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Tuesday
June 11, 1996

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

[Two Sessions]

WHEN: June 18, 1996 at 9:00 am, and
June 25, 1996 at 9:00 am

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

RESERVATIONS: 202–523–4538

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

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 61, No. 113
Tuesday, June 11, 1996

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV96–985–1FIR]

Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentages for Class 1 (Scotch) Spearmint Oil the 1995–96 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule increasing the quantity of Class 1 (Scotch) spearmint oil produced in the Far West, that handlers may purchase from, or handle for, producers during the 1995–96 marketing year. This rule was recommended by the Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West. The Committee recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices and thus help to maintain stability in the spearmint oil market.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 720–8139; Tershirra Yeager, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of California, Nevada, Montana, and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This final rule increases the quantity of Scotch spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 1995–96 marketing year, which ends on May 31, 1996. This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are eight spearmint oil handlers who are subject to regulation under the respective marketing order and approximately 260 producers of spearmint oil in the regulated production area. Of the 260 producers, approximately 160 producers hold Class 1 (Scotch) spearmint oil allotment base, and approximately 145 producers hold Class 3 (Native) spearmint oil allotment base. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A minority of handlers and producers of Far West spearmint oil may be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations are not exclusively dependent on the production of spearmint oil. The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the order). Spearmint oil is also produced in the Midwest. The production area covered by the order normally accounts for approximately 75 percent of the annual U.S. production of spearmint oil.

This rule finalizes an interim final rule that increased the quantity of Scotch spearmint oil that handlers may purchase from, or handle for, producers during the 1995–96 marketing year, which ends on May 31, 1996. This rule increases the salable quantity from 908,531 pounds to 997,317 pounds and the allotment percentage from 51

percent to 56 percent for Scotch spearmint oil for the 1995–96 marketing year.

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment base for the applicable class of spearmint oil.

The initial salable quantity and allotment percentages for Scotch and Native percentages for the 1995–96 marketing year were recommended by the Committee at its October 5, 1994, meeting. The Committee recommended salable quantities of 908,531 pounds and 906,449 pounds, and allotment percentages of 51 percent and 46 percent, respectively, for Scotch and Native spearmint oils. A proposed rule was published in the December 15, 1994, issue of the Federal Register (59 FR 64625). Comments on the proposed rule were solicited from interested persons until January 17, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing the Committee's recommendation as the salable quantities and allotment percentage for Scotch and Native spearmint oils for the 1995–96 marketing year was published in the February 15, 1995, issue of the Federal Register (60 FR 8524). The Committee met again on February 22, 1995, to recommend an increase in the salable quantity and allotment percentage for Native spearmint oil. An interim final rule increasing the salable quantity and allotment percentage for Native spearmint oil by 98,527 and 5 percent, respectively, was published in the Federal Register on April 14, 1995 (60 FR 18950). Comments were solicited on the interim final rule until May 15, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing as the salable quantity and allotment percentage for Native spearmint oil for the 1995–96 marketing year was published in the June 12, 1995, issue of the Federal Register (60 FR 30785).

Pursuant to authority contained in §§ 985.50, 985.51, and 985.52 of the order, February 27, 1996, meeting, the Committee unanimously recommended, that allotment percentage for Scotch spearmint oil for the 1995–96 marketing year be increased by 5 percent from 51 percent to 56 percent. The 1995–96 marketing year salable quantity of 908,531 pounds would therefore be increased by 89,046 pounds to 997,317 pounds.

However, some Scotch spearmint oil producers did not produce all of their individual salable quantities for the 1995–96 marketing year, or fill their deficiencies from the prior year's production. The marketing order authorizes such producers to have their deficiencies filled by other producers who have production in excess of their salable quantities. This is optional for producers, but must be done before November 1 of each marketing year. Although the Scotch spearmint oil salable quantity for 1995–96 was established at 908,531 pounds, only 887,093 pounds were actually made available. Unfilled deficiencies totaled 21,178 pounds.

In addition, for the Scotch spearmint oil the total industry allotment base of 1,781,433 pounds was revised to 1,780,923 pounds to reflect loss of base due to non-production of their total annual allotments. This adjustment resulted in a 510 pound loss of total industry base, which is reflected in the calculations for the revised salable quantity.

This final rule continues to permit an additional amount of Scotch spearmint oil available by increasing the salable quantity which releases oil from the reserve pool. Only producers with Scotch spearmint oil in the reserve pool will be able to use this increase in the salable quantity. Prior to November 1, 1995, producers without reserve pool oil or producers with an insufficient supply of reserve oil could have deficiencies in meeting their salable quantities filled by producers having excess Scotch spearmint oil. If all producers could use their salable quantity, this 5 percent increase in the allotment percentage would have made an additional 89,046 pounds of Scotch spearmint oil available. However, Scotch spearmint oil producers having 21,260 pounds of Scotch spearmint oil will not be able to use their reserve pool deficiencies this marketing year. Thus, rather than 89,046 additional pounds being made available, this action makes 67,786 additional pounds of Scotch spearmint oil available to the market.

The following table summarizes the Committee recommendation:

Scotch Spearmint Oil Recommendation

(a) Actual Carry In on June 1, 1995: 150,637 pounds
(b) 1995–96 Salable Quantity: 908,531 pounds
(c) 1995–96 Available Supply: 1,059,168 pounds (a+b)
(d) Total Sales as of February 27, 1996: 883,959 pounds
(e) Calculated Available Supply as of February 27, 1996: 175,209 pounds (c − d)
(f) Unfilled Deficiencies in producers' salable quantities prior to November 1, 1995: 21,178 pounds
(g) Unusable salable quantities due to producers not having reserve pool oil: 21,260 pounds
(h) Total Deficiency Affecting Salable Quantity: 42,438 pounds (f+g)
(i) Actual Available Supply (2/27/96): 153,771 pounds (e − f)
(j) Revised Total Allotment Base: 1,780,923 pounds
(k) Recommended Allotment Percentage (2/27/96): 56 percent
(l) Calculated Revised Salable Quantity: 997,317 pounds (j×k)
(m) Actual Oil Available as Salable Quantity: 954,879 pounds (l − h)

In making this latest recommendation, the Committee considered all available information on supply and demand. The 1996–97 marketing year begins on June 1, 1996. Handlers have indicated that with this action, the available supply of both Scotch and Native spearmint oils appears adequate to meet anticipated demand through May 31, 1996. However, with increases in Scotch spearmint oil production elsewhere over the past two years, the Committee has embarked on a strategy of maintaining an abundance of Scotch spearmint oil available for market in an attempt to regain lost market share. With 153,771 pounds of Scotch spearmint oil available as of February 27, 1996, the Committee, believes that the increase would ensure that ample supplies of Scotch spearmint oil are available throughout the remainder of the current marketing year. When the Committee made its initial recommendation for the establishment of the Scotch spearmint oil salable quantity and allotment percentage for the 1995–96 marketing year, it had anticipated that the year would end with an ample available supply. An interim final rule was published in the Federal Register [61 FR 15697]. Comments on the interim final rule were solicited from interested persons until May 9, 1996. No comments were received. With this latest revision, 221,557 pounds of Scotch spearmint oil is made available. The Scotch spearmint oil is made available for market during the remainder of the 1995–96 marketing year.

The Department, based on its analysis of available information, has determined

that an allotment percentage of 56 percent should be established for Scotch spearmint oil for the 1995–96 marketing year. This percentage will provide an increased calculated salable quantity of 997,317 pounds, the actual additional amount of Scotch spearmint oil being made available by this final rule is 67,786 pounds. This results in an actual salable quantity of 954,879 pounds of Scotch spearmint oil.

Therefore, based on available information, AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including that contained in the prior proposed and final rules in connection with the establishment of the salable quantity and allotment percentage for Scotch and Native spearmint oils for the 1995–96 marketing year, the Committee's recommendation and other available information, it is found that to revise section 985.214 (60 FR 8524) to change the salable quantity and allotment percentage for Scotch spearmint oil, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985 which was published at 61 FR 15695 on April 9, 1996, is adopted as a final rule without change.

Dated: June 3, 1996.

Sharon Bomer Lauritsen,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 96–14755 Filed 6–10–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1240

[AMS–FV–96–701.FR]

Honey Research, Promotion, and Consumer Information Order—Amendment of the Rules and Regulations To Add HTS Code for Flavored Honey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds a new Harmonized Tariff Schedule (HTS) code number for imported flavored honey to the rules and regulations issued under the Honey Research, Promotion, and Consumer Information Order to provide authority for the U.S. Customs Service to collect an assessment on all imported, flavored honey.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Richard B. Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535-So., Washington, D.C. 20090–6456; telephone (202) 720–9915.

SUPPLEMENTARY INFORMATION: This rule is issued under the Honey Research, Promotion, and Consumer Information Act, as amended [104 Stat. 3904, 7 U.S.C. 4601 *et seq.*], hereinafter referred to as the Act.

This rule has been issued in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 10 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, any provision of such order, or any obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has a principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a rule on small entities. Pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service (AMS) has certified that the issuance of this final rule will not have a significant economic effect on a substantial number of small entities.

The board estimates that 500,000 pounds of flavored honey are imported annually at a market value of approximately $325,000 and will result in an estimated $5,000 in assessments. This action will not result in a major price increase or have significant adverse effects on production or marketing.

There are an estimated 145 handlers, 510 producer-packers, 8,300 producers, and 350 importers who are currently subject to the provisions of the Order. The majority of these persons may be classified as small agricultural producers and small agricultural service firms. Small agricultural producers are defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small service firms are defined as those having annual receipts of less than $5 million.

In accordance with the Paperwork Reduction Act [44 U.S.C. Chapter 35], and OMB regulations [5 CFR Part 1320], the information collection and recordkeeping requirements contained in this action have been previously approved under OMB control number 0581–0093.

Background

The Honey Research, Promotion, and Consumer Information Order (Order) provides that each producer and importer shall pay to the Board a one cent per pound assessment rate on honey and honey products produced in or imported into the United States. Section 1240.5 of the Order defines honey products as products wherein honey is a principal ingredient.

In order for the U.S. Customs Service (Customs) to collect the assessments on imported honey and honey products, each product needs to be identified by an HTS Code. Since the Board inception, honey has been assessed by Customs under HTS code number 0409.00.00. However, there were no HTS codes for honey products.

The Board has identified flavored honey as a product containing approximately 99 percent honey. The Board estimates that 500,000 pounds of flavored honey are imported into the United States annually without the importer paying the required assessment. Therefore, at the recommendation of the Board, the Department requested the Committee for Statistical Annotation of Tariff Schedules (Committee) on the International Trade Commission to establish an HTS code for flavored honey. The Committee notified the Department on February 13, 1996, that a code has been established for flavored honey. The purpose of this rule is to add the new HTS code for flavored honey to the rules and regulations under the

Order to provide authority for Customs to collect the assessment on all imported, flavored honey.

A proposed rule was published in the Federal Register on March 27, 1996, [60 FR 13463]. No comments were received on the proposal.

This rule adds the new 2106.90.9988 HTS code for flavored honey to section 1240.115(e) of the rules and regulations issued under the Order. Flavored honey would be assessed at the one-cent-per-pound rate. A conversion factor is not necessary because the amount of honey in flavored honey is estimated at 99 percent of the total product. Customs will notify importers 60 to 90 days before it begins collecting the assessment on flavored honey.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action puts into effect an HTS Code for flavored honey for the U.S. Customs Service to use in assessing imported flavored honey; (2) flavored honey is currently being imported; (3) a 30-day comment period was provided and no comments were received; and (4) no useful purpose would be served by a delay of the effective date.

After consideration of all relevant material presented, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 1240

Advertising, Agricultural research, Honey, Imports, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1240 is amended as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

1. The authority citation for 7 CFR Part 1240 continues to read as follows:

Authority: 7 U.S.C. 4601–4612.

2. In § 1240.115, paragraph (e) is revised to read as follows:

§ 1240.115 Levy of assessments.

* * * * *

(e) The U.S. Customs Service (USCS) will collect assessments on all honey or honey products where honey is the principal ingredient imported under its tariff schedule (HTS heading numbers 0409.00.00 and 21006.90.9988) at the time of entry or withdrawal for consumption and forward such assessment as per the agreement between the USCS and USDA. Any importer or agent who is exempt from payment of assessments pursuant to § 1240.42 (a) and (b) of the Order may apply to the Board for reimbursement of such assessment paid.

* * * * *

Dated: June 3, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–14758 Filed 6–10–96; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Parts 101 and 112

[Docket No. 93–167–2]

Viruses, Serums, and Toxins and Analogous Products; Master Labels

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the packaging and labeling of veterinary biologicals to implement the use of a master label. The use of a master label system will reduce the number of copies of labels that are required to be submitted for review and approval, and allow labels with certain minor revisions to be used sooner than would be possible under the current regulations. A definition of ''master label'' is added to the regulations. In the final rule, the provision for the use of labels with certain minor changes prior to APHIS approval is extended to include previously approved lebels.

The amendments are necessary in order to improve label approval procedures by establishing a master label system. The effect of the amendment will be to streamline the procedure for requesting and receiving approval to use new or revised labels for veterinary biologicals.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, APHIS, BBEP, 4700 River Road, Unit 148, Riverdale, MD 20737–1237, (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 112 pertain to the packaging and labeling of veterinary biologicals. The regulations require that all labels for veterinary biologicals be submitted and reviewed for compliance with the regulations and approved in writing prior to use. The Animal and Plant Health Inspection Service (APHIS) has issued licenses under the Virus-Serum-Toxin Act (21 U.S.C. 151–159) for some 2300 veterinary biological products. Each licensed biological product is required to have approved packaging and labeling applicable to a variety of container sizes, trade names, producers, subsidiaries, and distributors.

On March 17, 1995, we published in the Federal Register (60 FR 14392–14395, Docket No. 93–167–1) a proposal to amend the regulations regarding the packaging and labeling of veterinary biologicals to implement the use of a master label system. The use of a master label system would reduce the number of copies of labels that are required to be submitted for review and approval, and would allow labels with certain minor revisions to be used sooner than would be possible under the current regulations. A definition of ''master label'' would be added to the regulations. The amendments are necessary in order to improve label approval procedures by establishing a master label system. The effect of the amendment would be to steamline the procedure for requesting and receiving approval to use new or revised labels for veterinary biologicals.

We solicited comments concerning our proposal for 60 days ending May 16, 1995. We received six comments by that date. They were from producers of veterinary biologics. The comments are discussed below.

Analysis of Comments and APHIS' Response

Two commenters supported the proposed rule without change. Four commenters commended the agency for its efforts to streamline and modernize the labeling regulations.

Two commenters suggested that changes to the manufacturer's name and address should be considered minor label changes that would allow label use prior to its submission to and approval by APHIS. APHIS does not agree with this comment. A change to the name and address of the manufacturer is deemed a major label change. Every applicant for a veterinary biologics establishment license must file an APHIS Form 2001, Application for United States Veterinary Biologics Establishment License. The information required by this form includes the name and address of the applicant, all subsidiaries and divisions, and locations of all premises to be used for preparation, testing, and initial shipping. This information is included in the establishment license when issued. A change to the name and address of the manufacturer requires a new APHIS Form 2001 to be filed (9

CFR 102.3(a)(6)) to effect a change in the establishment license before such label changes would be approved.

Also, the name and address of the manufacturer provides consumers with one of the necessary items of identification of a product if they wish to file a consumer complaint about a particular product. APHIS has issued veterinary biologics establishment licenses to 114 manufacturers for some 2300 veterinary biological products, including bacterins, vaccines, and diagnostic test kits. Consumers report complaints of veterinary biological products to the licensee, Veterinary Biologics Field Operations, other units within APHIS, and to the U.S. Practitioners Reporting System of the American Veterinary Medical Association. The minimum amount of information that these entities need to initiate an investigation of these complaints is the name and address of the manufacturer and the name of the product. For the reasons states above, this information must first be submitted to APHIS before such information appears on the label.

APHIS is aware that mergers and acquisitions often result in the need to submit hundreds of new labels to change the manufacturer's name and address. This final rule will reduce the number of new labels that will need to be submitted in such cases, but will not permit the use of such labels until they have been reviewed and filed by APHIS. APHIS is aware of the inconvenience that this may cause, but believes that this is a necessary requirement. No change to the regulations is made in response to this comment.

The same commenter also requested that changes to the distributor's name, address, and phone number be included under minor label changes. APHIS does not agree. Products sold through a distributor are often traced under the distributor's name, address, and phone number. Thus, APHIS should be aware of and have on file the most current name, address, and phone number of distributors of biological products and not have to wait 60 days for the submission of this information. No change is made in response to this comment.

In addition, the commenter requested that label changes to type font, font size (so long as the size change does not cause any element to overshadow the true name), and trade name be included among minor label changes. Again, APHIS does not agree. Changes to the type font often lead to a difference in interpretation of the meaning of ''prominence'' in that no element on a label may be more ''prominent'' than the true name. Trade names often allow consumers to recognize a specific product. Trade names also may suggest special qualities or ingredients about products which may render the product label false or misleading. Thus, APHIS feels that a pre-review of trade names will assure that labels are not false and misleading. Consumer contacts or reports about biological products are often based on a product's trade name. APHIS is informed of new trade names through the label approval process. If new trade names are used on product labels before approval, APHIS may not be able to identify the product if the product becomes involved in a complaint. No change to the regulations is made in response to this comment.

One commenter remarked that the master label concept will lead to the submission of master labels for all labels in order to take advantage of the provision allowing label use prior to APHIS approval. The commenter concluded that this would lead to more paperwork submission for the firm. This is not the intent of the rule. The proposed rule may have been drawn too narrowly in its focus on master labels and the use of certain labels prior to approval by APHIS. There is no good reason why the provision allowing the use of certain labels prior to APHIS approval should be restricted to labels filed as master labels. In response to the commenter, we are amending the proposal so that it will apply to either ''approved labels or master labels.'' The introductory paragraph in § 112.5 is also amended to be consistent with this change. This amendment will make unnecessary the resubmission of currently approved labels for reapproval as master labels to take advantage of the provision of allowing use prior to approval, will avoid the additional paperwork that could result, and is consistent with our original intent.

One commenter requested that the rule continue to specify that ''at least'' a certain number of copies of labels be submitted for approval since manufacturers sometimes need additional approved copies of labels when machine copies are not acceptable. In response to this comment, the proposed rule merely specifies the minimum number of copies that need to be submitted to APHIS for review and approval. APHIS will process additional copies if requested by a manufacturer. No change to the regulations is made in response to this comment.

Finally, one commenter believed that there was a discrepancy between the proposed rule and Veterinary Services Memorandum 800.54, dated August 31, 1988, concerning small labels. APHIS does not agree. APHIS' intent in this rule is to have the master label be based on the smallest size label that is identical in text to that of all other size labels. In the case of labels that are too small for full instructions for use, these exceptionally small labels may differ in text from the labels referred to under the rule and would not qualify as master labels. Such labels would be required to be submitted separately for review. No change to the regulations is made in response to this comment.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), APHIS has considered the economic impact on small entities.

The rule amends the regulations for the review and approval of veterinary biological product labels by providing for a master label system. The current regulations in part 112 require the submission and approval of all labels for each biological product to be marketed. The approval of the smallest size container label for the product as a prototype master label would reduce the need for licensees producing veterinary biologicals to submit for approval additional copies of labels for each size of the product.

The approval of a master label eliminates the need to submit labels for larger container sizes of the same product, provided that such labels are identical to the master label, except for physical dimensions, and provided that additional container sizes are authorized in a filed Outline of Production.

This rule also allows certain specified minor revisions to be made in labels for products with approved labels or master labels and the revised labels used without prior written approval from APHIS with the provision that new labels or master labels be submitted to APHIS for review and approval within 60 days use of the revised label.

One effect of the rule will be to reduce the number of copies of labels that need to be submitted and reviewed. Most biological products are marketed in two or three different size containers. Currently, each label for each container

must be submitted for approval. Under the master label system, only labels for the smallest size container need to be submitted, thus reducing by two to three-fold the number of labels that need to be submitted by manufacturers for review by APHIS. Another effect will be to eliminate the delay required in obtaining APHIS approval prior to the use of labels with certain specified minor changes.

The rule will not have any adverse economic impact since the submission of product labels for approval is already required under § 112.5 of the regulations. Section 112.5 currently specifies that all labels shall be reviewed and approved prior to use. The amendments will simplify the process of label approvals and reduce the time and expense needed to get a product to market, particularly in the case of certain minor revisions of labels.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0013.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials (See 7 CFR part 3015, subpart V.)

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 112

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 101 and 112 are amended as follows:

PART 101—DEFINITIONS

1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 101.4 is amended by adding a new paragraph (h) to read as follows:

§ 101.4 Labeling terminology.

* * * * *

(h) *Master label.* The finished carton, container, or enclosure label for the smallest size final container that is authorized for a biological product, that serves as the Master template label applicable to all other size containers or cartons of the same product that is marketed by a licensee, subsidiary, division, or distributor.

PART 112—PACKING AND LABELING

3. The authority citation for part 112 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

4. Section 112.5 is amended as follows:

a. The introductory text is revised to read as set forth below.

b. Paragraph (c) is revised to read as set forth below.

c. Paragraphs (d)(1) is revised.

d. Paragraph (d)(2)(iii)(*a*) is revised to read as set forth below.

e. Paragraph (d)(3)(ii)(*a*) is revised to read as set forth below.

f. In § 112.5, paragraph (d)(2)(iii)(*b*) is redesignated paragraph (d)(2)(iii)(B), paragraph (d)(3)(i)(*a*) is redesignated paragraph (d)(3)(i)(A), paragraph (d)(3)(i)(*b*) is redesignated paragraph (d)(3)(i)(B), and paragraph (d)(3)(ii) is revised to read as set forth below.

g. Paragraph (d)(3)(iii) is revised to read as set forth below.

h. Paragraph (d)(4) is revised to read as set forth below.

i. Paragraph (g) is added to read as set forth below.

j. Section 112.5 is amended by adding at the end of the section an OMB control number as set forth below.

§ 112.5 Review and approval of labeling.

Labels used with biological products prepared at licensed establishments or imported for general distribution and sale must be submitted to the Animal and Plant Health Inspection Service for review for compliance with the regulations and approval in writing prior to use, except as provided in paragraph (c) of this section and under the master label system provided in paragraph (d) of this section.

* * * * *

(c) (1) Labels must be submitted to the Animal and Plant Health Inspection Service for review and written approval. Only labels which are approved as provided in § 112.5(d) may be used. When changes are made in approved labels, the new labels shall be subject to review and approval before use: *Provided,* That certain minor changes may be made in labels for products with approved labels or master labels, and the revised labels may be used prior to review by APHIS, with the provision that a new label or master label bearing these changes is submitted to APHIS for review and written approval within 60 days of label use, and that such minor changes do not render the product mislabeled or the label false and misleading in any particular.

(2) Minor label changes that may be made under the provision for products with approved labels or master labels are:

(i) Changes in the physical dimensions of the label provided that such change does not affect the legibility of the label;

(ii) Change in the color of label print, provided that such change does not affect the legibility of the label;

(iii) The addition or deletion of a Trade Mark (TM) or Registered (R) symbol;

(iv) The correction of typographical errors;

(v) Adding or changing control numbers of bar codes; and

(vi) Revising or updating logos.

* * * * *

(d) (1) * * *

(i) For label sketches, submit two copies of each sketch of a final container label, carton label, and enclosure. Sketches must be legible, and must include all information specified in § 112.2. One copy of each sketch will be returned with applicable comments, and one copy will be held on file by APHIS for no more than one year after processing, until replaced by a finished label: *Provided,* That sketches submitted in support of an application for a license or permit shall be held as long as the application is considered active.

(ii) For master label sketches, submit for each product two copies of each sketch of an enclosure, label for the smallest size final container, and carton label; *Provided,* That labels for larger

size containers and/or cartons that are identical, except for physical dimensions, need not be submitted. One copy of each master label sketch will be returned with applicable comments, and one copy will be held on file by APHIS for one year after processing, until replaced by a finished master label that is submitted according to § 112.5(d)(1)(iii): *Provided,* That master label sketches submitted in support of an application for license or permit shall be held as long as the application is considered active.

(iii) For finished labels, submit three copies of each finished final container label, carton label, and enclosure: *Provided,* That when an enclosure is to be used with more than one product, one extra copy shall be submitted for each additional product. Two copies of each finished label will be retained by APHIS. One copy will be stamped and returned to the licensee. Labels to which exceptions are taken shall be marked as sketches and handled under § 112.5(d)(1)(i).

(iv) For finished master labels, submit for each product three copies each of the enclosure and the labels for the smallest size final container and carton. Labels for larger sizes of containers or cartons of the same product that are identical, except for physical dimensions, need not be submitted. Such labels become eligible for use, concurrent with the approval of the appropriate finished master label: *Provided,* That the marketing of larger sizes of final containers is approved in the filed Outline of Production, and the appropriate larger sizes of containers or cartons are identified on the label mounting sheet. When a master label enclosure is to be used with more than one product, one extra copy for each additional product shall be submitted. Two copies of each finished master label will be retained by APHIS. One copy will be stamped and returned to the licensee. Master labels to which exceptions are taken will be marked as sketches and handled under § 112.5(d)(1)(ii).

* * * * *

(2) * * *

(iii)(A) When two final containers are packaged together in a combination package, the labels for each shall be mounted on the same sheet of paper and shall be treated as one label. For diagnostic test kits, the labels for use on the individual reagent containers to be included in the kit shall be mounted together on a single sheet of paper, if possible; if necessary, a second sheet of paper may be used. The carton label and enclosure shall be mounted on separate individual sheets.

* * * * *

(3) * * *

(ii)(A) Designation of the specimen as a label or master label: sketch, final container label, carton label, or enclosure.

(B) If two final container labels or multiple parts are on one sheet, each shall be named, and the label or part being revised shall be designated.

(iii) Size of package (dose, ml., cc., or units) for which the labels or enclosures are to be used.

(4) To appear on the bottom of each page: The reason for and information relevant to the submission shall be stated in the lower left hand corner as:

(i) Master label dose sizes approved for code _____.

(ii) Replacement for label, master label, and/or sketch No. _____.

(iii) Reference to label or master label No. _____.

(iv) Addition to label No. _____.

(v) License Application Pending _____.

(vi) Foreign Language copy of Label No. _____.

* * * * *

(g) At the time of an inspection, or when requested by APHIS, licensees or permittees shall make all labels and master labels, including labels approved for use but exempted from filing under the master label system, available for review by authorized inspectors. Such labels shall be identical to the approved label or master label except for physical dimensions, reference to recoverable volume or doses and/or certain minor differences permitted in accordance with § 112.5(c).

(Approved by the Office of Management and Budget under control number 0579–0013)

5. In § 112.7, paragraphs (c)(2) and (d)(6) are revised to read as follows:

§ 112.7 Special additional requirements.

* * * * *

(c) * * *

(2) Subsequent revaccination as determined from the results of duration of immunity studies conducted as prescribed in § 113.209, paragraph (b) or (c), or both.

* * * * *

(d) * * *

(6) Subsequent revaccination as determined from the results of duration of immunity studies conducted as prescribed in § 113.312, paragraph (b) or (c), or both.

* * * * *

§ 112.7 [Amended]

6. Section 112.7 is amended by adding at the end of the section the following: ''(Approved by the Office of Management and Budget under control number 0579–0013).''

Done in Washington, DC, this 5th day of June 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–14772 Filed 6–10–96; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–112–AD; Amendment 39–9656; AD 96–12–13]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328 Series Airplanes Equipped with Honeywell GP–300 Guidance and Display Controller

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Dornier Model 328 series airplanes. This action requires modification of certain Honeywell GP–300 guidance and display controllers. This amendment is prompted by reports of smoke and fumes, due to a defective light bulb, emitting from the Honeywell GP–300 guidance and display controller; and a report of failure of the autopilot to disconnect manually. The actions specified in this AD are intended to prevent a defective light bulb from causing a short circuit that emits smoke and fumes into the cockpit; or causing damage to the circuit cards and various components, which may lock the autopilot into the engaged mode. Locking of the autopilot into the engaged mode could lead to the inability of the pilot to disconnect the autopilot, which could result in reduced controllability of the airplane.

DATES: Effective June 26, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 26, 1996.

Comments for inclusion in the Rules Docket must be received on or before August 12, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–112–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Honeywell, Inc., Attn: Customer Support Materiel, P.O. Box 21111, Phoenix, Arizona 85036. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The FAA has received several reports of smoke and fumes emitting from the Honeywell GP–300 guidance and display controller installed on Dornier Model 328 series airplanes. In addition, the FAA received a report that the autopilot would not disconnect manually; however, minutes later the ''FD AP Disp Ctrl'' circuit breaker opened on its own, and subsequently disconnected the autopilot. Investigation revealed that the cause of these failures has been attributed to a defective light bulb in the display controller lighting circuit inside the GP–300 guidance and display controller. A defective light bulb can cause a short circuit that emits smoke and fumes into the cockpit. This condition, if not corrected, could impair the flightcrew's ability to operate effectively in the cockpit.

A defective light bulb also can cause damage to the circuit cards and various components, which may lock the autopilot into the engaged mode; this situation could lead to the inability of the pilot to disconnect the autopilot. This condition could adversely affect the controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Honeywell Service Bulletin 7015327–22–2, dated March 4, 1996, which describes procedures for modification of Honeywell GP–300 guidance and display controllers having part number (P/N) 7015327–901 or -902. The modification involves installing a protection device on each of the circuit card assemblies (CCA) that will limit the short circuit current of the lighting circuits.

U.S. Type Certification of the Airplane

This airplane model is manufactured in Germany 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.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent a defective light bulb from causing a short circuit that emits smoke and fumes into the cockpit; or causing damage to the circuit cards and various components, which may lock the autopilot into the engaged mode. Locking of the autopilot into the engaged mode could lead to the inability of the pilot to disconnect the autopilot, and adversely affect the controllability of the airplane. This AD requires modification of certain Honeywell GP–300 guidance and display controllers. The actions are required to be accomplished in accordance with the service bulletin described previously.

Explanation of the Applicability of the Rule

When an unsafe condition results from the installation of an appliance or other item that is installed in only one particular make and model of aircraft, the FAA's general policy is to issue an AD so that it is applicable to the aircraft, rather than the item. The reason for this is simple: Making the AD applicable to the airplane model on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents ''unknowing non-compliance'' on the part of the operator. (The FAA recognizes that there are situations when an unsafe condition exists in an item that is installed in many different aircraft. In those cases, the FAA considers it impractical to issue AD's against each aircraft; in fact, many times, the exact models and numbers of aircraft on which the item is installed may not be known. Therefore, in those situations, the AD is issued so that it is applicable to the item; furthermore, those AD's usually indicate that the item is known to be installed on, but not limited to, various aircraft models.)

