438]

Worldwide Biologicals, Inc.; Revocation of U.S. License No. 832–003

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 832–003) and the product license issued to Worldwide Biologicals, Inc., for the manufacture of Source Plasma. A notice of opportunity for a hearing on a proposal to revoke the licenses was published in the Federal Register of March 22, 1993. Worldwide Biologicals, Inc., subsequently requested a hearing. In a separate legal proceeding, the responsible head of Worldwide Biologicals, Inc., voluntarily surrendered U.S. License No. 832–003 pursuant to a plea agreement with the United States Attorney for the Southern District of Ohio and the Office of Consumer Litigation, United States Department of Justice, which represented FDA in the proceeding. In light of Worldwide Biologicals, Inc.'s, surrender of its license, the firm's request for an opportunity for a hearing on the issue of license revocation became moot. FDA, therefore, proceeded to revoke the licenses.

DATES: The revocation of the establishment license (U.S. License No. 832–003) and product license became effective September 29, 1994.

FOR FURTHER INFORMATION CONTACT: Stephen M. Ripley or Tracey H. Forfa, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike,

Rockville, MD 20852–1448, 301–594–3074.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 832–003) and the product license for the manufacture of Source Plasma issued to Worldwide Biologicals, Inc., 508–A Owen Dr., Fayetteville, NC 28304.

By letter dated June 15, 1992, issued pursuant to 21 CFR 601.5(b), FDA notified the firm of FDA's intent to revoke U.S. License No. 832–003 and announced its intent to offer an opportunity for a hearing. In a facsimile dated June 24, 1992, the firm notified FDA of its intent to request a hearing on the proposed license revocation.

In the Federal Register of March 22, 1993 (58 FR 15351), FDA issued a notice of opportunity for a hearing, pursuant to 21 CFR 12.21(b), on the proposal to revoke the establishment license (U.S. License No. 832–003) and product license issued to Worldwide Biologicals, Inc., for the manufacture of Source Plasma. As described in the notice of opportunity for a hearing, the grounds for the proposed license revocation included the following: (1) The results of FDA inspections of the firm conducted from June 24 through July 2, 1991; January 17 through January 27, 1992; and May 5 and 6, 1992; as well as from the inspection of Worldwide Biologicals, Inc., 1085 Ohio Pike, Cincinnati, OH, the site of the testing laboratory approved to perform all required testing for the Fayetteville facility, from July 18 through August 26, 1991; (2) a determination by FDA that the deviations documented during the inspections of the firm demonstrated significant noncompliance with the applicable regulations and standards in the firm's license; and (3) a determination by FDA that there was no assurance that the firm would properly implement a corrective action plan that it had proposed. FDA's determination was based on the firm's failure to adequately implement previously promised corrections. Documentation in support of the proposed revocation had been placed on file for public examination with the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

Following publication of the notice of opportunity for a hearing on March 22, 1993, FDA's Dockets Management Branch received two letters, dated April 12, 1993, and May 20, 1993, from the firm's responsible head. In the letter of April 12, 1993, Worldwide Biologicals, Inc., requested a hearing on the proposed license revocation. In the letter of May 20, 1993, Worldwide Biologicals, Inc., submitted its request for a hearing and set forth information and factual analyses to support its request.

While the request for a hearing was pending, representatives of the U.S. Department of Justice, on behalf of FDA, charged the responsible head of Worldwide Biologicals, Inc., with criminal violations of Federal laws governing the manufacturing, labeling, and shipping of human blood plasma. On April 6, 1994, the responsible head entered into a plea agreement with the United States Attorney for the Southern District of Ohio and the Office of Consumer Litigation, United States Department of Justice. In a superseding plea agreement filed on April 29, 1994, with the clerk of the United States District Court, Southern District of Ohio, Western Division, the responsible head of the firm agreed to surrender U.S. License No. 832 immediately upon sentencing. Sentencing took place on September 23, 1994. FDA notified Worldwide Biologicals, Inc., by letter of September 29, 1994, that the licenses had been revoked.

Based on the voluntary surrender of U.S. License No. 832, Worldwide Biologicals Inc.'s request for a hearing on the issue of license revocation became moot. Although the revocation proceedings that FDA initiated only pertained to the firm's Fayetteville, NC location (U.S. License No. 832–003), the surrender of U.S. License No. 832 affects all Worldwide Biologicals, Inc., locations under that license.

Accordingly, under 21 CFR 601.5, section 351 of the Public Health Service Act (42 U.S.C. 262), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.68), the establishment license (U.S. License No. 832–003) and the product license for the manufacture of Source Plasma issued to Worldwide Biologicals, Inc., were revoked, effective September 29, 1994.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: May 2, 1996.

Kathryn C. Zoon,

Director, Center for Biologics Evaluation and Research.

[FR Doc. 96–12688 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

Grassroots Regulatory Partnership Meeting; Pacific Region San Francisco District Office; Medicated Feed Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of a public meeting.

SUMMARY: The Food and Drug Administration (FDA) (Office of External Affairs, Office of Regulatory Affairs, Office of the Pacific Region, and the Center for Veterinary Medicine) is announcing a free public meeting as a followup to a meeting held in April 1995. FDA's San Francisco District Office (Pacific Region) and the Center for Veterinary Medicine will meet with interested persons in the Pacific Region to address specific issues related to the medicated feed industry to help the industry comply with FDA regulations. The agency is holding this meeting to promote the President's initiative for a partnership approach with front-line regulators and the people affected by the work of this agency.

DATES: The public meeting will be held on Friday, May 31, 1996, from 8 a.m. to 4:30 p.m.

ADDRESSES: The public meeting will be held at the Red Lion Inn, 1401 Arden Way, Sacramento, CA 95815. Attendees requiring overnight accommodations may contact the hotel at 916–922–8041.

FOR FURTHER INFORMATION CONTACT: Regarding the Sacramento area: Karen L. Robles or Susan R. Nelson, Food and Drug Administration, 650 Capitol Mall, rm. 6002, Sacramento, CA 95814, 916–498–6403 or 916–498–6400 or FAX 916–498–6401.

Regarding the Fresno area: Robert J. Anderson, Food and Drug Administration, 2202 Monterey St., suite 104E, Fresno, CA 93721, 209–487–5321 or FAX 209–487–5305.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 20, 1995 (60 FR 19753), FDA announced that a series of Grassroots Regulatory Partnerships meetings would be held. This document announces a free public meeting as a followup to the meetings held in April 1995. Those persons interested in attending this public meeting should FAX their comments and registration including name, firm/organization, address, telephone and FAX numbers to the appropriate contact person listed above, by Friday, May 24, 1996.

There is no registration fee for this meeting, but advance registration is required. Space is limited and all interested parties are encouraged to register early. The goals of this meeting are to listen to concerns and ideas, and to identify next steps for the agency.

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12650 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95P–0285]

Determination That Glyburide Tablets 4.5 Milligrams Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that glyburide (Glynase® PresTab®) tablets 4.5 milligrams (mg) was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow sponsors to submit abbreviated new drug applications (ANDA's) for glyburide tablets 4.5 mg.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the listed drug, which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Another FDA regulation also provides that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

Novopharm Ltd., submitted a citizen petition, dated August 21, 1995 (Docket No. 95P–0285/CP1), under 21 CFR 10.25(a) and 10.30 requesting that the agency determine whether glyburide tablets 4.5 mg was withdrawn from sale for reasons of safety or effectiveness and, if the agency determines that the drug was not withdrawn from sale for reasons of safety or effectiveness, to keep the drug in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' Glyburide tablets 4.5 mg, along with the 1.5-mg, 3-mg, and 6-mg strengths, is the subject of approved NDA 20–051 held by the Upjohn Co. (Upjohn). Upjohn obtained approval to market the 4.5-mg strength of glyburide tablets on September 24, 1993. Upjohn has never marketed the 4.5-mg strength of glyburide tablets. FDA has determined, for purposes of §§ 314.161 and 314.162(c), that never marketing an approved drug product is equivalent to withdrawing the drug for sale.

FDA has reviewed its records and, under §§ 314.161 and 314.162(c), has determined that glyburide tablets 4.5 mg was not withdrawn from sale for reasons of safety or effectiveness and will continue to list glyburide tablets 4.5 mg in the ''Discontinued Drug Product List'' contained in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' The ''Discontinued Drug Product List'' lists, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to glyburide tablets 4.5 mg may be submitted to the agency.

The agency notes that there is a patent listed in the Orange Book for Glynase® PresTab® tablets that will not expire until April 10, 2007. This patent will prevent FDA from approving ANDA's that refer to Glynase® PresTab® tablets with an effective date before April 10, 2007, if the patent is valid and the manufacture, use, or sale of the drug product for which approval is being sought would infringe the patent. Novopharm Ltd., states in its petition that it does not intend to make a generic drug that refers to Glynase® PresTab® tablets available for sale until the expiration of the patent. Between now and the time an ANDA for glyburide tablets 4.5 mg is submitted, approved, or the approval goes into effect, FDA may obtain new information on the safety and effectiveness of glyburide tablets that will prevent the agency from receiving or approving the ANDA.

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12759 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95P–0128]

Determination That Hydrocortisone Acetate Topical Ointment 2.5% Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that hydrocortisone (Cortef®) acetate topical ointment 2.5% was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow sponsors to submit abbreviated new drug applications (ANDA's) for hydrocortisone acetate topical ointment 2.5%.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the listed drug, which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the

subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

On May 12, 1995, Reed & Carnrick Pharmaceuticals submitted a citizen petition (Docket No. 95P–0128/CP1) under 21 CFR 10.25(a) and 10.30 requesting that the agency determine whether hydrocortisone acetate topical ointment 2.5% was withdrawn from sale for reasons of safety or effectiveness and, if the agency determines that the drug was not withdrawn from sale for reasons of safety or effectiveness, to keep the drug in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' Hydrocortisone acetate topical ointment 2.5%, along with the 1% strength, is the subject of approved NDA 8–917 held by the Upjohn Co. (Upjohn). On July 28, 1953, Upjohn obtained approval to market the 2.5% strength of hydrocortisone acetate topical ointment. Upjohn withdrew the drug from sale in 1991.

FDA has reviewed its records and, under §§ 314.161 and 314.162(c), has determined that hydrocortisone acetate topical ointment 2.5% was not withdrawn from sale for reasons of safety or effectiveness and will continue to list hydrocortisone acetate topical ointment 2.5% in the ''Discontinued Drug Product List'' contained in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' The ''Discontinued Drug Product List'' lists, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to hydrocortisone acetate topical ointment 2.5% may be submitted to the agency.

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12690 Filed 5–20–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93P–0322]

Determination that Medroxyprogesterone Acetate 100 Milligrams per Milliliter Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that medroxyprogesterone acetate (Depo-Provera®) 100 milligrams per milliliter (mg/mL) was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow sponsors to submit abbreviated new drug applications (ANDA's) for medroxyprogesterone acetate 100 mg/mL.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the listed drug, which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

On August 30, 1993, King & Spalding submitted a citizen petition (Docket No. 93P–0322/CP1) under 21 CFR 10.25(a) and 10.30 requesting that the agency determine whether medroxyprogesterone acetate 100 mg/mL was withdrawn from sale for reasons of safety or effectiveness and, if the agency determines that the drug was not withdrawn from sale for reasons of safety or effectiveness, to keep the drug in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' Medroxyprogesterone acetate 100 mg/mL, along with the 400 mg/mL strength, is the subject of approved NDA 12–541 held by the Upjohn Co. (Upjohn). On December 1, 1992, Upjohn withdrew medroxyprogesterone acetate 100 mg/mL from sale.

FDA has reviewed its records and, under §§ 314.161 and 314.162(c), has determined that medroxyprogesterone acetate 100 mg/mL was not withdrawn from sale for reasons of safety or effectiveness and will continue to list medroxyprogesterone acetate 100 mg/mL in the ''Discontinued Drug Product List'' contained in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' The ''Discontinued Drug Product List'' lists, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to medroxyprogesterone acetate 100 mg/mL may be submitted to the agency.

FDA has also considered the comment submitted by Upjohn, dated November 19, 1993, opposing an FDA determination that medroxyprogesterone acetate 100 mg/mL was withdrawn from the market for reasons other than safety or effectiveness. The comment does not contain any information indicating that the drug was withdrawn for reasons of safety or effectiveness, but rather indicates that Upjohn did not perceive a need to keep medroxyprogesterone

acetate in a 100 mg/mL strength on the market because the 400 mg/mL strength, which Upjohn also marketed, was viewed as a more convenient strength for the approved indication of adjunctive therapy and palliative treatment of inoperable recurrent and metastatic endometrial or renal carcinoma.

Dated: May 15, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12760 Filed 5–21–96; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the following National Institute of Mental Health Special Emphasis Panel.

The meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the contact person named below in advance of the meeting.

Name of Committee: National Institute of Mental Health Special Emphasis Panel (Telephone Conference Call)

Date: May 22, 1996.

Time: 1:30 p.m.

Place: Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, MD 20857.

Agenda: To provide concept review for a contract project entitled ''Pilot Study of Verapamil in Females with Bipolar Disorder.''

Contact Person: Michael J. Moody, Contracts Review Coordinator, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, MD 20857, Telephone 301, 443–3367.

This notice is being published less than 15 days prior to the above 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 16, 1996.

Anna Snouffer,

Committee Management Specialist, NIH.

[FR Doc. 96–12857 Filed 5–17–96; 1:41 pm]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Programmatic Supplement to the Cooperative Agreement With the National Association of State Mental Health Program Directors

AGENCY: Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Planned single-source supplemental award to assist State mental health, substance abuse, and Medicaid officials to develop pragmatic performance measures and outcome indicators for use in Medicaid managed behavioral health care contracting.

SUMMARY: This notice is to provide information to the public concerning a planned programmatic supplement to an ongoing cooperative agreement between the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) and the National Association of State Mental Health Program Directors (NASMHPD). The ongoing cooperative agreement funds the Technical Assistance Center for State Mental Health Planning. The programmatic supplement is being provided to address a need that arose from the recommendations of the SAMHSA Conference—Partnerships for Change. The conference highlighted national and State trends in organizing and financing public mental health and substance abuse care. Federal and State officials received strong encouragement to expand their collaboration across levels of government and between mental health, substance abuse, and Medicaid agencies to prepare for rapid changes in their roles, responsibilities, and funding. A particularly acute need identified was a core set of quality assurance and performance measures that public purchasers of managed behavioral health care services could use to monitor the new contracting mechanism. In the absence of a core set of measures, it is possible that persons with severe and persistent mental illnesses, chronic substance abuse disorders, and children and adolescents with serious emotional problems may be placed into managed care systems with inadequate safeguards and controls. In fact, the network of community-based services that has been developed with great difficulty over the last three decades may be jeopardized if public sector managed care contracts lack essential performance standards and quality assurance guidelines.

The NASMHPD Board of Directors, in close collaboration with the NASMHPD Research Institute, and the Boards of Directors of the National Association of State Alcohol and Drug Abuse Directors (NASADAD) and the American Public Welfare Association (APWA), have all identified as their top mutual priority the development of performance measurement indicators that could be used by States that are letting contracts for Medicaid managed behavioral health care. NASMHPD, which represents the State mental health agencies in every State, has a long history of facilitating the voluntary collection of uniform mental health data across States. NASMHPD has worked with State mental health agencies and CMHS on the Mental Health Statistics Improvement Program (MHSIP) to foster the collection, analysis, and reporting of data which are useful for systems management, policy decisions, evaluation, performance assessment, and research in the States, as well as nationally. State health care reform efforts and the introduction of managed care financial arrangements have placed new demands on States for quality assurance and accountability information. NASMHPD's Technical Assistance Center cooperative agreement with CMHS represents a unique capacity that does not exist anywhere else. The NASMHPD Technical Assistance Center works closely with every State mental health agency. A supplement to the existing cooperative agreement will allow the NASMHPD Technical Assistance Center to develop a consensus among State mental health, substance abuse, and Medicaid agencies around the collection of information about managed care that can be used internally by States for quality assurance and contract monitoring purposes, while, at the same time, assuring cooperation across States so that data items and data collection procedures are uniform so that valid national and cross-state comparisons can be made. Therefore, SAMHSA's CMHS has determined that a supplement to the existing cooperative agreement with NASMHPD should be made to carry out this important work.

This notice is not a request for applications; only NASMHPD is eligible to apply for the supplement to the existing cooperative agreement. If the NASMHPD supplemental application is recommended for approval by the Special Review Committee, funds will be made available.

Authority: The programmatic supplement to the ongoing cooperative agreement will be made under the authority of Section 1948(a)

of the Public Health Service Act, as amended (42 USC 300x–58).

AVAILABILITY OF FUNDS: The programmatic supplement will be for a 6-month period with up to $80,000 total costs (direct and indirect costs) available for that period.

FOR FURTHER INFORMATION CONTACT: Richard J. Bast, CMHS Division of State and Community Development Systems, Room 15C–26 Parklawn Building (301–443–4257) or Eric Goplerud, SAMHSA Managed Care Initiative, Room 12C–10 Parklawn Building (301–443–4456). The mailing address is: 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: May 14, 1996.

Richard Kopanda,

Acting Executive Officer, SAMHSA.

[FR Doc. 96–12649 Filed 5–20–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P; Notice for Publication F–14920–A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Arviq Incorporated for approximately 5,189 acres. The lands involved are in the vicinity of Platinum, Alaska, within T. 14 S., R. 74 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in The Tundra Drums. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until June 20, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Elizabeth Sherwood,

Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.

[FR Doc. 96–12721 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–$$–P

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting, notice of meeting.

SUMMARY: This notice announces the fifth meeting of the Arizona Resource Advisory Council. The meeting will be held June 13, 1996, beginning at 8:30 a.m. in the Washington Room at the Bureau of Land Management National Training Center, 9828 N. 31st Avenue, Phoenix, Arizona. The agenda items to be covered at the business meeting include review of previous meeting minutes, report to the Council on Standards and Guidelines briefings with Federal and State organizations, discussion of standards and guidelines draft working group document, discussion of an open forum session for the Council to receive information from other organizations within Arizona, and a report from the Public Relations working group. A public comment period will take place at 11:30 a.m. on June 13, 1996 for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT: Clinton Oke or Ken Mahoney, Bureau of Land Management, Arizona State Office, 3707 North 7th Street, Phoenix, Arizona 85014, (602) 650–0512.

Michael A. Ferguson,

Deputy State Director, Resource Planning, Use and Protection Division.

[FR Doc. 96–12753 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–32–P

[ID–990–01–1020–00)]

Notice of Meeting

SUMMARY: The Lower Snake River District Resource Advisory Council will conduct a field tour to examine U.S. Air Force proposed alternative locations for new target and emitter sites on public lands in Owyhee County.

DATES: June 3, 1996. The field tour will depart from the Lower Snake River District Office at 6:00 a.m.

ADDRESSES: The Lower Snake River District Office is located at 3948 Development Avenue, Boise, Idaho

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Dated: May 15, 1996.

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96–12722 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–GG–P

[NV–930–1430–01; N–58667]

Intent To Prepare a Planning Amendment to the Lahontan Resource Management Plan/Notice of Recreation and Public Purposes Act Classification: Churchill County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a plan amendment and environmental document and notice of classification of land.

SUMMARY: The following described public land in Churchill County, Nevada has been examined and determined to be suitable for classification pursuant to the Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869 *et seq.*):

Mount Diablo Meridian

T. 16 N., R. 29 E.,
Sec. 19, E½SE¼.
Sec. 20, SW¼NE¼, SE¼NW¼, SW¼, W½SE¼.

This public land is within an area currently identified in the Lahontan Resource Management Plan (RMP) for retention in federal ownership for multiple uses. The Bureau of Land Management will consider amending the RMP to change the land designation of up to 400 acres, from retention status to disposal status. The amendment and associated environmental document will also analyze the suitability of the land for conveyance to the City of Fallon for use as a landfill. Conveyance may only occur if the plan amendment is approved.

DATES AND ADDRESSES: Interested persons may submit comments regarding the proposed plan amendment to the District Manager, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706 until June 20, 1996. Additionally, for a period of 45 days from the date of publication, interested persons may submit comments regarding the land classification for public purposes appropriate under the Recreation and Public Purposes Act. Comments on the classification are restricted to whether the land is physically suited for development for public purposes,

whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs. Any objections to the classification will be evaluated by the State Director. In the absence of any objections, the classification will become effective July 22, 1996.

SEGREGATION: This land is hereby segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. Pending a decision on plan amendment and action on the City of Fallon's Recreation and Public Purposes application, this segregation shall continue until an opening order is published in the Federal Register or until issuance of a conveyance document, whichever occurs first.

SUPPLEMENTARY INFORMATION: The public land is located approximately 16 miles south of Fallon, Nevada, just west of State Highway 95. The following resources will be considered in preparation of the amendment: lands, recreation, wildlife, range, minerals, cultural resources, visual resources, soil, water, air, and threatened and endangered species. Staff members representing each resource will be consulted during preparation of the environmental document. The State of Nevada Division of Environmental Protection has reviewed a site suitability study and concurs that the site meets all Federal (Subtitle D) and Nevada State (NAC 444.678 through 444.6795) siting criteria for a landfill. The public is invited to participate in the identification of issues related to the proposed transfer of the subject land to the City of Fallon for development and operation of a landfill. Anticipated issues include:

(1) Transfer of public land out of Federal ownership.

(2) Change in character and use of land from undeveloped open space utilized mainly for recreation activities and livestock grazing to a restricted-access facility.

(3) Potential impacts to recreationist and livestock grazing.

(4) Potential visual impacts.

(5) Potential impacts to adjacent landowner Planning documents and other pertinent materials may be examined at the Carson City District Office between 7:30 a.m. and 5:00 p.m. Monday through Friday.

Dated this 8th day of May, 1996.

James M. Phillips,

Acting District Manager.

[FR Doc. 96–12660 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–HC–P

[ID–933–1430–01; IDI–31786]

Notice of Proposed Withdrawal and Opportunity for Public Meeting, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service proposes to withdraw 5.03 acres of National Forest System land for construction of the Salmon Canyon Copper Boating Site Recreation Area. Publication of this notice in the Federal Register will close the land for up to two years from location and entry under the United States mining laws. The land will remain open to mineral leasing and all other uses which may be made of National Forest System lands.

DATES: Comments and requests for a public meeting must be received by August 19, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Idaho State Director, BLM, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Cathie Foster, BLM, Idaho State Office, (208) 384–3163.

SUPPLEMENTARY INFORMATION: On April 16, 1996, the United States Department of Agriculture, Forest Service, filed an application to withdraw the following-described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Boise Meridian

T. 23 N., R. 16 E.,

A tract of land being that part of the SE¼ of unsurveyed sec. 26, more particularly described as follows:

Beginning at Salmon River Road GPS control point No. 9, a 3½ inch aluminum cap on a 1-inch aluminum drive-in rod with NAD 83 latitude 45°18′00.9169″ North and longitude 114°33′33.7864″ West; thence North 75°15′58″ East, 2148.09 feet to the ordinary high water mark of the right bank of the Salmon River and AP–1, a 3½ inch aluminum cap on a 1-inch aluminum drive-in rod, the *Point of Beginning;* thence North 5°50′23″ West, 755.08 feet to AP–2, a 3½ inch aluminum cap on a 1-inch aluminum drive-in rod; thence North 89°54′35″ East, 640.79 feet to the ordinary high water mark of the right bank of the Salmon River and AP–3, a 3½ inch aluminum cap on a 1-inch aluminum drive-in rod; thence southwesterly along the ordinary high water line of the right bank of the Salmon River to AP–1 the *Point of Beginning.*

The area described contains 5.03 acres in Lemhi County.

For a period of 90 days, from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the Idaho State Director of the Bureau of Land Management.

Notice is hereby given that opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the *newspaper* at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300. For a period of two years from the date of publication of this notice in the Federal Register, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with this withdrawal application shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Department of Agriculture.

Dated: May 7, 1996.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 96–12738 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–GG–M

Minerals Management Service

Request for Federal Outer Continental Shelf Lease Sale for Sand and Gravel Resources

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Request for Information and Interest (RFIN).

SUMMARY: On February 12, 1996, the Minerals Management Service received a request for a nonenergy minerals (sand and gravel) lease sale. After reviewing the request, MMS decided to initiate steps which may lead to a lease sale, the first being the publication of this RFIN.

The planning area under consideration in this RFIN is depicted on the accompanying page-sized map.

Authority: This RFIN is published pursuant to the Outer Continental Shelf (OCS) Lands Act as amended (43 U.S.C. 1331–1356, (1988) (OCSLA), and the regulations issued thereunder (30 CFR 281).

Purpose of the RFIN

The purpose of the RFIN is to (1) determine whether additional interest exists in obtaining leases for sand and gravel resources on the Outer Continental Shelf (OCS) and where that interest lies within the planning area and (2) obtain other information that would be relevant to the decision to hold a sand and gravel lease sale.

Information and nominations within the defined planning area are sought from all interested parties. State and local governments, industry, other Federal agencies and all other interested parties may respond to a Request for Information and Interest. Information provided may include but is not limited to geologic, archaeologic, environmental, socioeconomic, biologic, navigational, recreational, commercial and multiple-use considerations within the planning area. This early planning and consultation step is important for ensuring that all interests and concerns are communicated to the Department of the Interior (DOI) for future decisions in the leasing process pursuant to the OCS Lands Act, as amended (43 U.S.C. 1331–1356 (1988)), and regulations at 30 CFR Part 281. This RFIN does not imply, nor should it be construed to indicate, that a preliminary decision to lease in the area described below has been made. However, should MMS later decide to offer any of the planning area for lease, parties to such action will be expected to comply with all applicable laws including the National Environmental Policy Act, the OCS Lands Act, and the Coastal Zone Management Act.

Description of the Area

The RFIN planning area is located off the northern coast of New Jersey beginning 3 nautical miles from shore and extending north to south from Sandy Hook to Surf City. The landward boundary is coincident with the 3-mile demarcation between the Federal OCS and State submerged lands jurisdiction. The seaward width of the RFIN planing area is narrowest in the north (approximately 12 miles) and broadens gradually to the south. The total area available for nominations and comments consists of 160 whole or partial blocks (each whole block is approximately 9 square miles). Respondents may nominate and comment on any acreage within the entire RFIN planning area. A large scale map of the RFIN planning area (hereinafter referred to as the RFIN map) showing boundaries of the RFIN planning area with numbered blocks is available from MMS at the following address: Minerals Management Service, Office of International Activities and Marine Minerals (or INTERMAR), 381 Elden St., Mail Stop 4030, Herndon, VA 22070 [Phone: (703) 787–1292–FAX: (703) 787–1284].

The RFIN responses will help determine if lease tract size should differ from present block configurations. Tract sizes will be established if a proposed leasing notice is issued.

Instructions on the RFIN

Industry respondents are requested to nominate specific blocks or acreage within the RFIN planning area that they would like considered in a potential OCS lease sale. Nominations must be depicted on the large scale RFIN map by outlining the area(s) of interest. Respondents are also asked to submit a list of block numbers nominated (including both whole and partial blocks) to facilitate correct interpretation of their nominations on the RFIN map. Although the identities of those submitting nominations become a matter of public record, the individual acreage or block nominations are deemed to be proprietary information.

Respondents should rank areas nominated according to priority of interest based on priority 1 (high), 2 (medium), or 3 (low). Areas nominated that do not indicate priorities will be considered priority 3. Respondents are encouraged to be specific in indicating areas or blocks by priority. Blanket priorities on large areas are less useful in the analysis of industry interest. The name and telephone number of a person in the respondent's organization to contact for additional information or clarifications should be included in the response.

Comments are sought from all interested parties about particular geological, environmental, biological, archaeological, navigational, recreational, commercial, social, and economic conditions, multiple-use considerations, or other information that might bear upon potential leasing and development in the RFIN planning area. Comments are also sought on potential conflicts with federally approved State and local coastal zone management plans (CMPs) that may result from the proposed sale or future mineral development activities. If possible, these comments should identify specific CMP policies, the nature of the conflicts foreseen, and steps that MMS could take to avoid or mitigate the potential conflicts. Comments may be in terms of broad areas or restricted to particular blocks. Those submitting comments are requested to list block numbers or clearly outline the subject area on the large-scale RFIN map.

Nominations, information, and/or comments must be received no later than 60 days following publication of this document in the Federal Register in envelopes labeled ''Nominations (or Information) for Northern New Jersey RFIN''. The RFIN map with indications of interest and/or comments should be submitted to: Minerals Management Service, Office of International Activities and Marine Minerals (or INTERMAR), 381 Elden Street, Mail Stop 4030, Herndon, VA 22070.

Use of Information From the RFIN

Information submitted in response to this RFIN serves several purposes. First, responses will be used to identify areas of potential mineral leasing and development. Second, comments on possible environmental impacts and multiple-use conflicts will aid in the analysis and handling of concerns in and near the RFIN planning area. Based on this information a preliminary determination will be made on the potential advantages and disadvantages of OCS sand and gravel exploration and development for the RFIN planning area and whether the prelease process should be continued. Third, comments may be used to identify potential conflicts between offshore activities and State or local CMPs. Finally, comments may be used in developing lease terms and conditions to ensure safe offshore mineral development activities, if the lease sale is held.

Shallow Dredging and Prohibition on Disposal

To preserve ocean bottom topography and promote rapid recolonization of biota in dredged areas, MMS intends to restrict dredging to relatively shallow and uniform depths. The Agency does not intend to issue leases in areas designated as mud dump sites nor will it permit lessees to mine deep pits for use in the disposal of any material.