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–112–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–12–13 Dornier: Amendment 39–9656. Docket 96–NM–112–AD.

Applicability: Model 328 series airplanes, equipped with Honeywell GP–300 guidance and display controller having part number (P/N) 7015327–901 or –902; 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 (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 a defective light bulb from causing a short circuit that emits smoke and fumes into the cockpit, or causing damage to the circuit cards and various components, which may lock the autopilot into the engaged mode, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the Honeywell GP–300 guidance and display controller, having P/N 7015327–901 or –902, in accordance with Honeywell Service Bulletin 7015327–22–2, dated March 4, 1996.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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.

(d) The modification shall be done in accordance with Honeywell Service Bulletin 7015327–22–2, dated March 4, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Honeywell, Inc., Attn: Customer Support Materiel, P.O. Box 21111, Phoenix, Arizona 85036. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 26, 1996.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14224 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 92–NM–71–AD; Amendment 39–9657; AD 96–12–14]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires reinforcing the lower right-hand wing skin at the fueling adapter. This amendment is prompted by results of tests, which revealed that fatigue cracks can develop in the lower right-hand wing skin at the attachment bolt holes of the fueling adapter. The actions specified by this AD are intended to prevent reduced structural capability of the wing and fuel leakage.

DATES: Effective July 16, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 16, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth E. Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1721; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes was published as a supplemental notice of proposed rulemaking in the Federal Register on April 2, 1996 (61 FR 14515). That action proposed to require reinforcing the lower right-hand wing skin at the fueling adapter.

Discussion of Comments

Interested persons have been afforded an opportunity to participate in the

making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $950 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $38,700, or $2,150 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–12–14 Fokker: Amendment 39–9657. Docket 92–NM–71–AD.

Applicability: Model F28 Mark 0100 series airplanes; serial numbers 11244 through 11286 inclusive, 11289, 11290 through 11293 inclusive, 11295, 11297, 11300, 11303, 11306, 11308, 11310, and 11312; 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 (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 reduced structural capability of the wing and fuel leakage, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings, or within 60 days after the effective date of this AD, whichever occurs later, reinforce the lower right-hand wing skin at the fueling adapter by installing a new stringer and new internal and external doubler plates, in accordance with Fokker Service Bulletin SBF100–57–008, Revision 2, dated September 22, 1995.

Note 2: Accomplishment of the reinforcement in accordance with Fokker Service Bulletin SBF100–57–008, Revision 1, dated March 29, 1992, prior to the effective date of this AD is acceptable for compliance with the requirement of paragraph (a) of this AD.

(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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

(d) The reinforcement shall be done in accordance with Fokker Service Bulletin SBF100–57–008, Revision 2, dated September 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on July 16, 1996.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14225 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–14–AD; Amendment 39–9666; AD 96–12–23]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company 150 and A150 Series and Models 152 and A152 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Cessna Aircraft Company (Cessna) 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW. This action requires measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. An accident of a Cessna Model 152 airplane where the STOL kit adversely affected the airplane's stall characteristics prompted this action. The actions

specified by this AD are intended to prevent the airplane from entering a stall condition because of improper wing stall fence height, which could result in loss of control of the airplane.

EFFECTIVE DATE: July 31, 1996.

ADDRESSES: Figure 1 of the proposed AD may be obtained from the Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; and may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–14–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Cessna 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW was published in the Federal Register on July 12, 1995 (60 FR 35873). The action proposed to require measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. Figure 1 of the proposal includes information for inspecting the stall fence height. An accident of a Cessna Model 152 airplane where the STOL kit adversely affected the airplane's stall characteristics prompted the proposal.

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

Comment Resolution

Cessna states that the AD should be written against Bush Conversions, Inc., instead of the Cessna Aircraft Company. Cessna believes this because Bush Conversions, Inc., is the owner of the STC that the STOL kit is incorporated in accordance with and Cessna has no approval on the components that are affected by the proposal. The FAA partially concurs. While Cessna does not hold approval for the STC, the STC was approved to only be incorporated on Cessna 150 and A150 series and Models 150 and A150 airplanes; therefore, the unsafe condition can only exist on these airplanes. Because the unsafe condition referenced by the proposal can only exist on those affected Cessna models that have the referenced STC incorporated, the AD is written against Cessna 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc. STOL kit incorporated in accordance with STC SA1371SW.

Another commenter opposes the proposal because of no adverse personal service experience. This commenter states that he has in excess of 1,500 hours time-in-service of flight instruction in a Cessna 150 with the affected Bush Conversions, Inc. STOL kit incorporated, and he has had no adverse service experience during this time. The FAA does not concur that the proposal should be withdrawn based on this commenter's extensive safe service experience. The FAA does not issue AD's based on whether the unsafe condition currently exists on all airplanes, but rather on when a condition ''could exist or develop on an airplane of the same type design.'' In addition, the FAA found that the commenter's airplane has a different Bush STC incorporated than that affected by the proposal. No changes have been made to the final rule as a result of this comment.

No comments were received regarding the FAA's determinination of the cost impact on the public.

Conclusion

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 25 of the Cessna 150 and A150 series and Models 152 and A152 airplanes in the U.S. registry incorporate the affected Bush Conversions, Inc. STOL kit, that it will take approximately 8 workhours per airplane to inspect the stall fences, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $12,000. This figure is based upon the assumption that no affected airplane owner/operator has inspected the STOL fence for correct height. The FAA has no way of determining how many owners/operators of the affected airplanes have accomplished the required inspection.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–12–23 The Cessna Aircraft Company: Amendment 39–9666; Docket No. 95–CE–14–AD.

Applicability: The following airplane models (all serial numbers), certificated in any category, that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit incorporated in accordance with Supplemental Type Certificate (STC) SA1371SW: 150, 150A, 150B, 150C, 150D,

150E, 150F, 150G, 150H, 150J, 150K, A150K, 150L, A150L, 150M, A150M, 152, A152.

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

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

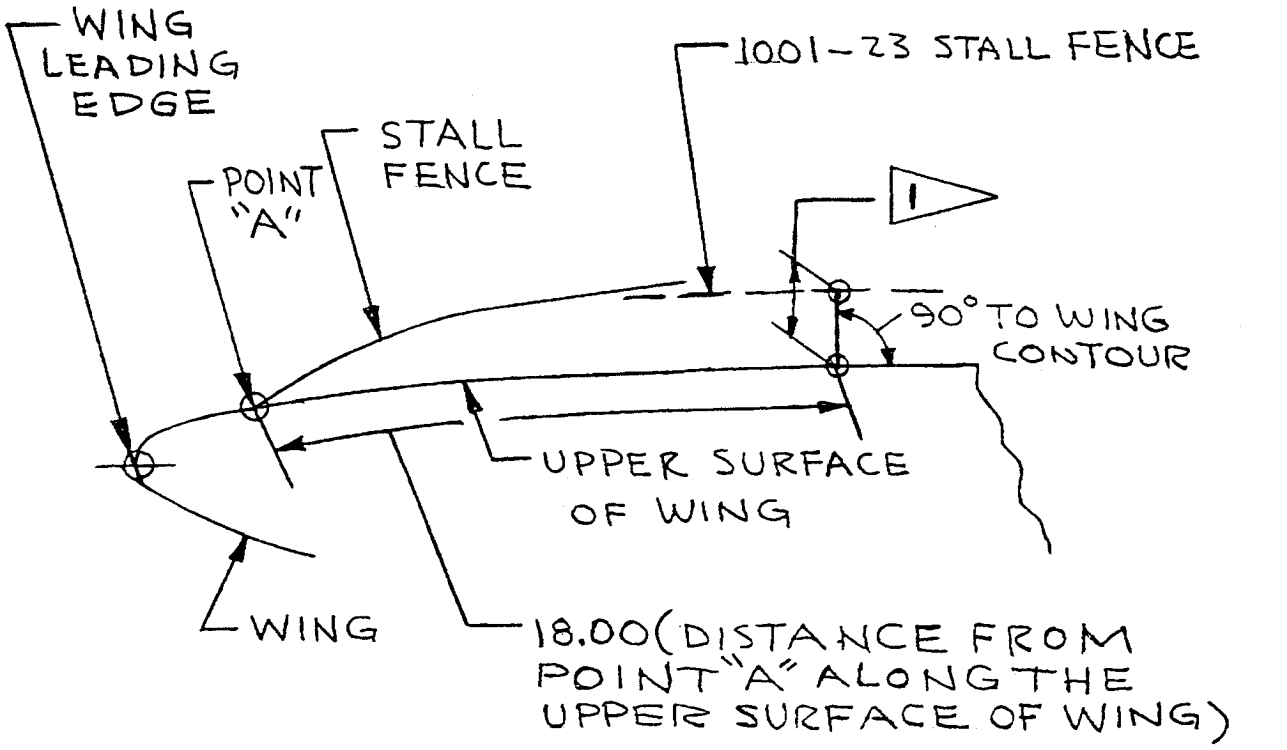
To prevent the airplane operator from entering a stall condition because of improper wing stall fence height, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Measure the height of the wing stall fence at its trailing edge to ensure that the height does not exceed 1.28 inches. (See Figure 1 of this AD).

(b) If the wing stall fence height exceeds 1.28 inches, prior to further flight, install a smaller fence in accordance with instructions obtained from the Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209.

Note 2: Mid-America Drawing No. 1001 (part of STC SA1371SW) is included as Figure 1 of this AD for reference purposes.

BILLING CODE 4910–13–U



1 IF STALL FENCE IS 1.16 ± .12 HIGH THAT IS CORRECT HEIGHT FOR CESSNA 150/152. IF GREATER THAN 1.28 HIGH REMOVE STALL FENCES AND INSTALL THE CORRECT ONE.

FIGURE 1
MID-AMERICA DWG NO. 1001
(STC SA1371SW)

BILLING CODE 4910–13–C

(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.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA 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.

(e) Figure 1 of this AD may be obtained from the Wichita ACO at the address specified in paragraph (d) of this AD; and may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39–9666) becomes effective on July 31, 1996.

Issued in Kansas City, Missouri, on June 3, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14632 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AGL–21]

Establishment of Class D Airspace; Minneapolis, Anoka, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace at Anoka County-Blaine Airport, Anoka, MN. Class D airspace is needed during the specific times that the Anoka County-Blaine Air Traffic Control Tower (ATCT) is in operation. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT:

John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, March 6, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Anoka County-Blaine Airport, Anoka MN (61 FR 8900).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class D airspace designations for which all aircraft operators are subject to operating rules and equipment requirements of Part 91 of the Federal Aviation Regulations, are published in paragraph 5000 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establish Class D airspace at Anoka County-Blaine Airport, Anoka, MN, Class D airspace is needed during the specific times that the Anoka County-Blaine Air Traffic Control Tower (ATCT) is in operation. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 5000 General

* * * * *

AGL MN D Minneapolis, Anoka, MN [New]

Minneapolis, Anoka County-Blaine Airport, MN

(Lat. 45°08′41.6″ N, long. 93°12′39.8″ W

That airspace extending upward from the surface to and including 3400 feet MSL within a 3.9-mile radius of Anoka County-Blaine Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice of Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on May 20, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–14561 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Docket No. 96–ACE–6]

Amendment to Class E Airspace, Boone, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Boone Municipal Airport, Boone, IA. The Federal Aviation Administration has developed a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) which has made this change necessary. The effect of this rule is to provide additional controlled airspace for aircraft executing the new SIAP at Boone Municipal Airport.

DATES: Effective August 30, 1996.

Comment Date: Comments must be received on or before July 12, 1996.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations Branch, Air Traffic Division, ACE–530, Federal Aviation Administration, Docket Number 96–ACE–530, Federal Aviation Administration, Docket Number 96–ACE–6, 601 East 12th St., Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106: telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed a Standard Instrument Approach Procedure (SIAP) utilizing the Global Positioning System (GPS) at the Boone Municipal Airport, Boone, IA. The amendment to Class E airspace at Boone, IA will provide additional controlled airspace to segregate aircraft operating under Visual Flight Rules (VFR) from aircraft operating under Instrument Flight Rules (IFR) procedures while arriving or departing the airport. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to either circumnavigate the area, continue to operate under VFR to and from the airport, or otherwise comply with IFR procedures. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received, confirming the date on which the final rule will become effective. If the FAA does receive an adverse or negative comment within the comment period, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–ACE–6.'' The postcard will be date stamped and returned to the commenter.

Agency Finding

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—AMENDED

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA ES Boone, IA [Revised]

Boone Municipal Airport, IA
(lat. 42°02′16″ N., long. 93°50′51″ W.)

Boone NDB
(lat. 42°03′16″ N., long. 93°51′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile

radius of Boone Municipal Airport and within 2.6 miles each side of the 334° bearing from the Boone NDB extending from the 6.6-mile radius to 7 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO on May 23, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division Central Region.

[FR Doc. 96–14762 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 88F–0426]

Indirect Food Additives: Adhesives and Components of Coatings

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 3-aminomethyl-3,5,5-trimethylcyclohexylamine as a cross-linking agent for use in epoxy resin coatings. This action responds to a petition filed by Huels AG.

DATES: Effective June 11, 1996; written objections and requests for a hearing by July 11, 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: Julius Smith, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3091.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of January 26, 1989 (54 FR 3853), FDA announced that a food additive petition (FAP 9B4118) had been filed by Huels AG, P.O. Box 1320, D–4370 Marl, Federal Republic of Germany (currently c/o Bruce EnvivoExcel Group, Inc., 94 Buttermilk Bridge Rd., Washington, NJ 07882). The petition proposed that the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of 3-aminomethyl-3,5,5-trimethylcyclohexylamine as a cross-linking agent for use in epoxy resins complying with § 175.300(b)(3)(viii).

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use of the additive in resinous and polymeric coatings that are intended for contact with foods is safe and that the regulations in § 175.300 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.

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 July 11, 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.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 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 175.300 is amended in paragraph (b)(3)(viii)(*b*) by alphabetically adding a new entry to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(viii) * * *

(*b*) Catalysts and cross-linking agents for epoxy resins:

3-Aminomethyl-3,5,5-trimethylcyclohexylamine (CAS Reg. No. 2855–13–2).

* * * * *

Dated: May 12, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–14648 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 177

[Docket No. 92F–0357]

Indirect Food Additives: Polymers

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 polysulfone resins identified as 1,1′-sulfonylbis[4-chlorobenzene] polymer with 4,4′-(1-methylethylidene)bis[phenol] (minimum 92 percent) and 4,4′-sulfonylbis[phenol] (maximum 8 percent) (CAS Reg. No. 88285–91–0) consisting of basic resins produced when a mixture of 4,4′-isopropylidenediphenol (minimum 92 percent) and 4,4′-sulfonylbis[phenol]

(maximum 8 percent) is made to react with 4,4′-dichlorodiphenyl sulfone in such a way that the finished resins have a minimum number average molecular weight of 26,000, as determined by osmotic pressure in dimethylformamide, as an article or component of articles for use in contact with food. This action responds to a food additive petition filed by BASF Corp.

DATES: Effective June 11, 1996; written objections and requests for a hearing by July 11, 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: Richard H. White, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3094.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 17, 1992 (57 FR 54247), FDA announced that a food additive petition (FAP 1B4262) had been filed by BASF Corp., 1609 Biddle Ave., Wyandotte, MI 48192–3799. The petition proposed to amend the food additive regulations in § 177.1655 *Polysulfone resins* (21 CFR 177.1655) to provide for the safe use of a polysulfone resin consisting of 1,1′-sulfonylbis[4-chlorobenzene] polymer with 4,4′-(1-methylethylidene)bis[phenol] and 4,4′-sulfonylbis[phenol], as an article or component of articles intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material. Based upon its review, the agency concludes that the food additive is more appropriately identified as 1,1′-sulfonylbis[4-chlorobenzene] polymer with 4,4′-(1-methylethylidene)bis[phenol] (minimum 92 percent) and 4,4′-sulfonylbis[phenol] (maximum 8 percent) (CAS Reg. No. 88285–91–0). FDA is therefore adopting this name for the food additive in this final rule. The petitioner also requested an amendment to the petition to adopt a 0.01 percent (100 parts per million) limit for the residual solvent, *N*-methyl-2-pyrrolidone, in the finished basic resin. The agency agrees that this is appropriate limitation and, based upon the available data, concludes that the proposed food additive use is safe and that the additive will achieve its intended technical effect. Therefore, FDA further concludes that § 177.1655 should be amended to revise paragraph (a), and in the table in paragraph (b) to add *N*-methyl-*2*-pyrrolidone and to revise the limitations.

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 July 11, 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.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 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 177.1655 is amended by revising paragraph (a) and the table in paragraph (b) to read as follows:

§ 177.1655 Polysulfone resins.

* * * * *

(a) For the purpose of this section, polysulfone resins are:

(1) Poly(oxy-*p*-phenylenesulfonyl-*p*-phenyleneoxy-*p*-phenyleneisopropylidene-*p*-phenylene) resins (CAS Reg. No. 25154–01–2) consisting of basic resins produced when the disodium salt of 4,4′-isopropylidenediphenol is made to react with 4,4′-dichlorodiphenyl sulfone in such a way that the finished resins have a minimum number average molecular weight of 15,000, as determined by osmotic pressure in monochlorobenzene; or

(2) 1,1′-Sulfonylbis[4-chlorobenzene] polymer with 4,4′-(1-methylethylidene)bis[phenol] (minimum 92 percent) and 4,4′-sulfonylbis[phenol] (maximum 8 percent) (CAS Reg. No. 88285–91–0) produced when a mixture of 4,4′-isopropylidenediphenol (minimum 92 percent) and 4,4′-sulfonylbis[phenol] (maximum 8 percent) is made to react with 4,4′-dichlorodiphenyl sulfone in such a way that the finished resin has a minimum number average molecular weight of 26,000, as determined by osmotic pressure in dimethylformamide.

* * * * *

(b) * * *

List of substances	Limitations
Dimethyl sulfoxide	Not to exceed 50 parts per million as residual solvent in finished basic resin in paragraph (a)(1) of this section.

List of substances	Limitations
Monochlorobenzene Monochlorobenzene.	Not to exceed 500 parts per million as residual solvent in finished basic resin in paragraph (a)(1) of this section.
N-methyl-2-pyrrolidone.	Not to exceed 0.01 percent (100 parts per million) as residual solvent in finished basic resin in paragraph (a)(2) of this section.

* * * * *

Dated: May 17, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–14697 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

Food and Drug Administration

21 CFR Parts 200, 250, and 310

[Docket No. 95N–0310]

Revocation of Obsolete Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking certain regulations that are obsolete or are no longer necessary to achieve public health goals. These regulations were among those identified for revocation in a page-by-page review conducted in response to the Administration's ''Reinventing Government'' initiative, which seeks to streamline government to ease the burden on regulated industry and consumers.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of October 13, 1995 (60 FR 53480), FDA published a proposed rule to revoke certain regulations. This was done in response to the President's order to all Federal agencies to conduct a page-by-page review of all their regulations and to ''eliminate or revise those that are outdated or otherwise in need of reform.'' The proposed rule contained a section-by-section analysis of all the regulations (21 CFR parts 100, 101, et al.) that FDA intended to revoke. This final rule pertains only to those regulations (21 CFR parts 200, 250, and 310) pertaining exclusively to the Center for Drug Evaluation and Research. No comments were received in response to the proposal to revoke these regulations.

II. 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, which is the revocation of certain regulations that are obsolete or are no longer necessary, 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 this final rule is the revocation of certain regulations that are obsolete or are no longer necessary, the agency is not aware of any adverse impact this final rule will have on any small entities, and 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.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(9) 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.

List of Subjects

21 CFR Part 200

Drugs, Prescription drugs.

21 CFR Part 250

Drugs.

21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*) and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 200, 250, and 310 are amended as follows:

PART 200—GENERAL

1. The authority citation for 21 CFR part 200 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 515, 701, 704, 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360e, 371, 374, 375).

2. Sections 200.100 and 200.101 are removed and the heading for subpart D is reserved.

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

3. The authority citation for 21 CFR part 250 continues to read as follows:

Authority: Secs. 201, 306, 402, 502, 503, 505, 601(a), 602(a) and (c), 701, 705(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 342, 352, 353, 355, 361(a), 362(a) and (c), 371, 375(b)).

§ 250.104 [Removed]

4. Section 250.104 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act* is removed.

§ 250.203 [Removed]

5. Section 250.203 *Status of fluoridated water and foods prepared with fluoridated water* is removed.

PART 310—NEW DRUGS

6. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 379e); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

§ 310.101 [Removed]

7. Section 310.101 *FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy* is removed.

§ 310.304 [Removed]

8. Section 310.304 *Drugs that are subjects of approved new drug applications and that require special studies, records, and reports* is removed.

Dated: June 3, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–14587 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Pyrantel Pamoate Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Lambert-Kay, Div. of Carter-Wallace, Inc. The ANADA provides for oral use of pyrantel pamoate suspension for removal of large roundworms and hookworms in puppies and dogs and to prevent reinfections of *Toxocara canis* in puppies and adult dogs and in lactating bitches after whelping.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1616.

SUPPLEMENTARY INFORMATION: Lambert-Kay, Div. of Carter-Wallace, Inc., P.O. Box 1001, Half Acre Rd., Cranbury, NJ 08512–0181, filed ANADA 200–028, which provides for oral use of Evict®, Lassie®, and Vet's Own™ (pyrantel pamoate) liquid wormer for removal of large roundworms (*T. canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) in puppies and dogs and to prevent reinfections of *T. canis* in puppies and adult dogs and in lactating bitches after whelping. The product contains pyrantel pamoate equivalent to 2.27 milligrams of pyrantel base.

Approval of ANADA 200–028 for Lambert-Kay's pyrantel pamoate suspension is as a generic copy of Pfizer's NADA 100–237 Nemex™ (pyrantel pamoate). The ANADA is approved as of March 28, 1996, and the regulations in 21 CFR 520.2043(b)(2) are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.2043 is amended by revising paragraph (b)(2) to read as follows:

§ 520.2043 Pyrantel pamoate suspension.

* * * * *

(b) * * *

(2) *Sponsors.* See No. 000069 for use of 2.27 and 4.54 milligrams per milliliter product. See No. 011615 for use of 2.27 milligrams per milliliter product.

* * * * *

Dated: May 15, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–14647 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 520, 556, and 558

Animal Drugs, Feeds, and Related Products; Fenbendazole-Containing Animal Drug and Feed Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of three supplemental new animal drug applications (NADA's) filed by Hoechst-Roussel Agri-Vet Co. The supplemental NADA's expand use of fenbendazole-containing suspension, paste, and medicated animal feed products to include use in dairy cattle of breeding age for the removal and control of gastrointestinal parasites and lungworm. They also provide for the establishment of a safe concentration and tolerance for fenbendazole residues in milk of treated dairy cattle and no requirement for discard of milk from the animals.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Agri-Vet Co., Rt. 202–206 North, P.O. Box 2500, Somerville, NJ 08876–1258, is the sponsor of NADA's which cover the following fenbendazole-containing animal drug and medicated feed products: 128–620 for 10 percent suspension, 132–872 for 10 percent paste, and 137–600 for 20 percent Type A medicated article, 0.5 percent pelleted top dressing, and 35 percent free-choice mineral feed. The firm holds approvals for use of the products in beef and dairy cattle not of breeding age for the removal and control of gastrointestinal parasites and lungworm (as provided for in §§ 520.905a, 520.905c, and 558.258 (21 CFR 520.905a, 520.905c, and 558.258)). The firm has submitted supplements to the NADA's providing for expanding use of the drug products to include use in dairy cattle of breeding age for the same uses currently approved for the above-mentioned production classes.

Safe concentrations for total fenbendazole residues in edible cattle tissues, a tolerance for parent fenbendazole in cattle liver (21 CFR 556.275), and a safe withdrawal time for treated beef cattle were established based on data and information submitted with the original NADA 128–620. Based on the evaluation of data generated by additional studies submitted with these supplements, the agency is establishing a safe concentration and tolerance for fenbendazole residues in milk of treated dairy cattle. Also, based on the data, no discard of milk (zero milk withdrawal) is required and the slaughter

withdrawal time for treated dairy cattle of breeding age is the same as that established for beef cattle in the original NADA 128–620.

Supplemental NADA's 128–620 and 132–872 are approved as of March 28, 1996, and §§ 520.905a and 520.905c are amended to reflect the approvals. Supplemental NADA 137–600 is approved as of (*insert date of publication in the* Federal Register), and § 558.258 is amended to reflect the approval. The basis for the approvals is discussed in the freedom of information summaries.

Approval of NADA 137–600 is for use of fenbendazole Type A medicated article to make Type C medicated feed. Fenbendazole is a Category II drug which, as provided in 21 CFR 558.4, requires an appproved Form FDA 1900 for making a Type C medicated feed. Therefore, use of fenbendazole Type A medicated articles to Type C medicated feeds as in NADA 137–600 requires an approved Form FDA 1900.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), summaries of safety and effectiveness data and information submitted to support approval of these applications may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), these approvals for food-producing animals do not qualify for exclusivity because the supplemental applications do not contain new clinical or field investigations (other than bioequivalence or residue studies) and new human food safety studies (other than bioequivalence or residue studies) essential to the approvals and conducted or sponsored by the applicant.

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.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 556, and 558 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.905a [Amended]

2. Section 520.905a *Fenbendazole suspension* is amended in paragraph (d)(2) by revising the paragraph heading to read ''*Beef and dairy cattle*'' and in paragraph (d)(2)(i)(B) by removing the third sentence.

§ 520.905c [Amended]

3. Section 520.905c *Fenbendazole paste* is amended in paragraph (d)(2) by revising the paragraph heading to read ''*Beef and dairy cattle*'' and in paragraph (d)(2)(iii) by removing the third sentence.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

4. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

5. Section 556.275 is amended by adding new paragraph (c) to read as follows:

§ 556.275 Fenbendazole.

* * * * *

(c) *Cattle milk*. A safe concentration of 1.67 parts per million is established for total fenbendazole residues. A tolerance of 0.6 part per million is established based on the fenbendazole sulfoxide metabolite (marker residue).

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

6. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

7. Section 558.258 is amended by revising the introductory text of paragraph (c)(2), by removing the last sentence of paragraph (c)(2)(iii), by revising the introductory text of paragraph (c)(3) , and by removing the fourth sentence of paragraph (c)(3)(iii) to read as follows:

§ 558.258 Fenbendazole.

* * * * *

(c) * * *

(2) It is used in the feed of beef and dairy cattle as follows:

* * * * *

(3) It is used in free-choice beef and dairy cattle feed as follows:

* * * * *

Dated: May 28, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–14645 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Ceftiofur Hydrochloride Sterile Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by The Upjohn Co. The NADA provides for use of ceftiofur hydrochloride sterile suspension for intramuscular injection in swine for treatment and control of certain forms of swine bacterial respiratory disease.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1644.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of NADA 140–890, which provides for use of Excenel® Sterile Suspension (ceftiofur hydrochloride equivalent to 50 milligrams (mg) per milliliter ceftiofur). The NADA provides for intramuscular injection in swine for treatment and control of swine bacterial respiratory disease (swine bacterial pneumonia) associated with *Actinobacillus* (*Haemophilus*)

pleuropneumoniae, Pastureurella multocida, Salmonella choleraesuis, and *Streptococcus suis* Type 2 at 1.36 to 2.27 mg/pound body weight (3 to 5 mg/kilograms). The NADA is approved as of April 26, 1996, and the regulations are amended by adding new 21 CFR 522.314 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11 (e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning April 26, 1996, because it contains reports of new clinical or field investigations (other than bioequivalence or residue studies) or human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

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.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 522.314 is added to read as follows:

§ 522.314 Ceftiofur hydrochloride sterile suspension.

(a) *Specifications.* Each milliliter contains ceftiofur hydrochloride equivalent to 50 milligrams of ceftiofur.

(b) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.113 of this chapter.

(d) *Conditions of use.* (1) *Swine*—(i) *Amount.* 3 to 5 milligrams per kilogram (1.36 to 2.27 milligrams per pound) of body weight.

(ii) *Indications for use.* For treatment and control of swine bacterial respiratory disease (swine bacterial pneumonia) associated with *Actinobacillus* (*Haemophilus*) *pleuropneumoniae, Pastureurella multocida, Salmonella choleraesuis,* and *Streptococcus suis* Type 2.

(iii) *Limitations.* For intramuscular use only. Treatment should be repeated at 24–hour intervals for a total of 3 consecutive days. Do not use in animals previously found to be hypersensitive to the drug. Use of dosages in excess of those indicated or route of administration other than that recommended may result in illegal residues in tissues. Safety of ceftiofur has not been determined in breeding swine. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Dated:May 28, 1996

Stephen F. Sundlof

Director,Center for Veterinary Medicine

[FR Doc. 96–14651 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for an approved new animal drug application (NADA) from Syntex Animal Health, Division of Syntex Agri-business, Inc., to Fort Dodge Laboratories, Division of American Home Products.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Syntex Animal Health, Division of Syntex Agri-business, Inc., 3401 Hillview Ave., Palo Alto, CA 94303, has informed FDA that it has transferred the ownership of, and all rights and interests in, the approved NADA 141–043 (Synovex Plus) to Fort Dodge Laboratories, Division of American Home Products Corp., 800 5th St. NW., Fort Dodge, IA 50501. Accordingly, FDA is amending the regulations in 21 CFR part 522.2478 to reflect the change of sponsor.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 522.2478 [Amended]

2. Section 522.2478 *Trenbolone acetate and estradiol benzoate* is amended in paragraph (a) by removing ''000033'' and adding in its place ''000856''.

Dated: May 22, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96–14649 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Trenbolone Acetate and Estradiol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Roussel-UCLAF, Division Agro-Veterinaire. The supplemental NADA provides for use of an ear implant containing trenbolone acetate and estradiol in pasture steers for increased rate of weight gain.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug

Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0217.

SUPPLEMENTARY INFORMATION: Roussel-UCLAF, Division Agro-Veterinaire, 163 Ave. Gambetta, 75020 Paris, France, filed supplemental NADA 140–897, which provides for use of an ear implant containing 2 pellets, each pellet containing 20 milligrams (mg) of trenbolone acetate and 4 mg of estradiol. The implant is used in pasture steers (slaughter, stocker, feeder) for increased rate of weight gain. The supplemental NADA is approved as of March 27, 1996, and the regulations are amended in 21 CFR 522.2477 by adding new paragraph (c)(3) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11 (e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for a 3-year period of marketing exclusivity beginning on March 27, 1996, because new clinical or field investigations (other than bioequivalence or residue studies) essential to the approval were conducted or sponsored by the applicant.