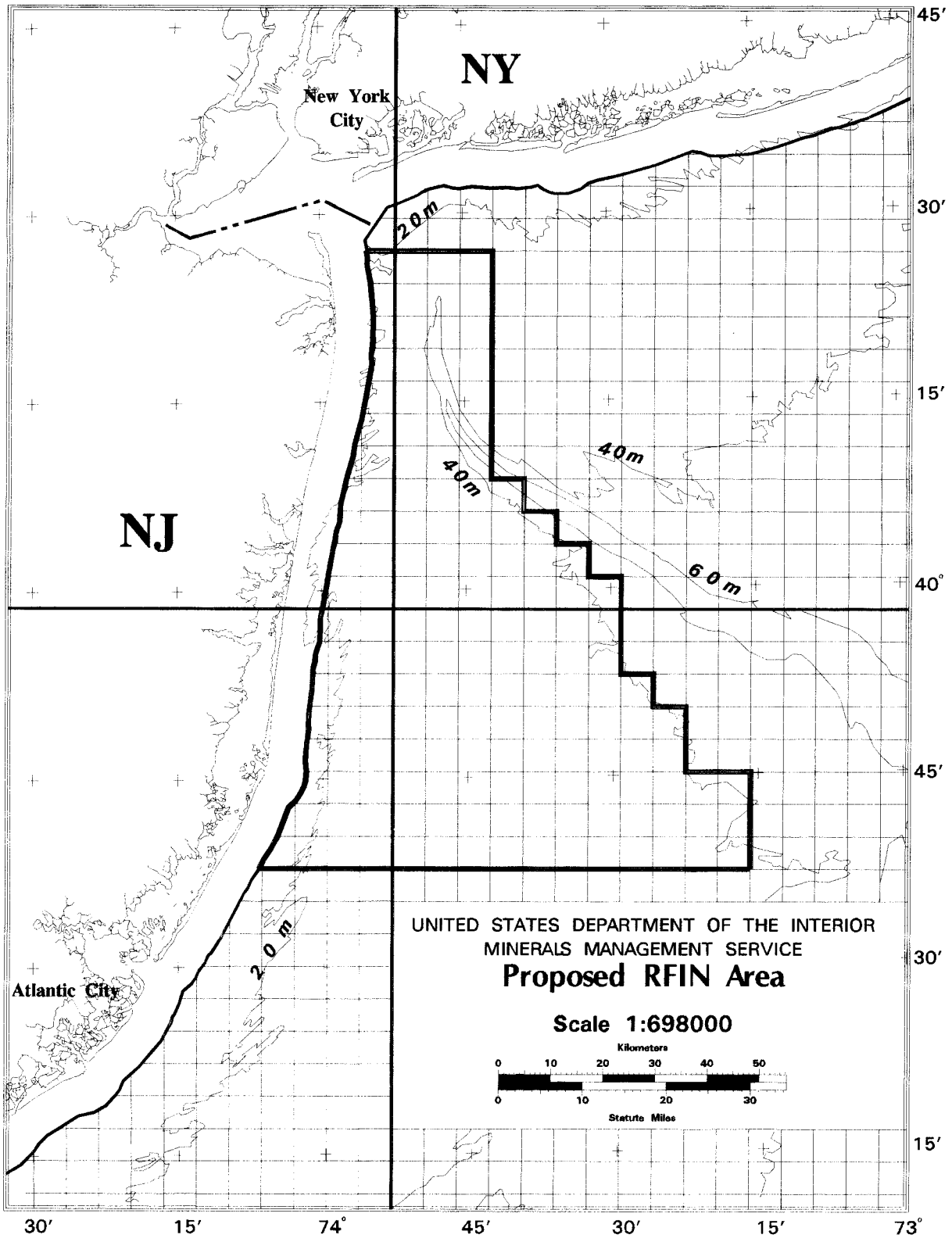
While the MMS is generally aware of the existence of navigation channels, mud dump sites, shipwrecks and other factors that could have a bearing on leasing in the planning area, more detailed information is solicited to insure that these factors receive full consideration.

Dated: May 12, 1996.

Cynthia Quarterman,

Director, Minerals Management Service.

BILLING CODE 4310–MR–P



[FR Doc. 96–12543 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–MR–C

National Park Service

Notice of Boundary Revision, Menard Creek Corridor Unit, Big Thicket National Preserve

SUMMARY: Section 1 of the Act of October 11, 1974, (88 Stat. 1254) provides for the establishment of Big Thicket National Preserve and authorizes the United States to accept title to any lands, or interests in lands, located outside the boundaries of the preserve which any private person, organization, or public or private corporation may offer to donate to the United States, if the Secretary finds that such lands would make a significant contribution to the purposes for which the preserve was created and he may administer such lands as part of the preserve.

Notice is given that the boundary of the Menard Creek Corridor Unit of Big Thicket National Preserve has been revised pursuant to the above act, to include 0.56 acres of land depicted as Tract No. 126–30 on land acquisition status map, segment 126, having drawing no. 175–30,005 dated August 15, 1995, prepared by the Lands Program, Southwest System Support Office.

This map is on file and available for inspection in the office of the National Park Service, Department of the Interior, Lands Program, Southwest System Support Office, and the Office of the Superintendent, Big Thicket National Preserve.

Dated: November 2, 1995.

Ronald E. Everhart,

Acting Director, Intermountain Field Area.

[FR Doc. 96–12755 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–70–P

Draft Environmental Impact Statement/ Resources Management Plan for Santa Rosa Island, Channel Islands National Park; Notice of Availability

SUMMARY: Pursuant to § 102(2)(c) of the National Environmental Policy Act of 1969 (P.L. 91–190, as amended), the National Park Service, Department of the Interior, has prepared a Draft Environmental Impact Statement assessing the potential impacts of the proposed Resources Management Plan for Improvement of Water Quality and Conservation of Rare Species and Their Habitats on Santa Rosa Island, Santa Barbara County, California. Once approved, the plan will guide resources management on Santa Rosa Island for the next 15 years.

Background

The draft Resources Management Plan and Environmental Impact Statement (DEIS/RMP) presents a proposal and four alternatives for improving water quality and riparian areas and promoting the conservation of rare species and their habitats on Santa Rosa Island. ''Rare species'' includes both species which have been proposed for listing as threatened or endangered under the Endangered Species Act, and those species which are candidates for such listing.

The proposed action, Alternative C, Targeted Action, would improve water quality in surface streams and protect riparian habitat areas on Santa Rosa Island, by excluding cattle and horses from one pasture, by establishing a seasonal grazing rotation in another pasture, and by constructing small riparian exclosures in several drainages. Conservation measures for rare species and their habitats would include removing the island's deer herd, reducing its elk herd, and excluding cattle and horses from one pasture. Both objectives would be fostered by increasing grazing management standards.

In addition, the following four (4) alternatives are considered in the DEIS/RMP: Alternative A ''No Action'' would continue the existing cattle ranching and commercial hunt operation, with no changes. Alternative B ''Minimal Action'' consists of excluding cattle from one pasture, removing the island's deer herd, and constructing small riparian exclosures in several drainages. Alternative D ''Conservation Team Recommendations'' includes phased closure of pastures and phased reduction of cattle numbers, as well as removal of the island's deer and reduction in the island's elk herd. Alternative E ''Immediate Removal of Ungulates'' consists of removal of all cattle, horses, elk and deer from the island within three years.

Additional Details

Written comments on the DEIS/RMP may be addressed to the Superintendent, Channel Islands National Park, 1901 Spinnaker Drive, Ventura, CA 93001. All such comments must be received no later than sixty (60) days from the date of publication of this Notice. Also, a public meeting to facilitate DEIS/RMP review will be scheduled during July, 1996. This will be advertised via local and regional media and by written announcement mailed to all individuals, organizations, and agencies who responded during the scoping period (which was initiated by the Notice of Intent published in the Federal Register on September 15, 1995). Inquiries about the DEIS/RMP and requests for copies of the document may be directed to the Superintendent at the above address, or via telephone at (805) 658–5776. The official responsible for decisions regarding this plan is the Field Director, Pacific West Area, National Park Service.

Dated: May 10, 1996.

Patricia Neubacher,

Acting Field Director, Pacific West Area.

[FR Doc. 96–12756 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–70–P

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 11, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by June 5, 1996.

Carol D. Shull,

Keeper of the National Register.

Arizona

Pima County

Pie Allen Historic District, Roughly bounded by N. Euclid Ave., E. 6th St., N. Park Ave., and E. 10th St., Tucson, 96000648

Arkansas

Lafayette County

Bradley Elementary School Building (Railroad Era Resources of Southwest Arkansas MPS) Jct. of W. 7th St. and AR 160, SW corner, Bradley, 96000634

Bradley High School Gymnasium (Railroad Era Resources of Southwest Arkansas MPS) Jct. of W. 6th and Central Sts., NE corner, Bradley, 96000635

First Methodist Church (Railroad Era Resources of Southwest Arkansas MPS) Jct. of Chestnut and 4th Sts., NW corner, Lewisville, 96000639

First Presbyterian Church (Railroad Era Resources of Southwest Arkansas MPS) Jct. of Market and Church Sts., SW corner, Stamps, 96000640

House at W. 7th St. (Railroad Era Resources of Southwest Arkansas MPS) Jct. of W. 7th and Central Sts., SW corner, Bradley, 96000636

Peoples Bank and Loan Building (Railroad Era Resources of Southwest Arkansas MPS) Jct. of Spruce and 3rd Sts., SW corner, Lewisville, 96000637

Triplett Company Building (Railroad Era Resources of Southwest Arkansas MPS)

2nd St., W of jct. with Spruce St., Lewisville, 96000638

Little River County

Anderson—Hobson Mercantile Store (Railroad Era Resources of Southwest Arkansas MPS) 201 Schuman St., Foreman, 96000642

First Christian Church (Railroad Era Resources of Southwest Arkansas MPS) Jct. of 2nd and Commerce Sts., SW corner, Ashdown, 96000632

Hawkins House (Railroad Era Resources of Southwest Arkansas MPS) Jct. of 3rd Ave. and 3rd St., NW corner, Foreman, 96000641

Hunter—Coulter House (Railroad Era Resources of Southwest Arkansas MPS) Jct. of 2nd and Commerce Sts., NW corner, Ashdown, 96000633

S. S. P. Mills and Son Building (Railroad Era Resources of Southwest Arkansas) Jct. of Texarkana Ave. and Main St., NW corner, Wilton, 96000631

Sevier County

DeQueen & Eastern Railraod Machine Shop (Railroad Era Resources of Southwest Arkansas MPS) Northwestern edge of DeQueen and Eastern RR yard, adjacent to AR 329, DeQueen, 96000643

Gillham Jail (Railroad Era Resources of Southwest Arkansas MPS) Located in the park to the N of the Kansas City—Southern RR tracks in the center of Gillham, Gillham, 96000647

Goff and Gamble Merchandise Store (Railroad Era Resources of Southwest Arkansas MPS) 1 block N of the Kansas City—Southern RR tracks in the center of Gillham, Gillham, 96000646

Hotel Dee Swift (Railroad Era Resources of Southwest Arkansas MPS) 123 N. Port Arthur St., DeQueen, 96000644

King Schoolhouse (Railroad Era Resources of Southwest Arkansas MPS) Approximately 1 mi. E of AR 71 near center of King, King, 96000645

Georgia

Fulton County

Crescent Apartments, 979 Crescent Ave., NW, Atlanta, 96000649

Maine

Cumberland County

Friends School, Off W side of Leach Hill Rd., .5 mi. SW of jct. with ME 121, Casco, 96000650

Portland Packing Company Factory, 14—26 York St., Portland, 96000651

Oxford County

Bennett, Nathaniel and Elizabeth, House, W side of Crockett Ridge Rd., 1.4 mi. N of jct. with ME 117, Norway vicinity, 96000652

Piscataquis County

Harriman School, N side of North Rd., 1.7 mi. NE of jct. with Parson Landing Rd., Dover—Foxcroft vicinity, 96000653

Washington County

Union Evangelical Church, N side of Addison Ridge Rd., 2 mi. S of US 1, Addison vicinity, 96000654

Maryland

Baltimore Independent City

Loudon Park National Cemetery (Civil War Era National Cemeteries MPS) 3445 Frederick Ave., Baltimore, 96000655

New Jersey

Hudson County

Hale—Whitney Mansion, 100 Broadway, Bayonne, 96000657

Hunterdon County

Riegel Ridge Community Center, Co. Rt. 519, approximately 1.5 mi N of NJ—PA state line, Holland Township, Milford vicinity, 96000656

Warren County

Port Murray Historic District, Roughly, Port Murray Rd. from Cherry Tree Bend Rd. to Hoffman Rd., Mansfield Township, Washington vicinity, 96000658

Tennessee

Giles County

Batte—Brown—Blackburn House, 318 W. Madison St., Pulaski, 96000659

[FR Doc. 96–12754 Filed 5–20–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; subgrant award report for Violence Against Women Formula Grant Program.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days from the date listed at the top of this page in the Federal Register. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact the Violence Against Women Grants Office, 202–307–6026, U.S. Department of Justice, Fourth Floor, 633 Indiana Avenue, NW, Washington, DC 20531. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to the address and phone number set forth.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: STOP Violence Against Women Formula Grant Program Subgrant Award Report

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: None. Violence Against Women Branch, Crime Act Support Division, Bureau of Justice Programs, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, local or tribal governments. *Other:* None.

The Crime Act of 1994 enacted the Violence Against Women Formula Grant Program. This program awards grant money to the states and territories to combat violence against women. The Subgrant Award Report will be completed by each of the states and territories and will provide information on each subgrant awarded under the program.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 560 responses at 1.0 hour each.

(6) An estimate of the total public burden (in hours): associated with the collection: 560 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management

Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: May 15, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–12733 Filed 5–20–96; 8:45 am]

BILLING CODE 4410–21–M

[OJP No. 1083]

RIN 1121–ZA33

Notice of Program Plans for Fiscal Year 1996; Correction

AGENCY: Department of Justice, Office of Justice Programs.

ACTION: Correction.

SUMMARY: In the notice document 61 FR 21238 beginning on page 21238 in the issue of Thursday, May 9, 1996, make the following correction:

On page 21288 in the second column, the address for receipt of a Program Announcement and Application Kit for the Office for Victims of Crime was listed as 1301 Pennsylvania Avenue, Suite 200, NW, Washington, D.C. 20531. This should be changed to 633 Indiana Avenue, NW, Washington D.C. 20531.

Dated: May 16, 1996.

Reginald L. Robinson,

Deputy Assistant Attorney General, Office of Justice Programs.

[FR Doc. 96–12859 Filed 5–20–96; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committee Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on June 12–13, 1996 at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S4215A–C, Washington, DC. The meetings of the full Committee are open to the public and will begin at 9 a.m. on June 12 and at 8:30 a.m. on June 13. The meeting will conclude at approximately 5 p.m. on June 12 and at approximately 12 p.m. on June 13.

On June 12, OSHA will brief the ACCSH regarding the status of standards-related activities for construction. In particular, the Agency will report on the draft final rule for scaffolds (subpart L); the deliberations of the Steel Erection Negotiated Rulemaking Advisory Committee; and the status of rulemaking efforts regarding fall protection (subpart M). Also, the work group on Safety and Health Programs will report to the full Advisory Committee and the full Committee will discuss the report.

After a lunch break, the work groups on Safety and Health Programs, Confined Spaces, and Health and Safety for Women in Construction will meet from approximately 2 p.m. to 5 p.m.

On June 13, the work groups on Confined Spaces and Health and Safety for Women in Construction will report back to the full Advisory Committee and the full Committee will discuss the reports from the work groups.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs, at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone who wishes to make on oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chairman of the Advisory Committee. Individuals with disabilities who wish to attend the meeting should contact Tom Hall, at the address indicated below, if special accommodations are needed.

For additional information contact: Tom Hall, Division of Consumer Affairs, Room N–3647, Telephone 202–219–8615, at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, Telephone 202–219–7894.

Signed at Washington, DC this 15th day of May, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 96–12750 Filed 5–20–96; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–050]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

DATES: Monday, June 17, 1996, 8:30 a.m. to 5:00 p.m.; Tuesday, June 18, 1996, 8:30 a.m. to 5:00 p.m.; Wednesday, June 19, 1996, 8:30 a.m. to 2:30 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC 7–AB–West, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Guenter R. Reigler, Code SR, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1588.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Status of prior SScAC recommendations
—NASA Headquarters Reorganization
—FY 97 Budget Request
—Subcommittee Business

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: May 15, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–12698 Filed 5–20–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–051]

NASA Advisory Council (NAC), Solar System Exploration Subcommittee (SSES); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 61FR20839, notice number 96–047, May 8, 1996.

PREVIOUSLY ANNOUNCED DATES OF MEETING: Thursday, June 6, 1996, 8:30

a.m. to 5:00 p.m.; and Friday, June 7, 1996, 8:30 to 1:00 p.m.

Meeting has been cancelled.

CONTACT PERSON FOR FURTHER INFORMATION CONTACT:

Dr. Jurgen Rahe, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, (202/358–2150).

Dated: May 14, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–12699 Filed 5–20–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: New.

2. The title of the information collection: Generic Clearance for Customer Satisfaction Surveys.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Three per year.

5. Who will be required or asked to report: Licensees, applicants, and the public.

6. An estimate of the number of responses: 600.

7. An estimate of the number of annual respondents: 600.

8. The estimate of the number of hours needed annually to complete the requirement or request: 300.

9. An indication of whether Section 3507(d), Public Law 104–13 applies: Not applicable.

10. Abstract: The NRC plans to conduct voluntary customer satisfaction surveys to evaluate its programs with respect to customer satisfaction and how NRC can improve its programs.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209, or within the Washington, DC, area at 202–634–3273.

Comments and questions should be directed to the OMB reviewer by June 20, 1996: Peter Francis, Office of Information and Regulatory Affairs, NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 13th day of May 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–12694 Filed 5–20–96; 8:45 am]

BILLING CODE 7590–01–P

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection:

10 CFR Part 74—Material Control and Accounting of Special Nuclear Material

NUREG 1065—Acceptance Criteria for the Low Enriched Uranium Reform Amendments

NUREG/CR 5734—Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities and

NUREG 1280—Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment

3. The form number if applicable: Not applicable.

4. How often the collection is required: Submission of the fundamental nuclear material control plan is a one-time requirement which has been completed by all current licensees. Specified inventory and material status reports are required annually or semiannually. Other reports are submitted as events occur.

5. Who will be required or asked to report: Persons licensed under 10 CFR Parts 70 or 72 who possess and use certain forms and quantities of special nuclear material.

6. An estimate of the number of responses: 14.

7. The estimated number of annual respondents: 9.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 3,923 (Approximately 16 hours per response for reports and 411 hours annually per recordkeeper).

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: 10 CFR Part 74 establishes requirements for material control and accounting of special nuclear material, and specific performance-based regulations for licensees authorized to possess and use strategic special nuclear material, or to possess and use, or produce, special nuclear material of low strategic significance. The information is used by the NRC to make licensing and regulatory determinations concerning material control and accounting of special nuclear material and to satisfy obligations of the United States to the International Atomic Energy Agency (IAEA). Submission or retention of the information is mandatory for persons subject to the requirements.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209, or within the Washington, DC, area at 202–634–3273.

Comments and questions should be directed to the OMB reviewer by June 20, 1996: Peter Francis, Office of Information and Regulatory Affairs (3150–0123), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 14th day of May 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–12695 Filed 5–20–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its March 31, 1995, application for proposed amendment to Facility Operating License Nos. 50–325 and 50–324 for the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina.

The proposed amendment would have provided an exception to Technical Specification (TS) 3.0.4 that would have permitted an operational mode change of a unit if the second unit was in cold shutdown or refueling (Operational Conditions 4 or 5 respectively) and one of the second unit's offsite power circuits was inoperable.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on April 13, 1995 (60 FR 18860). However, by letter dated December 20, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 31, 1995, and the licensee's letter dated December 20, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland, this 14th day of May 1996.

For the Nuclear Regulatory Commission.

Brenda L. Mozafari,

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–12697 Filed 5–20–96; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 20, 27, June 3, and 10, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 20

Wednesday, May 22

10:00 a.m.—Affirmation Session (PUBLIC MEETING) (if needed).

2:00 p.m.—Briefing by International Programs (CLOSED—Ex. 1).

Friday, May 24

9:30 a.m.—Meeting with Advisory Committee on Reactor Safeguards (ACRS) (PUBLIC MEETING). (Contact: John Larkins, 301–415–7360)

Week of May 27—Tentative

Thursday, May 30

2:00 p.m.—Briefing on Status of Dry Cask Storage Issues (PUBLIC MEETING). (Contact: William Travers, 301–415–8500)

Friday, May 31

10:00 a.m.—Briefing on NRC Inspection Activities (PUBLIC MEETING). (Contact: Bill Borchardt, 301–415–1257)

11:30 a.m.—Affirmation Session (PUBLIC MEETING) (if needed).

Week of June 3—Tentative

Monday, June 3

10:00 a.m.—Briefing on Part 100 Final Rule on Reactor Site Criteria (PUBLIC MEETING). (Contact: Charles Ader, 301–415–5622)

Thursday, June 6

3:30 p.m.—Affirmation Session (PUBLIC MEETING) (if needed).

Week of June 10—Tentative

Tuesday, June 11

2:00 p.m.—Briefing on Status of Risk Harmonizaiton (PUBLIC MEETING). (Contact: Judith Greenwald, 301–415-6635)

3:30 p.m.—Affirmaiton Session (PUBLIC MEETING) (if needed).

The schedule for Commisison meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: BIll Hill (301) 415–1661.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

* * * * *

Dated: May 16, 1996.

Andrew L. Bates,

Senior Level Advisor, Office of the Secretary.

[FR Doc. 96–12811 Filed 5–17–96; 10:23 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–309]

Maine Yankee Atomic Power Company, Maine Yankee Atomic Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by letter dated January 20, 1996, Friends of the Coast—Opposing Nuclear Pollution (Petitioner) requested that the Nuclear Regulatory Commission (NRC) take action with regard to the Maine Yankee Nuclear Power Station (Maine Yankee), licensed to Maine Yankee Atomic Power Company (licensee).

Petitioner requests that the Commission take expedited action to:

(1) Suspend the operating license of Maine Yankee pending resolution of the Petition; (2) examine and test by plug sampling—or other ASME approved method—all large piping welds that may have been susceptible to micro-fissures at the time of construction; (3) reanalyze Maine Yankee containment as one located in an area where seismic risk is not ''low''; (4) reduce the licensed operating capacity of Maine Yankee to a level consistent with a flawed containment and/or flawed reactor coolant piping welds; (5) provide an informal public hearing in the area of the plant regarding the Petition; and (6) place Petitioner on service and mailing lists relevant to its interests in safety at Maine Yankee and all public forums opened by the NRC.

As the basis for these requests, the Petition states that: (1) The containment is inadequate for power operation in excess of the original license, and may be inadequate for the original power operation limits because of insupportable original design acceptance criteria, yet the NRC staff recommended to the Commission that it grant a license amendment permitting this design. It is further stated that the Maine Yankee containment was designed and constructed without diagonal reinforcement rods, based on low seismic risk. Additionally, after a 1979 earthquake of 4.2 magnitude and an epicenter less than 10 miles from the plant site, the NRC ordered the shutdown of Maine Yankee until piping and piping supports could be seismically qualified. There is no public record, however, that the NRC reevaluated this marginally acceptable containment design, including prior to granting license amendments to operate at increased power; and (2) the Maine Yankee emergency core cooling system (ECCS), reactor coolant piping, and other large piping have not been adequately analyzed for materials degradation to ensure integrity at power operation in excess of the originally licensed power level, or under accident conditions. The Atomic Energy Commission's concern with ''micro-fissures'' in reactor coolant system welds led to appointment of a task force, and prompted studies and reports in 1971 (prior to heightened awareness of embrittlement phenomena) that concluded that the microfissures would not propagate or grow under foreseeable conditions. The Petitioner asserts that large pipe welds next to the reactor vessel have endured 23 years of corrosion, stress, vibration, and radiation and may fail, initiating a loss-of-coolant accident, or may be subject to thermal shock failure initiated by use of the ECCS.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR) pursuant to 10 CFR 2.206. As provided by Section 2.206, appropriate action will be taken on the Petition within a reasonable time. By letter dated May 13, 1996, the Director denied the Petitioner's request for suspension of Maine Yankee's operating license, pending resolution of the Petition.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, D.C. 20555–0001 and the local public document room in the Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, ME 04578.

Dated at Rockville, Maryland this 13th day of May 1996.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–12693 Filed 5–20–96; 8:45 am]

BILLING CODE 7590–01–P

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 1.82, ''Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident,'' has been revised to provide current guidance on methods acceptable to the NRC staff for meeting the Commission's requirements with respect to the sumps and suppression pools that perform the functions of water sources for emergency core cooling, containment heat removal, and containment atmosphere cleanup. This guide also updates the guidance on evaluating blockage by debris in the sumps and suppression pools of boiling water nuclear power reactors.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Single copies of regulatory guides may be obtained free of charge by writing the Office of Administration, Attention: Distribution and Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax at (301) 415–2260. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 6th day of May 1996.

For the Nuclear Regulatory Commission

Themis P. Speis,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 96–12696 Filed 5–20–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–8627]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Santa Fe Pacific Gold Corporation, Common Stock, $0.01 Par Value)

May 15, 1996.

Santa Fe Pacific Gold Corporation (''Company'' or ''SFPG'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Chicago Stock Exchange, Inc. (''CHX'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Security of SFPG is currently traded on the NYSE and the CHX. The Company incurs annual fees for each of the exchanges. Currently SFPG is paying an annual fee of $2,500 to the CHX.

From time to time SFPG has issued additional shares of Security for use in connection with its employee benefit

plans and expects in the future to issue additional shares for the purpose of raising additional equity capital. For new shares issued, SFPG will incur additional costs for listing new shares on the CHX.

The majority of SFPG's stock is traded on the NYSE. Since the vast majority of SFPG stock is currently traded on NYSE, SFPG believes that it is not cost effective to maintain a listing on a regional exchange. The Company has therefore determined that a single listing, on the NYSE, will be sufficient to serve the needs of its stockholders.

Any interested person may, on or before June 6, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–12735 Filed 5–20–96; 8:45 am]

BILLING CODE 8010–01–M

Sunshine Act Meeting; Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 20, 1996.

A closed meeting will be held on Tuesday, May 21, 1996, at 10:00 a.m. An open meeting will be held on Thursday, May 23, 1996, at 10:00 a.m. A closed meeting will be held on Thursday, May 23, 1996, following the 10:00 a.m. open meeting.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will extend the closed meeting. Certain staff members who have an interest in the matter may also be present.

The General Counsel of the Commission, or his desginee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4), (8), (9)(A) and (10) and 17 CFR 200.402 (a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matter at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the item listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 21, 1996, at 10:00 a.m., will be:

Institution of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, May 23, 1996, at 10:00 a.m., will be:

The Commission will hear oral argument on an appeal by Robert D. Potts from the decision of an administrative law judge. For further information, please contact Susan B. Mann at (202) 942–0902.

The subject matter of the closed meeting scheduled for Thursday, May 23, 1996, following the 10:00 a.m., open meeting, will be:

Post oral argument discussion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: May 17, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–12900 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board[1]

[STB Finance Docket No. 32942]

Coopersville & Marne Railway Company—Acquisition and Operation Exemption—Central Michigan Railway Company (19491)

Coopersville & Marne Railway Company of Coopersville, MI (CMR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate certain railroad lines of Central Michigan Railway Company (CMGN) from: (1) Milepost 1.16 at Marne, to milepost 8.5 at Coopersville, a distance of 7.34 miles; and (2) milepost 1.16, (old 166.44) at Marne, to milepost 159.5 at Walker, a distance of 6.94 miles, for a total distance of 14.28 miles, in Kent and Ottawa Counties, MI.

Consummation of the transaction was to be on or after May 8, 1996.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32942, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., Suite 750 West, 1100 New York Avenue, NW., Washington, DC 20005–3934.

Decided: May 14, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–12734 Filed 5–20–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects in the exhibit ''Masterpieces from the Palazzo Doria Pamphilj, Rome'' (See list[1]) imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at The National Gallery of Art, Washington, D.C., from on or about June 16, 1996, through on or about September 2, 1996, following a showing at the National Gallery, London, England, is in the national

[1] A copy of this list may be obtained by contacting Jacqueline Caldwell, Assistant General Counsel, at 202/619–6982; the address is Room 700, U.S. Information Agency, 301–4th Street, SW., Washington, D.C. 20547.

interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: May 15, 1996.

Les Jin,

General Counsel.

[FR Doc. 96–12743 Filed 5–20–96; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities; Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities has been renewed for a 2-year period beginning April 11, 1996, through April 11, 1998.

Dated: May 13, 1996.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 96–12663 Filed 5–20–96; 8:45 am]

BILLING CODE 8320–01–M

Scientific Review and Evaluation Board for Health Services Research and Development Service; Notice of Meeting

The Department of Veterans Affairs, Veterans Health Administration, gives notice under Public Law 92–463, that a meeting of the Scientific Review and Evaluation Board for Health Services Research and Development Service will be held at the Holiday Inn-Government Center, 5 Blossom Street, Boston, MA, June 18, through June 20, 1996. The session on June 18, 1996, is scheduled to begin at 1:00 p.m. and end at 5:00 p.m. (Eastern Time). The sessions scheduled for June 19 and 20 are scheduled to begin at 8:00 a.m. and end at 5:00 p.m. (Eastern Time). The purpose of the meeting is to review research and development applications concerned with the measurement and evaluation of health care systems and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit. Recommendations regarding their funding are prepared for the Acting Chief Research and Development Officer (12).

This meeting will be open to the public (to the seating capacity of the room) at the start of the June 18 session for approximately a half an hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by the subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Bill Judy, Manager, Program Review (124F), Health Services Research and Development Service, Department of Veterans Affairs, 810 Vermont Avenue, NW, (Techworld), Washington, DC at least five days before the meeting. For further information, he can be reached at 202.565.7298 until May 17, 1996. Following that date, Mr. Judy's new telephone number will be 202.273.7298.

Dated: May 13, 1996.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

IIR Project Merit Review—Agenda, Health Services Research and Development Service, Department of Veterans Affairs

Holiday Inn, Government Center, 5 Blossom Street, Boston, Massachusetts 02114, Tel. 617.742.7630, Fax. 617.742.4192

June 18, 1996

1:00 p.m.—Welcome, Introductions and Instructions
1:30 p.m.—Application Reviews
3:30 p.m.—Break
3:45 p.m.—Application Reviews
5:00 p.m.—Meeting Recess

June 19, 1996

8:00 p.m.—Application Reviews
10:00 a.m.—Break
10:15 a.m.—Application Reviews
1:00 p.m.—Lunch
2:00 p.m.—Application Reviews
3:30 p.m.—Break
3:45 p.m.—Application Reviews
5:00 p.m.—Meeting Recess

June 20, 1996

8:00 p.m.—Application Reviews
10:00 a.m.—Break
10:15 a.m.—Application Reviews
1:00 p.m.—Lunch
2:00 p.m.—Application Reviews
3:30 p.m.—Break
3:45 p.m.—Application Reviews
5:00 p.m.—Meeting Adjourned

[FR Doc. 96–12664 Filed 5–20–96; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 61, No. 99
day, May 21, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 92-174-2]

RIN 0579-AA67

Import/Export User Fees

Correction

In rule document 96–11211 beginning on page 20421 in the issue of Tuesday, May 7, 1996, make the following corrections:

1. On page 20430, in the table, in the fifth column, in the ninth line, ''3.754'' should read ''3.75''; and in the sixth column, in the ninth line, ''3,631'' should read ''43,631''.

§ 130.10 [Corrected]

2. On page 20435, in the first column, in § 130.10(a), in the table, in the first column, the heading should read ''Number of birds in isolette''.

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 84

National Institute for Occupational Safety and Health (NIOSH); Meeting

Correction

In proposed rule document 96–11859 beginning on page 24740 in the issue of Thursday, May 16, 1996, make the following correction:

On page 24740, in the second column, under **DATES**, in 3., ''June 8, 1996'' should read ''June 12, 1996.

BILLING CODE 1505–01–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

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

Correction

In rule document 95–20141 beginning on page 42037 in the issue of Tuesday, August 15, 1995, make the following correction:

Appendix B to Part 2619 [Corrected]

On page 42039, in Appendix B to Part 2619, the table at the top of the page should read ''Table II [Annuity Valuations]''.