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.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.2477 is amended by adding new paragraph (c)(3) to read as follows:

§ 522.2477 Trenbolone acetate and estradiol.

* * * * *

(c) * * *

(3) *Pasture steers (slaughter, stocker, and feeder steers).* (i) *Amount.* 40 milligrams of trenbolone acetate and 8 milligrams of estradiol (2 pellets, each pellet containing 20 milligrams of trenbolone acetate and 4 milligrams of estradiol) per animal.

(ii) *Indications for use.* For increased rate of weight gain.

(iii) *Limitations.* Implant subcutaneously in ear only.

Dated: May 17, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96–14646 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Tripelennamine Hydrochloride Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for use of tripelennamine hydrochloride injection in cattle and horses for conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th Street Ter., P.O. Box 6457, St. Joseph, MO 64506–0457, filed ANADA 200–162 which provides for intravenous and intramuscular use in cattle and intramuscular use in horses of tripelennamine hydrochloride injection for conditions in which antihistaminic therapy is indicated. The drug is limited to use by or on the order of a licensed veterinarian.

Approval of ANADA 200–162 for Phoenix's tripelennamine hydrochloride injection is as a generic copy of Solvay's NADA 006–417 for Re-Covr® Injection (tripelennamine hydrochloride). The ANADA is approved as of March 28, 1996, and the regulations are amended by revising § 522.2615(b) (21 CFR 522.2615(b)) to reflect the approval. The basis of approval is discussed in the freedom of information summary. In addition, due to enactment of the Generic Animal Drug and Patent Term Restoration Act of 1988, § 522.2615(d) is outdated and therefore removed.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 522.2615 [Amended]

2. Section 522.2615 *Tripelennamine hydrochloride injection* is amended in

paragraph (b) by removing ''No. 053501'' and adding in its place ''Nos. 053501 and 059130'' and by removing paragraph (d).

Dated: May 28, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–14644 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Semduramicin With Bacitracin Methylene Disalicylate and Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc. The NADA provides for using approved single ingredient Type A medicated articles to make combination drug Type C medicated broiler chicken feeds containing semduramicin with bacitracin methylene disalicylate and roxarsone. The Type C medicated feed is used for prevention of coccidiosis and for improved feed efficiency.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: James F. McCormack, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1607.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed NADA 141–058, which provides for combining approved Type A medicated articles containing Aviax® (semduramicin sodium) with BMD® (bacitracin methylene disalicylate) and 3–Nitro® (roxarsone) to make combination drug Type C medicated broiler chicken feeds containing 22.7 grams (g) of semduramicin, 10 to 50 g of bacitracin methylene disalicylate, and 45.4 g of roxarsone per ton. The Type C medicated feed is used for the prevention of coccidiosis caused by *Eimeria acervulina*, *E. brunetti*, *E. maxima*, *E. mivati*/*E. miti*, *E. necatrix*, and *E. tenella*, including some field strains of *E. tenella* that are more susceptible to semduramicin combined with roxarsone than semduramicin alone, and for improved feed efficiency in broiler chickens. The NADA is approved as of June 11, 1996, and the regulations are amended by adding new 21 CFR 558.555(b)(2) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Roxarsone is a Category II drug which, as provided in 21 CFR 558.4, requires an approved medicated feed application (Form FDA 1900) for making a Type C medicated feed. Therefore, making a Type C medicated feed containing semduramicin, bacitracin methylene disalicylate, and roxarsone requires an approved Form FDA 1900.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years marketing exclusivity beginning June 11, 1996, because the application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) essential to the approval of the application and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(ii) 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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.555 is amended by adding new paragraph (b)(2) to read as follows:

§ 558.555 Semduramicin.

* * * * *

(b) * * *

(2) *Amount.* Semduramicin 22.7 grams with bacitracin methylene disalicylate 10 to 50 grams and roxarsone 45.4 grams per ton.

(i) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria acervulina*, *E. brunetti*, *E. maxima*, *E. mivati*/*E. mitis*, *E. necatrix*, and *E. tenella*, including some field strains of *E. tenella* that are more susceptible to semduramicin combined with roxarsone than semduramicin alone, and for improved feed efficiency.

(ii) *Limitations.* Feed continuously as sole ration. Use feed within 2 weeks of production. Withdraw 5 days before slaughter. Do not feed to laying hens. Use as sole source of organic arsenic. Poultry should have access to drinking water at all times. Drug overdosage or lack of water intake may result in leg weakness or paralysis.

Dated: May 28, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–14650 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI04

Montgomery GI Bill—Selected Reserve: Miscellaneous

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends regulations concerning the Montgomery GI Bill—Selected Reserve program. It removes provisions that are obsolete, duplicative, or otherwise unnecessary. It also makes changes for purposes of clarification.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 202–273–7187.

SUPPLEMENTARY INFORMATION: The regulations governing the Montgomery GI Bill—Selected Reserve program are found in 38 CFR, Part 21, Subpart L (see

38 CFR 21.7500 through 21.7810). This document amends these regulations as discussed below.

Section 21.7639(a) contained provisions for reducing educational assistance for reservists due to excessive absences. Due to a statutory change, these provisions applied only to absences occurring prior to December 18, 1989. Consequently, this paragraph is unnecessary and is removed.

Section 21.7639(e) provided that in certain instances a reservist's monthly payment would be reduced if he or she enrolled in a course offered by a combination of on-campus training and independent study. Because of a statutory change, there no longer is a basis for reducing monthly payments for such enrollments. Therefore, that paragraph is removed.

In addition, § 21.7639(f)(1) discussed payment for independent study begun before July 1, 1993. The reservists affected by that paragraph have been paid. Accordingly, it is unnecessary and is removed.

Section 21.7640(b) is amended to reflect organizational changes previously made within the Department of Veterans Affairs (VA).

Section 21.7645 is removed because it is no longer necessary. VA recently revised § 21.4145 so that it applies to VA's work-study programs in all the education programs VA administers. There is no need for a separate regulation restating work-study provisions for participants in the Montgomery GI Bill—Selected Reserve program.

Section 21.7652 is amended to remove an obsolete reference and to correct a typographical error.

Section 21.7672 contained many provisions concerning course measurement for courses begun before July 1, 1993. Those provisions are no longer needed because the reservists in those courses already have been paid for their training. This document amends the course measurement provisions accordingly.

Section 21.7801 is amended to reflect organizational changes previously made within VA.

Section 21.7810 is removed. Paragraph (a) was duplicative of provisions concerning civil rights matters in 38 CFR Parts 18, 18a, and 18b. Paragraph (b) merely concerned the applicability of provisions that were removed by another Federal Register document.

This document also makes changes for clarification to some of the sections referred to above and to other sections in Subpart L.

This document removes provisions that are obsolete, duplicative, or without substantive effect and makes changes for clarification. This document makes no substantive changes. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs, the Secretary of Defense, and the Commandant of the Coast Guard hereby certify that this final rule will 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. This final rule makes no substantive changes. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by these regulations.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 22, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: May 29, 1996.

Al H. Bemis,

Deputy Assistant Secretary of Defense for Reserve Affairs (M&P).

Approved: May 31, 1996.

R. M. Larrabee,

Rear Admiral, U.S. Coast Guard, Director of Reserve and Training.

For the reasons set out in the preamble, 38 CFR part 21 (subpart L) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart L—Educational Assistance for Members of the Selected Reserve

1. The authority citation for 38 CFR part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501, unless otherwise noted.

2. In § 21.7639, the introductory text is amended by removing ''of this part''; paragraphs (a), (e), and (f)(1) are removed; paragraphs (b), (c), (d), (f)(2), (f)(3), (g), (h), (i), (j), and (k) are redesignated as paragraphs (a), (b), (c), (d)(1), (d)(2), (e), (f), (g), (h), and (i), respectively; newly redesignated paragraph (a)(1) introductory text is amended by removing ''unless;'' and adding, in its place, ''unless''; newly redesignated paragraph (a)(1)(ii)(B) is amended by removing ''veteran or servicemember'' and adding, in its place, ''reservist''; newly redesignated paragraph (c)(2)(i) is amended by removing ''the VA'' and adding, in its place, ''VA''; newly redesignated paragraph (c)(2)(ii) is amended by removing ''of this part''; newly redesignated paragraph (c)(3) introductory text is amended by removing ''(d)(2)(i)'' and adding, in its place, ''(c)(2)(i)''; and newly redesignated paragraph (c)(3)(ii) is amended by removing ''(d)(3)(i)'' and adding, in its place, ''(c)(3)(i)''.

§ 21.7640 [Amended]

3. In § 21.7640, paragraph (b)(1) is amended by removing ''of this part'' both places it appears; paragraph (b)(2)(i) is amended by removing ''Vocational Rehabilitation and''; and paragraph (b)(2)(ii) is amended by removing ''Vocational Rehabilitation and'' both places it appears.

§ 21.7645 [Removed]

4. Section 21.7645 is removed.

§ 21.7652 [Amended]

5. In § 21.7652, paragraph (c)(2)(ii) is removed; paragraphs (c)(2)(iii), (c)(2)(iv), (c)(2)(v), and (c)(2)(vi) are redesignated as paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), and (c)(2)(v), respectively; and newly redesignated paragraph (c)(2)(v) is amended by removing ''of'' and adding, in its place, ''or''.

6. In § 21.7672, paragraphs (a)(3), (b)(1), (c), (d), and (e) are removed; paragraphs (a)(4), (b)(2), (b)(3), (b)(4), (b)(5), and (f) are redesignated as paragraphs (a)(3), (b)(1), (b)(2), (b)(3), (b)(4), and (c), respectively; newly redesignated paragraph (b)(1)(i) is amended by removing ''of this part''; newly redesignated paragraph (b)(3) is amended by removing ''paragraph (f)'' each time it appears and adding, in its place, ''paragraph (c)''; and paragraph (a)(2), newly redesignated paragraph (a)(3), and the introductory text of newly redesignated paragraph (c) are revised, to read as follows:

§ 21.7672 Measurement of courses not leading to a standard college degree.

(a) Overview. * * *

(2) In determining which is the correct basis for measuring a reservist's enrollment, VA will first examine whether credit-hour measurement is appropriate, as provided in paragraph (b) of this section.

(3) If it is not appropriate to measure a reservist's enrollment on a credit-hour basis, VA will measure the enrollment on a clock-hour basis as described in paragraph (c) of this section.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688(b))

* * * * *

(c) *Clock-hour measurement.* The provisions of this paragraph apply to all enrollments in courses not leading to a standard college degree. If VA concludes that the courses in which a reservist is enrolled do not qualify for credit-hour measurement, VA shall measure those courses as follows. (Supervised study shall be excluded from measurement of all courses to which this paragraph applies).

* * * * *

§ 21.7801 [Amended]

7. In § 21.7801, paragraph (a) is amended by removing ''Vocational Rehabilitation and''; and by removing ''Chief Benefits Director'' both places it appears and adding, in its place, ''Under Secretary for Benefits''; and paragraph (b) is amended by removing ''of this part''.

8. In § 21.7802, the introductory text of paragraph (a) is amended by removing ''VA facility'' and adding, in its place, ''the VA facility of''; and paragraph (a)(3) is amended by removing ''of this part'', and by removing ''Chapter'' and adding, in its place, ''chapter''.

§ 21.7805 [Amended]

9. Section 21.7805 is amended by removing ''of this part''.

§ 21.7810 [Removed]

10. Section 21.7810 is removed.

[FR Doc. 96–14370 Filed 6–10–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 52–2–7155; A–1–FRL–5506–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision of Final Rule Pertaining to the RACT Determinations for 5 Texas Eastern Facilities, Metropolitan Edison—Portland, Pennsylvania Power—New Castle Plant, and for International Paper—Hammermill Division

AGENCY: Environmental Protection Agency (EPA).

ACTION: Revision of direct final rule.

SUMMARY: On April 9, 1996, EPA published approval of a State Implementation Plan (SIP) revision submitted by Pennsylvania (61 FR 15709) pertaining to reasonably available control technology (RACT) requirements for 21 individual Pennsylvania facilities. EPA is revising the final rule due to the State's request to withdraw any adverse comments. This revision pertains to five Texas Eastern Transmission Corporation facilities, Metropolitan Edison—Portland Generating Station, Pennsylvania Power Company—New Castle Plant, and International Paper—Hammermill Division into the Pennsylvania State Implementation Plan.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl (215) 597–9337 (or 215–597–2180, after May 20, 1996), or via e-mail, stahl.cynthia@epamail@epa.gov.

SUPPLEMENTARY INFORMATION: On April 9, 1996, EPA published approval of a State Implementation Plan (SIP) revision submitted by Pennsylvania (61 FR 15709) pertaining to reasonably available control technology (RACT) requirements for 21 individual Pennsylvania facilities. EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30 day comment period (61 FR 15709). At the same time, EPA announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (61 FR 15744). The final rulemaking action would be withdrawn by publishing a document announcing withdrawal of this action.

Notice of intent to adversely comment on the Pennsylvania Power—New Castle plant and International Paper—Hammermill Division RACT determinations was submitted to EPA within the prescribed comment period. In addition, Pennsylvania Department of Environmental Protection withdrew its request for EPA to approve the RACT determinations for five Texas Eastern facilities: Bectelsville, Grantville, Perulack/Leidy, Shermans Dale and Bernville, and the RACT determination for Metropolitan Edison—Portland Generating Station. Therefore, EPA is revising the April 9, 1996 proposed rulemaking action (61 FR 15744) and the final rulemaking action to indicate that no rulemaking action is being taken for the five Texas Eastern facilities and Metropolitan Edison—Portland because Pennsylvania no longer wants EPA to approve these RACT determinations into the Pennsylvania SIP. In addition, EPA received notice that New York State Department of Environmental Conservation intends to submit adverse comments on the Pennsylvania Power—New Castle and International Paper—Hammermill RACT determinations. Consequently, EPA is revising the April 9, 1996 final rulemaking action only as it pertains to Pennsylvania Power and International Paper so that no final rulemaking action is being taken on these two sources. Elsewhere in today's Federal Register, EPA is reopening the comment period until June 28, 1996 only as it pertains to the Pennsylvania Power—New Castle plant and the International Paper—Hammermill Division RACT determinations. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

Accordingly, EPA is revising 40 CFR 52.2020 (c)(103) to remove the five Texas Eastern facilities, Metropolitan Edison—Portland, Pennsylvania Power—New Castle and International Paper—Hammermill Division.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen Dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 9, 1996.

Stanley Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by revising paragraph (c)(103) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(103) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT and 1990 baseyear emissions inventory for one source, submitted on January 6, 1995, May 10, 1995, May 31, 1995, August 11, 1995 (as amended on November 15, 1995), October 24, 1995, and December 8, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Nine letters: three dated January 6, 1995, and one each dated May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, November 15, 1995, and December 8, 1995 from the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection) transmitting source specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits for the following sources: Tennessee Gas Pipeline Company—Station 313 (Potter Co.)—natural gas transmission and gas storage station; Corning Asahi Video Products Company (Centre Co.)—glass manufacturer; Columbia Gas Transmission Company—Easton station (Northampton Co.)—natural gas compressor station, (4) Texas Eastern Transmission Corporation—Bedford (Bedford Co.)—natural gas compressor station; Texas Eastern Transmission—Marietta (Lancaster Co.)—natural gas compressor station; Hercules Cement Company (Northampton Co.)—cement manufacturer; Lone Star Industries (Northampton Co.)—cement manufacturer; Pennsylvania Power and Light—Montour SES (Montour Co.)—utility; Pennsylvania Electric Company—Shawville (Clearfield Co.)—utility; Zinc Corporation of America—Monaca (Beaver Co.)—zinc smelting; Procter and Gamble Paper Products—Mehoopany (Wyoming Co.)—pulp and paper making facility. In addition, the operating permit for Columbia Gas Transmission Corporation—Union City (Erie Co.), a natural gas compressor station, containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 100 tons per year of potential NOx emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(*1*) Tennessee Gas Pipeline Company—Station 313—PA 53–0001, effective November 27, 1995, except the expiration date of the plan approval and the portion of condition #6 pertaining to CO emissions, OP 53–0001, effective November 27, 1995, except the expiration date of the operating permit, condition #21 pertaining to prevention of significant deterioration and the portions of condition #22 pertaining to CO emissions, and Compliance permit (CP) 53–0001, effective November 27, 1995, except the expiration date of the compliance permit.

(*2*) Corning Asahi Video Products Company—OP 14–0003, effective December 27, 1994, except the expiration date of the operating permit, OP 14–309–010A, effective May 5, 1994, except the expiration date of the operating permit and condition #6 and 7, pertaining to particulate matter and arsenic, OP 14–309–009C, effective August 18, 1994, except the expiration date of the operating permit and conditions #12 and 14, pertaining to particulate matter and lead, and OP 14–309–037A, effective May 5, 1994, except the expiration date of the operating permit and conditions #10, 11, 12, and 15, pertaining to particulate matter, fluorides and arsenic.

(*3*) Columbia Gas Transmission Company—Easton—OP 48–0001, effective May 19, 1995, except the expiration date of the operating permit and PA 48–0001A, effective May 19, 1995, except the expiration date of the plan approval.

(*4*) Texas Eastern Transmission Corporation—Bedford—OP 05–2007, effective May 16, 1995, except the expiration date of the operating permit.

(*5*) Texas Eastern Transmission Corporation—Marietta—PA 36–2025, effective May 16, 1995, except the expiration date of the plan approval and condition #2, pertaining to compliance date extensions.

(*6*) Hercules Cement Company—PA 48–0005A, effective December 23, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, and all the following conditions that do not pertain to VOC or NO_X RACT: #10(a), (b) and (d), #11(a), (b) and (d), #12(a), (b) and (d), #13(a), (b) and (d), #14, #15, #21 through 24, #30, pertaining to compliance date extensions and OP 48–0005, effective December 23, 1994, except the expiration date of the operating permit and conditions #8 and 9, pertaining to particulate matter.

(*7*) Lone Star Industries—OP 48–0007, effective December 20, 1994, except the expiration date of the operating permit.

(*8*) Pennsylvania Power & Light—Montour SES—PA 47–0001A, effective December 27, 1994, except the expiration date of the plan approval and condition #14, pertaining to compliance date extensions and OP 47–0001, effective December 27, 1994, except the expiration date of the operating permit.

(*9*) Pennsylvania Electric Company—Shawville—PA 17–0001, effective December 27, 1994, except the expiration date of the plan approval and condition #19, pertaining to compliance date extensions.

(*10*) Zinc Corporation of America—Monaca—OP 04–000–044, effective December 29, 1994, except for the expiration date of the operating permit and those portions of conditions #8 and 9 pertaining to CO and PM_{10}.

(*11*) Procter and Gamble Paper Products Company—Mehoopany—OP 66–0001, effective December 20, 1994, except the expiration date of the operating permit and PA 66–0001A, effective December 20, 1994, except the expiration date of the plan approval and condition #4, pertaining to compliance date extensions, those portions of condition #5, pertaining to CO, SO_2 or particulate matter, and condition #17, pertaining to odor.

(*12*) Columbia Gas Transmission Corporation—Union City—OP 25–892, effective April 11, 1995 except the portion of condition #8, pertaining to compliance date extensions.

(ii) Additional Material.

(A) Remainder of January 6, 1995, May 10, 1995, May 31, 1995, August 11, 1995, October 24, 1995, and December 8, 1995 State submittals.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated July 18, 1995 from Matthew M. Williams, Air Pollution Control Engineer, Pennsylvania DEP, to Steve H. Finch, Vice President, Environmental Affairs, Columbia Gas Transmission Corporation, stating that the effective date of the Columbia Gas Transmission Corporation—Union City operating permit (OP 25–892) is April 11, 1995.

[FR Doc. 96–14806 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 60

Delegation of authority

Correction

In title 40 of the Code of Federal Regulations, part 60, revised as of October 1, 1995, page 432 in the first column, § 60.699 is corrected by adding the following after the colon in paragraph (b):

§ 60.699 Delegation of authority.

(a) * * *

(b) * * *

§ 60.694 Permission to use alternative means of emission limitations.

BILLING CODE 1505–01–D

40 CFR Part 63

[AD–FRL–5517–8]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Notice of Availability of Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of guidance.

SUMMARY: This action announces the availability of guidance for the implementation of the national emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities promulgated in the Federal Register on September 22, 1993. The NESHAP was promulgated to minimize emissions of PCE, which has been listed by EPA as a hazardous air pollutant (HAP).

ADDRESSES: Docket. Docket Number A–95–16, which contains the guidance announced in this notice as Item Number V–B–1, is available for public inspection and copying between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday (except for government holidays) at The Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of documents may also be copied from The Air and Radiation Docket and Information Center by calling (202) 260–7548. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. George Smith at (919) 541–1549, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: National emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities were promulgated on September 22, 1993 (58 FR 49354), and amended on December 20, 1993 (58 FR 66287), as 40 CFR Part 63, subpart M. On December 20, 1993, the International Fabricare Institute (IFI), a trade association representing commercial and industrial dry cleaners nationwide, submitted a statement of issues to the U.S. Court of Appeals for the District of Columbia Circuit that challenged the NESHAP. The Agency subsequently entered into a settlement agreement with IFI to resolve IFI's issues. The settlement agreement between the litigants calls for EPA to issue written policy guidance concerning ''episodic'' exceedances of annual PCE consumption levels set forth in the NESHAP. The Agency has issued this guidance entitled, ''Settlement Agreement on Litigation of National Emission Standards for Hazardous Air Pollutants for Perchloroethylene Dry Cleaning Facilities,'' which is available in the docket and on EPA's Technology Transfer Network (TTN).

Anyone with a computer and a modem can download the guidance from the Clean Air Act Amendments bulletin board (under ''Recently Signed Rules'') of the TTN by calling (919) 541–5742. For further information about how to access the board, call (919) 541–5384.

Dated: May 20, 1996.

Lydia Wegman,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 96–14680 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 82

[FRL–5518–1]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of stay.

SUMMARY: This action temporarily extends a stay of the effectiveness of a certain reporting requirement in the petition process for the import of used class I controlled substances, but only extends the stay to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the requirement. In the Federal Register published January 31, 1996, EPA announced, pursuant to Clean Air Act section 307(d)(7)(B), a three-month administrative stay and reconsideration of this reporting requirement (61 FR 3316). The provision at issue is 40 CFR 82.13(g)(2)(viii), promulgated under sections 604 and 606 of the Clean Air Act, which requires the importer of a used class I controlled substance to certify that the purchaser of the controlled substance is liable for the tax.

In the same Federal Register published January 31, 1996, pursuant to Clean Air Act section 301(a)(1), EPA proposed an extension of the stay beyond the three-month administrative stay, but only to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question (61 FR 3361). This action finalizes the proposed extension. Sufficient concerns have been raised regarding this provision that EPA believes it is appropriate not only to reconsider the provision, but also to stay the requirement during the period of reconsideration, which will extend beyond the three-month period provided under the administrative stay.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Land, Stratospheric Protection Division, Office of Air and Radiation, U.S. Environmental Protection Agency (6205–J), 401 M Street, SW., Washington, DC 20460, (202) 233–9185. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those that wish to import used class I controlled ozone-depleting substances. Class I controlled ozone-depleting substances are listed in Appendix A of the Federal Register published May 10, 1995 (60 FR 4970). Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Importers of used class I ozone-depleting substances.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your company is regulated by this action, you should carefully examine the applicability criteria in § 82.13(g)(2) of the rule and/or applicability criteria in § 82.13(g)(2) of title 40 of the Code of

Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

In the Federal Register published January 31, 1996, EPA announced that, pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), the Agency was convening a proceeding for reconsideration of 40 CFR 82.13(g)(2)(viii), which requires an importer petitioning to import used class I controlled substances to certify that the purchaser of the controlled substance is liable for the tax (61 FR 3316). EPA had promulgated this provision as a final federal rule on May 10, 1995, under sections 604 and 606 of the Clean Air Act (60 FR 24970). Readers should refer to the notice of reconsideration for a complete discussion of the background and provision affected. In the notice of reconsideration EPA also announced a three-month administrative stay of the effectiveness of 40 CFR 82.13(g)(2)(viii) during reconsideration, pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B). In an accompanying notice, EPA proposed to extend the stay beyond the three-month administrative stay, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), but only to the extent necessary to complete reconsideration (including any appropriate regulatory action) of the rule in question (61 FR 3361). EPA received one comment on this proposal, which is addressed below.

EPA did not complete reconsideration (including appropriate regulatory action) within the three-month period of the administrative stay, and is now extending the stay of this provision until the Agency completes reconsideration. The stay will extend until the effective date of EPA's final action following reconsideration of this rule.

EPA is staying the reporting requirement contained in 40 CFR 82.13(g)(2)(viii) and associated compliance dates in order to complete reconsideration of this provision, and take appropriate action, following the notice and comment procedures of section 307(d) of the Clean Air Act. If, after reconsideration of this provision, EPA determines that it is appropriate to impose new requirements that are stricter than the existing rules, EPA will propose an adequate compliance period from the date of final action on reconsideration. EPA will seek to ensure that the affected parties are not unduly prejudiced by the Agency's reconsideration. EPA expects that any EPA proposal regarding changes to the tax liability certification requirement for a petition for the import of used class I controlled substances would be subject to the notice and comment procedures of Clean Air Act section 307(d).

II. Comments

EPA received only one comment on the proposed extension of the stay. The commenter stated that further reconsideration of the reporting requirement is unnecessary because ''the Internal Revenue Service (IRS) has subsequently clarified that the tax is, indeed, due upon first sale or use after import.'' The commenter also stated that it supports EPA's petition process requiring all importers of used Class I substances to supply information to the Agency, including the certification of liability for the tax. The commenter was concerned that delay in imposing the full petition requirements could result in additional illegal CFCs entering the U.S.

EPA believes that a stay of the provision is appropriate to ensure that the Agency meets the procedural requirements for rulemaking and because a temporary stay should not unduly hinder EPA's enforcement of the requirements for imports of used Class I substances. On May 31, 1995, PAACO International, Inc., an importer of used class I controlled ozone-depleting substances, petitioned EPA for reconsideration of the certification provision at issue. The petitioner asserted that EPA did not give the public notice of the requirement and therefore it was ''impracticable to raise objections'' to the provision during the public comment period. The petitioner also claimed that the objections are of central relevance to the rule because it believes that ''purchasers'' are not liable for the tax, it could not certify liability, and it could not conduct its business under the rule. EPA granted the request for reconsideration and stay of the provision, recognizing that the proposed rule did not discuss the possibility of a certification of liability for taxes. EPA believes it would not be appropriate to reimpose the provision prior to conducting a notice and comment rulemaking on such provision.

Moreover, EPA believes the stay does not unduly hinder the Agency's ability to control illegal imports of used class I controlled substances. The stay only applies to the one certification requirement in § 82.13(g)(2)(viii), and the remainder of the petition requirement remains intact. In addition, the stay is temporary, and through the process of reconsidering the requirement, EPA will determine whether to conduct a rulemaking to reimpose the certification requirement or a variant thereof. To the extent that the comment urges EPA to retain the certification requirement as is, EPA will take the comment into account in reconsidering the certification requirement.

Thus, with today's action, EPA temporarily extends the stay of 40 CFR 82.13(g)(2)(viii) until EPA has completed final reconsideration (including any appropriate regulatory action) of the rule in question.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Interstate commerce, Nonessential products, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: June 3, 1996.

Carol M. Browner,

Administrator.

Part 82, chapter I, title 40, of the Code of Federal Regulations, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.13 is amended by adding paragraph (g)(2)(xi) to read as follows:

§ 82.13 Recordkeeping and reporting.

* * * * *

(g) * * *

(2) (xi) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.13(g)(2)(viii) is stayed from July 11, 1996 until the completion of the reconsideration of 40 CFR 82.13(g)(2)(viii).

* * * * *

[FR Doc. 96–14764 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 799

[OPPTS–42185A; FRL 5368–3]

RIN 2070–AB94

Testing Consent Order For Alkyl Glycidyl Ethers; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final consent agreement and order; technical amendment.

SUMMARY: EPA is issuing a technical amendment to the final rule published in the Federal Register on March 22, 1996 (61 FR 11740) announcing the testing consent order and enforceable consent agreement (ECA) for alkyl glycidyl ethers (AGEs) in order to reflect the export notification provision of the ECA. Under the ECA, export notification is required for all AGEs represented by the test substance in the ECA.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. ET–543B, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCAHotline@epamail.epa.gov. For technical information contact: Keith Cronin, Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: 202–260–8157, fax: 202–260–1096, e-mail: cronin.keith@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is issuing a technical amendment to the notice announcing the testing consent order (Order) incorporating the ECA for AGEs that was published in the Federal Register on March 22, 1996 (61 FR 11740) (FRL–5356–7). Under the terms of the ECA, Air Products and Chemicals, Inc., Callaway Chemical Company, Ciba-Geigy Corporation, CVC Specialty Chemicals, and Shell Chemical Company (the Companies) agreed to perform certain health effects tests on alkyl (C_{12}-C_{13}) glycidyl ether (CAS No. 120547–52–6), as a representative of subcategory II-A (the AGEs) of EPA's proposed test rule for the category glycidol and its derivatives (56 FR 57144, November 7, 1991). A summary of the ECA and its background are provided in the Federal Register notice of March 22, 1996.

The March 22, 1996 Federal Register notice was supposed to summarize the exact terms of the ECA and add the names of the affected chemicals to the list of chemical substances and mixtures in 40 CFR 799.5000 for which export notification is required under 40 CFR 799.19; however, the notice inadvertently contained a different export notification provision than that contained in the ECA. The ECA requires export notification for all members of the AGEs subcategory; the Federal Register notice indicates that export notification is required solely for alkyl (C_{12}-C_{13}) glycidyl ether. This notice corrects the export notification provision set forth in the March 22, 1996 Federal Register notice to reflect the export notification provision of the ECA.

Accordingly, Unit V, ''Export Notification'', of the March 22, 1996 Federal Register notice is corrected to read as follows:

The issuance of the ECA and Order subjects any persons who export or intend to export AGEs, of any purity, to the export notification requirements of section 12(b) of TSCA. The listing of a chemical substance or mixture at 40 CFR 799.5000 serves as notification to persons who export or intend to export such chemical substance or mixture that the substance or mixture is the subject of an ECA and Order and that 40 CFR part 707 applies.