BILLING CODE 1505–01–D

federal register

Tuesday
May 21, 1996

Part II

Department of Labor

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1 and 60–60

Government Contractors, Affirmative Action Requirements; Implementation of Executive Order 11246; Proposed Rule

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1 and 60–60

Government Contractors, Affirmative Action Requirements; Implementation of Executive Order 11246

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), ESA, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would revise certain provisions of the current regulations implementing Executive Order 11246, as amended, to reduce burdens on the regulated community and to improve administration of the Order. The Executive Order prohibits all nonexempt Government contractors and subcontractors, and federally assisted construction contractors and subcontractors, from discriminating in employment, and requires these contractors to take affirmative action to ensure that employees and applicants are treated without regard to race, color, religion, sex and national origin. The proposed revisions to the regulations on obligations of contractors and subcontractors concern record retention, compliance monitoring, and segregated facilities. In addition, the proposal would amend certain provisions of the regulations to parallel provisions included in OFCCP's final rule implementing Section 503 of the Rehabilitation Act of 1973, as amended, which was published in the Federal Register on May 1, 1996. The proposal also would transfer some sections of the regulations on contractor evaluation procedures for supplies and services to the regulations on obligations of contractors and subcontractors and delete the remainder of the sections. Finally, this proposal would withdraw portions of a final rule published on December 30, 1980 (and subsequently suspended), and it hereby withdraws a proposed rule published on August 25, 1981 (and supplemented on April 23, 1982).

DATES: To be assured of consideration, comments must be in writing and must be received on or before July 22, 1996.

ADDRESSES: Comments should be sent to Joe N. Kennedy, Deputy Director, OFCCP, Room C–3325, 200 Constitution Avenue, N.W., Washington, DC 20210.

As a convenience to commenters, OFCCP will accept public comments transmitted by facsimile (FAX) machine. The telephone number of the FAX receiver is 202–219–6195. To assure access to the FAX equipment, only public comments of six or fewer pages will be accepted via FAX transmittal. Receipts of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling OFCCP at 202–219–9430 (voice), 1–800–326–2577 (TDD).

FOR FURTHER INFORMATION CONTACT: Joe N. Kennedy, Deputy Director, OFCCP, Room C–3325, 200 Constitution Avenue, N.W., Washington, DC 20210. Telephone 202–219–9475 (voice), 1–800–326–2577 (TDD). Copies of this NPRM, including copies in alternate formats, may be obtained by calling 202–219–9430 (voice), 1–800–326–2577 (TDD). The alternate formats available are large print, electronic file on computer disk and audio-tape.

SUPPLEMENTARY INFORMATION:

Background

OFCCP's regulations at 41 CFR chapter 60 implementing Executive Order 11246, as amended (30 FR 12319, September 28, 1965) have not undergone substantive revision since the 1970s. A final rule was published on December 30, 1980 (45 FR 86215; corrected at 46 FR 7332, January 23, 1981), but was stayed in accordance with Executive Order 12291 on January 28, 1981 (46 FR 9084). This rule later was stayed indefinitely on August 25, 1981 (46 FR 42865), pending action on a notice of proposed rulemaking (NPRM) published on that same date (46 FR 42968; supplemented at 47 FR 17770, April 23, 1982). OFCCP has taken no further action on the August 25, 1981, proposal, or consequently on the 1980 stayed final rule.

Both the 1980 final rule and the 1981 proposal addressed 41 CFR part 60–1. The changes they would have made to 41 CFR part 60–1 have been considered in developing today's NPRM and, where pertinent, are discussed in the Section-by-Section analysis below. To avoid conflict with today's NPRM, OFCCP proposes to withdraw part 60–1 of the 1980 final rule, and hereby withdraws the 1981 and 1982 NPRMs in their entirety.

As discussed in the Section-by-Section analysis, today's NPRM proposes changes to 41 CFR part 60–1 provisions concerning record retention, compliance monitoring, and segregated facilities. In addition, to ensure consistency in OFCCP programs, today's NPRM proposes conforming certain part 60–1 provisions to parallel provisions revised by OFCCP's final rule implementing Section 503 of the Rehabilitation Act of 1973, as amended (61 FR 19336; May 1, 1996). These proposed conforming changes would affect several definitions and, for example, some aspects of enforcement.

Finally, today's NPRM proposes the deletion of most sections of part 60–60 from the regulations and the transfer of a few sections to part 60–1. The deleted sections describe OFCCP's traditional compliance review process and the transferred sections relate to preservation of confidentiality of data submitted by contractors, the timeframe within which a contractor must submit an affirmative action program and supporting documents and authorization for agreements concerning nationwide AAP formats. Similar deletions and transfers were contained in the 1980 final rule and the 1981 proposal.

Section-by-Section Analysis

Section 60–1.3 Definitions

The proposal adds one new definition for compliance evaluation and revises several others to render them consistent with the definitions included in OFCCP's Section 503 final rule.

''Compliance Evaluation.'' The proposal adds a new definition of the term ''compliance evaluation'' to reflect OFCCP's authority to conduct a variety or range of activities to assess a contractor's compliance status. Previously OFCCP generally has conducted a full compliance review of a contractor, assessing all its employment practices, whenever it reviewed a contractor's status. As discussed in more detail in the preamble discussion of § 60–1.20, the proposal would allow OFCCP to use any one or a combination of actions to examine a contractor's compliance with one or more of the Executive Order 11246 requirements. Thus, the proposal would allow OFCCP to streamline the review process for many contractors. The proposal also would allow OFCCP to focus its investigatory resources where they are needed, while conducting some level of review of a broader segment of the contractor universe.

''Contract.'' The current regulation defines the term ''contract'' as ''any Government contract or any federally assisted construction contract.'' The proposal adds the word ''subcontract'' to this definition (''any Government contract or subcontract or any federally assisted construction contract or subcontract'') to eliminate the need to reference ''subcontract'' each time ''contract'' is referenced in the body of the regulation. Accordingly, the proposal generally references the term ''subcontract'' only when necessary to

the context. This same change would have been made by the 1980 final rule.

''Deputy Assistant Secretary.'' The Director of OFCCP recently was redesignated the Deputy Assistant Secretary for Federal Contract Compliance Programs. The proposal, therefore, substitutes a definition of ''Deputy Assistant Secretary,'' for the definition of ''Director'' in the current regulations, and makes this title change throughout the proposal. To ensure internal consistency, OFCCP intends to issue a rule making a corresponding universal change to its regulations before publishing the final rule resulting from this proposal.

''Government Contract.'' The proposed definition of ''Government contract'' is revised to clarify that covered contracts include those under which the Government is a seller of goods or services, as well as those under which it is a purchaser. This change reflects OFCCP's long-standing interpretation of the scope of the Executive Order, upheld in *Crown Central Petroleum Corp.* v. *Kleppe* (424 F. Supp. 744 (D. Md. 1976)), that sales by the Government result in covered contracts. Hence, the proposal substitutes a reference to contracts for the ''purchase, sale or use of personal property or nonpersonal services'' and a definition of the term ''personal property'' for the existing reference to the ''furnishing'' of supplies or services, or for the use of real or personal property, including lease arrangements.

''Rules, regulations and relevant orders of the Secretary of Labor.'' A rule published on May 3, 1996 (61 Fed. Reg. 19982) amended the definition of ''Secretary'' to include a ''designee'' of the Secretary of Labor. The definition of ''rules, regulations and relevant orders of the Secretary of Labor'' in the current regulations, which makes reference to the designee of the Secretary, therefore is no longer necessary and is omitted in this proposal.

''Subcontract.'' The proposal conforms the current definition of ''subcontract'' to the proposed definition of ''Government contract'' above; that is, as revised, the proposed definition references agreements for the ''purchase, sale or use'' of personal property or nonpersonal services.

''United States.'' OFCCP proposes to revise the current definition of ''United States'' by deleting the Panama Canal Zone (which was ceded back to Panama under the terms of the Panama Canal Treaty) and by specifying the possessions and territories of the United States as: the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Wake Island.

Section 60–1.8 Segregated Facilities

Today's proposal would revise § 60–1.8, which currently sets out a general prohibition regarding the maintenance of segregated facilities (paragraph (a)) and a certification requirement regarding compliance with that obligation (paragraph (b)).

Specifically, under paragraph (a) of § 60–1.8, nonexempt contractors and subcontractors must ensure that facilities they provide to their employees are not segregated on the basis of race, color, religion or national origin. Further, paragraph (a) states that this obligation extends to all contracts containing the equal opportunity clause, regardless of the amount of the contract.

Paragraph (b) of the regulation provides that, prior to the award of a Government contract or federally assisted construction contract, each contracting agency or applicant for Federal financial assistance involving a construction contract shall require the prospective prime contractor to submit a certification that it does not and will not maintain segregated employee facilities. Paragraph (b) also requires prime contractors and subcontractors, prior to the award of subcontracts, to obtain such a certification from their prospective subcontractors.

This proposal would conform § 60–1.8 with the Executive Order's general nondiscrimination requirements, by adding sex to the list of bases upon which segregation is prohibited, with the proviso that separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to assure privacy between the sexes. The proposal also would make a number of stylistic changes to existing paragraph (a).

OFCCP proposes to withdraw the written certification requirement (paragraph (b) of the current regulation). The certification requirement originally was incorporated into the Executive Order regulations in 1967 (see 32 FR 7439, May 19, 1967). At that time, segregation in employee facilities, especially on the basis of race, was not uncommon. The certification requirement was intended in large part to put contractors on notice that such segregation was unlawful and would not be tolerated. In the intervening 28 years, as a result of civil rights law enforcement and other factors, employers have become aware that segregation in employee facilities is unlawful. Indeed, such segregation has been significantly reduced. Because today's proposal would retain and strengthen the basic prohibition regarding segregated facilities, which OFCCP will continue to monitor through compliance investigations, the proposed withdrawal of the certification requirement will not reduce protections afforded to workers.

Withdrawing the certification requirement will significantly reduce compliance burdens on contractors. The Government lets approximately 350,000 prime contracts each year. If it is assumed that each prime contract results in an average of four subcontracts, and that it takes about one-half hour to prepare and submit the written certification, eliminating the certification requirement would reduce compliance burdens on the contractor community by roughly 875,000 hours. This estimate may significantly understate the savings; many contractors annually solicit the certification from all of their prospective vendors rather than limiting their request to those firms that actually are subcontractors on Federal projects.

The 1980 final rule, and the 1981 proposal, would have made similar revisions to the segregated facilities regulation.

Section 60–1.12 Record Retention

OFCCP's primary Executive Order recordkeeping and record retention regulations are contained in 41 CFR 60–1.40 and 60–4.3, and parts 60–2 and 60–3 (the Uniform Guidelines on Employee Selection Procedures, hereafter UGESP). The regulations require certain contractors to develop, implement and maintain a written affirmative action program (AAP) for each of their establishments; to compile the results of the program; to update the program annually; and to provide the program and supporting documentation to OFCCP upon request; to maintain data on applicants, selection and referral procedures and, as applicable, adverse impact and evidence of validity; and, if engaged in Federal or federally assisted construction, to compile and maintain data on employees and applicants for construction jobs. Although retention of relevant records is implicit in the requirement to analyze selection decision data, prepare an annual update, and provide supporting documentation, the Executive Order regulations, with one exception, do not expressly prescribe a record retention period. That exception is the requirement under the UGESP to keep certain adverse impact data for two years after the adverse impact has been eliminated.

Paragraph (a) of the proposal amends this obligation in several ways: First it

makes the record retention obligation applicable to any personnel or employment record made or kept by the contractor, and sets out a listing of examples of the types of records that must be retained. This provision conforms to the analogous requirement under Title VII of the Civil Rights Act of 1964. (Thus, contractors with 15 or more employees, i.e., those that are covered by Title VII of the Civil Rights Act, already are required to comply with this requirement. The only contractors that will be newly covered by this requirement are those that have Government contracts subject to the Executive Order's regulations (e.g., those with contracts that exceed $10,000) and that have fewer than 15 employees. This group of contractors consists almost entirely of small construction contractors.)

Second, proposed paragraph (a) stipulates that the required record retention period is two years. It is OFCCP's practice to review the contractor's employment practices dating back two years prior to the initiation of a compliance evaluation and to assess liability for discriminatory practices dating back two years. Proposed paragraph (a) requires smaller contractors (those that have fewer than 150 employees or that do not have a Government contract of at least $150,000) to retain records for a minimum of one year, rather than two years. Most contractors are covered by the one year record retention period imposed by Title VII. OFCCP is proposing a shorter record retention period for smaller contractors as a method of reducing regulatory burden on such contractors. This proposal is consistent with a provision included in OFCCP's Section 503 final rule.

Third, proposed paragraph (a) requires that when a contractor has been notified that a complaint has been filed, that a compliance evaluation has been initiated or that an enforcement action has been commenced, the contractor shall preserve all relevant personnel records until the final disposition of the action. This provision conforms to the corresponding record retention requirement under Title VII. The purpose of this requirement is obvious—to ensure that OFCCP can obtain all relevant documents during a compliance investigation or enforcement action.

Proposed paragraph (b) provides that a contractor establishment required to develop a written affirmative action program (AAP) shall maintain its current AAP and its AAP for the preceding AAP year, along with documentation of good faith efforts taken under the AAPs. Such documentation might reflect, for example, the contractor's outreach and recruitment efforts undertaken to increase its pool of female or minority applicants, or training programs instituted to enhance the skills and talents of incumbent employees to increase the pool of those eligible for promotion. This provision is intended to ensure that the AAPs are available to OFCCP during a compliance evaluation.

Proposed paragraph (c) provides that the failure to preserve the records required by proposed paragraphs (a) and (b) constitutes noncompliance with the Order. Additionally, proposed paragraph (c), in a provision that is not paralleled in the current regulations, states that where a contractor has destroyed or failed to preserve required records, there may be a presumption that such records would have been unfavorable to the contractor. However, this presumption will not apply where a contractor demonstrates that the destruction or failure to preserve records resulted from circumstances beyond the contractor's control (e.g., fires, floods, tornados, or other natural disasters). This provision is consistent with EEOC's practice under Title VII, as set forth at § 632.3(b)(2)(ii) of EEOC's Compliance Manual. The intent of this provision is to deter contractors from deliberate attempts to frustrate OFCCP's compliance monitoring and enforcement efforts by destroying or failing to preserve records. The adverse inference established by paragraph (c) would be used by OFCCP in both investigations of compliance and in enforcement litigation.

Proposed paragraph (d), which is not paralleled in the current regulations, would clarify that the contractor is obligated to preserve only those records which are created or kept on or after the effective date of the regulations.

The proposed regulation has been carefully drafted to comport with requirements under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and the requirement included in OFCCP's final rule implementing Section 503 of the Rehabilitation Act of 1973, as amended. The Title VII, ADEA, and ADA regulations contain record retention requirements for similar records that vary from one to three years. The vast majority of Federal contractors already are subject to one or more of these statutes and thus already are required to maintain the records described in this proposed regulation.

Section 60–1.20 Compliance Evaluations

The proposal would revise paragraphs (a) and (d) of this section, which respectively address compliance reviews in general, and preaward clearance requirements.

In the current regulations, paragraph (a) describes the purpose of a compliance review of a contractor's implementation of its nondiscrimination and affirmative action obligations, provides that the review shall consist of a comprehensive analysis of all relevant practices, and provides that recommendations for appropriate sanctions shall be made. The proposal specifically authorizes OFCCP's use of additional methods to evaluate a contractor's compliance with the regulations. The proposal specifies that the compliance evaluation methods available to OFCCP, other than the full compliance review, may include a range of activities designed to focus, for example, on the contractor's written affirmative action plan; the accuracy of data submitted for review at desk audit; or on one component or organizational unit of the contractor's workforce. Thus, the proposal would allow OFCCP to streamline the review process in many cases.

The proposal also would revise paragraph (d), which currently requires OFCCP to conduct a preaward compliance review of contractors being considered for contracts of $1 million or more. The preaward provision has been a component of OFCCP's regulatory procedures since 1968. The intent of the preaward clearance provision is to prevent the award of large dollar contracts to contractors which are either in noncompliance or unwilling to comply with the EEO clause of the contract.

Specifically, § 60–1.20(d) requires the awarding agency to obtain clearance from OFCCP prior to awarding Federal supply/ service contracts of $1 million or more. OFCCP must certify that a Federal contractor/prospective contractor is in compliance before the award of a contract.

The concept of preaward compliance reviews was premised on three assumptions: (1) Contracts of a sizable dollar amount tend to generate expanded hiring, promotion and upgrading opportunities; (2) the conduct of a compliance review immediately prior to the award is the most efficient way of ensuring that those employment opportunities be used to address the consequences of any past job discrimination; and (3) contractors tend to be more amenable to achieving

compliance across-the-board when it is an immediate condition of the contract. Although these assumptions generally are still correct, the preaward review has not been a successful compliance mechanism for the past 15 years.

OFCCP has been severely hampered in its efforts to plan and carry out compliance reviews because of the regulatory and other requirements associated with preaward requests. OFCCP recognized the shortcomings of the preaward process as early as 1979 and attempted to modify the provision in the 1980 final rule. The 1981 proposal would have eliminated the requirements for preaward clearance. The ineffectiveness of the preaward provision also was identified and cited in 1985 and 1988 reports of the Department of Labor Inspector General.

Several factors contribute to the difficulties with the preaward process, including: insufficient staff and budget to process the large volume of preaward requests—approximately 27,625 preaward requests were received in FY '93; the short time available within which to conduct preaward reviews; and court rulings that require a hearing before OFCCP may declare a contractor ineligible for contracts. See *e.g., Illinois Tool Works* v. *Marshall,* 601 F.2d 943 (7th Cir. 1979).

In addition, some contracting agencies have expressed concerns about the traditional preaward process. OFCCP has held consultations with various contracting agencies during the past year and has adopted a number of administrative reforms as a result. Those reforms relate to its interactions with the contracting agencies during the preaward process, and they were implemented in order to ensure that the process is as streamlined as possible. Those consultations are ongoing and OFCCP will continue to work with the contracting agencies to improve the process.

Based on the foregoing concerns with the current preaward provision, OFCCP considered a number of options including the complete elimination of the preaward provision, an increase in the dollar amount of the preaward contract threshold, and the replacement of the preaward review with a postaward review. OFCCP decided to promulgate this proposal which modifies the provision by making the preaward compliance review optional. Thus, preaward reviews will be conducted if OFCCP determines that a review would constitute the best use of its limited resources. OFCCP may consider factors such as whether the contract is likely to generate significant employment opportunities, whether the contractor has held a covered Federal contract before, whether the contractor has been reviewed before and, if so, whether prior reviews have revealed noncompliance at the same or other establishments, the length of time that has passed since a prior review, and the EEO–1 profile of the contractor. It is difficult to describe more precisely the factors OFCCP will use, because they may change over time as economic conditions change. For example, in recent years the most growth in employment opportunities has occurred in small businesses and that growth has occurred in the service sector of the economy. Because these facts may change in future years, they are not specified as factors OFCCP will consider when deciding whether to conduct a preaward review. By making the preaward review optional, the proposal allows OFCCP the necessary flexibility and latitude in establishing the agency's enforcement priorities, rather than continuing to allow those priorities to be dictated by the incoming preaward requests. OFCCP invites commenters to address whether it should make preaward reviews optional, or should retain such reviews as mandatory.

This proposal provides, as does the current regulation, that OFCCP will provide an awarding agency with its conclusions regarding clearance for an award. However, the proposal requires that OFCCP inform an awarding agency within 15 days of its intention to conduct a preaward review. If OFCCP does not inform an awarding agency within that period of its intention to conduct a preaward review, clearance shall be presumed and the agency is authorized to proceed with the award. If OFCCP informs an awarding agency of its intention to conduct a preaward review, OFCCP shall be allowed an additional 20 days after the date that it so informs the agency to provide its conclusions. If OFCCP does not provide an awarding agency with its conclusions within that period, clearance shall be presumed and the agency is authorized to proceed with the award. This proposal ensures that the preaward review process will not contribute to any unnecessary delay in the procurement process.

This proposal continues the threshold for preaward notification at $1 million. However, OFCCP invites commenters to address whether the existing threshold should be changed or retained, in light of the dual goals of streamlining the procurement process and ensuring that OFCCP has the information necessary to allow it to evaluate the compliance status of companies that may be awarded new Government contracts. In addition, OFCCP invites commenters to address the option of moving from preaward reviews to a system under which OFCCP reviews would be performed concurrent with the awarding of a Federal contract.

Finally, as discussed under the heading of part 60–60 below, the proposal moves provisions now contained in part 60–60 that relate to confidentiality of data, timely submission of documents to OFCCP, and nationwide AAP formats to this section.

Section 60–1.26 Enforcement Proceedings

The proposal revises and restructures for clarity § 60–1.26, which details Executive Order enforcement procedures. With the exception of the provision relating to calculating interest, this proposal is not intended to make substantive changes to this section. Proposed subsection (a) contains general provisions applicable to both administrative and judicial enforcement. Proposed subsection (b) addresses administrative enforcement procedures, and proposed subsections (c) and (d) cover judicial enforcement proceedings, which are handled by the Department of Justice.

The proposal also makes several specific changes to this section that are consistent with provisions included in OFCCP's Section 503 final rule at 41 CFR 60–741.65(a)(1). First, it clarifies in subsection (a)(2) that OFCCP may seek relief for victims of discrimination identified either during a compliance evaluation or a complaint investigation whether or not such individuals have filed a complaint with OFCCP. OFCCP has long maintained that such a limitation on available relief clearly is inconsistent with the Order. OFCCP's position recently was upheld in a case under Section 503, *OFCCP* v. *Commonwealth Aluminum,* 82–OFC–6 (Assistant Secretary for Employment Standards, February 10, 1994), Federal court review pending *sub nom. Commonwealth Aluminum Corporation* v. *United States* (WD Ky., No. 94–0071–O(C)).

Second, the proposal states, also in subsection (a)(2), that interest on back pay shall be compounded quarterly at the percentage rate established by the Internal Revenue Service for the underpayment of taxes. This provision would reverse the ruling of the Department of Labor's Assistant Secretary for Employment Standards in *OFCCP* v. *Washington Metropolitan Area Transit Authority,* 84–OFC–8 (orders dated August 23 and November 17, 1989), that simple interest, rather

than compounded interest, should be used in the calculation of back pay awards under Section 503. That Section 503 ruling, which relied upon the Department's regulations (at 29 CFR part 20) implementing Section 11 of the Debt Collection Act of 1982 (31 U.S.C. 3717), could be construed as applicable also to relief under the Executive Order. OFCCP had a longstanding policy of requiring that interest on back pay awards under the Executive Order be compounded; such policy is consistent with the case law under Title VII of the Civil Rights Act of 1964. OFCCP believes that it must reinstate this policy to ensure that victims of discrimination obtain complete ''make whole'' relief.

Third, the proposal provides in subsection (b)(1) that administrative enforcement proceedings also may be instituted where OFCCP determines that referral for formal enforcement (rather than settlement) is appropriate. Fourth, the proposal specifies in subsection (b)(1) that the administrative enforcement referral will be made to the Solicitor of Labor.

The proposal states that the rules of evidence set out in the hearing rules applicable to the Department's Administrative Law Judges shall also apply to hearings conducted under 41 CFR part 60–30. These rules, which were issued in 1990, are generally applicable to the Department's formal adversarial adjudications. Consistent with a requirement included in OFCCP's Section 503 final rule, the proposal also requires that the Department's Final Administrative Order in an Executive Order case be issued within one year from the date of the Administrative Law Judge's recommended decision, or the submission of the parties' exceptions and responses to exceptions to such decision (if any), whichever is later. OFCCP believes that this time limit is needed to ensure that aggrieved individuals obtain expeditious relief and that contractors are assured of closure of the administrative proceedings.

Section 60–1.27 Sanctions

The current sanction regulation provides only that the sanctions authorized by section 209 of the Executive Order may be exercised by or with the approval of the Director of OFCCP. The 1980 final rule and the 1981 proposal deleted the current sanction regulation as a separate provision, and they both generally merged the sanction regulation with the regulation pertaining to enforcement proceedings. The regulation pertaining to enforcement proceedings currently is set forth at § 60–1.26. In the 1980 final rule the combined sanctions and enforcement proceedings regulation appeared at § 60–1.29, and in the 1981 proposal the combined regulation appeared at § 60–1.68.

The proposal adds a new paragraph specifically addressing the sanction of debarment. Paragraph (b) of the proposal provides for a fixed term debarment for a period of six months or more, as well as indefinite term debarment. The Secretary already has ordered the imposition of a fixed term debarment in *OFCCP* v. *Disposable Safety Wear*, 92–OFC–11 (Decision and Final Administrative Order of the Secretary of Labor, September 29, 1992). See also *OFCCP* v. *Blaine Construction Co.*, 94–OFC–4 (Decision and Final Administrative Order of the ALJ, March 9, 1994); *OFCCP* v. *KRT Drywall/ Acoustical*, 94–OFC–14 (Order of the ALJ, August 18, 1994); *OFCCP* v. *State Construction of Southeast Wisconsin*, 94–0FC–18 (Orders of the ALJ, August 31 and September 8, 1994). The proposal simply provides contractors with greater notice that a fixed term debarment of six months or more may be imposed in some cases instead of an indefinite term debarment. OFCCP believes that the use of fixed period debarments will serve as a more effective deterrent and encourage compliance among the recalcitrant contractors who repeatedly break their promises of future compliance with respect to affirmative action and recordkeeping and retention requirements. OFCCP has found that the current practice of reinstating the contractor upon its simple demonstration of compliance is insufficient to ensure voluntary compliance. Under the current procedure the contractor may be reinstated immediately without incurring any economic loss for a violation of an affirmative action requirement (e.g., a contractor which has failed to develop an AAP can simply do so to be eligible for reinstatement). A fixed term debarment establishes a trial period during which a contractor can demonstrate its commitment and ability to establish personnel practices that will ensure continued compliance with the requirements of the Executive Order. Thus, in a Final Administrative Order, the Adminstrative Review Board could order a company to take specific action to come into compliance and to submit periodic reports to OFCCP regarding its compliance status during the fixed term debarment period. A fixed term debarment scheme will strengthen the Executive Order program by deterring contractors from engaging in violations based upon ''a cold weighing of the costs and benefits of noncompliance.'' *Janik Paving & Construction* v. *Brock*, 828 F.2d 84 (2d Cir. 1987). Where fixed term debarment is ordered, in lieu of an indefinite term debarment, the length of the debarment period will be determined on a case-by-case basis, depending upon factors such as the nature and severity of the violations. A contractor debarred for a fixed term will not be automatically reinstated upon the conclusion of the fixed term debarment period. In making his or her determination as to whether reinstatement of such a contractor is appropriate, the Deputy Assistant Secretary shall consider whether the contractor has demonstrated that it has established and will carry out employment policies and practices in compliance with the Executive Order. If the contractor failed to comply with the Department's Final Administrative Order, it would not be eligible for reinstatement at the conclusion of the fixed term debarment period.

Section 60–1.30 Notification of Agencies

Consistent with a regulation in OFCCP's Section 503 final rule, the proposal would delete the requirement that OFCCP distribute a list of debarred contractors to all executive departments and agencies, and substitute a requirement that the Deputy Assistant Secretary ensure that the heads of agencies are notified of debarments. Accordingly, the section would be renamed ''Notification of agencies'' instead of ''Contract ineligibility list.'' The General Services Administration now publishes a listing of debarred contractors, and it would be redundant for OFCCP to issue a separate list.

The 1980 final rule would have required that OFCCP promptly notify the Comptroller General of the United States regarding contract cancellations and debarments. Further, that section of the final rule would have required that OFCCP take appropriate steps to notify prime contractors of the debarred contractor's ineligibility for subcontracts. Notice now is provided adequately by the General Services Administration's list of debarred contractors.

Section 60–1.31 Reinstatement of Ineligible Prime Contractors and Subcontractors

The proposal would revise this section to make it consistent with proposed § 60–1.27(b), which authorizes debarment either for an indefinite

period or for a fixed period of not less than six months. Accordingly, the proposal provides that a contractor debarred for an indefinite period may request reinstatement at any time, and that a contractor debarred for a fixed period may request reinstatement after the expiration of the fixed period. In either type of debarment, the contractor, as under the current regulations, would be required to show that it has established and will carry out employment practices in compliance with the Executive Order.

Further, the proposal would adopt some of the 1980 final rule's reinstatement procedures. For instance, similar to the 1980 final rule, the proposal specifies that the contractor may be subject to a compliance evaluation before a final determination is made on the reinstatement request. The 1980 final rule would have established some additional detailed procedures that OFCCP, upon reconsideration, does not believe need to be incorporated into the regulations.

Section 60–1.32 Intimidation and Interference

Currently, the regulations provide that the sanctions and penalties contained therein may be exercised against any contractor which fails to ensure that no person intimidates, threatens, coerces or discriminates against any individual because he or she files a complaint or otherwise participates in compliance activity under the Executive Order or a similar Federal, state or local law. The proposal contains a similar prohibition but specifies that the contractor itself shall not engage in such activities and shall ensure that all persons under its control do not do so, and adds that the prohibition applies to harassment. Further, the proposal states that the prohibition applies to an individual's opposition to any practice that is unlawful under the Order or similar Federal, state or local laws, and to the exercise of any other right protected by the Order. The proposal is consistent with a provision included in OFCCP's Section 503 final rule, and it is substantially similar to the counterpart provision in the 1980 final rule (§ 60–1.28). The intent of the proposal is to incorporate strengthened provisions that ensure that individuals fully enjoy all rights protected under the Order, the regulations and comparable Federal, state and local laws without the threat of harassment or intimidation.

Section 60–1.34 Violation of a Conciliation Agreement or Letter of Commitment

The proposal contains a clarification that in enforcement proceedings related to violation of a conciliation agreement, OFCCP is not required to present proof of the underlying violations resolved by the agreement. This provision, which reflects OFCCP's current practice and which is consistent with OFCCP's Section 503 final rule, is to remove any doubt that OFCCP need not litigate claims that have already been resolved through the agreement.

Section 60–1.42 Notices to be Posted

Technical corrections are made to the wording of the poster regarding the jurisdictional coverage of Title VII and the address of EEOC.

Section 60–1.43 Access to Records and Site of Employment

Consistent with a provision included in OFCCP's Section 503 final rule, the proposal specifies that computerized records are among the records to which the contractor shall permit OFCCP access for inspection and copying. In addition, the proposal specifies that contractors must permit OFCCP access to their premises for the purpose of conducting compliance evaluations and complaint investigations (the current regulation mentions only compliance reviews). Further, the proposal revises the list of uses which can be made of information OFCCP obtains from a contractor, to include the administration of other laws that are enforced, in whole or in part, by OFCCP.

Part 60–60—Contractor Evaluation Procedures for Contractors for Supplies and Services

Part 60–60 is to be deleted. Most of part 60–60 is properly characterized as internal operating procedures. A number of the procedures have been incorporated into OFCCP's Federal Contract Compliance Manual, and the provisions regarding confidentiality of data furnished to OFCCP by contractors are proposed to be incorporated into part 60–1. Specifically, provisions currently found at §§ 60–60.2(a), 60–60.3(a)(3), 60–60.3(d) and 60–60.4(a–d) will be incorporated into § 60–1.20 with minor changes. The 1980 final rule, and the 1981 proposal, would have made similar revisions to part 60–60.

Regulatory Procedures

Executive Order 12866

The Department is issuing this proposed rule in conformance with Executive Order 12866. This proposal has been determined to be significant for purposes of Executive Order 12866 and therefore has been reviewed by OMB. This proposal does not meet the criteria of Section 3(f)(1) of Executive Order 12866 and therefore the information enumerated in Section 6(a)(3)(C) of that Order is not required.

In accordance with section 6 of Executive Order 12866, an assessment of the potential costs and benefits of the proposal has been made. Potential costs and benefits of record retention and certification proposals are discussed below in the sections on the Regulatory Flexibility Act and the Paperwork Reduction Act. As noted therein, this proposal would significantly reduce the compliance burden on the contractor community by eliminating the segregated facilities certification requirement. OFCCP anticipates publishing an additional proposal relating to 41 CFR part 60–2 and the requirements of written affirmative action programs that would, if adopted, further reduce the burdens on contractors. OFCCP's goal in proposing regulatory changes is to streamline its existing regulations and to reinvent its current processes in order make both contractor compliance and agency enforcement more efficient and cost effective. Therefore, OFCCP invites comments on additional ways to reduce compliance burdens such as simplified compliance procedures for small contractors.

Regulatory Flexibility Act

The proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small business entities. A requirement that records be maintained for one to two years (depending upon contractor size) might result in a slight additional storage burden for some small entities; conversely, small entities and other contractors would benefit from the elimination of the segregated facilities certification. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

The proposed rule would slightly revise information collection requirements currently approved by OMB under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

As previously stated, withdrawing the certification requirement will significantly reduce compliance burdens on contractors. The Government lets approximately 350,000 prime contracts each year. If it is assumed that each prime contract results in an average of four

subcontracts, and that it takes about one-half hour to prepare and submit the written certification, eliminating the certification requirement would reduce compliance burdens on the contractor community by roughly 875,000 hours. This estimate may significantly understate the savings; many contractors annually solicit the certification from all of their prospective vendors rather than limiting their request to those firms that actually are subcontractors on Federal projects.

Although for contractors with 150 or more employees and a contract of $150,000 or more this proposal extends to two years the current obligations such contractors already have under Title VII and the ADA to retain records for one year, there will be only a minimal increase in burden imposed on contractors as a result of this change. A similar conclusion was reached by EEOC in 1991 when it doubled its existing six-month retention period under Title VII to one year—an obligation that applies to a significantly larger universe of employers than does the obligation under the Executive Order. *See* 56 FR 35753 (July 26, 1991). Employers, especially larger ones, are increasingly maintaining electronic records. Where this is the case, compliance with the requirement will impose little or no additional burden. In many cases, additional storage space would be needed only for applications of persons not hired (which generally are not cost effective to record and store electronically).

In addition, the proposal makes this retention obligation applicable to a broader range of records than was previously required by the Executive Order regulations. However, this proposal would conform the obligation to the analogous requirement under EEOC's regulations (29 CFR 1602.14) issued pursuant to Title VII and the ADA.

OFCCP solicits comments concerning the proposed revisions to the collections of information contained in this proposed rule. OFCCP solicits comments to: (i) 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; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The revised collections of information contained in this proposed rule have been submitted to OMB for review under section 3507(d) of the Paperwork Reduction Act of 1995. Written comments on these proposed information collection revisions may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Employment Standards, Washington, D.C. 20503.

Unfunded Mandates Reform Act

The proposed rule, if promulgated, will not include any Federal mandate that may result in the expenditure by state, local and tribal governments in the aggregate, or by the private sector, of $100,000,000 or more in any one year.

List of Subjects

41 CFR Part 60–1

Administrative practice and procedure, Civil rights, Employment, Equal employment opportunity, Government contracts, Government procurement, Investigations, Reporting and recordkeeping requirements.

41 CFR Part 60–60

Equal employment opportunity, Government procurement, Reporting and recordkeeping requirements.

Signed at Washington, D.C., this 10th day of May, 1996.

Robert B. Reich,

Secretary of Labor.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shirley J. Wilcher,

Deputy Assistant Secretary for Federal Contract Compliance.

Accordingly, part 60–1 of the rule amending 41 CFR chapter 60 published on December 30, 1980 (45 FR 86216), which was delayed indefinitely at 46 FR 42865, is proposed to be withdrawn; the proposed rule published on August 25, 1981 (46 FR 42968; supplemented at 47 FR 17770, April 23, 1982) is hereby withdrawn in its entirety; and under the authority of Executive Order 11246, as amended, Title 41 of the Code of Federal Regulations, chapter 60, is proposed to be amended as follows:

60–1—[AMENDED]

The authority citation for part 60–1 continues to read as follows:

Authority: Sec. 201, E.O. 11246 (30 FR 12319), as amended by E.O. 12086.

2. Section 60–1.3 is amended by removing the definitions of *Director* and *Rules, regulations, and relevant orders of the Secretary of Labor,* by revising the definitions of *Contract, Government contract, Subcontract* and *United States,* and by adding, in alphabetical order, the definitions of *Compliance evaluation* and *Deputy Assistant Secretary* to read as follows:

§ 60–1.3 Definitions.

* * * * *

Compliance evaluation means any one or combination of actions OFCCP may take to examine a Federal contractor or subcontractor's compliance with one or more of the Executive Order 11246 requirements.

* * * * *

Contract means any Government contract or subcontract or any federally assisted construction contract or subcontract.

* * * * *

Deputy Assistant Secretary means the Deputy Assistant Secretary for Federal Contract Compliance Programs, United States Department of Labor, or his or her designee.

* * * * *

Government contract means any agreement or modification thereof between any contracting agency and any person for the purchase, sale or use of personal property or nonpersonal services. The term ''personal property,'' as used in this section, includes supplies, and contracts for the use of real property (such as lease arrangements), unless the contract for the use of real property itself constitutes real property (such as easements). The term ''nonpersonal services'' as used in this section includes, but is not limited to, the following services: Utilities, construction, transportation, research, insurance, and fund depository. The term *Government contract* does not include:

(1) Agreements in which the parties stand in the relationship of employer and employee; and

(2) Federally assisted construction contracts.

* * * * *

Subcontract means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the purchase, sale or use of personal property or nonpersonal services which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one of more contracts is performed, undertaken or assumed.

* * * * *

United States, as used herein, shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Wake Island.

3. Section 60–1.8 is revised to read as follows:

§ 60–1.8 Segregated facilities.

To comply with its obligations under the Order, a contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensuring that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term ''facilities,'' as used in this section, means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees: *Provided,* That separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to assure privacy between the sexes.

4. A new § 60–1.12 is added to subpart A to read as follows:

§ 60–1.12 Record retention.

(a) *General requirements.* Any personnel or employment record made or kept by the contractor shall be preserved by the contractor for a period of not less than two years from the date of the making of the record or the personnel action involved, whichever occurs later. However, if the contractor has fewer than 150 employees or does not have a Government contract of at least $150,000, the minimum record retention period shall be one year from the date of the making of the record or the personnel action involved, whichever occurs later. Such records include, but are not necessarily limited to, records pertaining to hiring, assignment, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship, and other records having to do with requests for reasonable accommodation, the results of any physical examination, job advertisements and postings, applications and resumes, tests and test results, and interview notes. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of not less than two years from the date of the termination, except that contractors that have fewer than 150 employees or that do not have a Government contract of at least $150,000 shall keep such records for a period of not less than one year from the date of the termination. Where the contractor has received notice that a complaint of discrimination has been filed, that a compliance evaluation has been initiated, or that an enforcement action has been commenced, the contractor shall preserve all personnel records relevant to the complaint, compliance evaluation or enforcement action until final disposition of the complaint, compliance evaluation or enforcement action. The term ''personnel records relevant to the complaint,'' for example, would include personnel or employment records relating to the complainant and to all other employees holding positions similar to that held or sought by the complainant and application forms or test papers submitted by unsuccessful applicant and by all other candidates for the same position as that for which the complainant unsuccessfully applied. Where a compliance evaluation has been initiated, all personnel and employment records described above are relevant until OFCCP makes a final disposition of the evaluation.

(b) *Affirmative action programs.* A contractor establishment required under § 60–1.40 to develop a written affirmative action program (AAP) shall maintain its current AAP and documentation of good faith effort, and shall preserve its AAP and documentation of good faith effort for the immediately preceding AAP year, unless it was not then covered by the written AAP requirement.

(c) *Failure to preserve records.* Failure to preserve complete and accurate records as required by paragraphs (a) and (b) of this section constitutes noncompliance with the contractor's obligations under the Executive Order and this part. Where the contractor has destroyed or failed to preserve records as required by this section, there may be a presumption that the information destroyed or not preserved would have been unfavorable to the contractor: *Provided,* That this presumption shall not apply where the contractor shows that the destruction or failure to preserve records results from circumstances that are outside of the contractor's control.

(d) The requirements of this section shall apply only to records made or kept on or after [30 days after date of publication of final rule].

5. In § 60–1.20, the section heading and paragraphs (a) and (d) are revised and paragraphs (e), (f) and (g) are added to read as follows:

§ 60–1.20 Compliance evaluations.

(a) OFCCP may conduct compliance evaluations to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin. A compliance evaluation may consist of any one of the following or any combination thereof:

(1) A compliance review, which consists of comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom;

(2) An off-site review of records, which could consist of a full desk audit, a review of the contractor's affirmative action plan or parts thereof, or a review of particular records such as personnel activity data;

(3) A compliance check, where OFCCP ascertains whether or not the contractor has maintained records consistent with § 60–1.12 and/or has developed an AAP consistent with § 60–1.40; or

(4) A focused review, where OFCCP restricts its on-site review to one or more components of the contractor's organization or one or more aspects of the contractor's employment practices.

* * * * *

(d) *Preaward compliance evaluations.* Each agency shall include in the invitation for bids for each formally advertised nonconstruction contract or state at the outset of negotiations for each negotiated contract, that if the award, when let, should exceed the amount of $1 million or more, the prospective contractor and its known first-tier subcontractors with subcontracts of $1 million or more may be subject to a compliance evaluation before the award of the contract. The awarding agency will notify OFCCP and request appropriate action and findings

in accordance with this subsection. Within 15 days of the notice OFCCP will inform the awarding agency of its intention to conduct a preaward review. If OFCCP does not inform the awarding agency within that period of its intention to conduct a preaward review, clearance shall be presumed and the awarding agency is authorized to proceed with the award. If OFCCP informs the awarding agency of its intention to conduct a preaward review, OFCCP shall be allowed an additional 20 days after the date that it so informs the awarding agency to provide its conclusions. If OFCCP does not provide the awarding agency with its conclusions within that period, clearance shall be presumed and the awarding agency is authorized to proceed with the award.

(e) Each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more is required to develop a written affirmative action program for each of its establishments (§ 60–1.40). If a contractor fails to submit an affirmative action program and supporting documents, including the workforce analysis, within 15 days of a request, the enforcement procedures specified in § 60–1.26(b) shall be applicable. Contractors may reach agreement with OFCCP on nationwide AAP formats or on frequency of updating statistics.

(f) *Confidentiality and relevancy of information.* If the contractor is concerned with the confidentiality of such information as lists of employee names, reasons for termination, or pay data, then alphabetic or numeric coding or the use of an index of pay and pay ranges, consistent with the ranges assigned to each job group, are acceptable for desk audit purposes. The contractor must provide full access to all relevant data on-site as required by § 60–1.43. Where necessary, the compliance officer may take information made available during the on-site evaluation off-site for further analysis. An off-site analysis should be conducted where issues have arisen concerning deficiencies or an apparent violation which, in the judgment of the compliance officer, should be more thoroughly analyzed off-site before a determination of compliance is made. The contractor must provide all data determined by the compliance officer to be necessary for off-site analysis. Such data may only be coded if the contractor makes the code available to the compliance officer. If the contractor believes that particular information which is to be taken off-site is not relevant to compliance with the Executive Order, the contractor may request a ruling by the OFCCP District/Area Director. The OFCCP District/Area Director shall issue a ruling promptly. The contractor may appeal that ruling to the OFCCP Regional Director within 10 days of receipt. The Regional Director shall issue a final ruling promptly. Pending a final ruling, such information may not be copied by OFCCP and access to the information shall be limited to the compliance officer and personnel involved in the determination of relevancy. Data determined to be not relevant to the investigation will be returned to the contractor immediately.

(g) *Public access to information.* The disclosure of information obtained from a contractor will be evaluated pursuant to the public inspection and copying provisions of the Freedom of Information Act, 5 U.S.C. 552, and the Department of Labor's implementing regulations at 29 CFR part 70.

6. Section 60–1.26 is revised to read as follows:

§ 60–1.26 Enforcement proceedings.

(a) *General.* (1) Violations of the Order, the equal opportunity clause, the regulations in this chapter, or applicable construction industry equal employment opportunity requirements, may result in the institution of administrative or judicial enforcement proceedings. Violations may be found based upon, *inter alia*, any of the following:

(i) The results of a complaint investigation;

(ii) The results of a compliance review;

(iii) The results of a compliance evaluation;

(iv) Analysis of an affirmative action program;

(v) The results of an on-site review of the contractor's compliance with the Order and its implementing regulations;

(vi) A contractor's refusal to submit an affirmative action program;

(vii) A contractor's refusal to allow an on-site compliance evaluation to be conducted;

(viii) A contractor's refusal to establish, maintain and supply records or other information as required by the regulations in this chapter or applicable construction industry requirements;

(ix) A contractor's alteration or falsification of records and information required to be maintained by the regulations in this chapter; or

(x) Any substantial or material violation or the threat of a substantial or material violation of the contractual provisions of the Order, or of the rules or regulations in this chapter.

(2) OFCCP may seek back pay and other make whole relief for victims of discrimination identified during a complaint investigation or compliance evaluation. Such individuals need not have filed a complaint as a prerequisite to OFCCP seeking such relief on their behalf. Interest on back pay shall be calculated from the date of the loss and compounded quarterly at the percentage rate established by the Internal Revenue Service for the underpayment of taxes.

(b) *Administrative enforcement.* (1) OFCCP may refer matters to the Solicitor of Labor with a recommendation for the institution of administrative enforcement proceedings, which may be brought to enjoin violations, to seek appropriate relief, and to impose appropriate sanctions. The referral may be made when violations have not been corrected in accordance with the conciliation procedures in this chapter, or when OFCCP determines that referral for consideration of formal enforcement (rather than settlement) is appropriate. However, if a contractor refuses to submit an affirmative action program, or refuses to supply records or other requested information, or refuses to allow OFCCP access to its premises for an on-site review, and if conciliation efforts under this chapter are unsuccessful, OFCCP may immediately refer the matter to the Solicitor, notwithstanding other requirements of this chapter.

(2) Administrative enforcement proceedings shall be conducted under the control and supervision of the Solicitor of Labor and under the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity under Executive Order 11246 contained in part 60–30 of this chapter and the Rules of Evidence set out in the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges contained in 29 CFR part 18, subpart B: *Provided,* That a Final Administrative Order shall be issued within one year from the date of the issuance of the recommended findings, conclusions and decision of the Administrative Law Judge, or the submission of any exceptions and responses to exceptions to such decision (if any), whichever is later.

(c) *Referrals to the Department of Justice.* (1) The Deputy Assistant Secretary may refer matters to the Department of Justice with a recommendation for the institution of judicial enforcement proceedings. There are no procedural prerequisites to a referral to the Department of Justice. Such referrals may be accomplished without proceeding through the conciliation procedures in this chapter,

and a referral may be made at any stage in the procedures under this chapter.

(2) Whenever a matter has been referred to the Department of Justice for consideration of judicial enforcement, the Attorney General may bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction (including relief against noncontractors, including labor unions, who seek to thwart the implementation of the Order and regulations), and an order for such additional sanctions or relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order, or any of the above in this paragraph (c)(2).

(3) The Attorney General is authorized to conduct such investigation of the facts as he/she may deem necessary or appropriate to carry out his/her responsibilities under the regulations in this chapter.

(4) Prior to the institution of any judicial proceedings, the Attorney General, on behalf of the Deputy Assistant Secretary, is authorized to make reasonable efforts to secure compliance with the contract provisions of the Order. The Attorney General may do so by providing the contractor and any other respondent with reasonable notice of his/her findings, his/her intent to file suit, and the actions he/she believes necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation, in an effort to obtain such compliance without contested litigation.

(5) As used in the regulations in this part, the Attorney General shall mean the Attorney General, the Assistant Attorney General for Civil Rights, or any other person authorized by regulations or practice to act for the Attorney General with respect to the enforcement of equal employment opportunity laws, orders and regulations generally, or in a particular matter or case.

(6) The Deputy Assistant Secretary or his/her designee, and representatives of the Attorney General may consult from time to time to determine what investigations should be conducted to determine whether contractors or groups of contractors or other persons may be engaged in patterns or practices in violation of the Executive Order or these regulations, or of resistance to or interference with the full enjoyment of any of the rights secured by them, warranting judicial proceedings.

(d) *Initiation of lawsuits by the Attorney General without referral from the Deputy Assistant Secretary.* In addition to initiating lawsuits upon referral under this section, the Attorney General may, subject to approval by the Deputy Assistant Secretary, initiate independent investigations of contractors which he/she has reason to believe may be in violation of the Order or the rules and regulations issued pursuant thereto. If, upon completion of such an investigation, the Attorney General determines that the contractor has in fact violated the Order or the rules and regulations issued thereunder, he/she shall make reasonable efforts to secure compliance with the contract provisions of the Order. He/she may do so by providing the contractor and any other respondent with reasonable notice of the Department of Justice's findings, its intent to file suit, and the actions that the Attorney General believes are necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation in an effort to obtain such compliance without contested litigation. If these efforts are unsuccessful, the Attorney General may, upon approval by the Deputy Assistant Secretary, bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional sanctions or equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order or any of the above in this paragraph (d).

(e) To the extent applicable, this section and part 60–30 of this chapter shall govern proceedings resulting from any Deputy Assistant Secretary's determinations under § 60–2.2(b) of this chapter.

7. Section 60–1.27 is revised to read as follows:

§ 60–1.27 Sanctions.

(a) *General.* The sanctions described in subsections (1), (5), and (6) of Section 209(a) of the Order may be exercised only by or with the approval of the Deputy Assistant Secretary. Referral of any matter arising under the Order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Deputy Assistant Secretary.

(b) *Debarment.* A contractor may be debarred from receiving future contracts or modifications or extensions of existing contracts, subject to reinstatement pursuant to § 60–1.31, for any violation of Executive Order 11246 or the implementing rules, regulations and orders of the Secretary of Labor. Debarment may be imposed for an indefinite term or for a fixed minimum period of at least six months.

8. Section 60–1.30 is revised to read as follows:

§ 60–1.30 Notification of agencies.

The Deputy Assistant Secretary shall ensure that the heads of all agencies are notified of any debarments taken against any contractor.

9. Section 60–1.31 is revised to read as follows:

§ 60–1.31 Reinstatement of ineligible prime contractors and subcontractors.

A prime contractor or subcontractor debarred from further contracts for an indefinite period under the Order may request reinstatement in a letter filed with the Deputy Assistant Secretary at any time after the effective date of the debarment; a prime contractor or subcontractor debarred for a fixed period may make such a request upon the expiration of the fixed debarment period. In connection with the reinstatement proceedings, all debarred contractors shall be required to show that they have established and will carry out employment policies and practices in compliance with the Order and implementing regulations. Before reaching a decision, the Deputy Assistant Secretary may conduct a compliance evaluation of the contractor and may require the contractor to supply additional information regarding the request for reinstatement. The Deputy Assistant Secretary shall issue a written decision on the request.

10. Section 60–1.32 is revised to read as follows:

§ 60–1.32 Intimidation and interference.

(a) The contractor, subcontractor or applicant shall not harass, intimidate, threaten, coerce, or discriminate against any individual because the individual has engaged in or may engage in any of the following activities:

(1) Filing a complaint;

(2) Assisting or participating in any manner in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the Order or any other Federal, state or local law requiring equal opportunity;

(3) Opposing any act or practice made unlawful by the Order or any other Federal, state or local law requiring equal opportunity; or

(4) Exercising any other right protected by the Order.

(b) The contractor, subcontractor or applicant shall ensure that all persons under its control do not engage in such

harassment, intimidation, threats, coercion or discrimination. The sanctions and penalties contained in this part may be exercised by OFCCP against any contractor, subcontractor or applicant who violates this obligation.

11. In § 60–1.34, paragraph (a)(4) is added to read as follows:

§ 60–1.34 Violation of a conciliation agreement or letter of commitment.

(a) * * *

(4) In any proceeding involving an alleged violation of a conciliation agreement OFCCP may seek enforcement of the agreement itself and shall not be required to present proof of the underlying violations resolved by the agreement.

* * * * *

12. Section 60–1.42 is amended by revising paragraph (a) to read as follows:

§ 60–1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Deputy Assistant Secretary, the notices which prime contractors and subcontractors are required to post by paragraphs (1) and (3) of the equal opportunity clause in § 60–1.4 will contain the following language and be provided by the contracting or administering agencies:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW—DISCRIMINATION IS PROHIBITED BY THE CIVIL RIGHTS ACT OF 1964 AND BY EXECUTIVE ORDER No. 11246

Title VII of the Civil Rights Act of 1964–*Administered by:*

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 15 or more employees, by Labor Organizations, by Employment Agencies, and by Apprenticeship or Training Programs.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1801 L Street N.W., Washington, D.C. 20507

Executive Order No. 11246–*Administered by:*

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

U.S. Department of Labor, Washington, D.C. 20210

* * * * *

13. Section 60–1.43 is revised to read as follows:

§ 60–1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its premises for the purpose of conducting on-site compliance evaluations and complaint investigations. Each contractor shall permit the inspecting and copying of such books and accounts and records, including computerized records, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the agency, or the Deputy Assistant Secretary. Information obtained in this manner shall be used only in connection with the administration of the Order, the Civil Rights Act of 1964 (as amended), and any other law that is or may be enforced in whole or in part by OFCCP.

PART 60–60—[REMOVED]

14. Part 60–60 is removed.

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Tuesday
May 21, 1996

Part III

Department of Commerce

National Telecommunications and Information Administration

Public Telecommunications Facilities Program (PTFP); Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 960205021–6132–02]

RIN 0660–ZA01

Public Telecommunications Facilities Program (PTFP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice, funding availability and applications received.

SUMMARY: The National Telecommunications and Information Administration (NTIA) previously announced the solicitation of grant applications for the Public Telecommunications Facilities Program (PTFP) for planning and construction grants for public telecommunications facilities. The PTFP had not received its final status of funding at that time, and stated that PTFP would publish a notice when the funding status for fiscal year 1996 was known. This notice will announce the funding level, as well as announce the applications which were received in response to the solicitation.

FOR FURTHER INFORMATION CONTACT: Dennis Connors, Director, Public Broadcasting Division, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PTFP can also be obtained electronically via Internet (send inquiries to http://www.ntia.doc.gov) or through the NTIA BBS at (202) 482–1199 (set computer modems for 8 stop bits, 0 polarity).

SUPPLEMENTARY INFORMATION: *Funding Availability:* By Federal Register notice dated February 22, 1996, the NTIA, within the Department of Commerce, announced that the program was soliciting grant applications, and that the closing date for receipt of applications was 5 p.m. EST, March 28, 1996.[1] The Notice of Closing Date provided that announcement of available funds would be made once Congress appropriated an amount for the PTFP. On April 26, 1996, Congress appropriated $15.5 million for the PTFP.[2]

Except for the notice that funding for the PTFP for FY 1996 is $15.5 million, all other information announced in the Notice of Closing Date remains in effect.

For further information on the Public Telecommunications Facilities Program, please refer to the program's Notice of Closing Date, published in the Federal Register on February 22, 1996.[3]

Applications Received: In all, 251 applications were received from 47 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands. The total amount of funds requested by the applications is $54.9 million.

Notice is hereby given that the PTFP received applications from the following organizations. The list includes all applications received. Identification of any application only indicates its receipt. It does *not* indicate that it has been accepted for review, has been determined to be eligible for funding, or that an application will receive an award.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. Such comments must contain a certification that a copy of the comments has been delivered to the applicant. Comments must be sent to the following address: NTIA/PTFP, Room 4625, 14th Street and Constitution Ave., NW., Washington, DC 20230.

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

AK (Alaska)

File No. 96132 CTB Alaska Public Telecomm., Inc., 3877 University Drive, Anchorage, AK 99508. Signed By: Ms. Susan Reed, President. Funds Requested: $663,350. Total Project Cost: $844,479. To replace the 22-year-old transmitter for public TV station KAKM, which operates on Ch. 7 in Anchorage. The project would also purchase a replacement hot-standby STL for one of the station's STL hops, SAP generation equipment, and diverse test equipment items.

File No. 96249 ICTB Bethel Broadcasting, Inc., Pouch 468, Bethel, AK 99559. Signed By: Mr. John McDonald, General Manager/Station KYUK. Funds Requested: $543,340. Total Project Cost: $742,510. To purchase three digital encoders to convert the satellite offerings of the Distance Delivery Consortium from analog to digital service. The Distance Delivery Consortium provides instructional programming to 52 villages in the Yukon-Kuskokwim Delta of Western Alaska, the Interior of Alaska, and Southeast Alaska. The project will also purchase 74 compressed digital receivers to receive the digital satellite service.

AL (Alabama)

File No. 96006 CTB Alabama ETV Commission, 2112 11th Avenue South, Ste 400, Birmingham, AL 35205–2884. Signed By: Ms. Judy Stone, APT Executive Director. Funds Requested: $186,878. Total Project Cost: $373,756. Replace fourteen Alabama Public Television microwave equipment shelters throughout the state network, add a shelter and wiring for an emergency generator at WCIQ which experiences AC power outages, and replace the network's on-line editing system at its only production facility in Montgomery, Alabama.

File No. 96087 CTB 95055. City of Prichard, 216 East Prichard Lane, Prichard, AL 36610. Signed By: Hon. Jesse Norwood, Mayor. Funds Requested: $418,924. Total Project Cost: $668,924. To establish a low-power noncommercial television station operating on Channel 60 in Prichard, Alabama, to provide educational and informational services to the city of Prichard and surrounding areas.

File No. 96107 CRB Gadsden State Community College, 1001 George Wallace Drive, Gadsden, AL 35902. Signed By: Dr. Victor Ficker, President. Funds Requested: $49,250. Total Project Cost: $98,500. To upgrade the power and antenna height of noncommercial radio station, WSGN–FM, operating on 91.5 MHz from Gadsden State Community College in Gadsden, Alabama.

File No. 96124 ICTN 95082. Black Warrior Telecom Consortium, 607 Highway 80 West, Demopolis, AL 36732. Signed By: Mr. Marcus Walters, President. Funds Requested: $193,484. Total Project Cost: $257,978. To construct a video production studio and purchase related test equipment for the Black Warrior Telecommunications Consortium, Inc., Demopolis, Alabama. The studio will allow the Consortium to originate educational programming to be transmitted over the ITFS systems operated by the Consortium members. The Consortium is composed of five school systems (Marengo, Greene, and Sumter Counties and the cities of Demopolis and Linden City) and the West Alabama Health Services, all located in rural west Alabama.

File No. 96178 ICTBN University of AL Board of Trustees, Box 870104,G–60 Rose Admin. Bld, Tuscaloosa, AL 35487. Signed By: Dr. Robert Wells, Ass't Academic VP for Research. Funds Requested: $138,771. Total Project Cost: $277,542. To convert an analog Ku-band

[1] 61 FR 6912 (Feb. 22, 1996).

[2] Balanced Budget Downpayment Act, II, Pub. L. No. 104–134, 110 Stat. 1321 (1996).

[3] 61 FR 6912 (Feb. 22, 1996).

uplink to digital compression. The conversion to digital will enable continued distribution of three weekly instructional series on Integrated Science to over 150,000 students nationwide in grades 5, 6, and 7, and will permit the delivery of this program directly to schools and public television entities.

AR (Arkansas)

File No. 96105 CTB Arkansas ETV Commission, 350 South Donaghey, Conway, AR 72032. Signed By: Ms. Susan Howarth, Executive Director. Funds Requested: $242,049. Total Project Cost: $484,099. To improve the state's public television network by establishing a production and distance learning studio in Little Rock thus improving the AETN's ability to produce and broadcast news and information programs from the state capital. AETN serves approximately 2.35 million people.

File No. 96110 CRB Arkansas State University, 104 Cooley St, P.O. Drawer 2160, State University, AR 72467. Signed By: Dr. Stanley Williams, VP for Finance & Admin. Funds Requested: $36,783. Total Project Cost: $73,567. To improve public radio station KASU–FM, 91.9 MHz, State University, by replacing old, obsolete origination equipment. KASU–FM will acquire digital workstations, digital audio boards and editing packages, two audio consoles, monitor amplifiers, microphones and speakers and related equipment. KASU–FM serves approximately 250,000 people in AR, MO and TN.

File No. 96235 CTB AR Education TV Commission, 350 South Donaghey, Conway, AR 72032. Signed By: Ms. Susan Howarth, Executive Director. Funds Requested: $212,500. Total Project Cost: $425,000. To improve public television station KETS–TV, Ch. 2, in Little Rock, by strengthening the commercial tower on which its antenna is mounted. KETS–TV, the flagship station of the AETN, serves more than 1 million people.

AS (American Samoa)

File No. 96004 CTB American Samoa Government, Office of Public Information, Pago Pago, AS 96799. Signed By: Mrs. Vaoita Savali, Director. Funds Requested: $253,470. Total Project Cost: $253,470. To improve the production facilities of public television station KVZK–TV, operating on Ch. 2 in Pago Pago, by purchasing three studio cameras and related equipment. The project will also provide test equipment to ensure continued operation of this facility which serves 57,000 residents of American Samoa.

File No. 96250 ICRTN Government of American Samoa, Office of Governor, Pago Pago, AS 96799. Signed By: Mr. Aifili Lutali, Governor. Funds Requested: $398,600. Total Project Cost: $398,600. To activate a new service for distance education by purchasing a digital satellite system to serve American Samoa. The system will provide compressed digital video and be affiliated with the Pan-Pacific Educational and Communications Experiments by Satellite (PEACESAT) program headquartered in Hawaii.

AZ (Arizona)

File No. 96063 PRB Hopi Foundation, Highway 264 Market 367–9,, Hotevilla, AZ 86030. Signed By: Ms. Barbara Poley, Executive Director. Funds Requested: $37,176. Total Project Cost: $41,156. Conduct planning activities, including engineering and research studies, for the construction of a public radio facility in Hotevilla, Arizona, serving the Hopi Indian reservation of northeastern Arizona.