This notice also amends 40 CFR 799.5000 to add the AGEs, represented by alkyl (C_{12}-C_{13}) glycidyl ether, to the list of chemicals for which export notification is required. Alkyl (C_{12}-C_{13}) glycidyl ether was added to the list by the March 22, 1996 Federal Register notice and remains on the list.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 29, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

Therefore, title 40 of the Code of Federal Regulations, chapter I, subchapter R, part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding to the table in CAS number order the following members of the alkyl glycidyl ethers subcategory of the category glycidol and its derivatives, as represented by alkyl (C_{12}-C_{13}) glycidyl ether (CAS No. 120547-52-6): lauryl glycidyl ether (CAS No. 2461–18–9); hexadecyl glycidyl ether (CAS No. 15965–99–8); *n*-octadecyl glycidyl ether (CAS No. 16245–97–9); tetradecyl glycidyl ether (CAS No. 38954-75–5); alkyl (C_{10}-C_{16}) glycidyl ether (CAS No. 68081–84–5); and alkyl (C_{12}-C_{14}) glycidyl ether (CAS No. 68609–97–2). The amendment to the table reads as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

* * * * *

CAS Number	Substance or mixture name	Testing	FR publication date
* *	* *	*	* *
2461–18–9	Lauryl Glycidyl Ether[1]	Health Effects	June 11, 1996
15965–99–8	Hexadecyl Glycidyl Ether[1]	Health Effects	June 11, 1996
16245–97–9	*n*-Octadecyl Glycidyl Ether[1]	Health Effects	June 11, 1996
38954–75–5	Tetradecyl Glycidyl Ether[1]	Health Effects	June 11, 1996
68081–84–5	Alkyl (C_{10}-C_{16}) Glycidyl Ether[1]	Health Effects	June 11, 1996
68609–97–2	Alkyl (C_{12}-C_{14}) Glycidyl Ether[1]	Health Effects	June 11, 1996
* *	* *	*	* *

[1] As represented by alkyl (C_{12}-C_{13}) glycidyl ether (CAS No. 120547–52–6)

[FR Doc. 96–14773 Filed 6–10–96; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7183]

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: Duval	City of Jacksonville	April 15, 1996, April 22, 1996, *The Florida Times-Union.*	The Honorable John Delaney, Mayor of the City of Jacksonville, 220 East Bay Street, 14th Floor, Jacksonville, Florida 32202–3495.	April 8, 1996	120077 E
New Jersey: Union	Borough of Kenilworth	April 10, 1996, April 17, 1996, *Cranford Chronicle.*	The Honorable Michael Tripodi, Mayor of the Borough of Kenilworth, 567 Boulevard, Kenilworth, New Jersey 07033.	April 3, 1996	340466 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
North Carolina: Rowan	City of Salisbury	April 11, 1996, April 18, 1996, Salisbury Post.	The Honorable Margaret Kluttz, Mayor of the City of Salisbury, P.O. Box 479, Salisbury, North Carolina 28145–0479.	July 17, 1996, ...	370215 B

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

Dated: May 31, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–14725 Filed 6–10–96; 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.
Wisconsin: Ozaukee (FEMA Docket No. 7150).	Village of Grafton	August 14, 1995, August 21, 1995, *The News Graphic*.	Mr. Rodney L. Schroeder, President of the Village of Grafton, P.O. Box 125, Grafton, Wisconsin 53024–0125.	August 7, 1995	550314 C

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

Dated: May 31, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–14726 Filed 6–10–96; 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 DATES: 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.

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)
PENNSYLVANIA	
Auburn (Borough), Schuylkill County (FEMA Docket No. 7172)	
Schuylkill River:	
Approximately 40 feet downstream of Deer Creek Drive	*454
At a point approximately 0.47 mile upstream at Market Street/State Route 895	*462
Bear Creek:	
At confluence with Schuylkill River	*455
Approximately 475 feet upstream of Bear Creek Street	*455
Maps available for inspection at the Auburn Borough Secretary's Home, 530 Bear Creek Street, Auburn, Pennsylvania.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Manheim (Township), Schuylkill County (FEMA Docket No. 7172)	
Schuylkill River:	
Approximately 1.7 miles downstream of Conrail	*490
Approximately 2.5 miles upstream of State Route 183	*591
West Branch Schuylkill River:	
Approximately 400 feet upstream of confluence with Schuylkill River	*525
Approximately 1,900 feet upstream of confluence with Schuylkill River (Borough of Cressona corporate limits)	*525
Panther Creek:	
At a point approximately 800 feet downstream of L.R. 53079 (Beckville Road)	*555
At a point approximately 200 feet upstream of L.R. 53079 (Beckville Road)	*569
Maps available for inspection at the North Manheim Township Municipal Building, Manheim Road, Pottsville, Pennsylvania.	
Schuylkill Haven (Borough), Schuylkill County (FEMA Docket No. 7172)	
Schuylkill River:	
Approximately 1.7 mile downstream of confluence of Long Run	*501
Approximately 370 feet upstream of confluence of West Branch Schuylkill River	*526
Long Run:	
At confluence with Schuylkill River	*511
Approximately 1,325 feet upstream of Stoyers Dam	*511
Maps available for inspection at the Schuylkill Haven Borough Hall, 12 West Main Street, Schuylkill Haven, Pennsylvania	
South Manheim (Township), Schuylkill County (FEMA Docket No. 7172)	
Schuylkill River:	
Approximately 1,400 feet downstream of the confluence of Stony Creek	*432
Approximately 4.4 miles upstream of the confluence of Red Creek	*508
Maps available for inspection at the South Manheim Township Municipal Building, 3089 Fair Road, Auburn, Pennsylvania.	
TENNESSEE	
Carter County (Unincorporated Areas) (FEMA Docket No. 7164)	
Sinking Creek:	
Approximately 1,575 feet downstream of Sinking Creek Road	*1501
Approximately 60 feet upstream of county boundary	*1553
Maps available for inspection at the Carter County Courthouse, 801 Elk Avenue, Elizabethton, Tennessee.	
Johnson City, Washington County (FEMA Docket No. 7138)	
Brush Creek:	
Approximately 280 feet upstream of the confluence with Watauga River	*1406
Approximately 1,725 feet upstream of Clinchfield Railroad	*1690
Knob Creek:	
Approximately 75 feet downstream of Sewage Treatment Plant Road	*1409
At the upstream side of Denny Mill Road	*1574
Sinking Creek:	
Approximately 1,800 feet downstream of Dave Buck Road	*1552
Approximately 500 feet upstream of Sinking Creek Road	*1844
Twin Falls Branch:	.....
At confluence with Knob Creek	*1473
Approximately 620 feet upstream of Oakland Avenue	*1473
Maps available for inspection at the Johnson City Engineer's Office, City Garage Road and Water Street, Johnson City, Tennessee.	
Washington County (Unincorporated Areas) (FEMA Docket No. 7138)	
Brush Creek:	
Approximately 600 feet upstream of Breached Dam	*1481
Approximately 300 feet upstream of Farm Bridge	*1550
Knob Creek:	
Approximately 1,500 feet downstream of Sewage Treatment Plant Road	*1387
Approximately 1,600 feet upstream of Knob Creek Road	*1604
Sinking Creek:	
Approximately 200 feet upstream of Clinchfield Railroad	*1722
Approximately 0.5 mile upstream of New Lone Oak Road	*1938
Maps available for inspection at the Washington County Zoning Administrator's Office, Washington County Courthouse, 103 West Main Street, Jonesborough, Tennessee.	
Watauga (City), Carter County (FEMA Docket No. 7164)	
Watauga River:	
Just downstream of U.S. Route 321	*1414
Approximately 1.3 miles downstream of Smalling Road	*1429
Maps available for inspection at the Watauga City Hall, 104 West Avenue, Watauga, Tennessee.	
WISCONSIN	
New Berlin (City), Waukesha County (FEMA Docket No. 7050)	
Poplar Creek:	
At downstream side of Chicago and Northwestern Railroad	*831
Approximately 1.59 miles upstream of Observatory Road	*886
Maps available for inspection at the City of New Berlin Planning Department, 3805 South Casper Drive, New Berlin, Wisconsin.	

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

Dated: May 31, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–14724 Filed 6–10–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–107; RM–8661]

Radio Broadcasting Services; Clark, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a petition filed by Brian M. Encke d/b/a BME Broadcasting, requesting the allotment of FM Channel 225C2 to Clark, Colorado, as that locality's first local aural transmission service. The proposal is denied based upon the petitioner's failure to demonstrate that Clark constitutes a *bona fide* ''community'', as that term is defined for purposes of Section 307(b) of the Communications Act, as amended by the Telecommunications Act of 1996, for allotment objectives. *See* 60 FR 36772, July 18, 1995. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 11, 1996.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–107, adopted May 15, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–14705 Filed 6–10–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–137; RM–8683]

Radio Broadcasting Services; Milton, WV and Flemingsburg, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Simmons Broadcasting Company, substitutes Channel 292B1 for Channel 292A at Milton, West Virginia, and modifies Station WFXN(FM)'s license accordingly. To accommodate the upgrade, we also substitute Channel 236A for Channel 292A at Flemingsburg, Kentucky, and modify Station WFLE-FM's license accordingly. *See* 60 FR 45391, August 31, 1995. Additionally, we dismiss the invalid counterproposals filed jointly by Kentucky River Broadcasting Company, WMOR, Inc., and James P Gray, since there is no mutual exclusivity between the petitioner's upgrade request at Milton, West Virginia, and the counterproponents' upgrade requests for Morehead-Carlisle-Irvine, Kentucky. Channel 292B1 can be allotted to Milton, West Virginia, in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.7 kilometers (0.5 miles) southeast to avoid a short-spacing to the licensed site of Station WWJM(FM), Channel 292A, New Lexington, Ohio. The coordinates for Channel 292B1 at Milton are North Latitude 38–29–02 and West Longitude 82–12–59. *See Supplementary Information, infra.*

EFFECTIVE DATE: July 19, 1996.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–137, adopted May 17, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channel 236A can also be allotted to Flemingsburg, Kentucky, in compliance with the Commission's minimum distance separation requirements at Station WFLE-FM's presently licensed site. The coordinates for Channel 236A at Flemingsburg are North Latitude 38–24–42 and West Longitude 83–34–41. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 292A and adding Channel 292B1 at Milton.

3. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 292A and adding Channel 236A at Flemingsburg.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–14704 Filed 6–10–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 89–590; RM–7071, RM–7855]

Radio Broadcasting Services; Sumter, Orangeburg and Columbia, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Gamecock City Broadcasting, Inc. (now Threshold Broadcasting, Inc.), dismisses the request to reallot Channel 267C from Sumter to Columbia, South Carolina, and modify Station WWDM's license accordingly. *See* 55 Fed. Reg. 883, January 10, 1990. The Commission also denies the request of Radio South Carolina, Inc., to reallot Channel 294C1 from Orangeburg to Columbia, and the modification of Station WTCB(FM)'s license accordingly. *See* 57 Fed. Reg. 7902, March 5, 1992. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 89–590, adopted May 24, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–14703 Filed 6–10–96; 8:45 am]

BILLING CODE 6712–01–F

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1528 and 1552

[FRL–5517–4]

Acquisition Regulation; Bonds and Insurance

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is removing from the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) clauses for insurance for liability to third parties for Superfund response action contractors.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Avellar, Environmental Protection Agency, Office of Acquisition Management (3802F), 410 M Street, SW., Washington, DC 20460. Telephone: (202) 260–6800.

SUPPLEMENTARY INFORMATION:

A. Background

The Agency is eliminating from its acquisition regulation outdated and unnecessary material, which will no longer be used. This final rule eliminates coverage and clauses on Insurance, Liability to Third Persons, for commercial organizations and state and local governments performing as response action contractors in Superfund. The Agency Final Guidelines for Superfund Response Action Contractor Indemnification, issued on January 25, 1993, rendered these clauses obsolete. As a result of the guidelines, the Agency may currently indemnify response action contractors only in limited circumstances, primarily where it can show a lack of competition in response to a solicitation directly attributable to the absence of any indemnification provisions.

B. Executive Order 12866

The final 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.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final 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*).

D. Regulatory Flexibility Act

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

E. Unfunded Mandates

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

The provisions of this regulation are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

List of Subjects in 48 CFR Parts 1528 and 1552

Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

PART 1528—[REMOVED]

1. Under the authority of 33 U.S.C. 1361(a), Part 1528 is removed.

PART 1552—[AMENDED]

2. The authority citation for 48 CFR Part 1552 continues to read as follows:

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

3. Part 1552 is amended to delete sections: 1552.228–70, 1552.228–71, 1552.228–72, & 1552.228–73.

Dated: May 13, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–14610 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 574

[Docket No. 96–57, Notice 01]

RIN 2127–AG26

Federal Motor Vehicle Safety Standards: New Pneumatic Tires; Retreaded Pneumatic Tires; New Pneumatic Tires for Vehicles Other Than Passenger Cars; Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars; Tire Identification and Recordkeeping

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

ACTION: Technical amendment.

SUMMARY: The technical amendments herein amend four Federal motor vehicle safety standards and the regulation on tire identification and recordkeeping to delete obsolete dates, update statutory citations, correct typographical errors, and update the designations of the offices to which requests and reports are submitted.

The changes effected by these technical amendments are in accordance with the President's Regulatory Reinvention Initiative of March 4, 1994, which directed Federal departments and agencies to eliminate unneeded regulations or parts thereof and update those that are to remain in effect.

DATES: These amendments are effective July 11, 1996.

FOR FURTHER INFORMATION CONTACT: For technical issues: Robert M. Clarke, Chief, Vehicle Dynamics Division, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366–5281; FAX (202) 366–4329.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 1994 the President issued a directive entitled ''Regulatory Reinvention Initiative'' to the heads of all Federal departments and agencies directing them to review all regulations for which they are responsible in the Code of Federal Regulations (CFR). The review was intended to delete

unnecessary or obsolete rules, update rules in light of current technology and industry conditions, and improve and streamline rules in order better to serve our customers. As a result of NHTSA's review of its existing safety standards and related regulations, the agency identified a number of errors and outdated information in the tire standards. Specifically, in addition to obsolete dates, such errors as misspelled words, obsolete statutory and regulatory citations, and outdated office designations for the receipt of requests and reports were noted in Federal motor vehicle safety standard (Standard) Nos. 109, *New pneumatic tires* (49 CFR 571.109); 117, *Retreaded pneumatic tires* (49 CFR 571.117); 119, *New pneumatic tires for vehicles other than passenger cars* (49 CFR 571.119); 120, *Tire selection and rims for motor vehicles other than passenger cars* (49 CFR 571.120); and 49 CFR part 574, *Tire Identification and Recordkeeping.*

NHTSA has decided to make the necessary changes without affording an opportunity for public comment because these changes represent only technical corrections to regulations that otherwise remain current, viable, and useful. The changes promulgated herein impose no obligations on any party. Rather, they delete or correct provisions that otherwise could create confusion or potentially cause misunderstandings in the agency, the public, and the tire industry. Accordingly, the agency finds for good cause that notice and opportunity for comment are unnecessary. Therefore, these changes are effective upon publication of this notice.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

49 CFR 574

Labeling, Motor vehicle safety, Reporting and requirements, Tires.

In consideration of the foregoing, 49 CFR part 571 is amended to read as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.109 is amended by revising paragraph S4.2.1(d), by removing and reserving paragraph S4.3.3, and by revising paragraph S4.4.1(a) to read as follows:

§ 571.109 Standard No. 109, New pneumatic tires.

* * * * *

S4.2.1 * * *

(d) It shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of 1⁄16 inch.

* * * * *

S4.3.3 [Removed and reserved]

* * * * *

S4.4.1 * * *

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to the Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; or

* * * * *

3. Appendix A to 571.109 is amended by revising the first paragraph of the introductory text to read as follows:

Appendix A—Federal Motor Vehicle Safety Standard No. 109

The following tables list tire sizes and tire constructions with proper load and inflation values. The tables group tires of related constructions and load/inflation values. Persons requesting the addition of new tire sizes to the tables or the addition of tables for new tire constructions may, when the additions requested are compatible with existent groupings, or when adequate justification for new tables exists, submit five (5) copies of information and data supporting the request to the Vehicle Dynamics Division, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

* * * * *

4. Section 571.117 is amended by revising paragraph S6.1, by removing and reserving paragraph S6.2 in its entirety, by revising paragraph S6.3, and by removing paragraphs S6.3.1 and S6.3.2 entirely.

571.117 Standard No. 117, Retreaded pneumatic tires.

* * * * *

S6.1 Each manufacturer of a retreaded tire shall certify that its product complies with this standard pursuant to Section 30115 of Title 49, United States Code, by labeling the tire with the symbol DOT in the location specified in section 574.5 of this chapter.

S6.2 Removed and reserved.

S6.3 Labeling. Each retreaded tire shall bear permanent labeling through molding, branding, or other method that will produce a permanent label, or through the retention of the original casing labeling, in at least one location on the tire sidewall, in letters and numbers not less than 0.078 inch high, consisting of the following information:

(a) The tire's size designation;

(b) The tire's maximum permissible inflation pressure, either as it appears on the casing or as set forth in Table 1;

(c) The tire's maximum load, either as it appears on the casing or as set forth in Table 1;

(d) The actual number of plies in or the ply rating of the tire sidewall and, if different, the actual number of plies in or the ply rating of the tread area;

(e) The generic name of each cord material used in the plies of both sidewall and the tread area of the tire;

(f) The word ''tubeless'' if the tire is a tubeless tire, or the words ''tube-type'' if the tire is a tube-type tire;

(g) If the tire is of bias/belted construction, the words ''bias/belted;''

(h) If the tire is of radial construction, the word ''radial.''

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled onto the tire during the retreading process.

S6.3.1 [Removed]

S6.3.2 [Removed]

* * * * *

5. Section 571.119 is amended by revising paragraphs S5.1(a), S6.5(f), and S7.2(a) to read as follows:

§ 571.119 Standard No. 119, New pneumatic tires for vehicles other than passenger cars.

* * * * *

S5.1 * * *

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; or

* * * * *

S6.5 Tire markings. * * *

(f) The actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area;

* * * * *

S7.2 Endurance. (a) Mount the tire on a model rim assembly and inflate it to the inflation pressure corresponding to the maximum load rating marked on the tire. Use a single maximum load value when the tire is marked with both single and dual maximum load.

* * * * *

6. Section 571.120 is amended by revising paragraphs S5.1.1, S5.2

introductory text, S5.2(e)(1), and the introductory paragraph of S5.3 to read as follows:

§ 571.120 Standard No. 120, Tire selection and rims for motor vehicles other than passenger cars.

* * * * *

S5.1.1 Except as specified in S5.1.3, each vehicle equipped with pneumatic tires for highway service shall be equipped with tires that meet the requirements of § 571.109, New pneumatic tires, or § 571.119, New pneumatic tires for vehicles other than passenger cars, and rims that are listed by the manufacturer of the tires as suitable for use with those tires, in accordance with S4.4 of § 571.109 or S5.1 of § 571.119, as applicable, except that vehicles may be equipped with a non-pneumatic spare tire assembly that meets the requirements of § 571.129, New non-pneumatic tires for passenger cars, and S8 of this standard. Vehicles equipped with such an assembly shall meet the requirements of S5.3.3, S7, and S9 of this standard.

* * * * *

S5.2 Rim marking. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters. The information listed in paragraphs (a) through (c) of this paragraph shall appear on the weather side. In the case of rims of multi piece construction, the information listed in paragraphs (a) through (e) of this paragraph shall appear on the rim base and the information listed in paragraphs (b) and (d) of this paragraph shall also appear on each other part of the rim.

* * * * *

S5.2(e)(1) Any manufacturer that elects to express the date of manufacture by means of a symbol shall notify NHTSA in writing of the full names and addresses of all manufacturers and brand name owners utilizing that symbol and the name and address of the trademark owner of that symbol, if any. The notification shall describe in narrative form and in detail how the month, day, and year or the month and year are depicted by the symbol. Such description shall include an actual size graphic depiction of the symbol, showing and/or explaining the interrelationship of the component parts of the symbol as they will appear on the rim or single piece wheel disc, including dimensional specifications, and where the symbol will be located on the rim or single piece wheel disc. The notification shall be received by NHTSA at least 60 calendar days prior to first use of the symbol. The notification shall be mailed to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. All information provided to NHTSA under this paragraph will be placed in the public docket. * * *

S5.3 Label information. Each vehicle shall show the information specified in S5.3.1 and S5.3.2 and, in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this section. This information shall appear either—

* * * * *

In consideration of the foregoing, 49 CFR Part 574 is amended to read as follows:

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

7. The authority citation for Part 574 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

8. Sections 574.2, 574.3(a), and 574.6 introductory text, are revised to read as follows:

§ 574.2 Purpose.

The purpose of this part is to facilitate notification to purchasers of defective or nonconforming tires, pursuant to Sections 30118 and 30119 of Title 49, United States Code, so that they may take appropriate action in the interest of motor vehicle safety.

§ 574.3 Definitions.

(a) Statutory definitions. All terms in this part that are defined in Section 30102 of Title 49, United States Code, are used as defined therein.

* * * * *

§ 574.6 Identification mark.

To obtain the identification mark required by 574.5(a), each manufacturer of new or retreaded pneumatic tires, non-pneumatic tires or non-pneumatic tire assemblies shall apply in writing to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, identify itself as a tire manufacturer or retreader and furnish the following information:

* * * * *

Issued on June 4, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–14491 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR PART 36

RIN 1018–AD–30

Public Use Regulations for the Alaska Peninsula/Becharof National Wildlife Refuge Complex

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service adopts regulations to implement portions of the Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan. The rule will allow the Fish and Wildlife Service to manage public uses by adopting regulations addressing off-road vehicles, camping, and temporary facilities. The regulations will provide for continued public use of the refuge complex while protecting refuge resources and resolving conflicts between refuge users.

EFFECTIVE DATE: This rule is effective July 11, 1996.

ADDRESSES: U.S. Fish and Wildlife Service, Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, AK 99613.

FOR FURTHER INFORMATION CONTACT: Ronald E. Hood, Refuge Manager, Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, AK 99613, telephone: (907) 246–3339.

SUPPLEMENTARY INFORMATION: The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 et seq.) was signed into law on December 2, 1980. The broad purpose of this law is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 303 of ANILCA established Alaska Peninsula and Becharof National Wildlife Refuges and Section 304 of ANILCA expanded Alaska Maritime National Wildlife Refuge. The Alaska National Interest Lands Conservation Act states that purposes for which Alaska Maritime, Alaska Peninsula and Becharof Refuges were established and shall be managed include:

(i) [Alaska Maritime Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals;

(i) [Alaska Peninsula Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, the Alaska Peninsula caribou herd, moose, sea otters and other marine mammals, shorebirds and other migratory birds, raptors, including bald eagles and peregrine falcons, and salmonids and other fish;

(i) [Becharof Refuge] to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, salmon, migratory birds, the Alaskan Peninsula caribou herd, and marine birds and mammals;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge[s].

In 1987, the Fish and Wildlife Service (Service) decided to manage the Ugashik and Chignik units of the Alaska Peninsula Refuge, the Seal Cape area of the Alaska Maritime Refuge and the Becharof Refuge as a ''complex.'' These units share a contiguous boundary and common resources and resource issues. Legislation to formalize the ''complex'' has been drafted. The Public Use Management Plan and the regulations cover the Ugashik and Chignik Units of Alaska Peninsula Refuge, the Seal Cape area of the Alaska Maritime Refuge, and Becharof Refuge.

Refuge Planning

Section 304(g) of ANILCA directs the Secretary of the Interior to prepare a comprehensive conservation plan (comprehensive plan) for each national wildlife refuge in Alaska. The Alaska Maritime comprehensive plan was completed in 1988; the Alaska Peninsula comprehensive plan was completed in 1987; and the Becharof comprehensive plan was completed in 1985. A number of public use management issues were identified and resolved in the comprehensive plans. Other issues involving public use of the refuges were identified as needing more thorough investigation. These issues were addressed in the Public Use Management Plan (public use plan) approved in May 1994.

Extensive public involvement was conducted for the public use plan from 1989 to 1994 including workbooks, three sets of public meetings in all refuge area communities, Anchorage and Kodiak and several mailings. A number of changes were made in the final public use plan responding to comments received on the draft. Those comments also were used to prepare these regulations.

Draft regulations to implement the public use plan were published on July 17, 1995 (60 FR 36576) with a 60-day public comment period. The public comment period was reopened for another 45 days to allow additional review and comment by interested persons and groups on October 16, 1995, (60 FR 53576).

The July 17, 1995 Federal Register notice said public hearings would be held in Chignik Bay, Chignik Lake, Chignik Lagoon, Egegik, Ivanof Bay, Naknek, Perryville, Pilot Point, Port Heiden, and South Naknek, Alaska. Informal public hearings were held in Egegik (October 23, 1995), Naknek (October 26, 1995), and South Naknek (November 2, 1995), Alaska. When leaders of both municipal and tribal governments in the other villages were contacted to arrange public hearings, they indicated that hearings were not necessary. Therefore, because these villages are all isolated and people from other communities would not likely attend public hearings, the hearings were not held.

Summary of Public Comments

Eleven people attended the Egegik hearing and one comment on the regulations was noted. Six people attended the Naknek hearing. Questions were asked about the regulations, but no comments about the regulations were received. Two people attended the South Naknek hearing and one comment on the regulations was noted.

Seven written comments were received from the State of Alaska, one regional corporation, the Coalition to Protect Animals in Parks and Refuges, and four individuals (one in Alaska and three out-of-state). One person met with Service personnel to discuss the regulations.

The State of Alaska had no specific comments on the regulations. One person suggested re-writing the regulations in seventh grade English and translating them into Native languages. One person opposed the use of off-road vehicles, camping, and any temporary or permanent improvements within the refuge. The Coalition to Protect Animals in Parks and Refuges suggested there should be some areas where off-road vehicles not be allowed, and approved of off-road vehicle weight limits and confining general public off-road vehicle use to trails. The Native Corporation noted that the off-road vehicle weight restrictions would not apply to activities associated with exploration or development of their subsurface estate within the refuge. One person said that subsistence campers should be able to leave their camp foundation to be used year after year.

Most other comments did not address the regulations and were about other aspects of refuge management (for example, opposing sport hunting on refuges or requesting information about special use permits). The comment at the Egegik hearing suggested that off-road vehicle trailers be required to use low pressure tires. One person at the South Naknek hearing suggested that temporary facilities be prohibited throughout the refuge complex. The person meeting with Service staff was concerned that the regulations not affect a road he is proposing to use within the refuge. He was assured that the regulations would have no effect on his proposal.

Based on public comments received the Service proposes only one change from the proposed regulations. A typographical error appeared in subsection 36.39(c)(4)(iii). It stated that new temporary facilities are prohibited within ''½ mile'' of the shoreline of Upper and Lower Ugashik Lakes. It should have read ''¼ mile'' of the shoreline of Upper and Lower Ugashik Lakes. The final rule reads ¼ mile.

While the Service agrees with the suggestion to require the use of low pressure tires on off-road vehicle trailers, as stated in the notice of proposed rule-making the Service does not believe it is necessary to regulate off-road vehicle trailers at this time.

Regarding the suggestion that there be no use of off-road vehicles on some parts of the refuge complex, ANILCA Section 810 requires the Service to allow ''other means of surface transportation'' traditionally employed for subsistence subject to reasonable regulations. The regulations limit the size and weight of off-road vehicles. All areas of the refuge complex are open to subsistence use of off-road vehicles, but the distance of many areas from communities, vast size, and extremely rugged terrain of much of the area effectively precludes off-road vehicle

use in many areas of the refuge complex.

Section 1316 of ANILCA states, in part, ''* * * the Secretary shall permit, subject to reasonable regulations to ensure compatibility, the continuance of existing uses, and the future establishment and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities [the taking of fish and wildlife] * * *.'' Section 1316 also states that temporary facilities could be denied if they would be ''detrimental to the purposes for which the * * * unit was established * * *.'' In the public use plan, the Service determined which areas of the refuge temporary facilities would be detrimental to refuge purposes and these will be closed to new temporary facilities by the regulations. The establishment of new temporary facilities elsewhere in the refuge complex was generally found to be compatible with the purposes of the refuge. Each application for temporary facilities will be evaluated by the refuge complex staff and authorized only if found to be directly and necessarily related to the taking of fish and wildlife and compatible with the purposes of the refuge. Permits authorizing temporary facilities contain special conditions to ensure compatibility and minimizing effects on other refuge users.

Conformance With Statutory and Regulatory Authorities

The impact of these final regulations on subsistence uses has been evaluated as required by Section 810 of ANILCA. A subsistence evaluation was included in the public use management plan environmental assessment and the Regional Director found that the plan would not significantly restrict subsistence use on the Alaska Peninsula/Becharof National Wildlife Refuge Complex. Subsistence uses and access are expected to differ little, if any, from existing uses. The regulations are consistent with the purposes and intent of Section 810 and will result in no significant restrictions on subsistence uses.

These final regulations are consistent with the purposes for which the Alaska Maritime, Alaska Peninsula and Becharof National Wildlife Refuges were established. A compatibility determination was approved for the public use management plan.

Paperwork Reduction Act

These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

National Environmental Policy Act Compliance

An environmental assessment accompanied the draft public use management plan. On May 21, 1994, a Decision Notice and Finding of No Significant Impact was signed by the Regional Director. Copies of these documents may be obtained from the Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, Alaska 99613. Telephone: (907) 246–3339. No further documentation is required by the National Environmental Policy Act (42 U.S.C. 4321–4347).

Economic Effects

The Department of Interior has determined this rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that this final rulemaking would not have a significant effect on a substantial number of small entities in the area, such as businesses, organizations and governmental jurisdictions. This rule impacts the refuge complex only to the extent that off-road vehicles and camping are better administered. Temporary facilities are only allowed for administrative and subsistence purposes at particular sites. These provisions are seen, therefore, as administrative in nature and having little or no impact on small entities. This final rule will have minimal, if any, impact on the economy of the Alaska Peninsula.

Unfunded Mandates

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 et. seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities.

Primary Author: Helen Clough, Refuges and Wildlife, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska is the primary author of this final rulemaking document.

List of Subjects in 50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

The U.S. Fish and Wildlife Service amends Part 36 of Chapter I of Title 50 as follows:

PART 36—[AMENDED]

1. The authority citation for Part 36 continues to read as follows:

Authority: 16 U.S.C. 460(k) et seq., 668dd et seq., 742(a) et seq., 3101 et seq., and 44 U.S.C. 3501 et seq.

2. Section 36.39 is amended by adding paragraph (c) (1)–(4) as follows:

§ 36.39 Public use.