File No. 96075 CTN San Carlos Apache Tribe, San Carlos Avenue, Bldg. # 13, San Carlos, AZ 85550. Signed By: Mr. Raymond Stanley, Tribal Chairman. Funds Requested: $12,980. Total Project Cost: $17,309. To purchase studio production equipment to allow the San Carlos Apache Tribe to originate programming to be transmitted over the local cable television system on a community access channel.

File No. 96088 CTB Arizona State University, 10th & Myrtle, Box 871603, KAET, Tempe, AZ 85287–1405. Signed By: Ms. Janice Bennett, Director, Res. & Creative Act. Funds Requested: $139,600. Total Project Cost: $279,200. To improve public television station KAET–TV, Ch. 8, Phoenix (Tempe), by replacing old, unreliable production equipment including electronic editor, field production camera and video recorder, remote production switcher, monitors, character generator and four Beta video recorders. KAET–TV serves approximately 2.8 million people.

File No. 96111 ICTN Northern Arizona University, Comm. Bldg, Rm 123, Osborne Rd., Flagstaff, AZ 86011. Signed By: Dr. Jeanette Baker, Contract Officer, NAU. Funds Requested: $1,278,014. Total Project Cost: $2,556,028. To purchase the interconnection and video classroom equipment required to expand Northern Arizona University's (NAU) duplex microwave-based distance learning system—called NAUNet—to six additional sites: Arizona Western College at San Luis; Central Arizona College at Apache Junction; Chinle Unified School District; Coconino Community College at Page; Eastern Arizona College at Payson; and Northland Pioneer College at Show Low. The project would also install hub site equipment at NAU/Flagstaff, NAU/Yuma, and at the NAUNet hub site in Phoenix. All system end-points would include equipment for interface with host-institution Local Area Networks (LANs) and would provide students with local dial-up access to e-mail, bulletin boards, and Internet service.

File No. 96123 CRB Maricopa County Cmty Coll. Dist., 3124 East Roosevelt, Phoenix, AZ 85008. Signed By: Dr. Alfredo de los Santos, Vice Chancellor Ed. Dev. Funds Requested: $15,089. Total Project Cost: $30,178. To acquire 420 SCA radio receivers for use by print-impaired persons. The special receivers will be distributed to all areas served by the stations carrying the service. The main studio is in Phoenix, with satellite facilities in Tucson and Flagstaff. This 24-hour service provides the only radio reading service in AZ.

File No. 96173 CRB White Mountain Apache Tribe, Tribal Exe Bldg SR 73, PO Box 70, Whiteriver, AZ 85941. Signed By: Mr. Ronnie Lupe, Chairman. Funds Requested: $68,033. Total Project Cost: $90,711. To expand the facilities of public radio station KNNB–FM, 88.1 MHz, in Whiteriver by relocating and increasing the power of the station. KNNB–FM will acquire a new transmitter, tower, antenna, transmission and other dissemination equipment.

File No. 96186 CRB Northern Arizona University, Comm. Bldg 16, Rm 229, Osborn Rd, Flagstaff, AZ 86011. Signed By: Dr. Jeanette Baker, Contract Officer. Funds Requested: $108,351. Total Project Cost: $144,469. To activate a new FM public radio station on 90.9 MHz, in Page. Station will repeat the signal of KNAU–FM, Flagstaff, and have local origination capacity. Project includes sufficient local production equipment to constitute a full service facility. Studios will be located on the Coconino Community College campus. New station will provide first public radio service to approximately 9,448 people in northern AZ and southern UT.

CA (California)

File No. 96008 CTB California Community TV Network, 559 E. Alisal Street, #106, Salinas, CA 93905. Signed By: Mr. Wendell Chino, President. Funds Requested: $324,748. Total Project Cost: $431,330. The California Community Television Network, KCAH–TV in Salinas, CA., operating on Channel 25, seeks a grant to help install a 10 kw transmitter and antenna system to provide the first public TV signal for

significant portions of Santa Cruz, Monterey, Santa Clara and San Benito counties, sections of San Mateo, and small areas in Stanislaus, Merced and Alameda counties, all of which include 198,114 potential viewers who will receive first signal.

File No. 96016 CRB State of CA—Humboldt State Univ, Humboldt State University, Arcata, CA 95521. Signed By: Dr. Edward Webb, Vice President. Funds Requested: $67,860. Total Project Cost: $90,480. KASU–FM, operating on 90.5 MHz in Arcata, California seeks a grant to construct a repeater transmitter, operating on 91.9 MHz, at Crescent City, CA and establish a satellite studio facility in Crescent City which will provide Del Notre County with its first public radio origination capability. The project will provide first public radio service to approximately 13,000 potential listeners.

File No. 96025 PTN Ed T/C Consortium of Central CA, 1101 E. University, Fresno, CA 93741. Signed By: Dr. Robert Wyman, Executive Director. Funds Requested: $199,865. Total Project Cost: $560,445. Educational Telecommunications Consortium of Central Valley region of California, located in Fresno, CA, requests funding for a comprehensive Planning project to develop a Four County regional area in Central California, including Fresno, Madera, Tulare and Kings Counties, to interface existing resources with those needed for the region and for the purpose of sharing training and technology resources both instructional and administrative. This would allow professional staff and some students to utilize new and emerging technology in a regional Center.

File No. 96028 CTB San Mateo County Comm Coll District, 1700 West Hillsdale Blvd., San Mateo, CA 94002. Signed By: Dr. Lois Callahan, Chancellor. Funds Requested: $406,628. Total Project Cost: $813,257. KCSM–TV, Ch 60, in San Mateo, CA, requests replacement of its aged production switcher, audio board, cameras, and associated equipment and to construct a satellite uplink to provide educational courses and adult learning materials, teleconferences, etc, to colleges in the Bay Area, cable educational channels and libraries in the communities of Northern California. This station serves 4,650,000 potential viewers.

File No. 96029 CTB Los Angeles Unified School Dist., 1061 West Temple Street, Los Angeles, CA 90012. Signed By: Mr. Sidney Thompson, Superintendent. Funds Requested: $558,520. Total Project Cost: $1,117,040. KLCS–TV, Channel 58 in Los Angeles, CA requests replacement of its 23 year old transmitter and to link, by Digital Duplex, KLCS with the facilities at the studios of the Educational Telecommunications Network (ETN). ETN is an FCC licensed Ku-Band Satellite network owned and operated by the Los Angeles County Office of Education.

File No. 96044 CTB KQED, Inc., 2601 Mariposa Street, San Francisco, CA 94110–1400. Signed By: Mrs. Mary G.F. Bitterman, President & CEO. Funds Requested: $459,285. Total Project Cost: $918,570. To improve KQED–TV, Channel 9, in San Francisco, CA, by replacing the editing system, by adding two Digital ½″ VCR's and adding the Sales Tax and the A–133 Audit. The applicant provides service to 5.5 million potential viewers in the San Francisco area.

File No. 96050 CTB Valley Public Television, Inc., 1544 Van Ness Avenue, Fresno, CA 93721. Signed By: Mr. Colin Dougherty, Exec. Dir/General Manager. Funds Requested: $270,137. Total Project Cost: $540,274. To improve KVPT–TV, Channel 18, in Fresno, CA, by replacing its 19 year old transmitter Applicant currently serves a potential TV audience of 2,300,000.

File No. 96058 CRB KQED, Inc., 2601 Mariposa Street, San Francisco, CA 94110. Signed By: Mrs. Mary Bitterman, President and CEO. Funds Requested: $97,010. Total Project Cost: $194,020. KQED–FM, operating at 110kw ERP, on 88.5 MHz, in San Francisco, CA, seeks to replace its 17 year-old transmitter and antenna, both at the end of their useful life. KQED–FM provides service to 5.3 million potential listeners.

File No. 96062 CRB San Diego Comm College District, 1313 Twelfth Avenue, San Diego, CA 92101. Signed By: Mr. Augustine Gallego, Chancellor. Funds Requested: $61,383. Total Project Cost: $122,766. To improve KSDS–FM, operating on 88.3 MHz, in San Diego, CA, by replacing a 20 year old transmitter, a 19 year old antenna and transmission line, increasing its power, and adding circular polarization, to provide the station's program service to an extended population by increasing KSDS's power capacity from 831 watts ERP to 19,000 watts ERP.

File No. 96112 CRB Nevada City Community Broadcast Gp, 401 Spring Street, Nevada City, CA 95959. Signed By: Mr. Brian Terhorst, General Manager. Funds Requested: $42,907. Total Project Cost: $85,815. To improve KVMR–FM, operating on 89.5 MHz, in Nevada City, CA, by replacing the transmitter, antenna, feedlines, tower, STL antenna, adaptor and wattmeter and adding a satellite downlink to bring first service of national programming to a majority of the station's 340,000 potential listeners.

File No. 96122 CTB KBSV–TV, P.O. Box 4116, Modesto, CA 95352. Signed By: Dr. Sargon Dadesho, Director of Mass Media. Funds Requested: $313,500. Total Project Cost: $418,000. To improve KBSV–TV which will operate on Channel 23 starting April 16, 1996, by establishing a first Local Origination Capacity. The main objective of this station is to provide multicultural and educational programs to the diversified population in its coverage area. Applicant claims no other station is serving the functions outlined above. The coverage area includes 370,000 potential viewers.

File No. 96125 CRB Pacifica Foundation, 1929 MLK Jr. Avenue, Berkeley, CA 94704. Signed By: Ms. Patricia Scott, Executive Director. Funds Requested: $160,929. Total Project Cost: $214,572. To improve KPFK–FM, operating on 90.7 MHz, in North Hollywood, CA and KPFT–FM, operating on 90.1 MHz, in Houston, TX, by replacing a mismatched set of old tape decks and cart machines with digital technology. The applicant provides service to approximately 13,840,832 listeners in North Hollywood and approximately 3,192,000 listeners in Houston.

File No. 96135 IPTN Kern Community College District, 100 East College Avenue, Porterville, CA 93257. Signed By: Dr. Bonnie Rogers, President. Funds Requested: $46,185. Total Project Cost: $82,867. To develop a plan for a telecommunications system that would incorporate materials from the Kern Educational Telecommunications Consortium and other sources, in providing a distance learning and job training service to an underserved, largely Hispanic and American Indian population in southern Tulare County, California.

File No. 96152 CRB Los Angeles Radio Reading Service, 3580 Wilshire Blvd. Suite 1660, Los Angeles, CA 90010. Signed By: Mr. Paul J. Vandeventer, Executive Director. Funds Requested: $19,275. Total Project Cost: $25,700. The Los Angeles Radio Reading Service has been granted its subsidiary frequency by KCSN–FM in Los Angeles and now requests funding for a start-up inventory of 300 SCA receivers and multi-user site equipment for one convalescent home and two residential homes for those who are blind. Additionally, the project includes an FM antenna and a low power transmitter, a transmit coupling, a coaxial cable and wire cable.

File No. 96159 CRB San Francisco Unified School Dist., 2576 Harrison Street, San Francisco, CA 94110. Signed By: Ms. Linda Davis, Deputy Superintendent. Funds Requested: $18,973. Total Project Cost: $37,945. To improve KALW–FM, operating on 91.7 MHz, in San Francisco, CA, by replacing its 16 year old satellite dish and 10 year old audio console and to upgrade its communication system by purchasing a telephone interface to allow on-air call conferencing. Applicant currently serves 1,977,000 potential listeners.

File No. 96161 CRB California State Univ, Northridge, 18111 Nordhoff Street, Northridge, CA 91330–8312. Signed By: Mr. Mark Lipschutz, Director, Res. & Spon. Project. Funds Requested: $9,422. Total Project Cost: $18,844. To improve KCSN–FM, operating on 88.5 MHz, in Northridge, CA, by adding digital editing equipment which will optimize the applicant's use of the DAT and mini-disc equipment KCSN acquired under a '94 grant. The items requested include: the core system, interface, signal processor, keyboard, hard drive, noise reduction, software, computer, tape drive and monitor. The station serves approximately 1.5 million people.

File No. 96181 CRB Bet-Nahrain, Inc., P.O. Box 4116, Modesto, CA 95352. Signed By: Dr. Sargon Dedesho, Director of Mass Media. Funds Requested: $182,235. Total Project Cost: $242,980. To enable KBES–FM, operating on 89.5 MHz, located in Ceres, CA, to acquire the necessary items of equipment to bring the inventory of an already operating station to the basic level of equipment requirements established by PTFP. The equipment requested is a 150 to 200 watt transmitter, plus all the items listed in the Guidelines Booklet for the On-Air Control Room, Production Control Room, and News Control Room. Approximately 370,000 potential listeners benefit from the KBES–FM Programming.

File No. 96182 CTB Bay Area Multicultural T/C Asso., 1740 Cesar Chavez Street, San Francisco, CA 94124. Signed By: Mr. Humberto Cintron, President, Board of Directors. Funds Requested: $263,166. Total Project Cost: $350,888. To activate a minority public TV station, operating on Channel 32 in San Francisco, CA, which will provide programming for the 2.2 million Bay Area residents who are members of 5 minority groups. The applicant has applied to the FCC to be granted the license for Channel 32 in place of the current license-holder of Ch 32.

File No. 96188 ICTB Kern Educational T/com. Consortium, 1300 17th Street, City Centre, Bakerfield, CA 93301–4533. Signed By: Dr. Kelly Blanton, Kern County Superintendent. Funds Requested: $888,116. Total Project Cost: $1,184,155. To establish a noncommercial television station in Bakersfield, CA, which will bring a first public TV signal to approximately 780,000 residents of that area. In addition to some nationally-distributed public television programming, the station will transmit a vast amount of instructional programming from the Kern Educational Telecommunications Consortium, which has its headquarters in Bakersfield. The new station will also incorporate into its schedule programming targeted towards the Hispanic-American population, which constitutes approximately 30% of the total population of the station's proposed service area.

File No. 96207 ICTN Monterey County Office of Education, 901 Blanco Court, Salinas, CA 93901. Signed By: Mr. William Barr, Superintendent. Funds Requested: $338,454. Total Project Cost: $676,908. To add two ITFS links to the Monterey County Office of Education's existing distance learning system, and purchase microwave equipment to interconnect the ITFS system with diverse other transmission outlets throughout the Office's service area.

File No. 96221 ICTN The National Hispanic University, 14271 Story Road, San Jose, CA 96127. Signed By: Dr. Roberto Cruz, President. Funds Requested: $244,043. Total Project Cost: $305,053. To purchase a VSAT satellite terminal and electronic classroom facilities to permit the National Hispanic University to become a participating member of the Hispanic Educational Telecommunications System (HETS).

CO (Colorado)

File No. 96024 CTB University of Southern Colorado, 2200 Bonforte Boulevard, Pueblo, CO 81001. Signed By: Dr. Robert Shirley, President. Funds Requested: $534,438. Total Project Cost: $1,068,876. To extend and improve the facilities of KTSC–TV, Channel 8 in Pueblo by activating translators in Durango (Ch. 29), Ignacio (Ch. 15) and Towaoc (Ch. 49) to provide first public television service to approximately 56,000 residents of western Colorado. KTSC will also replace a failing 15-year-old ¾ inch videotape system and will upgrade its facilities to offer stereo broadcast and descriptive video services.

File No. 96091 CRB Boulder Community Broadcasting, 1900 Folsom Avenue, Suite 100, Boulder, CO 80302. Signed By: Ms. Marty Durlin, Station Manager. Funds Requested: $8,715. Total Project Cost: $17,430. To enhance and improve the production facilities of KGNU–FM, operating on 88.5 in Boulder, Colorado, by purchasing and installing two Digital Audio Workstations.

File No. 96095 ICTN 95262. National Technological University, 700 Centre Avenue, Ft. Collins, CO 80526. Signed By: Dr. Lionel Baldwin, President. Funds Requested: $413,576. Total Project Cost: $827,152. To construct two additional Ku-band satellite uplinks in the National Technological University system which will increase engineering programming distributed nationwide. The uplinks will be located at the University of California, Berekely and the University of Florida, Gainesville. The project also proposes to add digital compression equipment for existing Ku-band uplinks at Kansas State University, Manhattan, KS and the University of Texas at Austin.

File No. 96106 IPTN Regis University, 3333 Regis Blvd., Denver, CO 80221. Signed By: Dr. William Husson, Academic Dean. Funds Requested: $61,620. Total Project Cost: $140,760. On behalf of the Association of Jesuit Colleges and Universities (AJCU), Regis University in Denver, Colorado will manage the development of a plan for the use of telecommunications facilities in an interconnected system among the 28 AJCU institutions through local technology applications for distance learning services including the sharing of educational courses.

File No. 96117 CTB Region 10 League for Economic, 300 North Cascade, Suite 1, Montrose, CO 81401. Signed By: Mrs. Mary Helen deKoevend, Chairperson. Funds Requested: $57,705. Total Project Cost: $76,940. To maintain and improve the broadcast services of KTSC–TV, Channel 8 in Montrose, Colorado, by replacing four translator and one transmitter serving over 47,000 residents of Montrose, Ouray and Delta counties.

File No. 96162 IPTN Colorado Community College, 9125 E. 10th Drive, Aurora, CO 80010. Signed By: Mr. Don Goodwin, Executive Director, HEAT Ctr. Funds Requested: $318,600. Total Project Cost: $498,600. To develop the technology master plan toward the design of the Lowry Telecommunications and Information Infrastructure network in support of an open learning system for distance learning and training, through the Higher Education and Advanced Technology (HEAT) Center in the Lowry Community of Aurora, Colorado.

File No. 96205 ICTN Northern Colorado Board of Coop., 830 South

Lincoln Street, Longmont, CO 80501. Signed By: Dr. Jack Hale, Executive Director/NC BOCES. Funds Requested: $328,034. Total Project Cost: $1,125,148. To establish a two-way, interactive compressed video distance learning system to serve the diverse academic institutions of the northeast quadrant of Colorado. For this project, the Northern Colorado Board of Cooperative Educational Services is acting on behalf of a partnership of 38 K–12 school districts, three community colleges, a university, and the State's Division of Telecommunications. The proposal would interconnect six existing distance education networks and extend service to five presently-unserved remote sites. The new network would be known as the Colorado Information Infrastructure.

CT (Connecticut)

File No. 96083 IPTN Norwich Commun. Tech. Learning Ctr., 194 Washington Street, Norwich, CT 06360. Signed By: Mr. William Stanley, Chairman, Board of Directors. Funds Requested: $85,350. Total Project Cost: $335,350. To assist the Norwich Communications Technology Learning Center, Inc. in planning how to put into place the strategies, community support, and technological structures needed to establish interactive distance learning systems that would serve the schools and businesses of Eastern Connecticut.

File No. 96192 CRB University of New Haven, 300 Orange Avenue, West Haven, CT 06516. Signed By: Dr. James Uebelacker, Provost. Funds Requested: $17,400. Total Project Cost: $34,800. To improve WNHU–FM, operating on 88.7 MHz, in West Haven, CT, by replacing a 1970 vintage Moseley TFL–280BFN Limiter and to replace 2 1974 vintage cart machines with a digital master control work station and storage facility. Applicant provides service to approximately 1 million potential listeners.

DC (District of Columbia)

File No. 96019 CRB American University, Brandywine Building, Washington, DC 20016–8082. Signed By: Mr. Donald Myers, Vice Pres. of Fin. & Treasurer. Funds Requested: $47,000. Total Project Cost: $188,000. To improve the signal of public radio station WAMU, 88.5 MHz, Washington, DC, by replacing its worn-out and unreliable transmitter. The station serves a population of about 4,306,989.

File No. 96053 CRB 95155. Univ. of the District of Columbia, 4200 Connecticut Ave, NW, Washington, DC 20008. Signed By: Dr. Martha Bridgeforth, V.P., Institutional Adv. Funds Requested: $19,386. Total Project Cost: $38,772. To improve the facilities of public radio station WDCU–FM, operating on 90.1 MHz, by purchasing a C band satellite downlink. The downlink will enable the station to broadcast programming from National Public Radio and other sources distributed by the Public Radio Satellite System. WDCU–FM serves 3 million people in the Washington DC metropolitan area.

File No. 96232 IPRTN Soundprint Media Center, Incorp, 4000 Brandywine St. NW, Suite 620, Washington, DC 20016. Signed By: Ms. Moira Rankin, Executive Producer. Funds Requested: $99,565. Total Project Cost: $123,803. To develop a plan based on research regarding the potential use of existing and proposed new technologies at public television and radio stations nationwide, that would determine the possible integration of these technologies in a telecommunications network for distance learning services.

FL (Florida)

File No. 96030 CTB University of Florida, Weimer Hall, Gainesville, FL 32611. Signed By: Dr. Thomas Walsh, Director of Research. Funds Requested: $53,940. Total Project Cost: $107,880. To upgrade the facilities of WUFT–TV, Channel 5 in Gainesville, by replacing worn-out and obsolete master control equipment with digital video storage technology.

File No. 96037 CTB South Florida Public Telecom., Inc., 3401 South Congress Avenue, Boynton Beach, FL 33426. Signed By: Mrs. Mary Souder, President/CEO. Funds Requested: $166,600. Total Project Cost: $333,200. To improve the broadcast services of WXEL–TV, Channel 42 in Boyton Beach and to provide Descriptive Video Services to blind and visually impaired individuals, by replacing the station's 12-year-old routing system and the master control switcher with analog/digital equipment.

File No. 96043 CTB Florida State University, 1600 Red Barber Plaza, Tallahassee, FL 32310. Signed By: Dr. Robert Johnson, VP for Research. Funds Requested: $133,275. Total Project Cost: $266,550. To ensure a continued high quality production and programming facility at WFSU and WFSG by replacing 14-year-old, ¾ inch editing equipment.

File No. 96086 CTB University of South Florida, 4202 Fowler Avenue, WRB 219, Tampa, FL 33620. Signed By: Mr. James Heck, General Manager. Funds Requested: $41,812. Total Project Cost: $83,624. To upgrade its broadcast capabilities, WUSF–TV, Channel 16 in Tampa, by replacing its worn-out and unreliable optical disc units with a video server.

File No. 96089 CTB Florida West Coast Pub. Brdcstg., 1300 North Boulevard, Tampa, FL 33677–4033. Signed By: Mr. Stephen L. Rogers, President & CEO. Funds Requested: $217,850. Total Project Cost: $435,700. To improve the production capacity of WEDU–TV, Channel 3 in Tampa, by purchasing a switcher, editor and effects equipment so that the station can continue to produce programming for local, state and national distribution.

File No. 96090 ICTN School Board of Broward County, 600 Southeast Third Avenue, Ft. Lauderdale, FL 33301. Signed By: Dr. Frank Petruzielo, Superintendent of Schools. Funds Requested: $136,962. Total Project Cost: $273,924. To establish an Instructional Television Fixed Service (ITFS) system, with associated video classroom and satellite receive-only earth station, to bring distance learning to the public school students of Broward County, Florida.

File No. 96113 CRB Florida Institute of Technology, 150 W. University Blvd., Melbourne, FL 32901. Signed By: Mr. Robert Merrill, Director, Sponsored Programs. Funds Requested: $23,126. Total Project Cost: $30,835. To improve its facilities and provide first public radio service to approximately 13,000 people, WFIT–FM, operating on 89.5 MHz in Melbourne, will increase its antenna height from 34 meters to 46 meters and its power from 2,350 Watts to 8,000 Watts.

File No. 96139 ICTBN Coastal Educational Broadcasters, 1200 W. Intern't Speedway Blvd., Daytona Beach, FL 32114. Signed By: Dr. Don Thigpen, President. Funds Requested: $491,000. Total Project Cost: $982,000. To improve the transmission, origination, and test equipment of public TV station WCEU, broadcasting on Ch. 15 from Daytona Beach, FL. The project would embrace both broadcast and nonbroadcast elements. The project's transmission equipment would allow the station to add four educational programming streams to the existing Daytona Beach Community College ITFS system. The origination equipment would permit WCEU–TV to produce additional programming for its over-the-air broadcast audience as well as to integrate its broadcast and educational services and to move to digital random access and tape storage. The project also includes equipment for an interactive video classroom; this would be used to originate instructional classes for high school students.

File No. 96174 CRB Sylum Education Foundation, 485 N.E. 160 Terrace, North

Miami Beach, FL 33162. Signed By: Mr. Chris Bain, President. Funds Requested: $74,895. Total Project Cost: $99,866. To construct a noncommercial FM station, operating on 88.7 MHz, to provide radio services targeted to the young people in the City of North Miami Beach and surrounding areas.

File No. 96198 ICTN Florida International University, NE 151 Street and Biscayne Blvd., Miami, FL 33181. Signed By: Dr Thomas Breslin, Vice Provost for Research. Funds Requested: $362,190. Total Project Cost: $848,692. To establish a distance learning system under the auspices of the South Florida Distance Learning Network, which is composed of Florida International University and other academic institutions in the South Florida area. The system will provide diverse instructional programming to Dade, Broward, and Monroe Counties. The proposed system will transmit via fiber optics and via the ITFS system of public television station WLRN, Ch. 17, Miami. Station WLRN–TV is licensed to the Dade County School Board.

File No. 96217 CRB 95116. University of Florida, 2208 Weimer Hall, Gainesville, FL 32611. Signed By: Mr. Richard Lehner, General Manager. Funds Requested: $28,769. Total Project Cost: $57,538. To install automation equipment at WUFT–FM, operating on 89.1 MHz in Gainesville, to maintain 24-hour a day programming in a cost-effective manner.

File No. 96218 CTB Florida Gulf Coast University, Channel 30 Drive, Bonita Springs, FL 33923. Signed By: Dr. Roy McTarnaghan, President. Funds Requested: $342,114. Total Project Cost: $684,229. To improve the broadcast operations of WSFP–TV, Channel 30 in Bonita Springs, Florida, by replacing obsolete, inefficient and trouble-prone origination equipment and acquiring one LIS mass storage unit.

File No. 96219 CRB Florida Gulf Coast University, 8111 College Parkway, Fort Myers, FL 33919. Signed By: Dr. Roy McTarnaghan, President. Funds Requested: $134,061. Total Project Cost: $268,123. To upgrade and improve its facilities, WSFP–FM, operating 90.1 MHz in Fort Myers, by replacing worn-out and obsolete local origination equipment.

File No. 96223 CRB Florida Gulf Coast University, 8111 College Parkway, Fort Myers, FL 33919. Signed By: Dr. Roy McTarnaghan, President. Funds Requested: $67,850. Total Project Cost: $135,700. To bring first public radio programming services to approximately 60,000 residents of Collier County, WSFP–FM, operating on 90.1 MHz in Fort Myers, will activate a repeater transmitter in Marco Island operating on 91.7 MHz.

File No. 96241 CTB Community Communications, Inc., 11510 East Colonial Drive, Orlando, FL 32817. Signed By: Mr. Stephen McKenney Steck, President. Funds Requested: $49,168. Total Project Cost: $98,336. To improve the post-production capabilities of WMFE–TV, Channel 24 in Orlando, by purchasing a digital video effects unit and a font generator to more effectively meet increased demand for the station's editing facilities.

File No. 96243 CTB WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. William Dresser, President & General Manager. Funds Requested: $190,000. Total Project Cost: $380,000. To maintain the high quality of the broadcast services of WJCT–TV, Channel 7 in Jacksonville, Florida, by replacing three 12-year-old studio camera systems.

GA (Georgia)

File No. 96076 PTB Albany Technical Institute, 1021 Lowe Road, Albany, GA 31701. Signed By: Dr. Anthony Parker, President. Funds Requested: $90,180. Total Project Cost: $90,180. Conduct planning and research activities for the construction of a broadcast facility that will provide distance learning services to students in rural, remote communities of Baker, Calhoun, Clay, Randolph and Terrell counties, Georgia.

File No. 96079 CRB 95281. GA Public Telecomm. Commission, 1540 Stewart Ave., S.W., Atlanta, GA 30310. Signed By: Mr. Frank Bugg, Deputy Director. Funds Requested: $27,000. Total Project Cost: $54,000. Peach State Public Radio will establish a noncommercial FM radio station operating on 88.3 MHz in Demorest, GA, to provide first service to a population of over 260,000 people in the Northeast section of Georgia.

File No. 96082 CTN City of Atlanta, 68 Mitchell St. SW, Ste 1200, Atlanta, GA 30335. Signed By: Dr. Renee Kemp-Rotan, Act. Dir., Bur. of Econ. Devel. Funds Requested: $399,100. Total Project Cost: $798,200. To assist the City of Atlanta in constructing four electronic town centers and media parks serving the residents of Atlanta's Empowerment Zone neighborhoods.

File No. 96109 CTB Atlanta Board of Education, 740 Bismark Road, NE, Atlanta, GA 30324. Signed By: Dr. Benjamin Canada, Superintendent. Funds Requested: $156,869. Total Project Cost: $313,738. To improve the production facilities of WPBA–TV, Ch. 30 in Atlanta, GA, by replacing 10 year old 1″ video tape machines with modern video cassette machines. The project will also replace obsolete test and monitoring equipment necessary for the station to continue service to 2.5 million people in the greater Atlanta area.

File No. 96130 IPTN Clark Atlanta University, James Brawley Dr. at Fair St. SW, Atlanta, GA 30314. Signed By: Dr. Kofi Bota, Vice President, Rsch/Spons Pgm. Funds Requested: $67,507. Total Project Cost: $79,347. To develop a plan, managed by Clark Atlanta University, for a comprehensive telecommunications system among Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs) that could potentially incorporate various technologies in a nationwide interactive distance learning service.

GU (Guam)

File No. 96167 ICRTN University of Guam, House 6 UOG Station, Mangilao, GU 96923. Signed By: Ms. Carmen Fernandez, Director/CCE–OF. Funds Requested: $354,200. Total Project Cost: $354,200. To activate a new service for distance education by purchasing a digital satellite system to serve Guam. The system will provide compressed digital video and be affiliated with the Pan-Pacific Educational and Communications Experiments by Satellite (PEACESAT) program headquartered in Hawaii.

HI (Hawaii)

File No. 96212 CTB Hawaii Public Broadcasting Auth., 2350 Dole Street, Honolulu, HI 96822. Signed By: Mr. Sheldon Robbs, Executive Director. Funds Requested: $75,000. Total Project Cost: $150,000. To improve the transmission facilities of Hawaii Public Broadcasting on the island of Hawaii by replacing six public television translators and related equipment serving 57,000 people on the Big Island. Replacement equipment will be placed at translators located at Honohina, Hilo, Kilauea Military Camp, Naalehu, South Point and Waimea.

File No. 96251 PTN University of Hawaii, 2540 Maile Way, Spalding HL. 253, Honolulu, HI 96822. Signed By: Dr. Peter Garrod, Interim Director of Research. Funds Requested: $98,051. Total Project Cost: $130,117. To develop a plan for the extension of the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Network and its programs and services, beyond the District Centers and into the outlying, underserved communities in American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

IA (Iowa)

File No. 96129 ICTN Eastern IA Community College Dist., 306 West River Drive, Davenport, IA 52801. Signed By: Dr. John Blong, Chancellor. Funds Requested: $114,971. Total Project Cost: $229,943. To construct two video classrooms, with associated interconnection equipment, in the Kahl Educational Center, located in downtown Davenport. The Center is a campus of Scott Community College, which in turn is part of the Eastern Iowa Community College District. The video classrooms will originate and receive instructional programming transmitted over the Iowa Communications Network. One classroom will focus on programming of regional interest, the second on classes for statewide distribution.