* * * * *

(c) *Alaska Peninsula/Becharof National Wildlife Refuge Complex.*

(1) The Alaska Peninsula/Becharof National Wildlife Refuge (Complex) includes the Becharof National Wildlife Refuge, the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge and the Seal Cape Area of the Alaska Maritime National Wildlife Refuge.

(2) Off-road vehicles are permitted on the refuge complex under § 36.12(a),§ 36.39(c)(2)(ii) or § 36.39(c)(2)(iii) and must meet the following conditions:

(i) Vehicles are limited to three or four-wheeled vehicles with a maximum gross weight of 650 pounds as listed by the manufacturer.

(ii) ORV's are permitted on the following trails only: Yantarni Bay Airstrip; Yantarni Bay Airstrip to beach trail; and Yantarni Bay Airstrip to oil well site trail. Maps of the above areas are available from the Refuge Manager.

(iii) Subject to the weight and size restrictions listed in (i) above, subsistence use of off-road vehicles, as authorized by 50 CFR 36.12(a) is allowed throughout the Alaska Peninsula/Becharof National Wildlife Refuge Complex.

(3) Camping is permitted on the Refuge Complex subject to the following restrictions:

(i) These camping limits do not apply to subsistence users except at Big Creek where they apply to all refuge complex users.

(ii) No permanent improvements may be made to campsites without a special use permit. All materials brought on to the refuge complex must be removed upon cessation of camping unless authorized by a special use permit.

(iii) Other than reserved sites authorized by special use permits, camping at one location is limited to seven consecutive nights from August 1 through November 15 within ¼ mile of the following waters: Becharof Lake in the Severson Peninsula area (Island Arm); Becharof Lake Outlet; Ugashik Narrows; Big Creek; Gertrude Lake; and Gertrude Creek between Gertrude Lake and the King Salmon River. Maps of the

above areas are available from the Refuge Manager.

(iv) Tent camps must be moved a minimum of one mile following each seven-night camping stay during the periods specified above.

(4) Temporary facilities may be authorized on the Alaska Peninsula/Becharof National Wildlife Refuge Complex by special use permit only, subject to the following conditions:

(i) Except for administrative or subsistence purposes, new temporary facilities are prohibited within ¼ mile of the Becharof Lake shoreline.

(ii) Except for administrative purposes, new temporary facilities are prohibited in the following areas: within ¼ mile of the shorelines of Gertrude Lake and Long Lake; within ¼ mile of the airstrip on the south side of the King Salmon River approximately ½ mile above the confluence of Gertrude Creek and the King Salmon River; within ¼ mile of the shoreline of Upper and Lower Ugashik Lakes; within ¼ mile of the shoreline of Becharof Lake outlet; and within ¼ mile of the shoreline of Big Creek. Maps of the above areas are available from the Refuge Manager.

* * * * *

Dated: April 25, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–14775 Filed 6–10–96; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 61, No. 113
Tuesday, June 11, 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–CE–91–AD]

RIN 2120—AA64

Airworthiness Directives; AlliedSignal Inc., VN–411B VHF Navigation Receiver

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain AlliedSignal Inc. VN–411B VHF Navigation Receivers without Modification 20 that are installed on but not limited to Learjet Model 31A, Fokker Model F27–50, and British Aerospace Model ATP airplanes. The proposed action would require removing and replacing the navigation receivers that do not have Modification 20 installed. A report of navigation receiver interference during a landing operation prompted the proposed action. The actions specified by the proposed AD are intended to prevent VHF navigation receiver interference from FM radio station broadcasts which could cause distortion of the navigation audio and deflection of the desired flight path of the airplane during landing operations, possibly resulting in loss of the airplane.

DATES: Comments must be received on or before August 14, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–91–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from AlliedSignal, General Aviation Avionics, 400 North Rogers Road, Olathe, Kansas 66062–1212. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roger Souter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4134, facsimile (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 should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–91–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–91–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received a report of navigation receiver interference aboard an airplane equipped with an AlliedSignal VN–411B VHF Navigation Receiver from a nearby FM radio station broadcast while operating on the runway localizer course. The interference was manifested by the display of misleading localizer information on the cockpit display systems. Further investigation revealed that the source of the problem was interference between the localizer receiver local oscillator, the glide slope receiver voltage controlled oscillator (VCO), and the FM broadcast signal. These navigation receivers, although conforming to the requirements for FM interference immunity, are susceptible to FM broadcast interference when tuned to erroneous VHF localizer frequencies, resulting in misleading localizer signal outputs. Although this occurrence implies that a 3.0 Mhz split between the localizer frequency and the FM station frequency could cause this problem, the manufacturer states that preliminary testing has shown that only multiple combinations of these signal sources can result in erroneous localizer operation.

AlliedSignal, Inc. has issued Bendix/King service bulletin (SB) VN 411B–20, dated January 1996, which specifies modifying the navigation receiver and completing a test for FM frequency immunity.

After examining the circumstances and reviewing all available information related to the incident described above, the FAA has determined that AD action should be taken to prevent VHF navigation receiver interference from FM radio station broadcasts which could result in distortion of the navigation audio and deflection of the desired flight path of the airplane during landing operations.

Since an unsafe condition has been identified that is likely to exist or develop in other AlliedSignal Inc. VN–411B VHF navigation receivers of the same type design, the proposed AD would require removing any VHF navigation receiver that does not have Modification 20 installed and replacing the receiver with one that has Modification 20 installed by an AlliedSignal Bendix/King owned service center.

The FAA estimates that 19 receivers in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per receiver to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. The manufacturer is not charging the owner/operator for exchanging the navigation receiver unit and is allowing 2 workhours of labor to be claimed by the owners/operators to accomplish the proposed action. Based on these figures, there is no cost impact of the proposed AD on U.S. operators. The FAA has no way of determining if any of the affected airplanes have the navigation receiver with Modification 20 installed.

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because of the wide range of fleet usage. Therefore, to ensure that the above-referenced condition is detected and corrected on all airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is required.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AlliedSignal Inc.: Docket No. 95–CE–91–AD.

Applicability: VHF Navigation Receivers with the following model, part numbers, computer software, and modifications that do not have Modification 20 installed on but not limited to Learjet Model 31A, Fokker Model F27–50, and British Aerospace Model ATP airplanes, certificated in any category.

Model	King part No.	Soft-ware ID	Modifica-tion
VN–411B	066–1101–00	06	18 and 19.
VN–411B	066–1101–31	00	00 and 19.
VN–411B	066–1101–40	00	00 and 19.
VN–411B	066–1101–50	00	00 and 19.

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

Compliance: Requried within the next 90 calendar days after the effective date of this AD or upon replacement or repair of any affected AlliedSignal VHF Navigation Receiver, whichever occurs first, unless already accomplished.

To prevent VHF navigation receiver interference from FM radio station broadcast frequencies, which could cause distortion of the navigation audio and deflection of the desired flight path of the airplane during landing operations, possibly resulting in loss of the airplane, accomplish the following:

(a) Remove any navigation receiver that does not have Modification 20 installed and return the unit to an AlliedSignal Bendix/King service center in accordance with AlliedSignal Bendix/King Service Bulletin (SB) VN 411B–20, dated January 1996.

(b) Replace the navigation receiver with one that has Modification 20 installed by an AlliedSignal Bendix/King service center in accordance with AlliedSignal Bendix/King SB VN 411B–20, dated January 1996.

(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.

(d) An Alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to AlliedSignal, General Aviation Avionics, 400 North Rogers Road, Olathe, Kansas 66062–1212; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on June 4, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14693 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–CE–85–AD]

RIN 2120–AA64

Airworthiness Directives: Pilatus Aircraft Ltd., Model PC–6 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Pilatus Aircraft Ltd. (Pilatus) Model PC–6 airplanes. The proposed action would require inspecting for loose or sheared rivets in the hinge brackets on the horizontal stabilizer and inspecting for incorrect spacing tolerance of the hinge brackets. If the rivets are found loose or sheared, the proposed AD would require replacing the rivets and also re-positioning the hinge brackets, if found incorrectly spaced. Several reports of rivets shearing on the hinge brackets prompted the proposed action. The actions specified in this proposed AD are intended to prevent structural failure of the hinge bracket on the horizontal stabilizer, which could result in partial or complete loss of control of the horizontal stabilizer and loss of control of the airplane.

DATES: Comments must be received on or before August 14, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–85–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., CH–6370 Stans, Switzerland. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–85–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–85–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus Model PC–6 airplanes. The FOCA has received several reports of sheared or loose rivets in the hinge bracket that attaches the horizontal stabilizer to the fuselage. Investigation reveals that pre-loads in the hinge bracket flanges may exist due to tightness of the fit of the spacer, or in certain instances, the hinge bracket is not positioned or spaced correctly. This condition can substantially affect the load carrying capability of these brackets, thus causing the rivets to shear or loosen, which could lead to structural failure of the horizontal stabilizer.

Pilatus Aircraft Ltd. has issued service bulletin (SB) PC–6 165, dated February 7, 1994, which specifies procedures for inspecting for sheared or loose rivets, replacing any sheared or loose rivets with new rivets, and checking the spacing tolerance of the hinge brackets.

FOCA classified this service bulletin as mandatory and has issued airworthiness directive (AD) HB 94–086, dated June 4, 1994, in order to ensure the continued airworthiness of these airplanes in Switzerland.

This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement between Switzerland and the United States. Pursuant to this bilateral airworthiness agreement, the Switzerland FOCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the Switzerland FOCA, 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.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent a reduction in the structural integrity of the hinge bracket and tailplane, which could result in partial or complete loss of control of the horizontal stabilizer and loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus Model PC–6 airplanes of the same type design registered in the United States, the proposed AD would require the following:

—Inspecting the hinge brackets attached to the fuselage for loose or sheared rivets,

—Inspecting the hinge brackets for correct spacing tolerance and positioning,

—Removing the brackets and adjusting any incorrect spacing or positioning, and

—Replacing any loose or sheared rivets with new rivets.

The FAA estimates that one airplane in the U.S. registry would be affected by the proposed AD, that it would take less than 1 workhour per airplane to accomplish the proposed actions, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD for the only U.S. operator is estimated to be $60. This is the cost of the inspection only and does not include the cost for replacing any loose rivets, if found. This figure is based on the assumption that the affected owner/

operator of the affected airplane has not performed the inspection or modification.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pilatus Aircraft Ltd.: Docket No. 95–CE–85–AD.

Applicability: Model PC–6 Airplanes (serial numbers 825 through 892).

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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 75 hours time-in-service (TIS), after the effective date of this AD, unless already accomplished.

Note 2: The compliance time required in this AD takes precedence over the compliance time in Pilatus Service Bulletin PC–6 165, dated February 7, 1994.

To prevent structural failure of the hinge bracket on the horizontal stabilizer, which could result in partial or complete loss of control of the horizontal stabilizer and loss of control of the airplane, accomplish the following:

(a) Inspect the hinge brackets on the horizontal stabilizer for sheared or loose rivets in accordance with paragraph 2.A. in the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin (SB) PC–6 165, dated February 7, 1994.

(b) Inspect the spacing tolerance of the hinge bracket in accordance with paragraph 2.C. in the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus SB PC–6 165, dated February 7, 1994.

(c) If there are loose or sheared rivets or if the bracket spacing is out of the spacing tolerance, prior to further flight, modify the position and space tolerance of the hinge brackets and replace any loose or sheared rivets in accordance with paragraph 2.D. in the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus SB PC–6 165, dated February 7, 1994.

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

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Aircraft Ltd., CH–6370 Stans, Switzerland; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

Issued in Kansas City, Missouri on June 4, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14694 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 200, 250, and 310

[Docket No. 96N–0183]

RIN 0910–AA53

Consolidation of Drug Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to consolidate a list of drugs, previously determined by rulemaking to be new drugs, into one section. This document would also remove the sections now providing for these drugs, except for certain information in the regulations that FDA considers to be necessary. This action, which will make the regulations more concise and efficient, is being taken in response to the President's regulatory reinvention initiative (REGO).

DATES: Written comments by August 26, 1996. FDA proposes that any final rule based on this proposal become effective 2 weeks after its 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: Mary E. Catchings, Food and Drug Administration, Center for Drug Evaluation and Research (HFD–7), 7500 Standish Pl., Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995, President Clinton issued a memorandum titled ''Regulatory Reinvention Initiative.'' This memorandum, part of the reform of the Federal regulatory system, directed heads of departments and agencies to undertake a page-by-page review of their existing regulations and to eliminate or modify those that are outdated or otherwise in need of reform. FDA has conducted a comprehensive review of

its existing regulations and has identified regulations to eliminate or modify. As a result of that review and as part of its response to the President's directive, FDA is proposing to amend or remove those parts of its drug regulations codified in Parts 200, 250, and 310 (21 CFR parts 200, 250, and 310) regarding certain drugs determined by rulemaking to be new drugs. FDA is preparing other revisions resulting from the page-by-page review for future publication.

FDA is proposing to revise § 310.502 to consolidate into one section a list of drugs that have been determined by previous rulemaking procedures to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)) for which approved new drug applications under section 505 of the act (21 U.S.C. 355) and 21 CFR part 314 are required for marketing. The list would include those new drugs now codified in parts 200, 250, and 310. As the agency identifies other new drugs as being new drugs through its rulemaking procedures, FDA would add such other new drugs to the list.

Revised § 310.502 would list the names of the drugs and would not include the existing background information describing the agency's basis for determination of new drug status and, for some drugs, requirements for marketing. FDA has determined that with the exception of certain information in § 310.509 that FDA considers to be necessary, the background information no longer needs to be set out in the regulations. For some drugs, the information is outdated. For other drugs, removal of the existing explanatory text should not present a hardship or burden because the information is available from other sources. This proposal would make the regulations more concise and efficient.

II. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) 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.

III. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed 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 this document merely proposes to consolidate existing regulations, the agency certifies that the proposed rule will not have a significant impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act no further analysis is required.

IV. Request for Comments

Interested persons may, on or before August 26, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

V. Effective Date

FDA proposes that any final rule based on this proposal be effective 2 weeks after its date of publication in the Federal Register.

List of Subjects

21 CFR Part 200

Drugs, Prescription drugs.

21 CFR Part 250

Drugs.

21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 200, 250, and 310 be amended as follows:

PART 200—GENERAL

1. The authority citation for 21 CFR part 200 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 515, 701, 704, 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360e, 371, 374, 375).

Subpart B [Removed]

2. Subpart B, consisting of §§ 200.30 and 200.31 is removed and reserved.

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

3. The authority citation for 21 CFR part 250 continues to read as follows:

Authority: Secs. 201, 306, 402, 502, 503, 505, 601(a), 602(a) and (c), 701, 705(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 342, 352, 353, 355, 361(a), 362(a) and (c), 371, 375(b)).

§ 250.10 [Removed]

4. Section 250.10 *Oral prenatal drugs containing fluorides intended for human use* is removed.

§ 250.103 [Removed]

5. Section 250.103 *Thorium dioxide for drug use* is removed.

§ 250.106 [Removed]

6. Section 250.106 *Cobalt preparations intended for use by man* is removed.

PART 310—NEW DRUGS

7. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 379e); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

8. Section 310.502 is revised to read as follows:

§ 310.502 Certain drugs accorded new drug status through rulemaking procedures.

(a) The drugs listed in this paragraph (a) have been determined by rulemaking procedures to be new drugs within the meaning of section 201(p) of the act. Except as provided in paragraph (b) of this section, an approved new drug application under section 505 of the act and part 314 of this chapter is required for marketing the following drugs:

(1) Aerosol drug products for human use containing 1,1,1-trichloroethane.

(2) Aerosol drug products containing zirconium.

(3) Amphetamines (amphetamine, dextroamphetamine, and their salts, and levamfetamine and its salts) for human use.

(4) Camphorated oil drug products.

(5) Certain halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromosalicylanilide), dibromsalan (DBS, 4', 5-dibromosalicylanilide), metabromsalan (MBS, 3, 5-dibromosalicylanilide), and 3,3', 4,5'-tetrachlorosalicylanilide (TC-SA)) as an ingredient in drug products.

(6) Chloroform used as an ingredient (active or inactive) in drug products.

(7) Cobalt preparations intended for use by man.

(8) Intrauterine devices for human use for the purpose of contraception that incorporate heavy metals, drugs, or other active substances.

(9) Oral prenatal drugs containing fluorides intended for human use.

(10) Parenteral drug products in plastic containers.

(11) Sterilization of drugs by irradiation.

(12) Sweet spirits of nitre drug products.

(13) Thorium dioxide for drug use.

(14) Timed release dosage forms.

(15) Vinyl chloride as an ingredient, including propellant, in aerosol drug products.

(b) Any drug listed in paragraph (a) of this section, when composed wholly or partly of any antibiotic drug, must be certified under section 507 of the act or exempted from certification under section 507 of the act for marketing.

§ 310.504 [Removed]

9. Section 310.504 *Amphetamines (amphetamine, dextroamphetamine, and their salts and levamfetamine and its salts) for human use* is removed.

§ 310.506 [Removed]

10. Section 310.506 *Use of vinyl chloride as an ingredient, including propellant, of aerosol drug products* is removed.

§ 310.507 [Removed]

11. Section 310.507 *Aerosol drug products for human use containing 1,1,1-trichloroethane* is removed.

§ 310.508 [Removed]

12. Section 310.508 *Use of certain halogenated salicylanilides as an inactive ingredient in drug products* is removed.

13. Section 310.509 is revised to read as follows:

§ 310.509 Parenteral drug products in plastic containers.

(a) Any parenteral drug product packaged in a plastic immediate container is not generally recognized as safe and effective, is a new drug within the meaning of section 201(p) of the act, and requires an approved new drug application as a condition for marketing. An ''Investigational New Drug Application'' set forth in part 312 of this chapter is required for clinical investigations designed to obtain evidence of safety and effectiveness.

(b) As used in this section, the term ''large volume parenteral drug product'' means a terminally sterilized aqueous drug product packaged in a single-dose container with a capacity of 100 milliliters or more and intended to be administered or used intravenously in a human.

(c) Until the results of compatibility studies are evaluated, a large volume parenteral drug product for intravenous use in humans that is packaged in a plastic immediate container on or after April 16, 1979, is misbranded unless its labeling contains a warning that includes the following information:

(1) A statement that additives may be incompatible.

(2) A statement that, if additive drugs are introduced into the parenteral system, aseptic techniques should be used and the solution should be thoroughly mixed.

(3) A statement that a solution containing an additive drug should not be stored.

(d) This section does not apply to a biological product licensed under the Public Health Service Act of July 1, 1944 (42 U.S.C. 201).

§ 310.510 [Removed]

14. Section 310.510 *Use of aerosol drug products containing zirconium* is removed.

§ 310.513 [Removed]

15. Section 310.513 *Chloroform, use as an ingredient (active or inactive) in drug products* is removed.

§ 310.525 [Removed]

16. Section 310.525 *Sweet spirits of nitre drug products* is removed.

§ 310.526 [Removed]

17. Section 310.526 *Camphorated oil drug products* is removed.

Dated: June 5, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–14706 Filed 6–6–96; 11:50 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–237–FOR, #71]

Ohio Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter the ''Ohio program'') under the surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Ohio rules pertaining to inspections. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.] July 11, 1996. If requested, a public hearing on the proposed amendment will be held on July 8, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on June 26, 1996.

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

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

George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153

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

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

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, Federal Register (42 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated May 17, 1996, (Administrative Record No. OH–2165–00) Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. The provisions of the Ohio Administrative Code (OAC) that Ohio proposes to amend are: OAC 1501:13–14–01—Inspections.

Specifically, in its definition of ''inactive coal mining and reclamation operation,'' Ohio proposes to clarify that only the completion of Phase II reclamation is necessary for a site to be considered inactive for the purpose of inspection frequency by deleting the reference to bond reduction. Ohio also proposes to add language that specifies that those portions of an active operation on which Phase II reclamation is complete will be considered inactive for the purpose of inspection frequency. Finally, Ohio proposes to delete an outdated reference to permits other than permanent program ''D'' permits.

III. Public Comment Procedures

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

Written Comments

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

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on June 26, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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

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

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

Public Meeting

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

IV. Procedural Determinations.

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required ′by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State 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 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.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 31, 1996.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–14606 Filed 6–10–96; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 946

[VA–106–FOR]

Virginia Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of regulatory changes to implement the standards of the Federal Energy Policy Act of 1992, and the Code of Virginia as amended in 1993. The amendment is intended to revise the State program to be consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16772).

DATES: Written comments must be received by 4:00 p.m., on July 11, 1996. If requested, a public hearing on the proposed amendment will be held on July 8, 1996. Requests to speak at the hearing must be received by 4:00 p.m., on June 26, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303

Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523–8100.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, Federal Register (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 946.12, 946.13, 946.15 and 946.16.

II. Discussion of the Proposed Amendment

By letter dated May 21, 1996 (Administrative Record No. VA–882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal Energy Policy Act of 1992, and sections 45.1–243 and 45.1–258 of the Code of Virginia.

Virginia also noted that the State has adopted a revised system for numbering the Virginia regulations. For the Virginia program, the prefix ''480–03–19'' has been replaced with ''4 VAC 25–130–.'' The part of the existing Virginia numbering system that corresponds to the Federal number remains the same. For example, old ''480–03–19.700.5'' has been ''4 VAC 25–130–700.5.'' The Virginia Division of Mines, Minerals and Energy (DMME) will be reprinting the Virginia program regulations to incorporate the new prefix, both in the numbering of the regulations and in references contained in the regulations. However, the DMME is continuing to use the ''480–03–19.'' prefix pending the reprint.

The proposed amendments are as follows:

1. § 480–03–19.700.5 Definitions

(a) ''Drinking, domestic or residential water supply'' has been added to mean water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included except to the extent the water supply is for direct human consumption or human sanitation, or domestic use.

(b) ''Material damage, in the context of §§ 480–03–19.784.20 and 480–03–19.817.121'' of this chapter has been added to mean:

(a) Any functional impairment of surface lands, features, structures or facilities;

(b) Any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or

(c) Any significant change in the condition, appearance or utility of any structure or facility from its presubsidence condition.

(c) ''Non-commercial building'' has been added to mean any building, other than an occupied residential dwelling, that, at the time the subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined in § 480–03–19.700.5 of this chapter. Any building used only for commercial agricultural, industrial, retail or other commercial enterprises is excluded.

(d) ''Occupied residential dwelling and structures related thereto'' has been added to mean, for purposes of §§ 480–03–19.784.20 and 480–03–19.817.121, any building or other structures that, at the time the subsidence occurs, is used either temporally, occasionally, seasonally, or permanently for human habitation. This term also includes any building, structure or facility installed on, above or below, or a combination thereof, the land surface if that building, structure or facility is adjunct to or used in connection with an occupied dwelling. Examples of such structures include, but are not limited to, garages; storage sheds and barns; greenhouses and related buildings, utilities and cables, fences and other enclosures; retaining walls; paved or improved patios, walks and driveways; septic treatment facilities; and lot drainage and lawn and garden irrigation systems. Any structure used only for commercial agricultural, industrial, retail or other commercial purposes is excluded.

(e) ''Replacement of water supply'' has been added to mean, with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an

equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

(a) Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment of amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

(b) If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the post mining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

2. § 480–03–19.784.14 Hydrologic Information

Subsection (e) has been amended by adding new subsection (e)(3)(iv) to provide that the probable hydrologic consequences (PHC) determination shall contain findings on: ''Whether the underground mining activities conducted after October 24, 1992 may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.''

3. § 480–03–19.784.10 Subsidence Control Plan

The existing language of this provision is deleted and replace by new language. New subsection (a) provides for a pre-subsidence survey that includes a map to identify structures, renewable resource lands and drinking, domestic and residential water supplies that subsidence may affect; an accompanying narrative; and a pre-subsidence survey of all non-commercial buildings or occupied residential dwellings and structures related thereto, that may be damaged by subsidence, and a survey of the quantity and quality of all drinking, domestic, and residential water supplies within the permit and adjacent area that could be contaminated, diminished, or interrupted by subsidence.

Subsection (b) provides for a subsidence control plan. The subsidence control plan shall contain a description of the mining method; a map of underground workings showing areas of planned subsidence, and areas where measures to minimize subsidence and subsidence related damage; a description of the overlying rock strata that affect the likelihood or extent of subsidence and subsidence related damage; a description of monitoring if needed; a description of subsidence control measures, except for areas where planned subsidence is projected to be used; a description of the anticipated effects of planned subsidence, if any; a description of methods to be employed to minimize the effects of planned subsidence, or the written consent of the owner that such measures not be taken; a description of the measures to be taken to replace adversely affected protected water supplies or to mitigate or remedy any subsidence related material damage to the land and protected structures; and other information as specified by the Division of Mined Land Reclamation (DMLR).

4. § 480–03–19.817.41 Hydrologic Balance Protection

New subsection (j) is added to provide that the permittee must promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected well or spring was in existence before the date the DMLR received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic information required in § 480–03–19.784.14 and the geologic information concerning baseline hydrologic conditions required in § 480–03–784.22 will be used to determine the impact of mining activities upon the water supply.

5. § 480–03–19.817.121 Subsidence Control

Subsection (a) concerning measures to prevent or minimize damage is amended by adding new language to provide that planned subsidence must include measures to minimize material damage to protected structures, except if the permittee has written consent of the structure owners, or unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair, or the structure owners deny the permittee access to implement the measures to minimize material damage and the permittee provides written evidence of good faith efforts to obtain access.

Subsection (c) has been revised by deleting the existing language and replacing new language. The new language provides for the repair of damage to surface lands; the repair or compensation for damage to non-commercial buildings and dwellings and related structures; repair or compensation for damage to other structures; rebuttable presumption of causation by subsidence; approval of site-specific angle of draw; no presumption where access for pre-subsidence survey is denied; rebuttal of presumption; information to be considered in determination of causation.; and adjustment of bond amount for subsidence damage.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Virginia satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Virginia program.

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 Big Stone Gap Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on June 26, 1996. If no one requests an opportunity to comment at a 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 response and appropriate questions.

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

Public Meeting

If only one person requests an opportunity to comment 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 amendments may request a meeting at the Big Stone Gap Field Office 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 in advance at the locations listed under **ADDRESSES.** A written summary of each public meeting will be made part of the Administrative Record.

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.**

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State 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 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.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

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 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 31, 1996.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–14605 Filed 6–10–96; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 52–2–7155; FRL–5506–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published on April 9, 1996 (61 FR 15744). In the April 9, 1996 notice, EPA proposed to approve a reasonably available control technology (RACT) requirements for 21 Pennsylvania sources of volatile organic compounds (VOCs) or nitrogen oxides (NO_X). At the request of the New York State Department of Environmental Conservation, EPA is reopening the comment period through June 10, 1996, only as it pertains to the RACT determinations for Pennsylvania Power—New Castle plant and International Paper—Hammermill Division. All comments received on or before June 10, 1996, including those received between the close of the comment period on May 9 and the publication of this notice, will be entered into the public record and considered by EPA before taking final action on the proposed rule.

DATES: Comments are now due on or before June 28, 1996.

ADDRESSES: Comments may be mailed to Kathleen Henry, Acting Chief, Ozone and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl at the U.S. EPA Region III address above, (215) 597–9337, or after May 20, 1996, (215) 566–2180, or via e-mail at stahl.cynthia@epamail.epa.gov pertaining to the reopening of the comment period for the Pennsylvania Power—New Castle and International Paper—Hammermill RACT determinations.

Dated: May 9, 1996.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–14807 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 52 and 81

[WI71–01–7297; FRL–5518–8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the Wisconsin Department of Natural Resources (WDNR) request to redesignate Kewaunee, Manitowoc, and Sheboygan counties to attainment for ozone. In addition, EPA is proposing to approve the section 175A maintenance plans as revisions to the Wisconsin State Implementation Plan (SIP). This proposed rulemaking is based upon a May 15, 1996, submittal to the EPA from the WDNR.

DATES: Comments on this proposed action must be received in writing by July 11, 1996.

ADDRESSES: Written comments should be addressed to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and EPA's analysis are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Randy Robinson at (312) 353–6713 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Randy Robinson at (312) 353–6713.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with requirements of the Clean Air Act Amendments (Act) of 1990, Kewaunee, Sheboygan, and Manitowoc Counties were designated as ozone nonattainment areas on November 6, 1991, (56 FR 56850). Kewaunee and Manitowoc were designated as moderate ozone nonattainment areas. Sheboygan was originally designated as a serious ozone nonattainment area, but that classification was changed from serious to moderate on November 30, 1992, (57 FR 56762). The nonattainment designations were based on air quality monitored violations of the ozone National Ambient Air Quality Standards (NAAQS).

Recent air quality data shows that none of the three counties are in violation of the ozone NAAQS. Therefore, the counties of Manitowoc, Sheboygan, and Kewaunee, are eligible for redesignation to attainment based on a minimum of 3 years of ''clean'' air quality data, as required in the Act. On May 15, 1996, the WDNR submitted requests for redesignation to attainment and maintenance plans for ozone for Kewaunee County, Manitowoc County, and Sheboygan County. The remainder of this document will discuss the regulatory requirements for redesignation to attainment, the details of the Wisconsin draft submittals, and EPA's recommended rulemaking action.

II. Redesignation Review Criteria

The Act provide the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) provides for redesignation if: (i) The Administrator determines that the area has attained the National Ambient Air Quality Standard (NAAQS); (ii) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175(A); and (v) the State containing such area has met all requirements applicable to the area under section 110 and Part D.

The EPA provided guidance on redesignation in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498, (April 16, 1992), supplemented at 57 FR 18070, (April 28, 1992) (General Preamble). Three key memoranda provide further guidance with respect to section 107(d)(3)(E) of the Act. The first, dated September 4, 1992, was issued by John Calcagni, Director, Air Quality Management Division, Subject: Procedures for Processing Requests to Redesignate Areas to Attainment (Calcagni Memorandum). The second, dated September 17, 1993, was issued by Michael Shapiro, Acting Assistant Administrator for Air and Radiation, Subject: State Implementation Plan (SIP) Requirements for Area Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) NAAQS on or after November 15, 1992, (Shapiro Memorandum). The third, dated October 14, 1994, was issued by Mary Nichols, Assistant Administrator for Air and Radiation, Subject: Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment (Nichols Memorandum).