File No. 96143 CRB 95238. Iowa State Univ. of Science & Tech, Pammel Drive, Ames, IA 50011. Signed By: Mr. Richard E. Hasbrook, Contracts & Grants Officer. Funds Requested: $159,777. Total Project Cost: $213,037. To extend the signal of public radio station WOI-FM, 90.1 MHz, Ames, IA, by constructing a repeater station to operate on 89.1 MHz in Ottumwa, IA. The new station will provide the first public radio signal to about 63,295 residents of southeastern Iowa.

File No. 96154 CRB Kirkwood Community College, P.O. Box 2068, Cedar Rapids, IA 52404. Signed By: Dr. Norm Nielsen, President. Funds Requested: $51,097. Total Project Cost: $113,549. To improve the signal quality and production capability of public radio station KCCK, 88.3 MHz, Cedar Rapids, IA, by replacing its 18-year-old transmitter, antenna, and transmission line, and by replacing worn-out and obsolete audio recording and playback equipment. The station serves a population of about 358,382 persons.

File No. 96193 CTB Iowa Public Broadcasting Board, 6450 Corporate Drive, Johnston, IA 50131. Signed By: Mr. C. David Bolender, Executive Director. Funds Requested: $90,281. Total Project Cost: $180,562. To improve the signals of two translators operated by Iowa Public Television, Johnston, IA, by replacing their transmitters and associated equipment. The translators concerned broadcast on channel 14 in Decorah, IA, and on channel 41 in Lansing, IA. Together they serve about 35,137 persons. In addition to the translators, Iowa Public Television operates eight full-power TV stations across the state.

File No. 96215 CRB Western Iowa Tech. Cmty. College, 4647 Stone Avenue, Sioux City, IA 51106. Signed By: Dr. Robert E. Dunker, President. Funds Requested: $49,828. Total Project Cost: $99,656. To improve the signal quality of public radio station KWIT, 90.3 MHz, Sioux City, IA, by replacing its worn-out 19-year-old transmitter. In addition, the project will acquire a dummy load and dehydrator and convert the station's STL from analog to digital operation. KWIT serves a population of about 360,000.

ID (Idaho)

File No. 96166 CTB Idaho Public Television, 1450 N. Orchard, Boise, ID 83706. Signed By: Mr. Jerold Garber, General Manager. Funds Requested: $305,312. Total Project Cost: $407,083. To replace worn out dissemination equipment with an automated system which will improve the operations of KAID in Boise, KIPT in Twin Falls, KISU in Pocatello, KUID in Moscow and KCDT in Coeur D'Alene.

IL (Illinois)

File No. 96033 CTN City of Urbana, 400 South Vine, Urbana, IL 61801. Signed By: Ms. Amy Jordan, Urbana Public TV Coordinator. Funds Requested: $59,325. Total Project Cost: $118,650. To help the City of Urbana establish a PEG cable television community access to transmit City Council meetings and other government-related programming.

File No. 96118 CTB West Central IL Educ Telecom Corp, Shepherd Road, Bldg. K, Room 64, Springfield, IL 62707. Signed By: Dr. Jerold Gruebel, President/General Manager. Funds Requested: $155,874. Total Project Cost: $259,790. To improve the service of the West Central Illinois Educational Telecommunications Corporation (dba CONVOCOM), Springfield, IL, by converting its Springfield translator to a full-power repeater operating on Channel 65 by acquiring a high-gain antenna system and by establishing a reliable microwave link between Springfield and CONVOCOM station WSEC (TV), Jacksonville, IL. It is estimated that some 258,542 persons will receive enhanced public television service from this project.

File No. 96225 CTB Black Hawk College, 6600 34th Avenue, Moline, IL 61265. Signed By: Dr. Judith A. Redwine, President. Funds Requested: $944,732. Total Project Cost: $1,259,643. To extend and improve the signal of public television station WQPT, operating on Ch. 24, Moline, IL, by relocating its transmitting facilities to Orion, IL, and increasing its power and antenna height. Benefiting from this project will be an estimated 204,710 persons who cannot now receive a Grade B or better public television signal because of terrain, distance from a station, and other factors affecting reliable reception. The station now serves an estimated 237,886 persons.

File No. 96228 CRB University of Illinois, 1110 West Main Street, Urbana, IL 61801. Signed By: Mr. Craig S. Bazzani, Comptroller. Funds Requested: $9,107. Total Project Cost: $18,214. To improve the signal coverage of WILL–FM, 90.9 MHz, Champaign-Urbana, IL, by activating a translator to operate on 101.1 MHz in Urbana to overcome interference from terrain features and strong stations operating on near-by frequencies. WILL–FM serves a population of about 119,894 persons.

IN (Indiana)

File No. 96048 CTB Indiana University, P.O. Box 1847, Bloomington, IN 47402. Signed By: Dr. George Walker, Vice President, Research. Funds Requested: $52,088. Total Project Cost: $104,176. To improve public television station WITU, operating on Ch, 30, Bloomington, IN, by acquiring a new switcher and a hard-disk video file server to replace worn-out and obsolete master control equipment. The station serves a population of about 485,800.

File No. 96151 CTB Michiana Public Broadcasting Corp., 2300 Charger Boulevard, Elkhart, IN 46514. Signed By: Ms. Trina Cutter, President/General Manager. Funds Requested: $57,038. Total Project Cost: $114,075. To improve public television station WNIT, operating on Ch. 34, Elkhart, IN, by replacing aging and obsolete video editing and test equipment. The station serves a population of about 791,000.

File No. 96176 CRB Metro Indianapolis Pub Bdcstg, Inc., 1401 North Meridian Street, Indianapolis, IN 46202. Signed By: Mr. Lloyd Wright, President & General Manager. Funds Requested: $55,000. Total Project Cost: $110,000. To improve public radio station WFYI–FM, 90.1 MHz, Indianapolis, IN, by replacing its 26-year-old transmitter, which is worn-out and obsolete. The station serves a population of about 2-million.

File No. 96230 CTB Tri-State Public Teleplex, Inc., 405 Carpenter Street, Evansville, IN 47708–1027. Signed By: Mr. David Dial, President and General Manager. Funds Requested: $84,580. Total Project Cost: $169,161. To improve the operation of public station WNIN–TV, Ch. 9, Evansville, IN, by replacing several items of worn-out and obsolete production equipment, including a character generator, lighting instruments, and a field camera and by acquiring a hard-disk digital video

editing system. The station serves a population of about 750,000.

File No. 96233 CTB Ball State University, Ball State University, Muncie, IN 47306–0080. Signed By: Dr. James L. Pyle, Exec Dir, Academic Research. Funds Requested: $230,738. Total Project Cost: $461,476. To improve the operation of public television station WIPB, Ch. 49, Muncie, IN, by replacing obsolete and worn-out cameras and a character generator. The station serves a population of about 980,000.

KS (Kansas)

File No. 96002 ICTN Western Kansas Cmty Srvcs Consort., 1007 West Eighth Street, Pratt, KS 67124. Signed By: Ms. Joyce Hartmann, Executive Director. Funds Requested: $168,883. Total Project Cost: $356,589. To assist the Consortium's five community colleges to extend their instructional programming throughout the Consortium's 41-county educational service area. Colby Community College proposes to interconnect with two existing distance learning networks. Dodge City Community College would install four portable ITV classrooms in rural areas and purchase a satellite receive-only earth station. Garden City Community College will construct four video classrooms, one at the Lee Richardson Zoo. Pratt Community College will expand its connectivity to the existing A–Plus Network. Seward County Community College will equip a video classroom in the community of Johnson.

File No. 96021 CRB Kanza Society, Inc., 210 North Seventh, Garden City, KS 67846–5519. Signed By: Ms. Kathleen Holt, Executive Director. Funds Requested: $91,534. Total Project Cost: $140,821. To improve and extend the signal of KANZ–FM (91.1 MHz) in Garden City and KZNA–FM (90.5 MHz) in Hill City, by replacing (including changing existing frequency), relocating or changing the coverage of the following twelve FM translators: Ashland, KS (K252AX to 92.9 MHz); Atwood, KS (K237CN); Colby, KS (K205BR); Dodge City, KS (K242AE to 92.9 MHz); Elkhart, KS (K252AV to 90.3 MHz); Goodland, KS (K219AJ to 89.7 MHz); Guymon, OK (K205FP); Lamar, CO (K252BY to 90.7 MHz); Ness City, KS (K252AY to 92.9 MHz); St. Francis, KS (K257DI to 96.3 MHz); Sharon Springs, KS (K214AU); and Tribune, KS (K252AW to 89.5 MHz). The changes will result in approximately 35,217 people receiving a first public radio signal.

File No. 96051 CRB Kansas State University, Room 2, Fairchild Hall, Manhattan, KS 66506–4701. Signed By: Dr. R. W. Trewyn, Assoc. Vice Provost for Res'ch. Funds Requested: $18,090. Total Project Cost: $36,180. To improve the facilities of public radio station KKSU–AM, 580 kHZ, in Manhattan, by converting the station to a stereo production facility, converting to digital record and playback technology, and expanding the routing and distribution system due to additional demands. KKSU–AM will also acquire an oscilloscope. Station serves about 5.4 million people in parts of KS, NE, MO, IA and OK.

File No. 96138 CRB Wichita State University, 3317 East 17th Street, Wichita, KS 67208. Signed By: Dr. Gerald Loper, Associate Vice President. Funds Requested: $19,250. Total Project Cost: $38,500. To improve the facilities of public radio station KMUW–FM, 89.1 MHz, in Wichita, by installing an uninterruptable power supply system to keep the station on the air during power outages and replacing 10-to-20 year old analog production equipment with digital recording and editing equipment. KMUW–FM serves about 678,000 people in south central KS.

File No. 96140 CTB Kansas Public Telecom. Service, 320 West 21st St., P.O. Box 288, Wichita, KS 67201. Signed By: Mr. Zoel Parenteau, President & General Manager. Funds Requested: $14,357. Total Project Cost: $28,715. To improve the facilities of public television station KPTS–TV, Ch. 8, in Wichita, by replacing an old, obsolete video tape recorder, acquiring a new waveform monitor, a new color monitor and an FCC required EBS encoder decoder. KPTS–TV serves approximately 388,000 people.

File No. 96180 CRB Kansas Public Broadcasting Council, 900 SW Jackson, Room 751S, Topeka, KS 66612–1275. Signed By: Mr. David M. Wilson, Chairman. Requested: $41,528. Total Project Cost: $83,056. To purchase a portable Ku-band satellite uplink as well as six fixed downlinks to be placed at public radio stations serving the state. The equipment will be used to share programming gathered from around the state. Downlinks will be placed at KHCC–FM, Hutchinson, KANZ–FM, Garden City, KANU–FM, Lawrence, KKSU–AM, Manhattan, KRPS–FM, Pittsburg and KMUW–FM, Wichita.

File No. 96202 CTB Smoky Hills Public Television, 604 Elm Street, Bunker Hill, KS 67626. Signed By: Mr. David Wilson, CEO/General Manager. Funds Requested: $58,000. Total Project Cost: $116,000. To extend the signal of public television station KOOD–TV, Ch. 9, in Bunker Hill, by constructing a new repeater station in Dodge City, on Ch. 21. Project also includes an Electronic Field Production unit consisting of a portable video camera, recorder and accessories to be used to provide additional production capacity to better serve the proposed coverage area. Station will provide a first over-the-air signal to about 26,000 people.

File No. 96214 CRB Hutchinson Community College, 815 N. Walnut, Suite 300, Hutchinson, KS 67501. Signed By: Dr. Edward Berger, President. Funds Requested: $31,150. Total Project Cost: $62,300. To improve public radio station KHCC–FM, 90.1 MHz, in Hutchinson, by replacing obsolete equipment with a digital audio storage system and interfaces, three DAT recorders and four microphones. This station, and its two repeater stations, serve approximately 925,000 people in central KS.

File No. 96222 CTB Washburn University of Topeka, 1700 Southwest College Avenue, Topeka, KS 66621. Signed By: Dr. Hugh Thompson, President. Funds Requested: $114,547. Total Project Cost: $229,094. To improve public television station KTWU–TV, Ch. 11, in Topeka by replacing its 42 year old transmission line, adding a backup studio to transmitter microwave system, and upgrading its master control operations by adding a digital video playback system. KTWU–TV serves approximately 1.26 million people.

KY (Kentucky)

File No. 96098 CRB Murray State University, 15th & Olive Streets, Murray, KY 42071. Signed By: Dr. James Booth, Provost. Funds Requested: $37,620. Total Project Cost: $50,160. To improve reception to its current audience and to reach approximately 54,000 new listeners, WKMS–FM, operating on 91.3 MHz in Murray, Kentucky, will activate a translator in Paducah (92.1 MHz) and a repeater in Madisonville (90.1 MHz).

File No. 96171 ICTN Center for Rural Development, 2292 South Highway 27, Suite 300, Somerset, KY 42501. Signed By: Mrs. Hilda Gay Legg, Executive Director. Funds Requested: $619,588. Total Project Cost: $826,117. To establish a production studio for The Center for Rural Development, Somerset, KY. The studio will allow the Center to produce instructional programming as part of its mandate to act as a training and education center for a 40-county service area. The Center's partners in this telecommunications enterprise are the University of Kentucky and Kentucky Educational Television.

File No. 96196 CTB Kentucky Educational Television, 600 Cooper Drive, Lexington, KY 40502. Signed By: Mrs. Virginia Fox, Executive Director. Funds Requested: $689,076. Total Project Cost: $1,148,460. To improve the broadcast services of WKMJ–TV, Channel 68 in Louisville, Kentucky, by replacing the aging transmitter, the transmission line and the antenna which was damaged by lightning.

File No. 96210 CTB Fifteen Telecommunications, Inc., 4421 Bishop Lane/PO Box 37380, Louisville, KY 40218. Signed By: Mr. John-Robert Curtin, President & CEO. Funds Requested: $39,975. Total Project Cost: $79,950. To improve the broadcast operations of WKPC–TV, Channel 15 in Louisville, Kentucky by constructing a free standing 195 ft. tower for the station's STL and ITFS.

LA (Louisiana)

File No. 96045 CTB Educational Broadcasting Fdn., 2929 South Carrollton Avenue, New Orleans, LA 70118. Signed By: Mr. James Kelly, General Manager. Funds Requested: $94,808. Total Project Cost: $189,617. To improve the production facilities of public television station WLAE–TV, operating on Ch. 32 in New Orleans, LA. The project will replace a 20 year old video production switcher for the production of local programs. WLAE–TV serves 1.2 million people in the greater New Orleans area.

File No. 96093 CTB Greater New Orleans ETV Found., 916 Navarre Avenue, New Orleans, LA 70124. Signed By: Mr. Randall Feldman, President & General Manager. Funds Requested: $191,500. Total Project Cost: $383,000. To improve the production facilities of public television station WYES–TV, operating on Ch. 12 in New Orleans, by replacing 1'' video tape machines with digital video cassette machines and replacing four Betacam players with a disc storage system. The project will also replace a 10 year old DVE system with a dual channel system and purchase a non-linear editor for the production of local programs. WYES–TV serves 1.7 million people in the greater New Orleans area.

File No. 96127 ICTN New Orleans Educ. T/C Consortium, 2929 South CarrolltonAvenue, New Orleans, LA 70118. Signed By: Dr. Robert Lucas, Executive Director. Funds Requested: $287,293. Total Project Cost: $574,586. To purchase T–1 interconnection and video classroom equipment to allow the New Orleans Educational Telecommunications Consortium to extend its ITFS-based distance learning service to Lake Ponchartrain's north shore and to the Stennis Space Center, which is located in Mississippi.

File No. 96246 ICTN 95147. Northwestern State University, Kyser Hall, Room 153, Natchitoches, LA 71497. Signed By: Dr. Robert Alost, President. Funds Requested: $569,528. Total Project Cost: $759,371. To purchase a Ku-band mobile satellite uplink to expand the distance learning opportunities to under served areas of Louisiana, Arkansas, Mississippi and Oklahoma.

MA (Massachusetts)

File No. 96036 CRB 95145. Cape & Islands Commm Public Radio, 78 Gardiner Road, Woods Hole, MA 02543. Signed By: Mr. Jay Allison, President. Funds Requested: $212,450. Total Project Cost: $283,270. To provide first public radio service to 70,639 citizens of Woods Hole and Nantucket, MA by constructing new FM broadcast studios, control rooms, antennas and transmitters at 90.1 MHz, Woods Hole, MA, and 91.1 MHz, Nantucket, MA.

File No. 96131 CRB University of Massachusetts, Amherst, MA 01003. Signed By: Ms. Carol Sprague, Acting Assoc. Director. Funds Requested: $46,827. Total Project Cost: $93,655. To improve WFCR–FM, operating on 88.5 MHz, in Amherst, MA, by replacing the audio console and associated items, monitor amplifier, monitor speakers, storage system, two cassette decks, two turntables, microphone processor, telephone hybrid, routing switcher, cabinets, and test equipment. Applicant provides service to approximately 1,144,371 potential listeners.

File No. 96158 CRB University of Massachusetts, 100 Morrissey Blvd., Boston, MA 02125. Signed By: Mr. Paul O'Keefe, Director. Funds Requested: $67,730. Total Project Cost: $92,730. To improve WFPB–FM, operating on 91.9 MHz, in Falmouth, MA, by replacing the present temporary system, using mostly borrowed and rented equipment which makes this project a middle ground between establishing a new first service and replacing an existing system. The applicant owns very few broadcast items, so the equipment requested is basically an activation package. WFPB–FM will serve approximately 40,000 listeners.

File No. 96208 CTB WGBH Educational Foundational, 125 Western Avenue, Boston, MA 02134. Signed By: Mr. Andrew Griffiths, VP/Finance and Administration. Funds Requested: $587,605. Total Project Cost: $1,175,210. To improve WGBH–TV, operating on Ch 2, in Boston, MA, by replacing six eighteen-year-old studio cameras. WGBH Educational Foundation serves approximately 5,430,000 viewers.

File No. 96220 ICTN Douglas Public Schools, 21 Davis Street, East Douglas, MA 01516. Signed By: Mrs. Concetta Verge, Superintendent. Funds Requested: $19,323. Total Project Cost: $38,647. To establish a video conference classroom for the Douglas, Mass., Public Schools to be used for distance learning purposes. The project would use PicTel equipment with the signals transmitted via ISDN.

File No. 96244 ICTN Springfield Technical Cmty College, One Armory Square, Springfield, MA 01105. Signed By: Dr. Andrew Scibelli, President. Funds Requested: $250,000. Total Project Cost: $500,000. To help establish a T–1-based, compressed video, interactive distance learning network that will allow Springfield Technical Community College (STCC) to provide instructional programming to eight schools and fifty small businesses in Springfield, MA. The equipment will also permit STCC to interconnect with the University of Massachusetts and 120 other national universities as well as with a New England-wide technical training collaborative of eight colleges offering common curricula. The proposed network will serve a large section of Springfield that the Federal Government has designated an Enterprise Zone.

MD (Maryland)

File No. 96073 CRB Univ. of Maryland Eastern Shore, Backbone Road, Princess Anne, MD 21853. Signed By: Dr. William Hytche, President, UMES. Funds Requested: $86,647. Total Project Cost: $115,550. To provide first public radio service to over 70,000 residents of Eastern Delaware and Northern Maryland, WESM–FM, operating on 91.3 MHz in Princess Anne, Maryland, will construct a repeater station in Massey, MD.

File No. 96078 ICTN Salisbury State University, 1101 Camden Avenue, Salisbury, MD 21801. Signed By: Dr. Nelson Butler, Interim President. Funds Requested: $151,300. Total Project Cost: $201,762. A consortium of three State higher education academic institutions would interconnect their three campuses to form a distance learning system to serve Maryland's lower eastern shore. The three are Salisbury State University, the University of Maryland/Eastern Shore, and Wor-Wic Community College. The project would construct a duplex microwave system linking the three campuses and an STL system that would interconnect with an existing ITFS transmission site near Salisbury. The project would also install

a video classroom at Wor-Wic Community College and receive sites at high schools in 12 area communities.

File No. 96189 CTB Maryland Public Broadcasting Comm., 11767 Owings Mills Boulevard, Owings Mills, MD 21117. Signed By: Dr. Archie Buffkins, Interim President/CEO. Funds Requested: $1,016,000. Total Project Cost: $2,032,000. To upgrade the broadcast operations of WMPT–TV, Channel 22 in Annapolis, Maryland, by replacing the 22-year-old transmitter and the antenna/transmission line system.

File No. 96201 ICTN Chesapeake Regional Network, Inc., 39 Old Hilltop Rd., Conowingo, MD 21918. Signed By: Mr. Douglas Donley, President. Funds Requested: $60,685. Total Project Cost: $84,285. To establish an Instructional Television Fixed Service (ITFS) to provide instructional programming to rural Cecil County, located in Maryland between Baltimore and Philadelphia, PA.

ME (Maine)

File No. 96014 CTN Pleasant Point Passamaquoddy Tribe, P.O. Box 339, Perry, ME 04667. Signed By: Ms. Pamela Francis, Executive Director. Funds Requested: $30,118. Total Project Cost: $46,335. To extend the cable television community access channel of the Passamaquoddy Tribe of Pleasant Point to the entire Passamaquoddy Reservation. At present, the channel is cablecast only to approximately 25% of the Reservation, to an area known as the Old Pleasant Point Reservation.

File No. 96080 PTB St. John Plantation, RR 3 box 410, Fort Kent, ME 04743. Signed By: Mr. Fernald Jandreau, First Selectman. Funds Requested: $7,500. Total Project Cost: $7,500. This is an ineligible application. The applicant is a commercial station, WFKT–TV, channel 4, in Fort Kent ME. Its basic purpose is to strengthen the broadcast capability of commercial television station WAGM–TV, channel 8, which evidently is owned by the applicant and to extend local broadcasting capability of WFKT–TV to surrounding communities. In the time pressure we have, there is no point in spending any more time on this ineligible project.

MI (Michigan)

File No. 96003 ICTN Alpena-Mont.-Alcona Ed. Srvc. Dist., 2118 U.S. 23 South, Alpena, MI 49707. Signed By: Mr. Thomas Lanway, Superintendent. Funds Requested: $433,750. Total Project Cost: $870,250. To install cables for voice, video, and data transmission into every classroom and library in four Michigan counties. The project would also purchase 40 personal computers in each school building or library in order to allow those facilities to interconnect with the Internet. The project is a joint effort between the applicant and the Iosco Intermediate School District.

File No. 96066 CRB Central Michigan University, 3965 East Broomfield Road, Mount Pleasant, MI 48859. Signed By: Dr. Leonard E. Plachta, President. Funds Requested: $321,991. Total Project Cost: $429,322. To activate a repeater station operating at 95.7 MHz to bring the first public radio signal to approximately 51,501 residents in and around Oscoda, MI. The new station will repeat the programming of public station WCMU-FM, 89.5 MHz, Mt. Pleasant, MI, which presently serves a population of about 291,577.

File No. 96068 CTB Detroit Educational Television Fndn, 7441 Second Boulevard, Detroit, MI 48202–2796. Signed By: Mr. Steve Antoniotti, President and General Manager. Funds Requested: $149,887. Total Project Cost: $299,775. To improve the operation of public television station WTVS, Ch. 56, Detroit, MI, by replacing a worn-out and obsolete switcher and by acquiring an emergency power generator for the station's transmitter. WTVS serves a population of about 4,500,000.

File No. 96134 IPTN Lansing Community College, 528 N. Capitol, Lansing, MI 48933. Signed By: Dr. Valerianna Moeller, Executive V. Pres./Provost. Funds Requested: $75,300. Total Project Cost: $105,750. To explore the feasibility of various technologies that could be appropriate for an interactive distance learning system in southeastern Michigan, among Lansing Community College, and the K–12 schools in the Livingston County Educational Service District and the Ingham County Intermediate School District.

File No. 96144 CTB Michigan State University, 84 Wilson Road, East Lansing, MI 48824–1212. Signed By: Mr. Daniel Evon, Asst Dir, Grants Admin. Funds Requested: $549,925. Total Project Cost: $1,099,851. To improve the quality and reliability of the signal of public station WKAR–TV, Ch. 23, East Lansing, MI, by replacing its failing 18-year-old transmitter, STL, and the associated control, monitoring. and test equipment. The station serves a population of about 2,069,000.

File No. 96185 CRB Northwestern Michigan College, 1701 East Front Street, Traverse City, MI 49684. Signed By: Mr. Timothy Quinn, President. Funds Requested: $39,055. Total Project Cost: $52,073. To upgrade non-commercial radio station WNMC, 90.9 MHz, Traverse City, MI, by increasing its power, moving its antenna, and changing its frequency to 90.7MHz. The station currently serves a population of about 63,000. The project will add an estimated 60,400 persons, who have access to public radio service from another station.

File No. 96224 CRTB Northern Michigan University, Northern Michigan University, Marquette, MI 49855. Signed By: Dr. Michael J. Roy, VP/Finance and Administration. Funds Requested: $53,620. Total Project Cost: $107,240. To improve public station WNMU–TV, Ch. 13, and WNMU–FM, 90.1 MHz, Marquette, MI, by replacing failing audio recording equipment, upgrading their tower lighting, and acquiring equipment for descriptive video, closed captioning, and FCC-mandated Emergency Alert Notification. The stations serve a population of about 200,000.

File No. 96226 CRB Northern Michigan University, Northern Michigan University, Marquette, MI 49855. Signed By: Dr. Michael J. Roy, VP/Finance and Administration. Funds Requested: $8,513. Total Project Cost: $17,026. To extend the signal of WNMU–FM, 90.1 MHz, Marquette, MI, by activating a translator to operate at 107.3 MHz in Stephenson, MI, bringing the first public radio signal to about 13,000 residents of the south-central Upper Peninsula of Michigan. The project will also enable the re-activation of an existing translator on 91.3 MHz in Marinette, WI, that had to be shut down when a new full-power station overroad the signal from WNMU–FM. This translator serves a population of about 15,518.

File No. 96237 ICTN Hillsdale Co. Intermed School Dist, 3471 Beck Road, Hillsdale, MI 49242. Signed By: Mr. Gary Moore, Superintendent. Funds Requested: $847,191. Total Project Cost: $1,129,588. To establish a fiber optics-based, interactive distance learning system which will interconnect the eight schools served by the Hillsdale County Intermediate School District, located in extreme southern Michigan.

File No. 96238 CTB Grand Valley State University, 301 West Fulton Street, Grand Rapids, MI 49504–6492. Signed By: Ms. Jean Enright, Secretary, Board of Control. Funds Requested: $104,679. Total Project Cost: $209,358. To improve the operation of public station WGVU–TV, Ch. 35, Grand Rapids, MI, by replacing obsolete and worn-out video tape recorders. The project will also benefit WGVK–TV, Ch. 52, which repeats the programming of WGVU–TV in Kalamazoo, MI. The

stations serve a population of about 1,274,200.

MN (Minnesota)

File No. 96056 CTB West Central Minnesota ETV CO, 120 West Schlieman Avenue, Appleton, MN 56208. Signed By: Mr. Ansel Doll, General Manager. Funds Requested: $176,310. Total Project Cost: $352,620. To extend the service of KWCM–TV, operating on Ch. 10, in Appleton, MN, by activating a first signal repeater station, operating on Ch 69, in Fergus Falls, MN, an area of west central Minnesota not now served by public TV and containing a population of approximately 50,714 potential viewers.

File No. 96104 CTN Asian Media Access, Inc., 730 Henepin Avenue, # 812, Minneapolis, MN 55403. Signed By: Mr. Virendra Ratnayake, President of the Board. Funds Requested: $844,380. Total Project Cost: $1,125,850. To construct the first Asian-American production studio in the United States that will serve as a media center for Asian American communities and will produce Asian Lanuguage news, magazine shows, documentaries and educational programming.

File No. 96137 CRB Red Lake Band of Chippewa Indians, Tribal Headquarters Building, Red Lake, MN 56671. Signed By: Mr. Bobby Whitefeather, Tribal Chairman. Funds Requested: $617,725. Total Project Cost: $823,725. The purpose of this project is to construct a new public radio station to serve the Red Lake Indian Reservation and surrounding areas in northern Minnesota, providing the first signal for approximately 7,000 residents within the coverage area. The station, if funded, will operate on 91.4 MHz with a power of 100 KW, ERP.

File No. 96206 CRB Minnesota Public Radio, 45 E 7th Street, St. Paul, MN 55101. Signed By: Mr. Dennis Hamilton, Vice President. Funds Requested: $206,194. Total Project Cost: $412,389. To improve the Minnesota Public Radio Network of 16 network stations by replacing an old C-Band portable uplink with a Ku-band uplink based at St. Paul, replacing cart machines at the 16 network stations, and also in South Dakota and Michigan. Additionally, this project requests backup STLs for MPR stations in Rochester and Duluth, MN. This network serves approximately 4,547,000 potential listeners.

File No. 96236 CRB White Earth Land Recovery Project, Box 327, White Earth, MN 56591. Signed By: Ms. Roxanne Struthers, Chairperson. Funds Requested: $407,528. Total Project Cost: $543,370. The Niijii Broadcast Corporation, a subsidiary of the White Earth Land Recovery Project, in White Earth, MN, is requesting funding to activate a first signal public radio station for the White Earth Ojibwe Indian reservation in Northern Minnesota. A PTFP Planning grant awarded in 1995 enabled the applicant to conduct a community needs assessment and site review, and to prepare a FCC construction permit application which have resulted in the project. The proposed station will provide first service to approximately 9,200 listeners.

MO (Missouri)

File No. 96010 CRB University of Missouri, 8001 Natural Bridge Road, St. Louis, MO 63121. Signed By: Mr. Douglas Wartzok, Assoc Vice Chan. Dean of Grad. Funds Requested: $25,860. Total Project Cost: $51,720. To improve the production facilities of public radio station KWMU, 90.7 MHz, St. Louis, MO, by replacing worn-out and unreliable equipment, including a console, CD players, microphones, and microphone processors. The station serves a population of about 2,734,900 persons.

File No. 96013 CRB Curators of the Univ. of Missouri, 8001 Natural Bridge Road, St. Louis, MO 63121. Signed By: Mr. Douglas Wartzok, Assoc. Vice Chan. Dean of Grad. Funds Requested: $28,675. Total Project Cost: $57,350. To improve the operational reliability of public radio station KWMU, 90.7 MHz, St. Louis, MO, by acquiring a back-up power generator and an Uninterruptable Power Supply. The station serves a population of about 2,734,900.