Analysis of State Submittal

A. The Area Must Have Attained the Ozone National Ambient Air Quality Standard (NAAQS)

An area may be considered attaining the ozone NAAQS if there are no violations of the NAAQS, as determined in accordance with 40 CFR 50.9, based on 3 complete, consecutive calendar years of quality assured monitoring data. The data that are used should be the product of ambient monitoring that is representative of the area believed to have the highest concentration. A violation of the NAAQS occurs when the annual average number of expected daily exceedances is equal to or greater than one at any site under consideration. A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 parts per million (ppm). The data should be collected and quality-assured in accordance with 40 CFR Part 58, and recorded in the Aerometric Information Retrieval System (AIRS). The monitors should have remained at a location representative of the area's ozone air quality for the duration of the monitoring period required for demonstrating attainment.

Kewaunee County contains one ozone monitor, located just south of the town of Kewaunee, close to Lake Michigan. The monitor was moved to this site in 1994 from a previous location about one mile to the northwest. The monitor had been located in a room at Kewaunee High School, which the school wanted to reclaim. Kewaunee High School is located in the town of Kewaunee, about one-half mile from Lake Michigan.

The Sheboygan County monitor is located approximately 5 miles south of the city of Sheboygan and about a mile from Lake Michigan. The monitor has been in operation at this site since 1977.

Manitowoc County has two ozone monitors which operate during the April 15 to October 15 ozone season. The Collins Fire Tower site was initiated in 1992 after high ozone levels were measured during the Lake Michigan Ozone Study field study, conducted in the summer of 1991. The second monitor is at the Woodland Dunes Nature Conservancy. The monitor was moved to this location in 1994 from the Washington Jr. High School site. The move was needed to ensure adequate access to the monitoring equipment and also to provide sufficient space for the additional monitoring equipment required for the Photochemical Air Monitoring Stations (PAMS). The PAMS sites are required by the Act and

measure more pollutants than traditional ozone monitoring stations. The EPA stated, in a letter dated March 21, 1995, to WDNR, that the ozone monitoring data from the new site may be considered as a continuation from the old site.

To demonstrate monitored attainment with the standard, the WDNR submitted ozone monitoring data for the April 15 to October 15 ozone season for 1993, 1994, and 1995 for Kewaunee, Sheboygan, and Manitowoc Counties. The annual average expected exceedance for this 3-year time period, for each county is 0.67, 0.67, and 1.0, respectively. No violations were recorded during this 3-year time period. The three counties have attained the NAAQS. This data has been quality assured and is recorded in AIRS.

B. The Area Must Have a Fully Approved State Implementation Plan (SIP) Under Section 110(k); and the Area Must Have Met All Applicable Requirements Under Section 110 and Part D

In November 1991, Kewaunee and Manitowoc Counties were designated moderate nonattainment for ozone based on monitored ozone exceedances occurring during the years 1987–1989. Sheboygan County was classified as moderate nonattainment in November 1992. As a result of this designation, the WDNR was required to submit revised SIPs that meet the requirements of the Act and demonstrate attainment and maintenance with the ozone standards.

Section 110: General Requirements for Implementation Plans

Section 110(a)(2) of the Act lists the elements to be included in each SIP after adoption by the State and reasonable notice and public hearing. The elements include, but are not limited to, provisions for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor ambient air quality; implementation of a permit program, provisions for Part C (PSD) and D (NSR) permit programs, criteria for stationary source emission control measures, monitoring, and reporting, provisions for modeling, and provisions for public and local agency participation. For purposes of redesignation, the Kewaunee, Manitowoc, and Sheboygan County SIPs were reviewed to ensure that all requirements under the Act were satisfied. EPA has determined that the individual SIPs are consistent with the requirements of section 110 of the Act.

Part D: General Provisions for Nonattainment Areas

Before any of the moderate nonattainment counties may be redesignated as attainment, they must fulfill the applicable requirements of Part D. Under Part D, an area's classification determines the requirements to which it is subject. Subpart 1 of Part D sets forth the basic nonattainment requirements applicable to all nonattainment areas. Subpart 2 of Part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a). As described in the General Preamble, specific requirements of Subpart 2 may override Subpart 1's general provisions, (57 FR 13501 (April 16, 1992)). Kewaunee, Manitowoc, and Sheboygan Counties are classified as moderate nonattainment areas. Therefore, in order to be redesignated, the State must meet the applicable requirements of Subpart 1 of Part D—specifically sections 172 and 176, as well as the applicable requirements of Subpart 2 of Part D.

Section 172 Requirements

The State redesignation requests have satisfied all of the relevant submittal requirements under section 172 necessary for the area to be redesignated to attainment.

The reasonable further progress (RFP) requirement under section 172(c)(2) is defined as progress that must be made toward attainment. This requirement is not relevant because all three counties have demonstrated monitored attainment of the ozone NAAQS, (General Preamble, 57 FR 13564).

Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. The requirement was superseded by the inventory requirement in section 182(a)(1). The WDNR submitted such an inventory on November 15, 1992. It was approved on June 15, 1994 (59 FR 30702).

Section 172(c)(5) requires permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. The WDNR submitted information on nonattainment area new source review rules on November 15, 1992. The rules were approved by EPA on January 18, 1995, (60 FR 3538). The State's Prevention of Significant Deterioration (PSD) program will become effective in Kewaunee, Sheboygan, and Manitowoc County upon redesignation to attainment. The State was delegated the PSD program on November 4, 1987.

Section 176 Conformity Requirements

Section 176 of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that, before they are taken, Federal actions conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act, 49 U.S.C.A. App. section 1601 *et seq.*, (''transportation conformity''), as well as to all other Federal actions (''general conformity''). Section 176 further provides that the conformity revision to be submitted by the States must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. Congress provided for the State revisions to be submitted 1 year after the date of promulgation of final EPA conformity regulations.

The EPA promulgated final transportation conformity regulations on November 24, 1993, (58 FR 62188) and general conformity regulations on November 30, 1993, (58 FR 63214). Pursuant to Section 51.396 of the transportation conformity rule and Section 51.851 of the general conformity rule, the State of Wisconsin submitted a SIP revision containing transportation and general conformity criteria and procedures on November 23, 1994, and November 30, 1994, respectively. The EPA has not yet approved these rules as part of the SIP.

The EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continue to apply to areas after redesignation to attainment, since such areas would be subject to a section 175A maintenance plan. Second, EPA's Federal conformity rules require the performance of conformity analyses in the absence of federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet approved, the EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluation of a redesignation request. Consequently, the ozone redesignation requests for Kewaunee, Manitowoc, and Sheboygan County may be approved

notwithstanding the lack of fully approved State transportation and general conformity rules. This policy was also exercised in the Tampa, Florida ozone redesignation finalized on December 7, 1995, (60 FR 62748).

Subpart 2 Section 182 Requirements

The Counties of Kewaunee, Sheboygan, and Manitowoc are classified as moderate nonattainment. Therefore, Part D, Subpart 2, section 182(b) requirements apply. In accordance with guidance presented in the Shapiro memorandum, the requirements that were due prior to the submission of the requests to redesignate the three counties must be fully approved into the SIP before the requests to redesignate the area to attainment can be approved. Those requirements are discussed below:

(a) 1990 Base Year Inventory

The 1990 base year emission inventory was due on November 15, 1992. It was submitted to EPA on November 15, 1992, and approved by EPA on June 15, 1994, (59 FR 30702).

(b) Emission Statements

The emission statements SIP was due on November 15, 1992. It was submitted to the EPA on November 15, 1992, and approved by EPA on December 6, 1993, (58 FR 64155).

(c) (15 Percent) Plan

The 15 percent Rate of Progress plan for VOC reductions was submitted to EPA on November 15, 1993. The plan was approved on March 22, 1996, (61 FR 11735).

(d) Attainment Demonstration

Section 182(b)(1) requires that the 15 percent plan provide for ''such specific annual reductions in emissions . . . as necessary to attain the national primary ambient air quality standard by the attainment date applicable under this Act.'' However, as explained in a memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' dated May 10, 1995, EPA believes it is appropriate to interpret the provisions regarding attainment demonstrations, along with certain other provisions, so as not to require SIP submittals if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard.

The EPA has determined that Kewaunee, Manitowoc, and Sheboygan Counties have demonstrated monitored attainment with the ozone NAAQS. As a consequence, the attainment demonstration requirement of section 182(b)(1) is not applicable to the Kewaunee, Manitowoc, and Sheboygan Counties redesignation requests. The State must, however, continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area.

(e) RACT Requirements

SIP revisions requiring RACT for three classes of VOC sources are required under section 182(b)(2). The categories are:

(i) All sources covered by a Control Technology Guideline (CTG) document issued between November 15, 1990 and the date of attainment.

(ii) All sources covered by a CTG issued prior to November 15, 1990.

(iii) All other major non-CTG stationary sources.

The State submitted VOC RACT rules, including existing CTG's and non-CTG major sources, on September 22, 1993. EPA approved the rules on August 15, 1994. Additional rules for yeast manufacturing and molded wood parts or products coating and wood door finishing were approved on June 30, 1995; screenprinting on July 28, 1995; iron and steel foundaries on February 13, 1996; wood furniture coating on July 28, 1995; and lithographic printing on April 9, 1996.

(f) Stage II Vapor Recovery

Section 182(b)(3) requires States to submit gasoline vapor recovery rules no later than November 15, 1992. This requirement pertains to the recovery of emissions from the refueling of motor vehicles (i.e., Stage II). The Wisconsin Stage II rules were submitted as a SIP revision on November 15, 1992. On August 13, 1993, the EPA approved the State's SIP revision for implementation of Stage II (58 FR 43080).

(g) Vehicle Inspection and Maintenance (I/M)

The EPA's final I/M regulations in 40 CFR Part 51 establish specific requirements for certain ozone nonattainment areas to adopt and submit plans for I/M. Under these regulations, Manitowoc and Kewaunee counties are not required to implement an I/M program due to lack of urbanized areas. Sheboygan county, however, is subject to the I/M requirements and on November 15, 1993, the State of Wisconsin submitted a SIP revision to meet the I/M requirements for Sheboygan county. Under the I/M regulations, areas requesting redesignation must meet certain requirements in order to receive full SIP approval for their I/M program. For Sheboygan county, the I/M plans must contain the following elements:

1. Legal authority to implement an I/M program.

2. A commitment by the Governor or the Governor's designee to adopt or consider adopting an I/M program, in accordance with the maintenance plan.

3. An enforceable schedule for adoption and implementation of the I/M program, and appropriate milestones for implementation.

The legal authority for the I/M program in Sheboygan county was approved by the EPA on January 12, 1995, (60 FR 2881). The program is currently being implemented in accordance with the schedule submitted by the State. As a result, the Sheboygan county I/M program meets the criteria for a fully approved I/M SIP under EPA regulations.

(h) 1.15 to 1.0 Offset

Section 182(b)(5) requires all major new sources or modifications in a moderate nonattainment area to achieve offsetting reductions of VOCs at a ratio of at least 1.15 to 1.0. The State submitted New Source Review rules on November 23, 1994. EPA approved the rules on January 18, 1995, (60 FR 3538).

(i) NO_X Requirement

Section 182(f) establishes NO_X requirements for ozone nonattainment areas. However, it provides that these requirements do not apply to an area if the Administrator determines that NO_X reductions would not contribute to attainment. On July 13, 1994, Wisconsin submitted, along with Illinois, Indiana and Wisconsin, a section 182(f) NO_X petition to be relieved of the section 182(f) NO_X requirements based on urban airshed modeling (UAM). The modeling demonstrates that NO_X emission reductions would not contribute to attainment of the NAAQS for ozone in the modeled area, which includes Kewaunee, Sheboygan, and Manitowoc Counties area. The EPA approved the section 182(f) petition on January 26, 1996, (61 FR 2428). However, approval of the waiver does not exempt these counties from requirements that may be imposed as a result of the Ozone Transport Assessment Group process.

C. The Improvement in Air Quality Must be Due to Permanent and Enforceable Reductions in Emissions Resulting From the SIP, Federal Measures and Other Permanent and Enforceable Reductions

The State must be able to reasonably attribute the improvement in air quality to emission reductions which are permanent and enforceable. To satisfy this requirement, the State should estimate the percent reduction from the year that was used to determine the design value for designation and classification achieved from Federal measures and control measures that have been adopted and implemented by the State. Emission rates, production capacities and other information should be used in the estimation. Sources should be assumed to operate at permitted or historic peak levels unless evidence is presented that such an assumption is unrealistic.

The WDNR submittal documents changes in VOC and NO_X emissions from 1988 (the design year) to 1993 (the attainment year) for each county. Those changes are shown in the tables below.

KEWAUNEE COUNTY VOC EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	0.84	0.86	0.92
Area	1.77	1.76	1.74
Mobile	2.48	2.16	1.74
Totals	5.09	4.78	4.40
Percent Change from 1988 (design year)	.....	−6.09	−13.56

KEWAUNEE COUNTY NO_x EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	0.03	0.03	0.04
Area	0.14	0.14	0.14
Mobile	2.87	2.78	2.67
Totals	3.04	2.95	2.85
Percent Change from 1988 (design year)	.....	−2.96	−6.25

SHEBOYGAN COUNTY VOC EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	6.60	6.74	7.18
Area	9.62	9.69	9.84
Mobile	10.59	9.17	7.29
Totals	26.81	25.60	24.32

SHEBOYGAN COUNTY VOC EMISSIONS—Continued

[Tons per day]

Sector	1988	1990	1993
Percent Change from 1988 (design year)	.....	−4.51	−9.32

SHEBOYGAN COUNTY NO_X EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	55.23	56.35	60.08
Area	1.35	1.38	1.36
Mobile	16.91	16.32	15.34
Totals	73.49	74.05	76.78
Percent Change from 1988 (design year)	.....	+0.76	+4.48

MANITOWOC COUNTY VOC EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	1.14	1.16	1.24
Area	8.73	8.82	8.87
Mobile	9.57	8.25	6.44
Totals	19.44	18.23	16.55
Percent Change from 1988 (design year)	.....	−6.22	−14.86

MANITOWOC COUNTY NO_X EMISSIONS

[Tons per day]

Sector	1988	1990	1993
Point	3.14	3.20	3.41
Area	0.97	0.98	0.97
Mobile	15.91	15.32	13.94
Totals	20.02	19.50	18.32
Percent Change from 1988 (design year)	.....	−2.55	−8.44

The tables show that VOC and NO_x emissions decreased for both Manitowoc and Kewaunee Counties from 1988 to 1993. Sheboygan VOC also decreased during that time period. However, NO_x emission increased from 73.49 tons per day to 76.77 tons per day. The increase in NO_x emissions happened concurrently with the county's decrease in ozone and subsequent ability to show attainment of the standard. The WDNR has demonstrated that the improvement in air quality is due to the decrease in VOC emissions resulting primarily from the implementation of Federal programs. This reasoning is consistent with the NO_x waiver analysis, which showed that NO_x reductions would not contribute to attainment of the NAAQS for ozone. Emission estimates in the above tables were back casted to 1988 from 1990 base year emissions, according to variables such as population growth, economic growth, and vehicle miles traveled. Although Kewaunee, Manitowoc, and Sheboygan Counties experienced moderate economic and population growth during the years 1988 to 1993, VOC decreased in all three counties and NO_x emissions decreased in each county except Sheboygan. The majority of the reductions are due to lower highway motor vehicle emissions. These reductions are directly attributable to the implementation of the Federal Motor Vehicle Control Program (FMVCP).

D. The Area Must Have a Fully Approved Maintenance Plan Meeting the Requirements of Section 175A

Section 175A of the Act defines requirements for maintenance plans. The maintenance plan is a SIP revision which provides for attainment of the relevant NAAQS in the area for at least 10 years after redesignation. There are five core provisions that the maintenance plan must address (Calgagni Memorandum): the attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. The attainment inventory must identify the level of emissions in the area that is sufficient to attain the ozone NAAQS and must include the emissions during the time period associated with the monitoring data showing attainment. Maintenance is demonstrated by showing that future emissions will not exceed the level of the attainment inventory. The maintenance plan must also provide for continued operation of an appropriate air quality monitoring network to verify attainment status of the area. The plan must indicate how the State will track the progress of the maintenance plan. Finally, the maintenance plan must include contingency measures which would promptly correct any violation of the ozone NAAQS that occurs after redesignation of the area to attainment.

Attainment Inventory

The Kewaunee, Sheboygan, and Manitowoc Counties submittals contained inventories of 1990 actual VOC and NO_x emissions from stationary, area, and mobile sources. This is the most accurate,

comprehensive emission inventory available for the area. The 1990 emission inventory was projected to 1993 to provide an emissions inventory representative of attainment conditions based upon the lack of a monitored ozone violation for the years 1992–1994.

Maintenance Demonstration

The three county submittals show projected VOC and NO_X emissions from the 1993 attainment inventory to 2007. The following tables list the VOC and NO_X emissions for the base year, interim year and final year for each county.

SUMMARY OF KEWAUNEE VOC EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	1.74	1.57	1.57
Point	0.92	0.76	0.98
Mobile	1.74	1.68	1.37
Totals	4.40	4.01	3.92
Percent Change from 1993	.....	−8.86	−10.91

SUMMARY OF KEWAUNEE NO_X EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	0.14	0.14	0.13
Point	0.04	0.04	0.05
Mobile	2.67	2.56	2.36
Totals	2.85	2.74	2.54
Percent Change from 1993	.....	−3.86	−10.87

SUMMARY OF SHEBOYGAN VOC EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	9.84	8.52	9.03
Point	7.18	7.18	9.22
Mobile	7.29	6.85	4.36
Totals	24.31	22.55	22.61
Percent Change from 1993	.....	−7.23	−7.00

SUMMARY OF SHEBOYGAN NO_X EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	1.36	1.36	1.27
Point	60.08	70.13	55.89
Mobile	15.34	14.33	11.63
Totals	76.78	85.82	68.79
Percent Change from 1993	.....	+11.77	−10.40

SUMMARY OF MANITOWOC VOC EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	8.87	7.77	8.22
Point	1.24	1.22	1.59
Mobile	6.44	6.18	5.02
Totals	16.55	15.17	14.83
Percent Change from 1993	.....	−8.33	−10.39

SUMMARY OF MANITOWOC NO_X EMISSIONS

[Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	0.97	0.97	0.91
Point	3.41	3.64	4.71
Mobile	13.94	12.97	10.35
Totals	18.32	17.58	15.97
Percent Change from 1993	.....	−4.04	−12.83

The above tables show that the level of total emissions in the attainment year, 1993, are not exceeded in either the interim year, 1996, or the final year, 2007. An exception to this is the NO_X emission estimate for the interim year in Sheboygan County, which is predicted to increase by about 12 percent in 1996 but drop below attainment year levels by 2007. The drop in emissions from 1996 to 2007 is attributable to the Act Title IV NO_X requirements. To date, this level of increase in NO_X has not caused a violation of the NAAQS. The EPA believes that the emissions projections demonstrate that the area will continue to maintain the ozone NAAQS because this area has achieved attainment through VOC controls and reductions. Additionally, modeling performed to support the NO_X waiver petition showed that additional NO_X reductions would not contribute to attainment of the NAAQS.

Emission Projections

All emission projections were made from emissions calculated for WDNR's 1990 base year inventory. The 1990 base year inventory reflects tons per typical summer day emissions as well as an 80 percent rule effectiveness assumption. Projections were generally based on the following equation:

Proj.Emissions='90 Emissions*(Proj. Factor)*(1−(Cont.Effcy)*(RE)*(RP))

Where RE=rule effectiveness (default=80%), and RP=rule penetration.

Projections of stationary source emissions through the year 2007, for all three counties, were developed based primarily on economic growth projection factors using a growth of 1 percent per year prior to 1990 and approximately 2.3 percent per year after 1990. The area source emissions were projected using a variety of growth factors, such as population growth, gasoline market, vehicle miles traveled, farmland, etc. To project future year mobile VOC emissions, a VMT growth rate of 2.0 percent was used for the period between 1988 and 2007. These estimates were provided by the Wisconsin Department of Transportation. The MOBILE5a model was run to produce emission factors for the years 1988, 1990, 1993, 1996, and 2007. The submittal included the input and output files from the model runs.

Monitoring Network

There is currently one monitor measuring ozone in Kewaunee County and one monitor in Sheboygan County. Two monitors measure ozone in Manitowoc County. The WDNR has committed to continue operating and maintaining an approved ozone monitor network in each of the three counties for the 10 year maintenance period to verify the attainment status of the area.

Contingency Plan

The contingency plans for the counties of Kewaunee, Manitowoc, and Sheboygan contain three major components: attainment tracking, contingency measures, and a mechanism that triggers the implementation of the contingency measures.

The WDNR will track the progress of the maintenance plan for each County by generating VOC and NO_X emissions inventories for point, area, and mobile sources for the years 1996, 1999, 2002, 2005, and 2007

The contingency measures to be considered for implementation for each

county are (1) a lower major source applicability threshold for industrial sources and (2) the implementation of new gasoline standards that will lower VOC emissions. Selection of the contingency measures will take place in the event the ozone NAAQS is violated, and if an EPA approved analysis shows that emission sources from the county with the monitored violation caused the violation. This analysis is being conducted because the State has maintained that the level of ozone in these three counties is a function of ozone and ozone precursors being transported to the region from upwind urbanized areas such as the greater Chicago area. The analysis will follow a protocol which WDNR will submit to EPA for approval, within 60 days after the violation. This protocol plan may include available meteorological data, monitoring data, and a dispersion modeling study. The completed analysis will then be sent to EPA for approval within 14 months of the violation. The completed analysis will be subject to public comment. If the analysis shows that the specific county source(s) caused the violation, contingency measures will be implemented. In summary, the contingency measures will be implemented according to the following schedule:

Activity	Completion time
Violation of the ozone NAAQS:	
Verify violation and submit plan to analyze violation to EPA for approval	60 days after violation measurement.
Submit completed analysis, public notice and comment material to EPA for approval	14 months after violation measurement.
Lower ''major source'' threshold for industrial sources within the county with the violation	24 months after violation measurement.
Gasoline standards in the county with the violation to lower VOC emissions	24 months after violation measurement.

The Kewaunee, Manitowoc, and Sheboygan Counties submittals adequately address the five basic components which comprise a maintenance plan (attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan) and, therefore, satisfy the maintenance plan requirements of Section 107(d)(3)(E)(iv).

E. The Area Must Have Met All Applicable Requirements Under Section 110 and Part D

Section 110 and Part D requirements were discussed under section B above.

III. Final Rulemaking Action

The EPA is proposing to approve WDNR's request for redesignation to attainment and 175A maintenance plan for ozone for Kewaunee, Sheboygan, and Manitowoc County.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Ozone SIPs are designed to satisfy the requirements of Part D of the Act and to provide for attainment and maintenance of the ozone NAAQS. This proposed redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_X emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding on nonimplementation [section 173(b) of the Clean Air Act] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the Act.

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

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

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 2 U.S.C. 1532, requires that the EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203, 2 U.S.C. 1533, requires the EPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, 2 U.S.C. 1535, the EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year, the EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the EPA is not required to develop a plan with regard to small governments.

SIP approvals under section 110 and Subchapter I, Part D, of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on

such grounds. *Union Electric Co.* v. *EPA*, 427 U.S. 246, 256–66 (1976).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Motor vehicle pollution, Hydrocarbons, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National Parks, Wilderness Areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 30, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–14759 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[WA52–7125; FRL–5513–2]

Approval and Promulgation of Maintenance Plan and Designation of Areas for Air Quality Planning Purposes for Carbon Monoxide; State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing its intent to redesignate the Seattle-Tacoma-Everett nonattainment area to attainment for the carbon monoxide (CO) air quality standard and to approve a maintenance plan that will insure that the area remains in attainment. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is proposing to approve the Seattle-Tacoma-Everett redesignation as meeting the requirements set forth in the CAA.

DATES: Comments must be postmarked on or before July 11, 1996.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's redesignation request and other information supporting this proposed action are available for public review during normal business hours at the addresses listed below: EPA, Alaska-Washington Unit (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and the Washington State Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, Washington 98504–7600.

FOR FURTHER INFORMATION CONTACT: Christi Lee, EPA Region 10 Washington Operation's Office, at (360) 753–9079.

SUPPLEMENTARY INFORMATION:

I. Background

In a March 15, 1991, letter to the EPA Region 10 Administrator, the Governor of Washington recommended the Seattle-Tacoma-Everett area, including the western portions of King, Pierce, and Snohomish Counties, be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAA) (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). The area, which includes lands within the Puyallup Reservation, Tulalip Reservation and Muckleshoot Reservation, was designated nonattainment and classified as ''moderate'' under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694 (Nov. 6, 1991), codified at 40 CFR part 81, § 81.348.) Because the Seattle-Tacoma-Everett area had a design value of 14.8 ppm (based on 1987 data), it was classified as ''moderate > 12.7 ppm'' (moderate plus).

The CAA established an attainment date of December 31, 1995, for all moderate CO areas. The Seattle-Tacoma-Everett area has ambient monitoring data showing attainment of the CO National Ambient Air Quality Standards (NAAQS), since 1991. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on March 6, 1996, the Washington State Department of Ecology (WDOE) submitted a CO redesignation request and a maintenance plan for the Seattle-Tacoma-Everett nonattainment area. The WDOE submitted evidence that public hearings were held on October 26, 1995 in Seattle at the office of the Puget Sound Air Pollution Control Agency.

On April 8, 1996, EPA Region 10 determined that the information received from the WDOE constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, §§ 2.1 and 2.2.

II. Evaluation Criteria

Section 107(d)(3)(E) of the CAA lists specific requirements that an area must meet in order to be redesignated from nonattainment to attainment. They are:

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of the CAA and the area must have met all relevant requirements under section 110 and Part D of the CAA.
3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

III. Review of State Submittal

EPA proposes to find that the Washington redesignation request for the Seattle-Tacoma-Everett area meets the requirements of section 107(d)(3)(E), noted above. EPA also proposes to find that information and requirements provided in the WDOE redesignation request and maintenance plan for the Seattle-Tacoma-Everett nonattainment area demonstrate that the 107(d)(3)(E) requirements have been met for the affected tribal lands which include portions of the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation. The Agency has not determined whether it is bound to follow the formal requirements of section 107(d)(3)(E) when taking such redesignation actions for tribal lands. The action to redesignate to attainment these tribal lands is being proposed today without answering that question because information submitted by WDOE satisfies each required element for redesignation.

The following is a brief description of how each of the 107(d)(3)(E) requirements are met. A Technical Support Document, on file at the EPA Region 10 office, contains a more detailed analysis of this redesignation proposal.

1. Attainment of the CO NAAQS

To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The redesignation is based on air quality data that showed that the CO standard was not violated in 1993 and 1994. These data were collected by WDOE in accordance with 40 CFR 50.8, following EPA guidance on quality assurance and quality control and are in the EPA Aerometric Information and Retrieval System (AIRS). Since the Seattle-Tacoma-Everett area has complete quality-assured monitoring data showing attainment of the standard over two consecutive years (1993 and 1994), and has not violated the standard since that time, the area has met the first statutory criterion for attainment of the CO NAAQS. The WDOE has committed to continue monitoring in this area in accordance with 40 CFR part 58.

2. Fully Approved SIP That Meets Applicable Requirements of Section 110 and Part D of the CAA

Section 107(d)(3)(E)(ii) of the CAA states that EPA may not approve redesignation of a nonattainment area to attainment unless EPA has fully approved all of the SIP requirements that were due under the 1990 CAA. The 1990 CAA required that nonattainment areas achieve specific new requirements depending on the severity of the nonattainment classification. As noted earlier, Seattle-Tacoma-Everett was classified as a moderate CO nonattainment area with a design value greater than 12.7 ppm. Therefore, the 1990 CAA requirements for the Seattle-Tacoma-Everett nonattainment area include the preparation of a 1990 emission inventory with periodic updates, adoption of an oxygenated fuels program, the development of contingency measures, adoption of an enhanced inspection and maintenance program, a forecast of vehicle miles traveled, development of conformity procedures, and the establishment of a permit program for new or modified major stationary sources.

For the purposes of evaluating the request for redesignation to attainment, EPA has approved all but three elements of the WDOE CO SIP. Specifically, the three elements of the WDOE CO SIP that have not been fully approved by EPA are the 1990 base year emission inventory, the inspection and maintenance program and the attainment demonstration. EPA is reviewing the SIP revisions for each of these three requirements, which have been submitted by the WDOE. Final approval of the Seattle-Tacoma-Everett CO area redesignation request is contingent on final action by EPA to approve these three elements.

A. Conformity

Under section 176(c) of the CAA, states were required to submit revisions to their SIPs that include criteria and procedures to ensure that Federal actions conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act (''transportation conformity''), as well as all other Federal actions (''general conformity''). Congress provided for the State revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and final general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that the States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to 40 CFR § 51.396 of the transportation conformity rule, the WDOE was required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, pursuant to 40 CFR § 51.851 of the general conformity rule, the WDOE was required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. The WDOE submitted its transportation conformity SIP revision to EPA on December 1, 1995. This SIP has not been fully approved by EPA. The WDOE has not submitted its general conformity SIP revision.

Although this redesignation request was submitted to EPA after the due dates for the SIP revisions for transportation conformity (58 FR 62188) and general conformity (58 FR 63214) rules, EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. Therefore, the State remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, the federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting State rules does not relieve an area from the obligation to implement conformity requirements.

Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment, and must implement conformity under Federal rules if State rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request.

Therefore, EPA has modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a carbon monoxide redesignation request. (See 61 FR 2918, January 30, 1996). Under this policy, for the reasons just discussed, EPA believes that the CO redesignation request for the Seattle-Tacoma-Everett area may be approved notwithstanding the lack of submitted and approved state transportation and general conformity rules.

B. Periodic Emission Inventory

Under Part D of the CAA a 1993 CO periodic emission inventory is required to be submitted to EPA for approval into the Washington SIP. Ecology submitted a 1993 emission inventory as an element of the maintenance plan for purposes of meeting the attainment emission inventory requirement of section 175A. EPA is accepting and proposing to approve the 1993 emission inventory as satisfying both the Part D and section 175A requirements.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

EPA approved the WDOE's CO SIP under the 1990 CAA. Emission reductions achieved through the implementation of control measures contained in that SIP are enforceable. These measures were: an enhanced inspection and maintenance program, the Federal Motor Vehicle Control Program, and an oxygenated fuels program. As discussed above, the Seattle-Tacoma-Everett area initially attained the NAAQS in 1991 (prior to implementation of the oxygenated fuels program) with monitored attainment through the 1995–1996 CO season. This indicates that the improvements are due to the permanent and enforceable measures contained in the 1990 CO SIP and did not rely on the oxygenated fuels program.

The WDOE has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to local economic downturn or unusual or extreme occurrences in the weather patterns. EPA finds that the combination of certain existing EPA-approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient

CO levels that have allowed the area to attain the NAAQS.

4. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is proposing to approve the WDOE's maintenance plan for the Seattle-Tacoma-Everett area because EPA finds that it meets the requirements of section 175A.

A. Attainment Emission Inventory

The WDOE submitted comprehensive inventories of CO emissions from point, area, stationary and mobile sources using 1993 as the attainment year for calculations to demonstrate that the CO standard will be maintained in the Seattle-Tacoma-Everett area. Since air monitoring recorded attainment in 1993, 1993 is an acceptable year for the attainment inventory. The 1993 emission inventory summaries by source category are in Table 1 and detailed inventory data is contained in the docket maintained by EPA.

Although the 1993 inventory can be considered representative of attainment conditions because the NAAQS was not violated during 1993, the WDOE established CO emissions for the attainment year, 1993, as well as five forecast years out to the year 2010 (1995, 1998, 2005, 2007 and 2010) in their redesignation request. The future emission estimates are based on forecast assumptions about growth of the regional economy and vehicle miles traveled. The assumptions for the annual VMT growth rate and the annual employment growth rate were calculated using the State Highway Performance Monitor System, regional VMT data and the Central Puget Sound Regional Econometric Model respectively. Stationary and mobile source inventories were compiled following EPA guidance. Mobile source emission estimates were prepared following the approach recommended by EPA. The WDOE used the Highway Performance Monitor System and regional transportation system network data to estimate vehicle miles traveled and used the MOBILE 5.1 emission model for CO emissions estimates.

TABLE 1.—1993 CO ATTAINMENT YEAR EMISSIONS INVENTORY FOR THE SEATTLE-TACOMA-EVERETT NONATTAINMENT AREA (TONS PER WINTER DAY)

Year	Area	Nonroad	Mobile	Point	Total
1993	316	214	1497	61	2088

SEATTLE-TACOMA-EVERETT NONATTAINMENT AREA CO EMISSIONS INVENTORY PROJECTIONS (TONS PER WINTER DAY)

Year	Area	Nonroad	Mobile	Point	Total
1995	317	211	1290	61	1879
1998	317	221	1458	61	2057
2001	318	218	1317	61	1914
2005	319	198	1262	61	1840
2007	320	195	1259	61	1835
2010	321	198	1253	61	1833

B. Demonstration of Maintenance: Projected Inventories

Total CO emissions were projected from the 1993 attainment year out to 2010. These projected inventories were prepared in accordance with EPA guidance. The projections show that calculated CO emissions, assuming no oxygenated fuels program, are not expected to exceed the level of the 1993 attainment year inventory during this time period. The WDOE will discontinue implementation of the Oxygenated Fuel program in the Seattle-Tacoma-Everett Consolidated Metropolitan Statistical Area (CMSA) once approval of the CO maintenance plan becomes effective. Therefore, it is anticipated that the Seattle-Tacoma-Everett area will maintain the CO standard without the oxygenated fuels program, and this program would not need to be implemented following redesignation, except as a contingency measure.

C. Verification of Continued Attainment

Verification of continued attainment of the CO NAAQS in the Seattle-Tacoma-Everett area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The WDOE has also committed to perform comprehensive reviews of the CO maintenance plan commencing in the year 2000 and occurring again at four year intervals in 2004 and 2008. The plan elements to be reviewed at each of these times include VMT and socioeconomic forecasts; emission inventory projections and control strategy implementation effectiveness. The results of the plan review in 2008 will be used as the basis for developing a CO maintenance plan for the next maintenance planning period.

In addition, the WDOE has committed to pursuing amendments to the maintenance plan if substantive changes are required as a result of the above reviews.

D. Contingency Plan

Section 175A(d) of the CAA requires that all control measures contained in the SIP prior to redesignation be retained as contingency measures in the CO maintenance plan. Since the oxygenated fuels program was a control measure contained in the SIP prior to redesignation, the WDOE SIP retains oxygenated fuels as the contingency measure in the maintenance plan. The plan contains a triggering mechanism to determine when the contingency measure is needed. In the event of a future CO violation, implementation of the oxygenated fuels program will be triggered. This contingency measure would require all gasoline blended for

sale in the Puget Sound CO nonattainment area during the winter months to contain an average oxygenate content of at least 2.7 percent by weight. Program requirements would be identical to those incorporated into the current oxygenated gasoline program (Chapter 173–492, Washington Administrative Code, Motor Fuel Specifications for Oxygenated Gasoline, adopted October 6, 1992 and PSAPCA Regulation II, Section 2.09, Oxygenated Gasoline, adopted October 14, 1993).

This contingency measure will be triggered in the event of a quality-assured violation of the NAAQS for CO at any one of the permanent monitoring sites in the nonattainment area. Thus, this triggering will occur when any one monitoring site records two 8-hour average CO concentrations that equal or exceed 9.5 ppm in a single calendar year.

The oxygenated fuels program will be fully implemented no later than the next full winter season following the date when the trigger was activated. Implementation will continue throughout the balance of the CO maintenance period, or until such time that a reassessment of the ambient CO monitoring data establishes that the contingency measure is no longer necessary.

As mentioned above, the WDOE has chosen to convert its oxygenated fuels requirement in the Seattle-Tacoma-Everett CMSA to a contingency measure in its maintenance plan upon redesignation. EPA is approving the WDOE's contingency measure for the Seattle-Tacoma-Everett area.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. That revised SIP will provide for maintenance for an additional ten years.

Conclusion

EPA proposes to approve the Seattle-Tacoma-Everett, Washington CO maintenance plan and request for redesignation to attainment because WDOE has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation.

In addition, EPA, after notification of and consultation with the affected tribal governments, proposes to redesignate to attainment those areas in the Seattle-Tacoma-Everett CO nonattainment area that are located within the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation. The Agency believes that the redesignation requirements are effectively satisfied here based on information provided by WDOE and requirements contained in the WDOE SIP and maintenance plan.

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

IV. Administrative Review

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

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2224), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations.

40 CFR Part 81

Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C 7401–7671q.

Dated: May 22, 1996.

Jane S. Moore,

Acting Regional Administrator.

[FR Doc. 96–14679 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7182]

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:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	
Jenkintown (Borough), Montgomery County	
Tacony Creek:	
Approximately 200 feet upstream of Greenwood Avenue	*206
At the confluence of Baeder Run	*220
Baeder Run:	
At the confluence with Tacony Creek	*220
Approximately 586 feet upstream of confluence with Tacony Creek	*220
Maps available for inspection at the Jenkintown Borough Offices, 700 Summit Avenue, Jenkintown, Pennsylvania.	
Send comments to Mr. John Plunkett, President of the Jenkintown Borough Council, P.O. Box 2176, Jenkintown, Pennsylvania 19046.	
Lower Salford (Township), Montgomery County	
Skippack Creek:	
At Quarry Bridge Road	*176
Near Wampole Road approximately 950 feet upstream of State Highway 63	*199
Skippack Creek Tributary No. 2:	
Approximately 150 feet downstream of Wampole Road	*211
Approximately 525 feet upstream of Wampole Road	*212
Maps available for inspection at the Township Office, 474 Main Street, Harleysville, Pennsylvania.	
Send comments to Mr. Douglas Gifford, Chairman of the Lower Salford Township Board of Commissioners, 474 Main Street, Harleysville, Pennsylvania 19438.	

§ 67.4 [Amended]

3. 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
North Carolina	Marion (City) McDowell County.	Catawba River	Approximately 340 feet (or 0.1 mile) downstream of the U.S. Route 221 bridgex.	*1226	*1222
			Approximately 0.4 mile upstream of the U.S. Route 221 Bypass bridge.	*1234	*1228
Maps available for inspection at the Marion City Hall, 200 North Main Street, Marion, North Carolina.					
Send comments to The Honorable A. Everette Clark, Mayor of the City of Marion, P.O. Drawer 700, Marion, North Carolina 28752.					
Tennessee	La Vergne (City) Rutherford County.	Hurricane Creek	Approximately 0.9 mile downstream of U.S. Routes 41 and 70.	*517	*510
			At confluence of East and West Branches Hurricane Creek.	*573	*575
		West Branch Hurricane Creek.	Approximately 820 feet downstream of Bridgestone Parkway.	*576	*575
			Approximately 200 feet downstream of Heil Quaker Boulevard.	*586	*585
		Rock Spring Branch	Approximately 900 feet downstream of Waldron Road.	*656	*654
			At Waldron Road	None	*660
		East Branch Hurricane Creek.	Approximately 0.18 mile upstream of Bridgestone Parkway.	*578	*579
			Approximately 0.16 mile upstream of Waldron Road.	*581	*582
		J. Percy Priest Resevoir ...	Entire shoreline within community	None	*506
		East Branch Hurricane Creek.	Approximately 100 feet downstream of Industrial Boulevard.	*586	*587
Maps available for inspection at the La Vergne City Hall, 5093 Murfreesboro Road, La Vergne, Tennessee.					
Send comments to The Honorable Mike Webb, Mayor of the City of La Vergne, 5093 Murfreesboro Road, La Vergne, Tennessee 37086.					
Tennessee	Murfreesboro (City) Rutherford County.	Lytle Creek	Approximately 200 feet upstream of Old Fort Parkway at the upstream side of Louisville and Nashville Railroad.	*582	*581
			Approximately 200 feet upstream of County Club Drive.	None	*604
		Bushman Creek	At upstream side of Compton Road	*549	*546
			Approximately 200 feet downstream of New Lascassas Road.	*587	*585
Maps available for inspection at the Murfreesboro City Hall, City Planning Department, 111 West Vine Street, Murfreesboro, Tennesse.					
Send comments to The Honorable Joe B. Jackson, Mayor of the City of Murfreesboro, P.O. Box 1139, Murfreesboro, Tennessee 37133–1139.					
Tennessee	Rutherford County (Unincorporated Areas).	East Fork Stones River	Approximately 1.45 miles downstream of U.S. Route 231 (Lebanon Pike).	*530	*529
			Approximately 0.8 mile upstream of State Route 96.	*565	*561
		J. Percy Priest Resevoir ...	Entire shoreline within county	None	*506
		Bear Branch	At confluence with East Fork Stones River.	*542	*539
			At downstream side of Dejarnette Lane ...	*584	*580
		Overall Creek	At confluence with West Fork Stones River.	*533	*532
			Approximately 4.0 miles upstream of State Route 96.	*632	*634
		Lytle Creek	Approximately 500 feet upstream of Sanbyrn Road (at downstream corporate limits).	None	*601
			Approximately 100 feet downstream of Dilton-Mankin Road.	*644	*643
		Rock Spring Branch	Approximately 1,000 feet downstream of Waldron Road.	*654	*653
			Approximately 1,900 feet upstream of Waldron Road.	None	*673
		Olive Branch	At confluence with Stewart Creek	*531	*532

State	City/town/ county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.45 mile upstream of Rocky Ford Road.	*582	*583
		Stewart Creek	Approximately 0.5 mile downstream of 8th Avenue.	None	*506
			Approximately 50 feet upstream of Almaville Road.	None	*603
		Lees Spring Branch	At confluence with Lytle Creek	None	*623
			Approximately 150 feet upstream of Dilton-Mankin Road.	None	*630
		Wades Branch	At confluence with East Fork Stones River.	*535	*531
			Approximately 0.65 mile upstream of State Route 102.	*535	*534
		Bradley Creek	At confluence with East Fork Stones River.	*564	*559
			Approximately 264 feet upstream of Browns Mill Road.	*	*
		Puckett Creek	At confluence with Overall Creek	*570	*572
			Approximately 0.12 mile upstream of confluence with Overall Creek.	*571	*572
		Bushman Creek	At confluence with East Fork Stones River.	*549	*546
			Approximately 1,300 feet upstream of New Lascassas Road.	*590	*591
Maps available for inspection at the Rutherford County Courthouse, County Engineering Department, #1 Public Square South, Room 101, Murfreesboro, Tennessee.					
Send comments to Ms. Nancy Allen, Rutherford County Executive, Rutherford County Courthouse, #1 Public Square South, Room 101, Murfreesboro, Tennessee 37130.					
Tennessee	Smyrna (Town) Rutherford County.	Stewart Creek	Approximately 0.6 mile downstream of 8th Avenue.	None	*506
			Approximately 500 feet upstream of I–24 Eastbound.	*542	*547
		Rock Spring Branch	Approximately 0.29 mile upstream of confluence with Harts Branch.	*542	*543
			Approximately 0.33 mile upstream of Last Crossing of Rock Spring Road.	None	*702
		J. Percy Priest Resevoir	For its entire shoreline within community	None	*506
		Olive Branch	At the confluence with Stewart Creek	*531	*532
			Approximately 375 feet upstream of Rosewood Drive.	*553	*560
Maps available for inspection at the Smyrna Town Hall, 315 South Lowry Street, Smyrna, Tennessee.					
Send comments to The Honorable Paul H. Johns, Mayor of the Town of Smyrna, 315 South Lowry Street, Smyrna, Tennessee 37167.					
West Virginia	Moorefield (Town) Hardy County.	South Branch Potomac River.	At a point approximately 2,000 feet upstream of corporate limits.	*806	*807
			At confluence of the South Fork of the South Branch Potomac River.	*808	*807
		South Fork of the South Branch Potomac River.	At confluence with the South Branch Potomac River.	*808	*807
			Approximately 700 feet upstream of southern corporate limits.	*828	*829
Maps available for inspection at the Moorefield Town Hall, 206 Winchester Avenue, Moorefield, West Virginia.					
Send comments to The Honorable LeMar Sager, Mayor of the Town of Moorefield, 206 Winchester Avenue, Moorefield, West Virginia 26836.					

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

Dated: May 31, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–14727 Filed 6–10–96; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–96–1437; Notice 96–19]

RIN 2105–AC57

Privacy Act; Maintenance of and Access to Records Pertaining to Individuals; Amendment

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

ACTION: Notice of Proposed Rulemaking.

SUMMARY: DOT proposes to amend its regulations in implementing the Privacy Act, 5 U.S.C. 552a. This revision updates organizational changes since the last revision and streamlines the regulations in order to make the regulations more useful. Public comment is invited.

DATES: Comments are due August 12, 1996.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket No. OST–96–1437, Department of Transportation, C–55, Washington, DC 20590. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW, Washington, DC, from 10 AM to 5 PM ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dorothy A. Chambers, Office of the General Counsel, C–12, Department of Transportation, Washington, DC 20590, telephone (202) 366–4542, FAX (202) 366–7152.

SUPPLEMENTARY INFORMATION: The President instituted a Regulatory Review initiative, for the reinvention of regulations by eliminating duplicate, redundant or unnecessary language and revising regulations to meet the need of users. In response to this initiative, we have reviewed part 10 and are proposing to revise this section to update and streamline information on maintenance and access to records pertaining to individuals. The main revision is to remove from the Code of Federal Regulations Appendices B through J to this part and remove references to the appendices throughout the part. These appendices contain information that is available through the Notice of Records Systems published by the Federal Register, National Archives and Records Administration, which describes the systems of records maintained by all Federal agencies, including the Department and its components. Therefore, it is unnecessary to repeat this information in the regulations. Several other housekeeping corrections have also been made.

Analysis of regulatory impacts.

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this proposal will not have a significant economic impact on a substantial number of small entities.

This proposal does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the proposal does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 10

Privacy.

In accordance with the above, DOT proposes to amend 49 CFR part 10 as follows:

PART 10—[AMENDED]

1. The authority citation would continue to be as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

§ 10.1 [Amended]

2. In § 10.1, paragraphs (b), (c), and (d) would be removed and the paragraph designation (a) would be removed.

3. In § 10.5, within the definition of *Department,* paragraph (f) would be revised, and a new paragraph (i) would be added to read as follows

§ 10.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

* * * * *

Department * * *

* * * * *

(f) Federal Transit Administration.

* * * * *

(i) Bureau of Transportation Statistics.

* * * * *

4. In § 10.31, paragraph (a) would be revised to read as follows:

§ 10.31 Requests for records.

(a) Ordinarily, each person desiring to determine whether a record pertaining to him/her is contained in a system of records covered by this part or desiring access to a record covered by this part, or to obtain a copy of such a record, shall make a request in writing addressed to the system manager. The ''Notice of Records Systems'' published by the Office of the Federal Register, National Archives and Records Administration, describes the systems of records maintained by all Federal agencies, including the Department and its components. In exceptional cases oral requests are accepted. See § 10.13(b) regarding inquiries concerning Privacy Act matters or requests for assistance.

* * * * *

5. In § 10.35, paragraph (a)(12) would be added to read as follows:

§ 10.35 Conditions of disclosure.

(a) No record that is contained within a system of records of the Department is disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

* * * * *

(12) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

* * * * *

6. In § 10.37, the last sentence would be revised to read as follows:

§ 10.37 Identification of individual making request.

* * * In such cases, these additional requirements are listed in the public notice for the system.

7. Section 10.39 would be revised to read as follows:

§ 10.39 Location of records.

Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located, or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies are mailed to the requester.

8. Section 10.41 would be revised to read as follows:

§ 110.41 Requests for correction of records.

Any person who desires to have a record pertaining to that person corrected shall submit a written request detailing the correction and the reasons the record should be so corrected. Requests for correction of records shall be submitted to the System Manager.

9. In § 10.51, paragraphs (c) and (h) would be revised to read as follows:

§ 10.51 General.

* * * * *

(c) Each application for review must be made in writing and must include all information and arguments relied upon by the person making the request, and be submitted within 30 days of the date of the initial denial; exceptions to this time period are permitted for good reason.

* * * * *

(h) Any final decision by an Administrator or his/her delegate not to grant access to or amend a record under this part, is subject to concurrence by the General Counsel or his or her delegate.

Appendix A [Redesignated as Appendix]

10. Appendix A would be redesignated as ''Appendix''.

Appendices B–J [Removed]

11. Appendices B through J would be removed.

Issued in Washington, DC, on May 31, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96–14612 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–62–P

Notices

Federal Register
Vol. 61, No. 113
Tuesday, June 11, 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

Agricultural Marketing Service

[Docket No. TB–96–24]

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 28, 1996.

Time: 10 a.m.

Place: United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Tobacco Division, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, Room 223, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

Purpose: The purpose of the meeting is to elect officers, establish submarketing areas, discuss selling schedules and recommend opening dates. The Committee will also update the 1996 policies and procedures and review other related matters for the 1996 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Dated: June 3, 1996.

John P. Duncan III,

Director, Tobacco Division.

[FR Doc. 96–14757 Filed 6–10–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 960521143–6143–01]

Census Designated Place (CDP) Program for Census 2000—Proposed Criteria

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of Proposed Program Revisions and Request for Comments.

SUMMARY: Census designated places (CDPs) are statistical geographic entities, defined in conjunction with each decennial census, consisting of a closely settled, locally recognized concentration of population that is identified by name. The Census Bureau uses CDPs to tabulate and disseminate information about several thousand localities that otherwise would not be identified as places in decennial census data products.

Although not as numerous as incorporated places, CDPs have been important geographic entities since the Census Bureau first introduced them for the 1950 census. In 1990, more than 29 million people in the United States lived in CDPs. To determine the inventory of CDPs, the Census Bureau offers a program to local participants, such as American Indian tribal officials and state-designated agencies, whereby they can update the list and geographic definition of CDPs defined during the previous census, and suggest new CDPs according to criteria developed and promulgated by the Census Bureau. The Census Bureau then reviews the resulting CDP suggestions for conformance with these criteria.

As the first step in this process, the Census Bureau is requesting comments on its proposed criteria for the delineation of CDPs in conjunction with Census 2000. These criteria will apply to the 50 states, American Indian and Alaska Native areas, Puerto Rico, and all other Island Territories in Census 2000 except American Samoa.[1] The Census Bureau may modify, and if necessary reject, a CDP that does not meet the criteria established following this notice.

In addition to the proposed criteria, this notice includes a description of the changes from the criteria used for the 1990 census and a list of definitions of key terms used in the criteria.

DATES: Any suggestions or recommendations concerning the proposed criteria should be submitted in writing by July 11, 1996.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233–0001.

FOR FURTHER INFORMATION CONTACT: Dr. Joel L. Morrison, Chief, Geography Division, Bureau of the Census, Washington, DC 20233–7400, telephone (301) 457–1132, or e-mail to ''joel.morrison@census.gov.''

SUPPLEMENTARY INFORMATION: The CDP delineation criteria have evolved over the past five decades in response to decennial census practices and the preferences of data users. After each decennial census, the Census Bureau, in consultation with data users, reviews and revises these criteria. Then, before the next decennial census, the Census Bureau offers state, tribal, and local officials an opportunity to correct, update and otherwise improve the universe of CDPs.

In July and August 1995, the Census Bureau issued invitations to local groups and agencies to participate in the delineation of statistical geographic entities for Census 2000. These included regional planning agencies, Councils of Governments, county planning agencies, officials of American Indian tribes, and officials of the 12 nonprofit Alaska Native Regional Corporations.

By early 1997, the Census Bureau will provide program participants with maps and detailed guidelines for delineating CDPs for Census 2000.

A. Criteria for Delineating CDPs for Census 2000

The Census Bureau proposes the following criteria for use in determining the areas that will qualify for designation as CDPs based on the results of Census 2000.

1. General characteristics

A CDP constitutes a closely settled center of population that is named and not part of an incorporated place. It has a distinct nucleus of residences and a relatively high population density. It generally consists of a contiguous cluster of census blocks and comprises a single piece of territory.

[1] There are no CDPs in American Samoa because incorporated villages cover its entire territory and population.

2. Names

The CDP name should be one that is recognized and used locally. A CDP may not have the same name as an adjacent or nearby incorporated place. It is permissible to change the name of a 1990 CDP if the new name provides a better identification of the community.

3. Geographic relationships

A CDP may be located in more than one county, but it may never be located either partially or entirely within an incorporated place or another CDP. It may not cross the boundaries of an American Indian reservation (AIR) or a tribal jurisdiction statistical area (TJSA). A CDP also may never be delineated with portions in more than one state; that is, a state line is always a CDP boundary, with one exception: if a state line splits a community that is located on an AIR, then each portion of the community can qualify as a separate CDP regardless of its population, provided the combined population of all portions is at least 100 people.

4. Boundaries

The boundaries of a CDP are always census block boundaries. Normally, CDP boundaries follow visible features and county lines, but in some instances they follow incorporated place boundaries and other nonvisible block boundary features. A CDP encompasses, as far as possible, all adjacent closely settled territory associated with the CDP name.

Most changes to the boundaries of CDPs occur because of recent development, or annexations of former CDP territory by an adjacent incorporated place.

5. Population thresholds

Usually, a CDP qualifies for delineation because it meets a minimum population threshold. (There are no maximum population limitations on a CDP.) Several minimum population thresholds apply to CDPs (see the table below); these may vary by state and statistically equivalent entity or because the CDP is located in an urbanized area (UA), AIR, or TJSA.

POPULATION THRESHOLD CRITERIA FOR QUALIFICATION OF CDPS (CENSUS 2000)

Geographic Area(s) Geographic Location/Type of Entity	Minimum Population (number of residents)
The 48 conterminous States:	
inside UAs	2,500
outside UAs	1,000
on AIRs and TJSAs	100
county seats	none
Alaska:	
inside UAs	2,500
outside UAs	25
borough (county) seats	none
Hawaii:	
inside UAs	300
outside UAs	300
county seats	none
Puerto Rico:	
comunidades	1,000
zonas urbanas	none
Guam, Northern Mariana Islands, Virgin Islands of the United States;	
all CDPs	300

In Puerto Rico, the minimum of 1,000 residents applies to all comunidades, whether located inside or outside UAs. There is no minimum population threshold for the zonas urbanas, which are similar to county seats.

In the case of seasonal and resort communities that are identified by local officials and located outside UAs, the Census Bureau will use a minimum threshold of 500 housing units rather than 1,000 residents to qualify them as CDPs.

B. Changes in the Criteria for Census 2000

Most provisions of the CDP criteria remain unchanged from those used in conjunction with the 1990 census, with the few exceptions summarized below.

1. The Census Bureau will lower the minimum population threshold for CDPs on AIRs from 250 to 100 residents. (The Census Bureau also will apply the minimum population of 100 residents to CDPs on TJSAs.) Based on discussions with tribal officials regarding their data needs, it is clear that this lower population threshold will provide a better representation of the settlement concentrations found in American Indian areas. The Census Bureau estimates there will be approximately 100 new CDPs because of this provision.

2. The Census Bureau will recognize a seasonal or resort community as a CDP when it has fewer than 1,000 permanent residents but at least 500 housing units. This measure will allow the identification of communities that have the physical attributes of a population center but cannot qualify as CDPs because their maximum population is not resident there at the time of the decennial census (usually late winter-early spring). Program participants must submit information showing the potential CDP is a seasonal or resort community. In addition, it must be located outside of a UA. The Census Bureau estimates there may be 200–300 new CDPs because of this provision.

3. The Census Bureau will waive the minimum population size for any CDP that is a county seat. This measure recognizes the importance of small unincorporated settlements as geographic focal points in counties that are predominantly rural in character. The Census Bureau estimates that there will be fewer than 100 new CDPs because of this provision.

4. The Census Bureau will simplify its data presentations by eliminating CDPs that are geographically coextensive with an Alaska Native village statistical area (ANVSA) having the same name. This will eliminate duplicate place names and population totals that refer to the same geographic area. In 1990, 64 out of 217 ANVSAs were coextensive with a CDP. These ANVSAs will retain their status as places for Census 2000, but not also as CDPs. The Census Bureau will continue to recognize as separate CDPs those communities that overlap the boundaries of ANVSAs, provided that the two entities are distinguishable by name.

Definitions of Key Terms

Alaska Native village statistical area (ANVSA)—The densely settled extent of an Alaska Native village (ANV). The ANV is a type of local governmental unit that constitutes an association, band, clan, community, tribe, or village recognized pursuant to the Alaska Native Claims Settlement Act of 1972.

American Indian reservation (AIR)—An American Indian entity with boundaries established by treaty, statute, and/or executive or court order and over which American Indians have governmental jurisdiction. Designations such as colonies, communities, pueblos, rancherias, reservations, and reserves apply to AIRs.

Census block—An area of variable extent, generally bounded by visible features such as streets, roads, streams, and railroad tracks, and also delimited by nonvisible boundaries, such as city, town, township, and county limits, and occasionally defined by property lines, and short, imaginary extensions of streets and roads or point-to-point lines.

Coextensive—Descriptive of two or more geographic entities that cover exactly the same area, with all boundaries conjoint.

Comunidad—A CDP in Puerto Rico for the 1990 census; called an aldea or a ciudad in previous censuses.

Conjoint—Descriptive of a boundary shared by two adjacent geographic entities.

Contiguous—Descriptive of geographic areas that are adjacent to one

another, sharing either a common boundary or point of contact.

Housing unit—A house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as a separate living quarter or, if vacant, intended for occupancy as a separate living quarter. Separate living quarters are those in which the occupants live and eat separately from any other residents of the building and which have direct access from outside the building or through a common hall.

Incorporated place—A type of governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, having legally prescribed limits, powers, and functions.

Island Territory—An entity, other than a state or the District of Columbia, under the jurisdiction of the United States. For Census 2000, this will include American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and several small islands in the Caribbean Sea and the Pacific Ocean. The Census Bureau treats each Island Territory as the statistical equivalent of a state.

Municipio—A type of governmental unit that is the primary legal subdivision of Puerto Rico. The Census Bureau treats the municipio as the statistical equivalent of a county.

Nonvisible feature—A map feature that is not visible, such as a city or county boundary, a property line running through space, a short imaginary extension of a street or road, or a point-to-point line.

Outlying Area—See Island Territory.

Statistical geographic entity—Any specially defined geographic entity or combination of entities, such as a block group, CDP, or census tract for which the Census Bureau tabulates data. Statistical entity boundaries are not legally defined and the entities have no governmental standing.

Tribal jurisdiction statistical area (TJSA)—A statistical entity delineated for the decennial census by American Indian tribal officials in Oklahoma. A TJSA encompasses the area that includes the American Indian population over which a tribe has jurisdiction.

Urbanized area (UA)—An area consisting of a central place(s) and adjacent urban fringe that together have a minimum residential population of at least 50,000 people and generally an overall population density of at least 1,000 people per square mile. The Census Bureau uses published criteria to determine the qualification and boundaries of UAs at the time of each decennial census or from the results of a special census during the intercensal period.

Visible feature—A map feature that can be seen on the ground, such as a street or road, railroad track, power line, stream, shoreline, fence, ridge, or cliff.

Zona urbana—In Puerto Rico, the settled area functioning as the seat of government for a municipio. A zona urbana cannot cross a municipio boundary.

Dated: May 23, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–14696 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–07–P

Economic Development Administration

[Docket No. 950302065–6144–02]

RIN 0610–ZA03

Economic Development Assistance Programs—Availability of Funds

AGENCY: Economic Development Administration (EDA), Department of Commerce (DoC).

ACTION: Notice.

SUMMARY: The Economic Development Administration (EDA) announces its policies and application procedures during fiscal year 1996 to support projects designed to alleviate conditions of substantial and persistent unemployment and underemployment in economically-distressed areas and regions of the Nation, to address economic dislocations resulting from sudden and severe job losses, and to administer the Agency's programs.

DATES: This announcement is effective for applications considered for fiscal year 1996. Unless otherwise noted below, applications are accepted on a continuous basis and will be processed as funds are available. Normally, two months are required for a final decision after the receipt of a completed application that meets all EDA requirements.

ADDRESSES: Interested parties should contact the EDA office in their area, or in Washington, D.C., as appropriate (see Section XII).

FOR FURTHER INFORMATION CONTACT: See information in Section XII for the EDA regional office and Economic Development Representative, or for programs handled out of Washington, D.C., as appropriate.

SUPPLEMENTARY INFORMATION:

I. General Policies

In light of its limited resources and the demonstrated widespread need for economic development, EDA encourages only project proposals having the greatest potential to benefit areas experiencing or threatened with substantial economic distress. EDA will focus its scarce financial resources on communities most in distress. Distress may exist in a variety of forms, including high levels of unemployment, low income levels, large concentrations of low income families, significant decline in per capita employment, substantial loss of population because of the lack of employment opportunities, large numbers (or high rates) of business failures, sudden major layoffs or plant closures, and/or reduced tax bases.

Potential applicants are responsible for demonstrating to EDA, through the provision of statistics and other appropriate information, the nature and level of the distress their project efforts are intended to alleviate. In the absence of evidence of high levels of distress, EDA funding is unlikely.