File No. 96027 CRB New Wave Corporation, 915 East Broadway, Columbia, MO 65201. Signed By: Mr. Brian Mann, Interim General Manager. Funds Requested: $8,125. Total Project Cost: $18,250. To improve the production capability of public radio station KOPN, 89.5 MHz, Columbia, MO, by replacing an obsolete, 15-year-old on-air audio console. The project will also acquire the equipment for the Emergency Alert System, which the FCC requires all stations to activate. KOPN serves a population of about 250,000 persons.

File No. 96041 ICTN University of Missouri/St. Louis, 8001 Natural Bridge Rd., St. Louis, MO 63121–4499. Signed By: Dr. Douglas Wartzok, Assoc. Vice Chancel./Research. Funds Requested: $775,131. Total Project Cost: $1,700,275. To construct a two-way, interactive telecommunications system—to be called St. Louis EdNet—linking diverse educational and cultural institutions throughout the greater St. Louis area. This includes locations in Illinois as well as in Missouri. The proposed system's design is based on interconnecting three large networks that are already established: the St. Louis Community College Network; the University of Missouri/St. Louis's existing network; and the cable TV and ITFS networks associated with the Cooperating School Districts (the latter consists of 28 K–12 public school districts in the area).

File No. 96160 ICTN Ozarks Technical Community College, 1417 North Jefferson, Springfield, MO 65802. Signed By: Dr. Norman Myers, President. Funds Requested: $184,421. Total Project Cost: $245,895. To construct an ISDN, telephone-line-based distance learning system to permit Ozarks Technical Community College to transmit its instructional programming to schools and the general population throughout its service area of southwest Arkansas. Specifically, the system will reach five school districts—i.e., Republic, Strafford, Rogersville, Nixa, and Reeds Spring—all of which are to be found in a three-county area; the counties are Greene, Stone, and Christian.

File No. 96187 CTB Public Television 19, Inc., 125 East 31st Street, Kansas City, MO 64108. Signed By: Mr. William T. Reed, President & CEO. Funds Requested: $250,835. Total Project Cost: $501,670. To improve the facilities of public television station KCPT, Ch. 19, Kansas City, MO, by replacing seven worn-out, obsolete video tape recorders and test equipment, and by acquiring a second master control switcher and a video ''cache'' system. KCPT serves a population of about 1,900,000 persons.

MP (Marianas Protectorate)

File No. 96069 IPRTN Northern Marianas College, P.O. Box 1250, Saipan, MP 96950. Signed By: Ms. Agnes McPhetres, President. Funds Requested: $24,275. Total Project Cost: $24,275. To conduct a study and develop the design for the use of technologies in a distance learning system to be established as the Pacific Technical Education Network, between Honolulu, Hawaii and Saipan, Northern Marianas Islands.

MS (Mississippi)

File No. 96172 CRTB Mississippi Authority for ETV, 3825 Ridgewood Road, Jackson, MS 39211. Signed By: Mr. Larry Miller, Executive Director. Funds Requested: $88,242. Total Project Cost: $176,484. Replace FM radio modulation monitoring equipment, FM exciters, and the radio and television high speed RF monitoring system at transmitter sites throughout the state of

Mississippi, to improve FM stereo performance, ensure compliance with power measurement requirements, and protect transmitters from potential damage.

MT (Montana)

File No. 96034 CRB Montana State University—Billings, 1500 North 30th Street, Billings, MT 59101–0298. Signed By: Dr. Ronald Sexton, Chancellor. Funds Requested: $42,815. Total Project Cost: $92,815. To purchase a Ku-band satellite uplink system for KEMC–FM, operating on 91.7 MHz in Billings. The satellite system would place downlinks to provide programming to six existing facilities operated by KEMC–FM. Downlinks would be provided at a repeater station serving Bozeman, MT and translators serving Havre, Helena, and Miles City, MT, as well as Cody and Sheridan, WY.

File No. 96177 CRB Bd of Regents, MT University System, 330 Strand Union Building, Bozeman, MT 59717. Signed By: Mr. Philip Charles, General Manager. Funds Requested: $30,495. Total Project Cost: $52,995. To improve the facilities of noncommercial radio station KGLT–FM, operating on 91.9 MHz in Bozeman, MT by purchasing a new FM antenna, exciter and related equipment. The applicant has lost its lease at its current transmitter site and the new equipment will ensure continued service to 47,000 people. The transmitter will be relocated to a higher elevation and the new antenna will permit a power increase from 2 KW to 68 KW.

NC (North Carolina)

File No. 96032 CRB Wilkes Community College, Collegiate Drive, Wilkesboro, NC 28697. Signed By: Dr. Gordon Burns, President of WCC. Funds Requested: $36,999. Total Project Cost: $49,332. To provide first public radio services to approximately 47,000 residents of northwest North Carolina by upgrading WSIF–FM, operating on 90.9 MHz in Wilkesboro, from a Class D station to a Class A radio facility. WSIF–FM will change frequency to 94.7 MHz, increase power and change the antenna system.

File No. 96046 CRB 95100. Better Life, Inc., 230–B Roanoke Avenue, Roanoke Rapids, NC 27870. Signed By: Mr. George Campbell, Executive Director. Funds Requested: $91,500. Total Project Cost: $122,000. To upgrade its services and extend its coverage to provide first public radio service and first radio reading services to approximately 46,000 residents of northeast North Carolina and southeast Virginia, WZRU, operating on 88.5 MHz in Roanoke Rapids, NC, will relocate its antenna to a higher tower and will install a digital STL system.

File No. 96074 ICTN College of the Albemarle, 1208 North Road St., Elizabeth City, NC 27906. Signed By: Dr. Larry R. Donnithorne, President. Funds Requested: $136,000. Total Project Cost: $181,500. To construct a two-way distance learning video classroom at the College of the Albemarle to allow the College to offer and receive instructional programming via its ITFS channels and the North Carolina Information Highway.

File No. 96231 CTB Univ. of NC Center for Public TV, 10 T.W. Alexander Drive, Research Triangle Park, NC 27709. Signed By: Mr. Tom Howe, Director & GM. Funds Requested: $1,574,523. Total Project Cost: $4,890,000. To improve broadcast operations and extend its coverage area to include approximately 779,000 potential new viewers in the state's northeast region by the replacement of critical transmission equipment and construction of a taller tower at WUND–TV, Channel 2, in Columbia, SC.

File No. 96242 CTB Gospel & Deliverance Ministry, Inc., Rt. 1, Box 171–E, Shannon, NC 28386. Signed By: Mr. Gerald Locklear, President. Funds Requested: $680,000. Total Project Cost: $1,115,000. To construct a low-power television station on Ch. 47 to serve the educational and training needs of the community, specifically the Native American population of Robeson County.

ND (North Dakota)

File No. 96141 CRB Dakota Radio Information Service, Liberty Mem. Bldg., 604 E. Blvd., Bismarck, ND 58505. Signed By: Ms. Marcella Schmaltz, President. Funds Requested: $5,156. Total Project Cost: $6,875. To acquire 125 SCA receivers for use by the print-impaired in western ND. The radio reading service receivers would be distributed in areas covered by six new FM radio translator stations which were funded by PTFP in 1995. Since this is the first time 90.1 MHz has been used in this area, there is no inventory of receivers available for distribution. The service provides the only locally originated service in ND. It broadcasts on the stations licensed to Prairie Public Broadcasting.

NE (Nebraska)

File No. 96018 CTB University of Nebraska, 60th & Dodge Streets, Omaha, NE 68182–0022. Signed By: Dr. Delbert Weber, Chancellor. Funds Requested: $38,000. Total Project Cost: $80,000. To improve public television station KYNE-TV, Ch. 26, in Omaha, by acquiring two camera control systems that will allow the use of two PTFP-funded field cameras in the studio during productions which require more than three studio cameras. Station provides service to more than 600,000 people.

File No. 96081 ICTN A DEC, University of Nebraska-Lincoln, Lincoln, NE 68583. Signed By: Dr. Janet Poley, President/CEO. Funds Requested: $1,364,587. Total Project Cost: $2,729,175. To purchase five additional C band uplinks, convert 12 existing uplinks from analog to digital, and equip 174 existing downlinks with digital reception equipment. Uplinks will be placed at Delaware State University, Florida A&M University, the University of Illinois, Kansas State University and West Virginia University.

File No. 96096 CRB 95148. Sunrise Communications, Inc., 941 ''O'' Street, Suite 1025, Lincoln, NE 68508. Signed By: Mr. Dick Noble, General Manager. Funds Requested: $84,612. Total Project Cost: $112,816. To improve the facilities of public radio station KZUM-FM, 89.3 MHz, in Lincoln by acquiring new and replacement equipment for the on-air control and production control rooms as well as a C-band satellite downlink. Station serves approximately 214,000 people.

File No. 96142 CTB Nebraska Educ Telecomm Commission, 1800 N. 33rd Street, Lincoln, NE 68501. Signed By: Mr. Jack McBride, Secretary. Funds Requested: $152,032. Total Project Cost: $304,065. To improve the production facilities of the state's public television network by replacing old, obsolete origination equipment. Items to be acquired include: a remote unit audio console, 7 mini-disk recorder/players, 7 mini-disk players, a digital audio workstation, color and black/white monitors as well as waveform monitors and vectorscopes test equipment. Much of the equipment being replaced is in excess of 20 years old is a maintenance problem. The network serves about 1.5 million people.

File No. 96147 CRB Nebraska Educ Telecomm Commission, 1800 N. 33rd Street, PO Box 8311, Lincoln, NE 68501. Signed By: Mr. Jack McBride, Secretary. Funds Requested: $23,212. Total Project Cost: $46,425. To improve the facilities of the state's public radio network by acquiring production equipment to replace old, obsolete equipment that is no longer operating properly. Requested equipment includes: a digital audio workstation, a telephone hybrid for on-air call-ins, mini-disk recorder/player and 4 mini-disk players. The state's public radio network serves

approximately 872,000 people in NE and parts of KS and WY.

NH (New Hampshire)

File No. 96031 CRB New Hampshire Public Radio, 207 North Main Street, Concord, NH 03301–5048. Signed By: Mr. Mark Handley, President. Funds Requested: $40,422. Total Project Cost: $80,845. To improve WEVO–FM, operating on 89.1 MHz, in Concord, NH, by upgrading the station's program origination from tape to digital/audio production and automation, which will result in upgrading production both in the studios and in master control.

File No. 96240 CTB University of New Hampshire, Route 155A, Mast Rd., PO Box 110, Durham, NH 03824. Signed By: Mr. Steven Bernstein, Sr. Grant & Contract Officer. Funds Requested: $130,000. Total Project Cost: $260,000. To improve originating station WENH-TV, operating on Ch 11, in Durham, NH, by replacing the studio production control switcher and field ENG Kit for production of local programming. This state network originating station serves the entire state of New Hampshire, totaling 1,109,252 potential viewers.

NJ (New Jersey)

File No. 96070 CTB New Jersey Public Broadcasting Auth, 25 South Stockton Street, Trenton, NJ 08625. Signed By: Mrs. Elizabeth Christopherson, Executive Director. Funds Requested: $118,600. Total Project Cost: $237,200. To improve the network originating station, WNJT–TV, operating on Ch 52, in Trenton, NJ, by upgrading two ¾″ format Analog Videotape Editing systems with two Non-Linear Digital Systems, and upgrading a 40 unit Video Cart Playback System in Master Control with a Digital Video Server. This originating station provides service state-wide to approximately 7,730,188 potential viewers.

NM (New Mexico)

File No. 96001 CTB Univ. of NM & Albuquerque Schools, 1130 University Blvd. NE, Albuquerque, NM 87102. Signed By: Mrs. Ann Powell, Dir.Rsch.-Admin. Univ. of NM. Funds Requested: $400,000. Total Project Cost: $800,000. To improve public television station KNME–TV, Ch. 5, in Albuquerque. Project will replace three studio cameras, a still store, and editing equipment with new non-linear editing equipment. KNME–TV serves about 1.1 million people.

File No. 96007 CTN Mescalero Apache Tribe, 101 Central Street, Mescalero, NM 88340. Signed By: Mr. Wendell Chino, President. Funds Requested: $767,119. Total Project Cost: $1,022,825. To install a cable-fiber optic interconnection system that will, initially, extend the Mescalero Apache Reservation's public television signal to an additional 820 Reservation homes. Over-the-air signal transmission to these homes is blocked by terrain. Via translators, the Mescalero Tribe receives the public television service of station KENW–TV, Portales, NM. The cable will also be connected to the Mescalero hospital, the Mescalero public schools, and the Tribal and Federal Government offices.

File No. 96020 CRB Alamo Navajo School Board, Inc., P.O. Box 907, Magdalena, NM 87825. Signed By: Mr. George Apachito, President. Funds Requested: $13,781. Total Project Cost: $18,375. To improve the facilities of public radio station KABR–AM, 1500 kHZ, in Magdalena, by replacing old equipment in the on-air control room with equipment that will upgrade its ability to automate part of the broadcast day. This will permit an increase in broadcast hours without increasing the staff size. Most of the station's equipment is original and was purchased in 1983 when it went on the air. KABR–AM serves approximately 11,000 people in west central NM.

File No. 96060 CRB Northern NM Radio Foundation, 116 West Buena Vists, Santa Fe, NM 87501. Signed By: Mr. William Sims, President. Funds Requested: $88,332. Total Project Cost: $117,777. To activate a new public radio station on 89.5 MHz, in Las Vegas. Station would be a Rocky Mountain Alternative Station (RMAS) that would repeat the signal of KANW–FM, Albuquerque. In addition, local programming would be provided by the RMAS station staff. Proposed 100-watt station would be located on the campus of the Luna Vocational-Technical Institute and would also be used to instruct students in broadcast skills. Station would provide the first local origination service to about 18,254 people in Las Vegas and surrounding Miguel County, NM.

File No. 96163 CTB Eastern New Mexico University, 15th and Avenue O, Portales, NM 88130. Signed By: Mr. Duane Ryan, Director of Broadcasting. Funds Requested: $49,230. Total Project Cost: $98,460. To improve the facilities of public television station, KENW–TV, Ch. 3, in Portales, by replacing an obsolete character generator and test/monitoring equipment including a waveform/vectorscope, a signal test generator and a modulation monitor. KENW–TV serves about 350,000 residents of eastern NM and west TX.

File No. 96168 CTB Eastern New Mexico University, 15th and Avenue O, Portales, NM 88130. Signed By: Mr. Duane Ryan, Director of Broadcasting. Funds Requested: $101,335. Total Project Cost: $202,670. To improve the facilities of the existing microwave interconnection system between the three state public television stations: KENW–TV, Ch. 3, in Portales, KNME–TV, Ch. 5, in Albuquerque and KRWG–TV, Ch. 22, in Las Cruces. The system also connects four public radio stations: KUNM–FM and KANW–FM in Albuquerque; KRWG–FM, Las Cruces, and KENW–FM, Portales. Project would replace existing hetrodyne microwave receiver/transmitter equipment, replace analog audio subcarrier units with digital equipment and add video synchronizers at microwave endpoints. System serves about 982,000 people in NM.

File No. 96175 ICTN Hispanic Educ'l Telecom. System, Woodward Hall, 115C, Albuquerque, NM 87131–4016. Signed By: Dr. Richard Peck, Chair of HETS Board. Funds Requested: $840,606. Total Project Cost: $1,120,808. To expand participation in the Hispanic Educational Telecommunications System (HETS) project by constructing VSAT satellite terminals and origination classrooms at seven colleges serving Hispanic students: Kings River Community College in California; the John Jay College of Criminal Justice in New York State; Florida International University and Miami Dade Community College in Florida; and the University of Puerto Rico, John Jay College of Criminal Justice and the Ana Mendez University System in Puerto Rico. Origination classrooms will also be constructed at the University of Texas-Brownsville in Texas, and Lehman College in New York State, which currently have HETS VSAT equipment.

File No. 96179 ICTN No. New Mexico Network for Rural Ed, PO Box 640, Bernalillo, NM 87004. Signed By: Mr. Hank Dominguez, President. Funds Requested: $445,719. Total Project Cost: $891,438. To establish a distance education network serving schools and colleges in 14 rural counties in Northern New Mexico. C-band VSAT satellite uplinks and origination studios will be placed at Northern New Mexico Community College in Espanola and New Mexico Highlands University at Las Vegas, NM. Satellite C-band downlinks will be placed at 10 sites, 15 sites will receive both a C-band and Ku-band downlink, and 18 existing downlinks will be upgraded to received compressed digital satellite signals. The project also includes a mobile VSAT terminal for program origination throughout the region.

File No. 96248 CRB Southern New Mexico Radio Fdn., 1505 Crescent Drive, Alamogordo, NM 88310. Signed By: Mr. Robert Flotte, President. Funds Requested: $174,039. Total Project Cost: $232,052. To activate a new FM public radio station on 91.7 MHz, in Alamogordo to provide first local origination to approximately 55,000 people. Proposed new Rocky Mountain Alternative Station (RMAS) will repeat the signal of KRWG–FM, Las Cruces, and will also have local origination capability. Studios will be located on the Alamogordo Branch campus of New Mexico State University.

NV (Nevada)

File No. 96234 CTB Clark County School District, 4210 Channel 10 Drive, Las Vegas, NV 89119. Signed By: Mr. Thomas Axtell, General Manager. Funds Requested: $484,100. Total Project Cost: $818,600. To extend and improve the services of KLVX–TV, Channel 10 in Las Vegas by activating 3 new translators to serve approximately 12,000 residents of Beatty, Goldfield, Mercury, Nevada Test Site, Oasis Valley, Silver Peak and Tonopah. KLVX–TV will also install a new microwave system and replace obsolete and worn out origination equipment including the main routing switcher, two production cameras and test equipment.

NY (New York)

File No. 96009 CRB 95108. State University of NY, Oswego, 14 Lanigan Hall, Oswego, NY 13126. Signed By: Mr. William Shigley, Station Manager. Total Requested: $62, 293. Total Project Cost: $124,586. To improve WRVO–FM, operating on 89.9 MHZ, in Oswego, NY by replacing an old and wornout transmitter and related equipment. This station serves approximately 549, 000 listeners. This project is a reactivation from last year.

File No. 96012 ICTN Rochester Institute of Technology, 91 Lomb Memorial Drive, Rochester, NY 14623. Signed By: Mr. Stanley D. McKenzie, Provost & VP. Funds Requested: $383,581. Total Project Cost: $558,937. To establish a distance learning network in collaboration with Genessee Valley Board of Cooperative Education Services (BOCES) and five area community colleges located in the Rochester-Syracuse-Binghamton area of New York State. The project would purchase multi-point, desk-top video conferencing technology and software to provide diverse educational services and training opportunities to students who are, for the most part, located in remote rural sites.

File No. 96022 CRB Colleges of the Seneca, Hobart & William, Smith Colleges, Geneva, NY 14456. Signed By: Mr. Richard Guarasci, Dean, Hobart College. Funds Requested: $26,500. Total Project Cost: $53,000. To improve WEOS–FM, operating on 89.7 MHz,in Geneva, NY, by replacing the Cart Machine, and upgrading the studio editing system by adding the Non-Linear editing system, the Audio Hard Disc and the Dat Cassette Recorder. The station serves approximately 83,000 listeners.

File No. 96039 CRBN WNYC, One Centre Street, New York, NY 10007. Signed By: Ms. Laura Walker, President. Funds Requested: $6,000. Total Project Cost: $12,000. To improve WNYC–FM, operating on 93.9 MHz, in New York City, by upgrading the master control room control station console due to the addition of new equipment required for satellite operations. Applicant serves approximately 750,000 potential listeners and operates WNYC–AM on frequency 820 Khz.

File No. 96047 CRTB 95122. WMHT Educational Telecommunications, 17 Fern Avenue, PO Box 17, Schenectady, NY 12301. Signed By: Ms. Elizabeth Hood, WMHQ Station. Total Requested: $330,300. Total Project Cost: $660,600. To improve WMHT–TV, CH 17 and WMHT–FM, 89.1 MHz, in Albany, NY by replacing the routing systems interconnecting its television and radio stations, replacing its Master Control Console, Automation System, and Monitoring equipment, and by replacing the master control switchers for its two TV stations, WMHT–TV and WMHQ–TV. This project will help to improve the Public Radio and TV to approximately 2,225,550 people in eastern New York, western Massachusetts, Connecticut, and Vermont.

File No. 96071 ICTN 95064. WXXI Public Broadcasting Council, 280 State Street, Rochester, NY 14614. Signed By: Mr. Norm Silverstein, President and CEO. Funds Requested: $97,461. Total Project Cost: $198,900. To construct a Ku-band satellite uplink to permit public television station WXXI–TV, operating on Ch. 21 in Rochester, NY, to distribute programming nationwide. The uplink would permit the timely distribution of programming such as ''Assignment: The World'' after the demise of the New York Terrestrial Distribution System, which interconnected all New York State public television stations with an uplink in New York City.

File No. 96149 CRTB Pub Bdcstg Council of Central NY, 506 Old Liverpool Rd., Box 2400, Syracuse, NY 13220–2400. Signed By: Mr. Richard Russell, President & CEO. Funds Requested: $73,600. Total Project Cost: $147,200. To improve WCNY–TV, Ch 24 and WCNY–FM, 91.3 MHz, in Syracuse, NY, by replacing Channel 24's STL, the six-foot microwave transmit antenna and dish, 400 feet of microwave transmission line, a six-foot microwave receive antenna and dish with 200 feet of transmission line at the Pompey transmitter; by replacing for WCNY–FM the STL, and adding 500 receiving units for the applicant's Radio Reading Service. The applicant, with its 2 TV stations and 2 FM stations, serves approximately 1,775,000 people, a TV and Radio in Syracuse and two Radio stations, one in Utica and one in Watertown.

File No. 96157 CRB WSKG Public T/C Council, 601 Gates Road, Vestal, NY 13850. Signed By: Mr. Michael Ziegler, President & CEO. Funds Requested: $123,750. Total Project Cost: $165,000. To expand the coverage of WSKG–FM, operating on 89.3 MHz, in Vestal, NY, by activating full power repeater transmitter in Hornell, NY, which will provide first signal to approximately 47,975 listeners.

File No. 96194 IPTN Niagara County Community College, 3111 Saunders Settlement Road, Sanborn, NY 14132. Signed By: Mr. Gerald Miller, President. Funds Requested: $78,292. Total Project Cost: $127,221. To assess the applicable technologies that could potentially be appropriate to address distance learning needs in Niagara County, New York and surrounding areas, and develop a telecommunications implementation plan for distance learning and training services.

File No. 96203 CTB WSKG Public Telecomm Council, 601 Gates Road, Vestal, NY 13850. Signed By: Mr. Michael Ziegler, President & CEO. Funds Requested: $824,625. Total Project Cost: $1,099,500. To expand WSKG–TV, Ch 46, in Vestal, NY, by establishing a full power repeater TV station in Corning, NY, which will provide first signal to approximately 250,000 viewers. WSKG–TV now operates a TV translator on channel 30 at a power of 1 kilowatt in the Elmira, New York area. This one kilowatt translator is on the same channel as the full power unused allocation in Corning. The coverage provided by the new Corning allocation will also encompass the present coverage of the channel 30 translator, which will reduce the total amount of first service.

OH (Ohio)

File No. 96023 CTB Public Bdcstg Fndn of NW Ohio, 136 Huron Street,

Toledo, OH 43604. Signed By: Ms. Shirley E. Timonere, President & General Manager. Funds Requested: $561,060. Total Project Cost: $1,122,120. To improve public station WGTE–TV, Ch. 30, Toledo, OH, by replacing worn-out and obsolete transmission equipment, including the transmitter, antenna, transmission line, and remote control system. The station serves a population of about 3,583,000.

File No. 96057 CTB Bowling Green State University, 245 Troup Street, Bowling Green, OH 43403. Signed By: Dr. Louis I. Katzner, Assoc Vice President, Research. Funds Requested: $130,750. Total Project Cost: $261,500. To improve the operation of public station WBGU–TV, Ch. 27, Bowling Green, OH, by replacing items of worn-out and obsolete production equipment, including a routing switcher, an editing system, a lighting control system, and lighting fixtures. The station serves a population of about 1,300,000.

File No. 96114 CRB The Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Mr. Dale K. Ouzts, Dir of Telecomm & Gen Manager. Funds Requested: $219,225. Total Project Cost: $292,300. To extend the signal of public station WOSU–FM, 89.7 MHz, Columbus, OH, by activating a repeater station on 91.1 MHz in Marion, OH. The new station will provide the first public radio signal to about 19,061 persons, and the first nighttime public radio signal to nearly 130,000 persons. WOSU–FM serves a population of about 1,574,00.

File No. 96128 CRB Ohio University, 9 South College Street, Athens, OH 45701. Signed By: Dr. Carol Blum, Associate Vice President. Funds Requested: $138,298. Total Project Cost: $276,596. To improve the operation of public station WOUB–FM, 91.3 MHz, Athens, OH, by replacing worn-out and out-dated items of production equipment, including audio consoles, DAT recorders, CD players, jack panels, distribution amplifiers, an audio editing system, microphones, and an audio switcher and by acquiring a hard-disk audio storage system. The station serves a population of about 853,284.

File No. 96136 CTB The Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Mr. Dale K. Ouzts, Dir, Telecomm Ctr & Gen Mgr. Funds Requested: $257,219. Total Project Cost: $514,438. To improve the operation of public station WOSU–TV, Ch. 34, Columbus, OH, by replacing worn-out and obsolete items of production equipment, including video tape machines, camera pedestals, and a file server, and items of test equipment. The station serves a population of 1,866,000 in central and southern Ohio.

File No. 96146 CRB Public Bdcstg Fndn of NW Ohio, 136 Huron Street, Toledo, OH 43604. Signed By: Ms. Shirley E. Timonere, President & General Manager. Funds Requested: $63,265. Total Project Cost: $126,530. To improve the operation of public station WGTE–FM, 91.3 MHz, Toledo, OH, by replacing items of worn-out and obsolete equipment, including its transmitter, master control console, CD players, and DAT recorders, and by acquiring a hard-disk audio storage system and digital audio workstations. The station serves a population of 1,101,300.

File No. 96200 CTB ETV Assn of Metropolitan Cleveland, 4300 Brookpark Road, Cleveland, OH 44134–1191. Signed By: Mr. Jerry Wareham, President/General Manager. Funds Requested: $405,050. Total Project Cost: $810,100. To improve public television station WVIZ, Ch. 25, Cleveland, OH, by replacing worn-out and unreliable video tape machines with a hard-disk video server and a robotic digital tape storage system. The station serves a population of about 3,700,000.

File No. 96229 CTB Greater Dayton Public TV, Inc., 110 South Jefferson Street, Dayton, OH 45402. Signed By: Mr. David M. Fogarty, President and Gen Manager. Funds Requested: $99,449. Total Project Cost: $198,898. To improve the operation of public television station WPTD, Ch. 16, Dayton, OH, by replacing various items of worn-out, obsolete equipment, including a routing switcher, a character generator, and monitors, and by acquiring a non-linear tape editing system and an Emergency Alert System. The station serves a population of about 2,632,738.

OK (Oklahoma)

File No. 96061 CTB Oklahoma Educational TV Authority, 7403 North Kelley Avenue, Oklahoma City, OK 73113. Signed By: Mr. Robert Allen, Executive Director. Funds Requested: $350,000. Total Project Cost: $700,000. To improve the facilities of KOET–TV, Channel 3 in Eufaula, and KWET–TV, Channel 12 in Cheyenne by upgrading the transmitters to provide stereo broadcast and SAP services to the community. In addition, the Network's production center in Oklahoma City will replace 17-year-old studio cameras and 16-year-old videotape recorders.

File No. 96115 ICTN Oklahoma St. Univ./Technical Branch, 1801 East 4th Street, Okmulgee, OK 74447. Signed By: Dr. Robert Klabenes, Provost. Funds Requested: $114,206. Total Project Cost: $228,412. To install two compressed, interactive video classrooms as well as associated interconnection equipment to allow Oklahoma State University/Technical Branch/Okmulgee to provide graduate education to Okmulgee County and, via the OneNet system, to disseminate technical education programming throughout the State.

File No. 96195 ICTN Oklahoma State University, Stillwater, OK 74078. Signed By: Dr. Harry Birdwell, VP for Bus. & Ext. Rel. Funds Requested: $130,901. Total Project Cost: $261,802. To install a compressed video classroom and video bridge on the main campus of Oklahoma State University. The classroom will originate instructional programming to be transmitted statewide. The course work will be in the areas of Health Care Management, Engineering Management, Teacher Certification, Educational Specialist, and Telecommunications Management.

File No. 96211 CRB 95198. University of Central Oklahoma, 100 North University Drive, Edmond, OK 73034. Signed By: Mr. Carl Reherman, Director of Outreach. Funds Requested: $118,215. Total Project Cost: $157,620. To provide first public radio service to over 40,000 residents of Pittsburgh County, KCSC–FM, operating on 90.1 MHz in Edmond, Oklahoma, will construct a repeater station in McAlester, operating on 91.9 MHz.

OR (Oregon)

File No. 96216 CTB 95097. Oregon Public Broadcasting, 7140 SW Macadam Ave, Portland, OR 97219. Signed By: Mr. Maynard Orme, President/CEO. Funds Requested: $158,875. Total Project Cost: $317,750. To replace the 30 year old broadcast antenna, transmission line and tower of public television station KOAC–TV, operating on Ch. 7 in Corvallis, OR. The project will enable the station to continue service to 220,000 residents of the Willamette Valley and coastal communities in western Oregon.

PA (Pennsylvania)

File No. 96052 CRB WQED Pittsburgh, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. H. Melvin Ming, Chief Operating Officer. Funds Requested: $59,029. Total Project Cost: $118,058. To expand and improve the service of public radio station WQED–FM, 89.3 MHz, Pittsburgh, PA, to the Johnstown, PA, area by replacing a translator with a full-power repeater station. An estimated 168,102 persons in western Pennsylvania will receive their first public radio signal from the proposed new transmitter.

File No. 96067 CTB Public Broadcasting of NW PA, Inc., 8425 Peach Street, Erie, PA 16509. Signed By: Mr. F. Brady Louis, President and General Manager. Funds Requested: $54,898. Total Project Cost: $109,797. To improve the production capability of public television station WQLN–TV, Ch. 54, Erie, PA, by replacing obsolete and worn-out cameras. The station serves a population of about 713,000 persons.

File No. 96077 CRB West Philadelphia Ed Bdcst Corp, Inc, 3901 Market Street, Philadelphia, PA 19104. Signed By: Sis. Atikah Bey, Executive Director. Funds Requested: $35,000. Total Project Cost: $70,000. To improve radio station WPEB, 88.1 MHz, Philadelphia, PA, by replacing unspecified items of studio equipment.

File No. 96094 CTB Lehigh Valley Pub. T/C Corp., 123 Sesame Street, Bethlehem, PA 18015. Signed By: Mr. James Baum, President & General Manager. Funds Requested: $164,240. Total Project Cost: $328,480. To improve the production capability of public television station WLVT, Ch. 39, Bethlehem, PA, by replacing its worn-out and obsolete production switcher and acquiring a local insertion server. The station serves a population of about 4,500,000 persons.

File No. 96121 IPTN Philadelphia Enterprise Center, 4601 Market Street, Suite 4000, Philadelphia, PA 19139. Signed By: Mrs. Della Clark, President. Funds Requested: $57,150. Total Project Cost: $114,300. To develop a plan for the use of appropriate technologies that would be feasible to establish a telecommunications center, Project M.A.N. (Minority Alliance Network) that would provide a distance learning and training service to an underserved, low-income, minority population in Philadelphia, Pennsylvania.

File No. 96145 CRB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802–3899. Signed By: Mr. Robert Killoren, Director of Sponsored Programs. Funds Requested: $30,447. Total Project Cost: $60,895. To improve the operation of public radio station WPSU, 91.5 MHz, University Park, PA, by acquiring equipment necessary to permit unattended overnight operation. The project will also acquire the Emergency Alert System equipment necessary to replace the old Emergency Broadcast System, as required by the FCC. WPSU serves a population of about 366,196 persons.

File No. 96156 CTB WQED Pittsburgh, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. George Miles, Jr., President & CEO. Funds Requested: $30,912. Total Project Cost: $61,913. To improve the service of public television station WQED–TV, Ch. 13, Pittsburgh, PA, by acquiring the necessary equipment to implement descriptive video for an estimated 65,000 sight-impaired persons in the station's coverage area, which included approximately 3,250,000 people.

File No. 96164 CTB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802–3899. Signed By: Mr. Robert Killoren, Director of Sponsored Programs. Funds Requested: $28,533. Total Project Cost: $57,066. To improve the service of public television station WPSX, Ch. 3, University Park, PA, by acquiring the necessary equipment to implement descriptive video service for sight-impaired persons in the station's coverage area, which has a population of about 1,365,627 persons.

File No. 96190 CTB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802–3899. Signed By: Mr. Robert Killoren, Director of Sponsored Programs. Funds Requested: $60,576. Total Project Cost: $121,152. To improve the production capability of public television station WPSX, Ch. 3, University Park, PA, by replacing its outmoded and worn-out off-line video editing stations with a non-linear editing system. The station serves an area with a population of about 1,365,627 persons.

File No. 96239 ICTN Lancaster Co. Area Vo-Tech Schools, 1730 Hans Herr Drive, Willow Street, PA 17584. Signed By: Dr. Richard Burley, Executive Director. Funds Requested: $318,881. Total Project Cost: $637,762. To purchase the equipment for three electronic classrooms and one video production studio—as well as the associated mixing routing, and switching equipment—all to be part of a private, fiber optics-based distance learning system in Lancaster and Lebanon Counties in south central Pennsylvania. The system will interconnect 22 school districts, four area vocational schools, one intermediate unit, four colleges, the public library system, a local hospital, and area businesses/industries.

PR (Puerto Rico)

File No. 96038 CRB University of Puerto Rico, Ponce de Leon Ave. & Pastrana St, Rio Piedras, PR 00931. Signed By: Dr. Efrain Gonzalez-Tejera, Chancellor. Funds Requested: $56,849. Total Project Cost: $113,698. To improve WRTU–FM, operating on 89.7 MHz, Rio Piedras, PR, by upgrading and replacing production equipment for 2 of its 3 studios. The items include two stereo consoles, 22 stereo line inputs, 4 cardioid microphones, stereo cassette deck, 4 CD cart machines, direct drive turntable, console furniture, 2 stereo record/play cart machines, 4 reel to reel record machines, 2 multi effects processors, 4 studio monitor speakers, 2 digital work stations, and 4 Dat record/play machines. WRTU–FM currently serves approximately 2,400,000 listeners.

File No. 96065 CRB University of Puerto Rico, Ponce de Leon Ave. & Pastrana S, Rio Piedras, PR 00931. Signed By: Dr. Efrain Gonzalez-Tejera, Chancellor. Funds Requested: $167,623. Total Project Cost: $335,246. To provide first public radio service to approximately 475,000 residents of the west coast of Puerto Rico by constructing a new FM station in Mayaguez, operating on 88.3 MHz.

SC (South Carolina)

File No. 96092 CRB 95295. South Carolina State University, 300 College Street, Orangeburg, SC 29117–0001. Signed By: Dr. Leroy Davis, Interim President. Funds Requested: $123,020. Total Project Cost: $164,030. To improve and upgrade the facilities of non-commercial radio station WSSB, 90.3 MHz, Orangeburg, SC, by replacing analog control room and production equipment with digital and by acquiring a satellite downlink to gain access to nationally distributed public radio programming. The station serves a population of 114,730.

File No. 96155 ICTN South Carolina ETV Commission, 1101 George Rogers Boulevard, Columbia, SC 29201. Signed By: Mr. Ronald Schoenherr, Senior Vice President. Funds Requested: $359,296. Total Project Cost: $718,592. To construct a locally-programmed, four-channel ITFS distance learning system to serve Williamsburg County, in eastern South Carolina. The system will primarily serve the educational needs of the elementary, middle, secondary, and vocational schools in the county, a total of 15 schools and over 7,000 students. The system, however, will also offer adult education courses to benefit the entire population of the county. The proposed system will be part of the South Carolina Educational Television Commission's expanding statewide telecommunications network.

File No. 96245 ICTN Horry-Georgetown Technical College, P.O. Box 1966, Conway, SC 29526. Signed By: Dr. D. Kent Sharples, President. Funds Requested: $85,600. Total Project Cost: $269,855. To assist Horry-Georgetown Technical College in interconnecting its three campuses with a T–1-based distance learning system. The project would purchase the basic multi-point interconnection equipment for the College's whole system and a video

classroom for the Myrtle Beach campus. The College's other two campuses are in Conway—the main campus—and in Georgetown. The equipment would help the College participate in the South Carolina Technical College Distance Learning Network, which will permit the exchange of course work among the 16 technical colleges statewide.

SD (South Dakota)

File No. 96119 CRB Dakota Nation Broadcasting Corp., BIA, Rd. 7 Tekakwitha Complex, Sisseton, SD 57262. Signed By: Mr. Mike LaBelle, Station Manager. Funds Requested: $42,788. Total Project Cost: $61,725. To upgrade and improve the broadcast operations of KSWS–FM, 89.3 MHz in Sesseton, South Dakota, by replacing the worn-out and obsolete transmitter, constructing a new 197 ft. tower in a new location and purchasing audio storage equipment.

TN (Tennessee)

File No. 96049 CTB 95069. Mid-South Public Com. Foundation, 900 Getwell Street, Memphis, TN 38111–1880. Signed By: Mr. Michael LaBonia, President & CEO. Funds Requested: $83,100. Total Project Cost: $166,200. To upgrade the facilities of WKNO–TV, Channel 12 in Memphis, by replacing worn-out and out-dated 3/4 inch video tape machines used daily in production, editing and on-air operations.

File No. 96084 CTB Metropolitan Board of Public Educ, 161 Rains Avenue, Nashville, TN 37203. Signed By: Dr. Richard Benjamin, Director of Schools. Funds Requested: $200,000. Total Project Cost: $533,200. To upgrade the facilities of WDCN–TV, Channel 8 in Nashville, by replacing 20-year old field cameras, monitoring and related equipment.

File No. 96120 CRB Cossitt Library, 1850 Peabody Avenue, Memphis, TN 38104. Signed By: Ms. Judith Drescher, Director of Libraries. Funds Requested: $231,361. Total Project Cost: $308,481. To extend the signal of WYPL–FM, operating on 89.3 MHz in Memphis, to provide Radio Reading Services to an additional population of approximately 600,000 residents of Tennessee and surrounding communities in neighboring states.

File No. 96170 ICTN The University of Tennessee, 615 McCallie Ave., Chattanooga, TN 37403. Signed By: Dr. Frederick Obear, Chancellor. Funds Requested: $96,537. Total Project Cost: $193,074. To extend the compressed video distance learning systems of the University of Tennessee/Chattanooga to Marion and Rhea Counties by constructing video classrooms in strategically-located sites in each of those counties. It is hoped that the project would eventually serve residents of Hamilton, Bledsoe, Sequatchie, and Grundy Counties as well. The project would be accomplished as a partnership with The Southeast Tennessee Private Industry Council, an employment and training agency established to deliver education and job training to a six-county area of southeast Tennessee. The project's distance learning classrooms would be part of the Council's planned One-Stop Career Centers in Rhea and Marion Counties.

File No. 96197 CTB East Tennessee Pub. Comm. Corp., 1611 E. Magnolia Avenue, Knoxville, TN 37917. Signed By: Mr. Richard Meschendorf, Chair-Board of Trustees. Funds Requested: $190,302. Total Project Cost: $380,604. To upgrade the facilities of WSJK–TV in Sneedville and WKOP–TV in Knoxville by replacing obsolete Master Control equipment and adding other non-existent equipment to meet current broadcast standards.

File No. 96227 CRB University of Tennessee, 615 McCallie Avenue, Chattanooga, TN 37403. Signed By: Dr. Frederick Obear, Chancellor. Funds Requested: $36,759. Total Project Cost: $73,519. To improve broadcast operations and ensure dependable coverage, WUTC–FM, operating on 88.1 MHz in Chattanooga, will relocate its antenna and replace the transmitter.

TX (Texas)

File No. 96017 CTB El Paso Public TV Foundation, Education Bldg. Room #105, El Paso, TX 79902. Signed By: Mr. Robert Munoz, President & General Manager. Funds Requested: $412,275. Total Project Cost: $549,701. To improve the facilities of public television station KCOS–TV, Ch. 13, in El Paso, by replacing its old 18-year old RCA transmitter and related equipment. The replacement equipment will permit KCOS–TV to broadcast in stereo and have SAP capabilities. KCOS–TV serves approximately 650,000 people, 65% of which are Hispanic.

File No. 96059 CTB University of Houston, 1600 Smith Street, Suite 3400, Houston, TX 77004. Signed By: Mr. James Crowther, General Counsel. Funds Requested: $333,954. Total Project Cost: $742,120. To improve public television station KUHT–TV, Ch. 8, in Houston, by replacing its aging and outdated on-air routing switcher and on-air videotape machines with digital equipment. In addition, KUHT–TV will acquire test equipment to allow it to maintain its digital broadcast equipment. KUHT–TV serves approximately 4.2 million people.

File No. 96099 CTB North Texas Public Broadcasting Inc, 3000 Harry Hines Blvd., Dallas, TX 75201. Signed By: Mr. Donald Boswell, Acting President. Funds Requested: $25,000. Total Project Cost: $54,000. To improve the facilities of KERA–TV, Ch. 13, Dallas and KDTN–TV, Ch. 2, Denton, by replacing an 11-year old master control still store. This piece of equipment is essential to both stations since they share origination facilities, personnel and studios. The stations provide service to approximately 4.6 million people.

File No. 96108 CTB Central Texas College, 6200 W. Central Texas Expressway, Killeen, TX 76542. Signed By: Dr. James Anderson, Chancellor. Funds Requested: $27,000. Total Project Cost: $54,000. To improve public television station KNCT–TV, Ch. 46, in Killeen by replacing aging industrial grade on-air U-Matic videotape machines with a digital hard-disk storage retrieval system. KNCT–TV serves approximately 460,000 people.

File No. 96133 CTB Alamo Public T/C Council, 501 Broadway, San Antonio, TX 78215. Signed By: Ms. Joanne Winik, President & General Manager. Funds Requested: $82,526. Total Project Cost: $165,052. To improve public television station KLRN–TV, Ch. 9, in San Antonio by acquiring off-line editing facilities, multi-channel digital audio recording and editing capability. KLRN–TV would also replace two 10-year-old, worn out ¾″ videocassette recorders. Market is 55.6% Hispanic. New equipment will facilitate second language versions of programming. KLRN–TV serves approximately 2 million people by over-the-air broadcasts and cable.

File No. 96165 ICTN Texas State Technical College, 300 College Drive, Sweetwater, TX 79556. Signed By: Dr. Clay Johnson, President. Funds Requested: $125,751. Total Project Cost: $251,502. To assist in the establishment of a distance learning network interconnecting the main campus of the Texas State Technical College at Sweetwater with its three extension campuses at Abilene, Breckenridge, and Brownwood. The project would equip a sophisticated lecture video classroom at the main campus; this classroom would have complementary tape production and editing capabilities. The project would also install video classrooms at the three extension campuses. The system will use V–Tel equipment to allow the College's network to interconnect with the V–Tel-based Texas VIDNET system and the network of the Southwest Center for Advanced Technological Education (SCATE). The

College's system will use T–1 telephone interconnection.

File No. 96184 CTB Capital of Texas Public T/C Council, 2504–B Whitis Street, Austin, TX 78705. Signed By: Mr. Bill Arhos, President. Funds Requested: $89,034. Total Project Cost: $178,068. To improve public television station KLRU–TV, Ch. 18, in Austin by acquiring a Local Insertion System (LIS) and the accompanying digital audio and videotape support systems. The LIS will eliminate the need to create a daily dub reel in order to make quality station breaks. This process will permit a more efficient use of station equipment and personnel. KLRU–TV serves in excess of 1 million people and is a producer of nationally distributed programming.

File No. 96209 ICTN INFO–NET, PO Box 838, Star, TX 76880. Signed By: Mr. James Ethridge, Superintendent. Funds Requested: $394,330. Total Project Cost: $569,330. To extend the INFO–NET distance learning system to four additional schools districts in central Texas. The new INFO–NET members would be the Evant, Lometa, Richland Springs, and San Saba Independent School Districts. The INFO–NET system currently consists of eight rural Central Texas schools districts: Brady, Cherokee, Goldthwaite, Lohn, Mullin, Priddy, Rochelle, and Star. With the additional districts, the INFO–NET systems would serve the following counties: McCulloch, Mills, San Saba, Coryell, Hamilton, and Lampasas.

UT (Utah)

File No. 96011 CRB Utah State University, 745 N 1200 E, Logan, UT 84322. Signed By: Mr. M.K. Jeppesen, Director, Contracts & Grants. Funds Requested: $14,160. Total Project Cost: $18,880. To extend the signal of public radio station KUSU–FM, 91.5 MHz, in Logan by establishing three FM translators at the following locations: Huntington (Green River/Rural Emery County), on 90.9 MHz; Panquitch, on 88.7 MHz; and Price, on 91.5 MHz. The translators will provide a first public radio service to about 2,400 people and will strengthen and improve the signal to others.

File No. 96183 CTB University of Utah, Media Svcs, 101 Wasatch, Rm 193, Salt Lake City, UT 84112. Signed By: Mr. Ted Capener, VP for University Relations. Funds Requested: $148,424. Total Project Cost: $260,352. To improve and extend the signals of KUED–TV, Ch. 7, Salt Lake City and KULC–TV, Ch. 9, in Ogden, by replacing the following 8 television translators: K38CJ, Teasdale/Bicknell; K30CW, Maryvale/Piute Co.; K40AH, Torrey/Teasdale; K63BY, Milford/Rural Beaver Co.; K62BR, Virgin/Hurricane Mesa; K47AK Rural Washington Co.; K42AJ Richfield/Monroe; K60BU, Orangeville/Rural Emery Co. Project also includes a microwave tv relay system connecting Ford Ridge to Tabby Mountain and the replacement of an aging video tape recorder for KUED–TV. Project would permit approximately 21,300 people to receive a first or improved public television signal.

File No. 96213 ICTN Utah State University, Eccles Conference Ctr., Rm. 102C, Logan, UT 84322–5035. Signed By: Mr. M. K. Jeppesen, Director, Contracts & Grants. Funds Requested: $608,345. Total Project Cost: $1,240,848. To establish a video compression-based distance learning network that will interconnect 47 sites of the Utah State University system. The network will feature ten origination sites. It will use full-motion video with extension computer networking.

VA (Virginia)

File No. 96015 CRB James Madison University, PO Box 1292, Harrisonburg, VA 22801. Signed By: Mr. Henry Schiefer, Assistant VP for Finance. Funds Requested: $10,400. Total Project Cost: $20,800. To upgrade the production facilities of WMRA–FM, operating on 90.7 MHz in Harrisonburg, Virginia, by establishing a digital editing studio.

File No. 96035 ICTN Southside VA Community College, 109 Campus Drive, Alberta, VA 23821. Signed By: Dr. John Cavan, President. Funds Requested: $200,000. Total Project Cost: $300,000. To purchase the equipment for a hub site, with associated connectivity equipment, that will allow the Southside Virginia Telecommunications Network to extend its distance learning systems to eight public high schools, one community college, and one four-year senior institution. The system will feature an integrated voice, video, and data network.

File No. 96042 IPRTN Public Service T/C Corporation, 5203 Leesburg Pike, Falls Church, VA 22041. Signed By: Dr. Louis Bransford, Chief Executive Officer. Funds Requested: $95,660. Total Project Cost: $95,660. To explore and determine the available time and potential capacity that may exist at satellite uplink facilities in the Washington, D.C. area and possibly other areas in the United States, so that national educational organizations and associations may be able to consider more cost-effective and efficient ways of sharing these resources for distance learning and training services.

File No. 96085 ICTN Old Dominion University, Education Building, Room 228, Norfolk, VA 23529–0526. Signed By: Dr. Robert Ash, Vice President/Research. Funds Requested: $867,138. Total Project Cost: $1,734,277. To purchase varied equipment that would allow Old Dominion University to expand its distance learning service to the hearing-impaired. The project would also obtain electronic field production equipment and state-of-the-art editing equipment so that the University might incorporate pre-produced on-location programming segments into televised courses. In addition, other equipment purchased by the project would permit the University's faculty to use voice, data, and video programming in their on-campus courses.

File No. 96097 PRB Clinch Valley College, 1 College Avenue, Wise, VA 24293. Signed By: Dr. L. Jay Lemons, Chancellor. Funds Requested: $10,430. Total Project Cost: $26,865. To conduct planning activities for the establishment of a local public radio station that will serve the programming needs of approximately 35,000 residents of the City of Norton, Virginia, and of rural communities in Wise, Russell, Scott and Dickenson Counties.

File No. 96100 PTB Greater Washington Educ. T/C Assoc., 3620 South 27th Street, Arlington, VA 22206. Signed By: Mr. Joseph Widoff, Sr. V.P., Operations & Admin. Funds Requested: $275,065. Total Project Cost: $550,130. To help public television station WETA plan for the development of the first fully digital Advanced Television (ATV) site in the United States. The project would prepare an HDTV/ATV implementation model to assist both public and commercial television broadcasters in making the transition to ATV. WETA-TV operates on Ch. 26 throughout the greater Washington, D.C. area.

File No. 96126 ICTB Hampton University, 607 Orchard Road, Hampton, VA 23668. Signed By: Dr. William Harvey, President. Funds Requested: $1,116,496. Total Project Cost: $1,488,663. To construct a noncommercial educational television station on the campus of Hampton University to operate on Ch. 55. The objective of the new station would be to broadcast telecourses to the communities of Hampton, Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, Williamsburg, Yorktown and the lower eastern shore of Virginia.

File No. 96169 ICTN Amer. Indian Higher Ed Consortium, 121 Oronoco Street, Alexandria, VA 22314. Signed By: Ms. Margarette Perez, President, AIHEC. Funds Requested: $300,000. Total Project Cost: $400,000. To

establish satellite distance learning facilities at four additional tribal colleges which are members of the American Indian Higher Education Consortium. VSAT terminals and instructional classrooms will be placed at Cheyenne River Community College, Eable Butte, SD, College of the Menominee Nation, Keshena, WI, Fort Berthold Community College, New Town, ND and United Tribes Technical College, Bismarch, ND.

VT (Vermont)

File No. 96148 ICTN 95257. The University of Vermont, 322 South Prospect Street, Burlington, VT 05401–3505. Signed By: Ms. Regina White, Director, Sponsored Programs. Funds Requested: $558,074. Total Project Cost: $1,116,147. To provide a Ku-band satellite uplink, master control and classroom production equipment for the University of Vermont. The project will provide for the satellite distribution of advanced placement and college degree programs to sites throughout the state.

WA (Washington)

File No. 96026 CTB Bates Technical College, 1101 S Yakima Avenue, Tacoma, WA 98405. Signed By: Mr. William Mohler, President. Funds Requested: $437,829. Total Project Cost: $583,773. To provide first public television programming services to approximately 175,000 residents of the north Puget Sound region of Washington State, KBTC–TV, Channel 28 in Tacoma, will activate a repeater station (Ch. 34) with a transmitter to be located on Mt. Constitution in Orcas Island.

File No. 96040 CRB 95290. Spokane Public Radio, 2319 N. Monroe Street, Spokane, WA 99205. Signed By: Mr. Richard Kunkel, General Manager. Funds Requested: $18,480. Total Project Cost: $24,640. To provide first public radio service to about 9,100 residents of Boundary County, Idaho, KPBX–FM, operating on 91.1 MHz in Spokane, Washington, will activate a repeater station in Bonners Ferry, ID, operating on 92.1 MHz.

File No. 96101 CRB Spokane Public Radio, 2319 N. Monroe Street, Spokane, WA 99205. Signed By: Mr. Richard Kunkel, General Manager. Funds Requested: $115,710. Total Project Cost: $154,280. To improve and upgrade its broadcast facilities, KPBX–FM, operating on 91.1 MHz in Spokane, Washington, by replacing worn-out and unreliable equipment, including a 16-year-old transmitter, a 7-year-old STL system, two main control boards and a DAT machine.

File No. 96102 CTN City of Tacoma, 747 Market Street, Tacoma, WA 98402. Signed By: Mr. Ray E. Corpuz, Jr., City Manager. Funds Requested: $308,822. Total Project Cost: $411,763. To purchase the equipment for a remote video production studio, to be placed in a van, that would improve the capabilities of the City of Takoma, WA, to provide coverage of significant community events for transmission over the City's government access cable television channel.

File No. 96116 CRB Washington State University, Administration Road, Pullman, WA 99164–2530. Signed By: Ms. Carol Zuiches, Dir., Off of Grant & Rsch Dev. Funds Requested: $233,149. Total Project Cost: $310,866. To bring public radio service to approximately 120,000 rural residents of western and north central Washington State plus about 180,000 residents of southern British Columbia, WSU will activate repeater stations in Omak (90.1 MHz.), Chehalis (88.9 MHz.) and Port Angeles (90.1 MHz).

File No. 96153 CTB KCTS Television, 401 Mercer Street, Seattle, WA 98109. Signed By: Mr. Burnill Clark, President & CEO. Funds Requested: $507,905. Total Project Cost: $677,207. To provide first public television service to over 237,000 residents of northwest Washington, KCTS–TV, Channel 9 in Seattle, will construct a repeater station in Bellingham, Washington, operating on Channel 34.

File No. 96204 CTB KCTS Television, 401 Mercer Street, Seattle, WA 98109. Signed By: Mr. Burnill Clark, President & CEO. Funds Requested: $193,571. Total Project Cost: $297,802. To improve and upgrade the broadcast facilities of KYVE–TV, Channel 47 in Yakima, Washington, by replacing the antenna, which was damaged by lightning, and adding stereo processing, transmission and monitoring equipment.

File No. 96247 ICTB Northwest Indian College, 2522 Kwina Road, Bellingham, WA 98226. Signed By: Dr. Robert Lorence, President. Funds Requested: $210,726. Total Project Cost: $280,968. To purchase 12 satellite downlink terminals which will extend the applicant's distance learning offerings to additional sites in Washington State, Oregon and Alaska. Northwest Indian College currently provides service to 4 tribal communities via satellite and participates in the American Indian Higher Education Consortium's satellite distance learning project.

WI (Wisconsin)

File No. 96005 CRB White Pine Community Bdcstg, Inc, 303 W. Prospect Street, Rhinelander, WI 54501. Signed By: Mr. Robert Fiocchi, President. Funds Requested: $14,719. Total Project Cost: $29,437. To improve WXPR–FM, operating on 91.MHz, in Rhinelander, WI, by adding 4 tape recorders, 2 cart emulators, 4 SCSI audio drives, the main CPU, the system peripheral interface, and the Radio Systems DDS. WXPR–FM currently serves approximately 66,000 listeners.

File No. 96054 CTB State of Wisconsin, 3319 West Beltline Highway, Madison, WI 53713–4296. Signed By: Mr. Thomas L. Fletemeyer, Executive Director. Funds Requested: $421,020. Total Project Cost: $935,600. The originating and distribution station of the Wisconsin 6 station TV network, WHA–TV, operating on channel 21, is requesting replacement of the worn-out, obsolete master control equipment. This will replace two electromechanical program origination devices with an all-electronic multichannel video library system incorporating file servers and videotape machines. The network provides full service for approximately 5,160,000 viewers.

File No. 96064 IPTN Cooperative Educ. Service Agency 7, 595 Baeten Rd, Green Bay, WI 54304. Signed By: Dr. James Coles, Administrator. Funds Requested: $154,849. Total Project Cost: $520,238. To design an interactive regional telecommunications network for distance learning and training, through the North and East Wisconsin Alliance for Distance Education (NEWADE) which includes four technical colleges, two University of Wisconsin system colleges, a museum, environmental center, library system, and 27 K–12 school districts in the Cooperative Educational Service Agency 7 in a seven-county area surrounding Green Bay, Wisconsin.

File No. 96072 ICTN Western Wisconsin Technical College, 304 North Sixth Street, La Crosse, WI 54602–0908. Signed By: Dr. Lee Rasch, President. Funds Requested: $31,750. Total Project Cost: $63,500. To construct a video conferencing system that will extend nursing educational and instructional programming to the Western Wisconsin Technical College campuses in Independence, Black River Falls, Mauston, and Viroqua.

File No. 96103 IPTN Project Bootstrap Inc., 210 South Brooks Street, Madison, WI 53715–1562. Signed By: Mrs. Joanne Griffin, Executive Director. Funds Requested: $10,475. Total Project Cost: $17,915. To plan for methods of enabling At-Risk high school and middle school students in disadvantaged areas of Dane County and particularly Madison, Wisconsin,

participate in distance learning opportunities through the use of various technologies in an interconnected classroom system.

File No. 96150 CRB Back Porch Radio Brdcstg, Inc., 118 South Bedford Street, Madison, WI 53703. Signed By: Mr. Terry O'Laughlin, President, Board of Directors. Funds Requested: $21,000. Total Project Cost: $42,687. To improve WORT–FM, operating on 89.9 MHz, in Madison, WI, by replacing the transmitter and accessories and adding a dial-up remote control unit. The 16 year old transmitter is in constant need of repair. The station provides service to approximately 390,000 listeners.

File No. 96199 CTB University of Wisconsin, 2420 Nicolet Drive, Green Bay, WI 54311. Signed By: Ms. Cheryl Gest, Administrative Officer. Funds Requested: $85,000. Total Project Cost: $170,000. To improve one of the 7 Wisconsin Public Television Network stations, WPNE, Ch 38 in Green Bay, by replacing 3 digital VTRs, an Editing Controller and 3 Waveform Monitors. WPNE–TV serves approximately 488,000 viewers in its coverage area.

WV (West Virginia)

File No. 96055 CRB WV Educational Brdstg Authority, 600 Capitol Street, Charleston, WV 25301. Signed By: Ms. Rita Ray, Executive Director. Funds Requested: $7,499. Total Project Cost: $9,999. To provide first public radio service to about 17,000 people in the rural communities of Logan and Bluefield, WVPN–FM, operating on 88.5 MHz in Charleston, West Virginia, will install a translator in Logan, operating on 91.9 MHz., and all necessary satellite equipment.

File No. 96191 PRB U.N.I.T.Y. Communications, Inc., 1560 Jackson St., P.O. Box 5605, Charleston, WV 25361. Signed By: Mr. Charles Blackmon, President. Funds Requested: $989,789. Total Project Cost: $989,789. To conduct a needs assessment and to develop a plan for the establishment of a public radio station that will serve the Afro-American community of Charleston, West Virginia, by providing educational programming and training facilities in the field of radio broadcasting.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 96–12792 Filed 5–20–96; 8:45 am]

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Reader Aids

Federal Register

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HEALTH AND HUMAN SERVICES DEPARTMENT

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Medicare and Medicaid:
- Prepaid health care organizations; physician incentive plans requirements; comments due by 5-28-96; published 3-27-96

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Fish and Wildlife Service

Migratory bird hunting:
- Migratory bird harvest information program; participating States; comments due by 5-29-96; published 4-29-96

INTERIOR DEPARTMENT

Tribal government:
- Self-governance program; awarding negotiation and planning grants; procedure establishment; comments due by 5-31-96; published 4-23-96

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:

Immigrant petitions--
Battered or abused spouses and children; classification as immediate relative of U.S. citizen or preference immigrant; self-petitioning; comments due by 5-28-96; published 3-26-96

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:
Inmate personal property; authorized personal property lists standardization and transportation procedures; comments due by 5-31-96; published 4-1-96

POSTAL SERVICE

International Mail Manual:
International package consignment service implementation; comments due by 5-31-96; published 3-28-96

SECURITIES AND EXCHANGE COMMISSION

Securities:
Odd-lot tender offers by issuers; comments due by 5-28-96; published 4-25-96

SMALL BUSINESS ADMINISTRATION

Small business size standards:
Nonmanufacturer rule; waivers--
Purified terephthalic acid ground and unground; comments due by 5-29-96; published 5-6-96
Tabulating paper (computer forms, manifold or continuous); comments due by 5-29-96; published 5-6-96

TRANSPORTATION DEPARTMENT

Coast Guard

Merchant marine officers and seamen:
Electronic records of shipping articles and certificates of discharge; comments due by 5-28-96; published 3-28-96
Tankermen and persons in charge of dangerous liquids and liquefied gases transfers; qualifications; comment period reopening; comments due by 5-28-96; published 3-26-96
Regattas and marine parades:
Harborwalk Boat Race; comments due by 5-28-96; published 3-26-96
Suncoast Kilo Run et al.; comments due by 5-31-96; published 5-1-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Airbus; comments due by 5-28-96; published 4-15-96
AlliedSignal, Inc.; comments due by 5-28-96; published 3-26-96
Beech; comments due by 5-28-96; published 4-15-96
CFM International; comments due by 5-28-96; published 3-26-96
McDonnell Douglas; comments due by 5-31-96; published 4-19-96
Airworthiness standards:
Special conditions--
Cessna model 425 airplanes; comments due by 5-30-96; published 4-30-96
Class E airspace; comments due by 5-30-96; published 4-30-96
Jet routes; comments due by 5-30-96; published 4-16-96

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Motor carrier safety standards:
Commercial Driver's License and Physical Qualification Requirements Negotiated Rulemaking Advisory Committee--
Intent to establish; comments due by 5-29-96; published 4-29-96

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Railroad contracts:
Specified rail services provision under specified rates and conditions; comment due date extended; comments due by 5-28-96; published 4-22-96

TREASURY DEPARTMENT

Customs Service

Organization and functions; field organization, ports of entry, etc.:
Columbus, OH; port limits extension; comments due by 5-31-96; published 5-3-96

TREASURY DEPARTMENT

Fiscal Service

Treasury certificates of indebtedness, notes, and bonds; State and local government series; comments due by 5-30-96; published 4-30-96

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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