In FY 1996, EDA's strategic funding priorities are a continuation of the general goals in place over the past three fiscal years, refined to reflect the priorities of the Department of Commerce. Unless otherwise noted below, the funding priorities, as listed below, will be applied by the Selecting Official (depending upon the program, either the Regional Director or Assistant Secretary) after completion of a review based upon evaluation criteria described in EDA's final rule at 13 CFR chapter III, 61 FR 7979, March 1, 1996, as corrected in 61 FR 15371, April 8, 1996, and its interim-final rule at 60 FR 49670, September 26, 1995. During FY 1996, EDA is interested in receiving projects which support the priorities of the U.S. Department of Commerce, including:

- Export promotion;
- The commercialization and deployment of technology; particularly information technology and telecommunications, and efforts that support technology transfer, application and deployment for community economic development;
- Sustainable development which will provide long-term economic development benefits, including responses to economic dislocation caused by national environmental policies (hazardous waste clean-up, etc.), as well as projects involving reuse of ''brownfields.''
- Entrepreneurial development, especially local capacity building, and including small business incubators and

community financial intermediaries (e.g., revolving loan funds);

- Economic adjustment, especially in response to base and Federal laboratory closures and downsizing, defense industry downsizing, and post-disaster, long-term economic recovery;
- Infrastructure and development facilities located in federally-authorized and designated rural and urban Enterprise Communities and Empowerment Zones and state enterprise zones; or
- Projects that demonstrate innovative approaches to economic development.

II. Other Information and Requirements

- See EDA's final rule at 13 CFR chapter III, 61 FR 7979, March 1, 1996, as corrected at 61 FR 15371, April 8, 1996, and its interim-final rule at 60 FR 49670, September 26, 1995.
- Additional information and requirements are as follows: No award of Federal funds will be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to DoC are made.

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Applicants seeking an early start, i.e. to begin a project before EDA approval, must obtain a letter from EDA allowing such early start. Such approval may be given with the understanding that an early start does not constitute project approval. Applicants should be aware that if they incur any costs prior to an award being made they do so solely at their own risk of not being reimbursed by the Government.

EDA also requires that compliance with environmental regulations, in accordance with the National Environmental Policy Act (NEPA), be completed before construction begins. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of EDA to cover pre-award costs.

The total dollar amount of the indirect costs proposed in an application under any EDA program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

If an application is selected for funding, EDA has no obligation to provide any additional future funding in connection with an award. Renewal of an award to increase funding or extend the period of performance is at the sole discretion of EDA.

Unless otherwise noted below, eligibility, program objectives and descriptions, application procedures, selection procedures, evaluation criteria and other requirements for all programs are set forth in EDA's final rule at 13 CFR Chapter III, 61 FR 7979, March 1, 1996, as corrected at 61 FR 15371, April 8, 1996, and its interim-final rule at 60 FR 49670, September 26, 1995.

III. Funding Availability

Under EDA's Fiscal Year 1996 appropriation, Public Law 104–134, April 28, 1996, EDA's program funds total $328,500,000. From October 1, 1995, until receiving this appropriation, EDA was funded under a series of Continuing Resolutions of which EDA has thus far obligated slightly in excess of $101,000,000. EDA has already received and begun processing numerous requests for funding its programs. New requests submitted that require approval during this fiscal year will face substantial competition. Potential applicants are encouraged to contact the Regional Directors listed in Section XII for more information.

IV. Authority

The authority for programs listed in Parts V through X is the Public Works and Economic Development Act of 1965, (Pub.L. 89–136, 42 U.S.C. 3121–3246h), as amended (PWEDA). The authority for the program listed in Part XI is Title II, Chapter 3 of the Trade Act of 1974, as amended, (19 U.S.C. 2341–2355) (Trade Act).

V. Program: Public Works and Development Facilities Assistance

(Catalog of Federal Domestic Assistance: 11.300 Economic Development Grants and Loans for Public Works and Development Facilities. 11.304 Economic Development Public Works Impact Program)

Funding Availability

Funds in the amount of $165,200,000 have been appropriated for this program. Funds slightly in excess of $63,000,000 have been obligated thus far.

VI. Program: Technical Assistance—Local Technical Assistance; National Technical Assistance; University Centers

(Catalog of Federal Domestic Assistance: 11.303 Economic Development—Technical Assistance)

Funding Availability

Funds in the amount of $9,900,000 have been appropriated for this program. Funds slightly in excess of $900,000 have been obligated thus far.

A separate FR Notice will set forth the funding priorities, application process, and time frames for National Technical Assistance projects that are being specifically solicited therein.

VII. Program: Planning—Planning Assistance for Economic Development Districts, Indian Tribes, and Redevelopment Areas; Planning Assistance for States and Urban Areas

(Catalog of Federal Domestic Assistance: 11.302 Economic Development—Support for Planning Organizations; 11.305 Economic Development—State and Urban Area Economic Development Planning)

Funding Availability

Funds in the amount of $24,400,000 have been appropriated for this program. Funds slightly in excess of $5,000,000 have been obligated thus far.

VIII. Program: Research and Evaluation

(Catalog of Federal Domestic Assistance: 11.312 Economic Development—Research and Evaluation Program)

Funding Availability

Funds in the amount of $500,000 have been appropriated for this program.

A separate FR Notice will set forth the funding priorities, application process, and time frames for research and evaluation projects that are being specifically solicited therein.

IX. Program: Economic Adjustment Assistance

(Catalog of Federal Domestic Assistance: 11.307 Special Economic Development and Adjustment Assistance Program—Long Term Economic Deterioration and Sudden and Severe Economic Dislocation). This includes special initiatives for coal and timber.

Funding Availability

Funds in the amount of $30,000,000 have been appropriated for this program. Funds slightly in excess of $11,000,000 have been obligated thus far.

X. Program: Defense Economic Conversion

(Catalog of Federal Domestic Assistance: 11.307 Special Economic Development and Adjustment Assistance Program—Long Term Economic Deterioration and Sudden and Severe Economic Dislocation; 11.300 Economic Development Grants and Loans for Public Works and Development Facilities; 11.304 Economic Development Public Works Impact Program; 11.303 Economic Development-Technical Assistance; 11.302 Economic Development—Support for

Planning Organizations; 11.305 Economic Development—State and Urban Area Economic Development Planning; and 11.312 Economic Development—Research and Evaluation Program)

Funding Availability:

Funds in the amount of $90,000,000 have been appropriated for this program. Funds slightly in excess of $17,000,000 have been obligated thus far.

XI. Program: Trade Adjustment Assistance

(Catalog of Federal Domestic Assistance: 11.313 Economic Development—Trade Adjustment Assistance)

Funding Availability

Funds in the amount of $8,500,000 have been appropriated for this program. Funds slightly in excess of $2,000,000 have been obligated thus far.

XII. EDA Washington D.C., Regional Offices and Economic Development Representatives

The EDA Washington, D.C., regional and field offices, states covered and the economic development representatives (EDRs) are listed below.

Washington, D.C. Offices

Lewis R. Podolske, Acting Director, Technical Assistance Division, Economic Development Administration, Room 7315, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482–2127 (National Technical Assistance)

Lewis R. Podolske, Acting Director, Trade Adjustment Assistance Division, Economic Development Administration, Room 7023, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482–3373 (Trade Adjustment Assistance)

John McNamee, Acting Director, Research Division, Economic Development Administration, Room 7315, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482–4085 (Research and Evaluation)

EDA Regional Offices and Economic Development Representatives

William J. Day, Jr., Regional Director, Atlanta Regional Office, 401 West Peachtree Street, N.W., Suite 1820, Atlanta, Georgia 30308, telephone: (404) 730–3002, fax: (404) 730–3025, Internet address: WDAY@doc.gov

EDRs	States covered
Burnette, F. Wayne, Aronov Building, Room 705, 474 South Court Street, Montgomery, AL 36104, Telephone: (334) 223–7008.	Alabama.
Smith, Lola B., Atlanta Regional Office, Suite 1820, 401 West Peachtree Street, N.W., Atlanta, GA 30308, Telephone: (404) 730–3031.	Florida.
Brand, A. Lee (Acting), 401 West Peachtree Street, N.W., Suite 1820, Atlanta, GA 30308, Telephone: (404) 730–3000.	Georgia.
Hunter, Bobby D., 771 Corporate Drive, Suite 200, Lexington, KY 40503, Telephone: (606) 224–7426	Kentucky.
Atlanta Regional Office, Suite 1820, 401 West Peachtree Street, N.W., Atlanta, GA 30308, Telephone: (404) 730–3002.	Mississippi, North Carolina.
Dixon, Patricia M., Strom Thurmond Federal Building, 1835 Assembly Street, Room 307, Columbia, SC 29201, Telephone: (803) 765–5676.	South Carolina.
Parks, Mitchell S., 261 Cumberland Bend Drive, Nashville, TN 37228, Telephone: (615) 736–5911	Tennessee.
Pedro R. Garza, Regional Director, Austin Regional Office, Thornberry Building, Suite 121, 903 San Jacinto Boulevard, Austin, Texas 78701, Telephone: (512) 916–5461, Fax: (512) 916–5613, Internet address: PGarza@doc.gov	
Spearman, Sam, Room 2509, Federal Building, 700 West Capitol, Little Rock, AR 72201, Telephone: (501) 324–5637.	Arkansas.
Davidson, Pamela J., 412 North Fourth Street, Room 104, Baton Rouge, LA 70802, Telephone: (504) 389–0227.	Louisiana.
Austin Regional Office, Thornberry Building, Suite 121, 903 San Jacinto Boulevard, Austin, TX 78701, Telephone: (512) 916–5461.	New Mexico, Oklahoma.
Ramirez, Roy, Suite 121, Thornberry Building, 903 San Jacinto Boulevard, Austin, TX 78701, Telephone: (512) 916–5118.	Texas (south/west).
Jacob, Lawrence W., Suite 121, Thornberry Building, 903 San Jacinto Boulevard, Austin, TX 78701, Telephone: (512) 916–5119.	Texas (north).
Robert Sawyer, Regional Director, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, IL 60606, Telephone: (312) 353–7706, Fax: (312) 353–8575, Internet Address: CSawyer@Banyon.doc.gov	
Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, IL 60606, Telephone: (312) 353–7706	Illinois, Michigan (lower).
Arnold, John B. III, 104 Federal Building, 515 West First Street, Duluth, MN 55802, Telephone: (218) 720–5326	Minnesota.
Hickey, Robert F., Federal Building, Room 607, 200 North High Street, Columbus, Ohio 43214, Telephone: (614) 469–7314.	Ohio, Indiana.
Price, Jack D., 1320 W. Clairemont Ave., Suite 114, Eau Claire, WI 54701, Telephone: (715) 834–4079	Wisconsin, Michigan (upper peninsula).
John Woodward, Regional Director, Denver Regional Office, 1244 Speer Boulevard, Room 670, Denver, Colorado 80204, Telephone: (303) 844–4715, Fax: (303) 844–3968, Internet Address: JWoodwa3@doc.gov	
Zender, John, 1244 Speer Boulevard, Room 632, Denver, CO 80204, Telephone: (303) 844–4902	Colorado, Kansas.
Cecil, Robert, Federal Building, Room 593A, 2l0 Walnut Street, Des Moines, IA 50309, Telephone: (515) 284–4746.	Iowa, Nebraska.
Hildebrandt, Paul, Federal Building, Room B–02, 608 East Cherry, Columbia, MO 65201, Telephone: (314) 442–8084.	Missouri.
Rogers, John C., Federal Building, Room 196, Drawer 10074, Helena, MT 59626, Telephone: (406) 441–1175	Montana.
Albertson, Warren A., Federal Building, Room 219, Pierre, SD 57501, Telephone: (605) 224–8280	South Dakota, North Dakota.

EDRs	States covered
Ockey, Jack, Federal Building, Room 2414, 125 South State Street, Salt Lake City, UT 84138, Telephone: (801) 524–5119.	Utah, Wyoming.
John E. Corrigan, Regional Director, Philadelphia Regional Office, Curtis Center, Independence Square West, Suite 140 South, Philadelphia, PA 19106, Telephone: (215) 597–4603, Fax: (215) 597–6669, Internet Address: JCorriga@doc.gov	
Flynn, Patricia A., 2568–A Riva Road, Suite 200, Annapolis, MD 21401, Telephone: (410) 962–2513	Delaware, Maryland, District of Columbia.
Philadelphia Regional Office, Curtis Center, Independence Square West, Suite 140 South, Philadelphia, PA 19106, Telephone: (215) 597–4603.	Maine, Rhode Island, Connecticut.
Potter, Rita V., 143 North Main Street, Suite 209, Concord, NH 03301, Telephone: (603) 225–1624	New Hampshire, Vermont, Massachusetts.
Rossignol, Clifford J., 44 South Clinton Avenue, Room 703, Trenton, NJ 08609, Telephone: (609) 989–2192	New Jersey.
Marshall, Harold J. II, 620 Erie Boulevard West, Suite 104, Syracuse, NY 13204, Telephone: (315) 448–0938	New York.
Pecone, Anthony M., 1933A New Berwick Highway, Bloomsburg, PA 17815, Telephone: (717) 389–7560	Pennsylvania.
Cruz, Ernesto L., Federal Office Building, Room 620, 150 Carlos Chardon Avenue, Hato Rey, PR 00918, Telephone: (809) 766–5187.	Puerto Rico, Virgin Islands.
Noyes, Neal E., 700 Centre Building, Room 230, 704 E. Franklin Street, Richmond, VA 23219, Telephone: (804) 771–2061.	Virginia.
Davis, R. Byron, Rose City Press Building, 550 Eagan Street, Room 305, Charleston, WV 25301, Telephone: (304) 347–5252	West Virginia.
A. Leonard Smith, Regional Director, Seattle Regional Office, Jackson Federal Building, Room 1856, 915 Second Avenue, Seattle, Washington 98174, Telephone: (206) 220–7660, Fax: (206) 220–7659, Internet Address: L.Smith7@doc.gov	
Richert, Bernhard E. Jr., 605 West 4th Avenue, Room G–80, Anchorage, AK 99501, Telephone: (907) 271–2272.	Alaska.
Sosson, Deena R., 1345 J Street, Suite B, Sacramento, CA 95814, Telephone: (916) 498–5285	California (northern and southern).
Lewis, William J., 1345 J Street, Suite A, Sacramento, CA 95814, Telephone: (916) 498–5320	California (central), Arizona.
McChesney, Frank Hawaii, P.O. Box 50264, Federal Building, Room 4106, Honolulu, HI 96850, Telephone: (808) 541–3391.	Hawaii, Guam, American Samoa, Marshall Islands, Micronesia, Northern Marianas.
Ames, Aldred F., Room 441, 304 North 8th Street, Boise, ID 83702, Telephone: (208) 334–1521	Idaho, Nevada.
Berblinger, Anne S., One World Trade Center, 121 S.W. Salmon Street, Suite 244, Portland, OR 97204, Telephone: (503) 326–3078.	Oregon.
Kirry, Lloyd P., Jackson Federal Building, 915 Second Avenue, Room 1856, Seattle, WA 98174, Telephone: (206) 220–7682.	Washington.

Dated: June 5, 1996.

Phillip A. Singerman,

Assistant Secretary for Economic Development.

[FR Doc. 96–14699 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–24–P

Foreign-Trade Zones Board

[Docket A(27f)–18–96]

Foreign-Trade Zone 160—Anchorage, AK; Request for Boundary Modification

The Municipality of Anchorage, grantee of FTZ 160, has made a request to the Foreign-Trade Zones (FTZ) Board for a minor modification of the boundary of FTZ 160 pursuant to Section 400.27(f) of the FTZ Board regulations (15 CFR Part 400). The grantee is requesting authority to include within the zone project a jet fuel storage facility on a 9-acre parcel located at 1601 Tidewater Road, within the Port of Anchorage, area. In exchange, zone status would be relinquished on a parcel (16 acres) located at 459 Bluff Drive, Anchorage, which also contains fuel storage facilities. The purpose of the change is to allow Chevron U.S.A. Products Company, and possibly Texaco, Inc., to store on a duty/tax free basis, foreign jet fuel and foreign status (19 CFR 146.41 and 146.42) jet fuel (produced at domestic refineries with subzone status) that would be used on international flights. No authority is requested for manufacturing or processing activity.

Public comment on the request is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 8, 1996.

A copy of the request will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 5, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14739 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 824]

Expansion of Foreign-Trade Zone 15 Kansas City, MO, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, for authority to expand its general-purpose zone, Site 3, to include the entire Kansas City International Airport complex, Kansas City, Missouri, was filed by the Board on July 26, 1995 (FTZ Docket 39–95, 60 FR 40820, 8/10/95 and 60 FR 42645, 8/16/95); and,

Whereas, notice inviting public comment was given in Federal Register

and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 15 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the standard 2,000-acre activation limit.

Signed at Washington, DC, this 31st day of May 1996.

Paul L. Joffe,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14747 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 49–96)

Foreign-Trade Zone 181—Akron-Canton, OH; Application for Subzone Status Ashland Inc. (Oil Refinery Complex) Stark and Allen Counties, OH

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Akron-Canton Regional Airport Authority, grantee of FTZ 181, requesting special-purpose subzone status for the oil refinery complex of Ashland Inc., located at sites in Stark and Allen Counties, Ohio. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 4, 1996.

The refinery complex (227 employees) consists of 2 sites and connecting pipelines in northern Ohio: *Site 1* (160 acres)—main refinery complex (73,000 BPD capacity) located at 2408 Gambrinus SW, Stark County, 2 miles southwest of Canton; *Site 2* (112 acres)—Ashland Pipe Line Co. crude oil terminal (12 tanks with 1 million barrel capacity) located at 575 Buckeye Road, Allen County, south of the city of Lima. The refinery, terminal and pipelines operate as an integrated refinery complex.

The refinery complex is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, diesel fuel, fuel oil and kerosene. Petrochemical feedstocks and refinery by-products include propane, propylene, sulfur and asphalt. About 35 percent of the crude oil (96 percent of inputs), and some feedstocks and motor fuel blendstocks used in producing fuel products are sourced abroad.

Zone procedures would exempt the operations involved from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free) instead of the duty rates that would otherwise apply to the foreign-sourced inputs (e.g., crude oil, natural gas condensate). The duty rates on inputs ranges from 5.25¢/barrel to 10.5¢/barrel. Foreign merchandise would also be exempt from state and local ad valorem taxes. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 12, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 26, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Bank One Center, Suite 700, 600 Superior Ave., East, Cleveland, Ohio 44114

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: June 4, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14745 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 46–96]

Foreign-Trade Zone 165—Midland, TX; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Midland, Texas, grantee of FTZ 165, requesting authority to expand its zone to include a site in Fort Stockton (Pecos County), Texas, some 90 miles south of Midland International Airport (a U.S. Customs user-fee airport). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 29, 1996.

FTZ 165 was approved on June 29, 1990 (Board Order 477, 55 FR 28263; 7/10/90). The zone currently consists of two sites: *Site 1* (112 acres—2 parcels) within the Midland International Airport complex; and, *Site 2* (39 acres)—Midland Industrial Park, 5 miles east of the airport.

The applicant is now requesting authority to expand the general-purpose zone to include a site at the Pecos County Industrial Park (300 acres) located northwest of U.S. Highway 205, within the Fort Stockton/Pecos County Airport facility. The site is owned and operated by the County of Pecos, which will serve as FTZ administrator.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment (original and 3 copies) is invited from interested parties (see FTZ Board address below). The closing date for their receipt is August 12, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 26, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Director of Airports, Midland International Airport, 9506 Laforce Boulevard, Midland, TX 79711

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: May 30, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14743 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 47–96]

Foreign-Trade Zone 168—Dallas/Fort Worth, TX, Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dallas/Fort Worth Maquila Trade Development Corporation, grantee of FTZ 168, requesting authority to expand its zone to include a site in Carrollton, Texas, within the Dallas/Fort Worth Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 30, 1996.

FTZ 168 was approved on November 1, 1990 (Board Order 491, 55 FR 46974, 11/8/90) and reorganized in 1992 and 1994. The zone currently consists of three sites in the Fort Worth, Texas, area:

Site 1 (24 acres)—industrial area at Alta Mesa and Will Rogers Boulevards, Fort Worth;

Site 2 (263 acres)—Centreport Industrial Development, south of DFW International Airport, Fort Worth;

Site 3 (195 acres)—Fossil Creek Business Park, I–35W and I–820, Fort Worth.

Applications are currently pending for a site (proposed Site 4—91 acres) located at the Regency Business Park along Post & Paddock Road, Grand Prairie, Texas (Doc. 77–95, 60 FR 61528, 11/30/95), and a site (proposed Site 5—630 acres) within the 1,200-acre Mercantile Center, located at I–35 and Meacham Boulevard, Fort Worth, Texas (Doc. 27–96, 61 FR 17875, 4/23/96).

The applicant is now requesting authority to expand the zone to include a site at the Frankford Trade Center (168 acres) located adjacent to I–35E and Frankford Road, Carrollton, Texas. The site is owned by Hunt Realty Investments, Inc., and zone services will be provided by the FTZ Operating Company of Texas.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 12, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 26, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office 2050 N. Stemmons Fwy., Suite 170 Dallas, Texas 75258

Office of the Executive Secretary Foreign-Trade Zones Board U.S. Department of Commerce, Room 3716 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: May 30, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14744 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 826]

Removal of Time Limit for Manufacturing Authority, Western Publishing Company, Inc. (Children's Books) Within Foreign-Trade Zone 41, Milwaukee, Wisconsin Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Foreign-Trade Zone of Wisconsin, Ltd., grantee of FTZ 41, filed with the Foreign-Trade Zones (FTZ) Board (the Board) on November 20, 1995, requesting removal of the time limit contained in Board Order 639 (58 FR 30144, 5/26/93), which authorized, on behalf of Western Publishing Company, Inc., the manufacture of children's touch-sound books under zone procedures within FTZ 41, Milwaukee, Wisconsin, area (FTZ Docket 76–95, 60 FR 61528);

Whereas, notice inviting public comment was given in the Federal Register and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied and that the proposal would be in the public interest, approves the requested removal of the time limit;

Now, therefore, the Board hereby authorizes the removal of the time limit from FTZ Board Order 639, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.28.

Signed at Washington, DC, this 4th day of June 1996.

Paul L. Joffe,

Acting Assistant Secretary for Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–14740 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–122–804; C–122–805]

New Steel Rail, Except Light Rail, From Canada: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty and Countervailing Duty Administrative Reviews, and Intent To Revoke Orders in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty and countervailing duty administrative reviews, and intent to revoke orders in part.

SUMMARY: In response to a request from Gerdau MRM Steel, Inc. (Gerdau), an interested party in these proceedings in accordance with sections 353.2(k) and 355.2(i) of our regulations, and an exporter of nominal 60 ASCE (ASTM A1–92) steel rail, the Department of Commerce (the Department) is initiating changed circumstances antidumping duty and countervailing duty administrative reviews and issuing an intent to revoke in part the antidumping duty and countervailing duty orders on new steel rail, except light rail, from Canada, the scope of which currently include new steel rail at least 60 pounds per yard or heavier. Gerdau requested that the Department revoke the orders in part as to imports of nominal-60-pounds-per-yard new steel rail from Canada (60 ASCE/ASTM A1–92). Bethlehem Steel Corp. and CF&I Steel, L.P., petitioners in these cases, have submitted letters indicating they have no objection to the initiation of these changed circumstances reviews and no interest in maintaining the antidumping

duty and countervailing duty orders on 60 ASCE/ASTM A1–92 new steel rail from Canada. Based on the fact that this portion of these orders is no longer of interest to domestic parties, we intend to partially revoke these orders. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) A statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Roy F. Unger, Jr., Office of Antidumping Compliance or Robert Copyak, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202)482–0651 and (202) 482–2209, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1989, the Department published the antidumping and countervailing duty final determination in the less-than-fair-value (LTFV) investigation (54 FR 31984), which covered new steel rail 60 pounds per yard and heavier. The Department published an antidumping duty order on new steel rail, except light rail, on September 15, 1989 (54 FR 38263). The Department published a countervailing duty order on new steel rail, except light rail, on September 22, 1989 (54 FR 39032).

On February 1, 1996, Gerdau requested that the Department conduct changed circumstances administrative reviews to determine whether to partially revoke the orders with regard to 60 ASCE/ASTM A1–92 new steel rail. The orders' application to imports of new steel rail other than 60 ASCE/ ASTM A1–92 is not affected by this request. On March 29, 1996, petitioner, Bethlehem Steel advised the Department that it has no interest in maintaining the antidumping and countervailing duty orders on 60 ASCE/ ASTM A1–92 new steel rail. In addition, Gerdau informed the Department that it has canvassed interested parties known to it to be actively involved in the production of 60 ASCE/ASTM A1–92 steel rail in the United States, and did not find any opposition to the revocation of the orders with regard to 60 ASCE/ASTM A1–92 steel rail.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Scope of Review

The merchandise covered by these changed circumstances reviews is imports of 60 ASCE/ASTM A1–92 new steel rail. The merchandise covered by the orders is new steel rail, except light rail, whether of carbon, high carbon, alloy or other quality steel, and includes standard rails, all main line sections, heat-treated or head-hardened (premium) rails, transit rails, contact rail (or ''third rail'') and crane rails. This merchandise is currently classified under subheadings 7302.10.1020, 7302.10.1040, 7302.10.5000, and 8548.00.0000 of the Harmonized Tariff Schedule (HTS). The HTS numbers are provided for convenience and Customs purposes. The written description of the scope of these reviews remains dispositive.

These changed circumstances administrative reviews cover all manufacturers/exporters of 60 ASCE/ ASTM A1–92 steel rail, except light rail, from Canada.

Initiation and Preliminary Results of Changed Circumstances Antidumping Duty and Countervailing Duty Administrative Reviews, and Intent To Revoke Orders in Part

Pursuant to section 751(d)(1) and 782(h)(2) of the Act, the Department may partially revoke an antidumping or countervailing duty order based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances administrative review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review.

The Department's regulations at 19 CFR 353.25(d)(2) and 355.25(d)(2) permit the Department to conduct changed circumstances administrative reviews under section 353.22(f) and 355.22(h), respectively, based upon an affirmative statement of no interest from the petitioner in the proceeding. Sections 353.25(d)(1)(i) and 355.25(d)(1)(i) further provide that the Department may revoke an order or revoke an order in part if it determines that the order under review is no longer of interest to interested parties. In addition, in the event that the Department concludes that expedited action is warranted, sections 353.22(f)(4) and 355.22(h)(4) of the regulations permit the Department to combine the notices of initiation and preliminary results.

Therefore, in accordance with sections 751(d)(1) and 782(h)(2) of the Act and 19 CFR 353.25(d), 353.22(f), 355.25(d), and 355.22(h), based on affirmative statements of no interest by Bethlehem Steel and CF&I Steel, we are initiating these changed circumstances administrative reviews. Further, based on the representation made by Gerdau that other U.S. producers of this merchandise have no interest in the orders with respect to 60 ASCE/ASTM A1–92 steel rail, we determine that expedited action is warranted, and we preliminarily determine that continued coverage of 60 ASCE/ASTM A1–92 steel rail is no longer of interest to domestic interested parties. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results. Therefore, we are hereby notifying the public of our intent to revoke in part the antidumping and countervailing duty orders as to imports of 60 ASCE/ASTM A1–92 new steel rail from Canada.

If final revocation in part occurs, we intend to instruct the U.S. Customs Service (Customs) to liquidate without regard to antidumping or countervailing duties and to refund any estimated antidumping and countervailing duties collected for all entries of 60 ASCE/ ASTM A1–92 steel rail made on or after the date of publication in the Federal Register of the final results of these reviews in accordance with 19 CFR 353.25(d)(5) and 355.25(d)(5). We will also instruct Customs to pay interest on such refunds in accordance with section 778 of the Act. The current requirement for a cash deposit of estimated antidumping and countervailing duties on 60 ASCE/ASTM A1–92 steel rail will continue until publication of the final results of these changed circumstances reviews.

Public Comment

Parties to the proceedings may request disclosure within 5 days of the date of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 14 days after the date of publication of

this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written comments shall be submitted in accordance with 19 CFR 353.31(e) and 355.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g) and 355.31(g). Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of these changed circumstances reviews, including the results of its analysis of issues raised in any written comments.

This notice is in accordance with sections 751(b)(1) of the Act and sections 353.22(f), 353.25(d), 355.22(h), and 355.25(d) of the Department's regulations.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14738 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–549–502]

Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand: Amended Final Results of Antidumping Duty Administrative Review in Accordance With Decision on Remand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amended final results of antidumping duty administrative review in accordance with decision on remand.

SUMMARY: On August 26, 1992, the Department of Commerce (''the Department'') published in the Federal Register the final results of the second administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand. The review covered the period March 1, 1988 through February 28, 1989.

On February 14, 1995, the Court of International Trade (''CIT'') issued an order, in the case of *Saha Thai Steel Pipe Co., Ltd.* v. *United States,* Slip Op. 95–21 (CIT 1995), remanding to the Department the final results of the second administrative review of Saha Thai Steel Pipe Co., Ltd. (''Saha Thai''). The Department issued its remand results on May 3, 1995, and its final calculations on June 21, 1995. On August 2, 1995, the CIT affirmed the Department's redetermination (Slip Op. 95–139). Since the CIT's ruling was not appealed, and the CIT decision affirming our redetermination has become final and conclusive within the meaning of section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), we are amending our final results of the second administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand with respect to Saha Thai.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Linda Ludwig, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–3793 or telefax (202) 482–1388.

SUPPLEMENTARY INFORMATION:

Scope of the Review

Imports covered by the review are shipments of certain circular welded carbon steel pipes and tubes with an outside diameter of 0.375 inch or more, but not exceeding 16 inches. These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' Pipe and tube is currently classifiable under item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090 of the Harmonized Tariff Schedule (''HTS''). These item numbers are provided for convenience and customs purposes only. The written product description remains dispositive.

This review covers shipments made by Saha Thai Steel Pipe Co., Ltd. (''Saha Thai'') from Thailand to the United States during the period March 1, 1988 through February 28, 1989.

Background

On August 26, 1992, the Department of Commerce (''the Department'') published in the Federal Register the final results of the second administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand (57 FR 38668) (''*Final Results*''). The review covered shipments of this merchandise from Thailand to the United States during the period March 1, 1988, through February 28, 1989, by Saha Thai.

On February 14, 1995, the Court of International Trade (''CIT'') issued an order, in the case of *Saha Thai Steel Pipe Co., Ltd.* v. *United States,* Slip Op. 95–21 (CIT 1995), remanding to the Department the final results of the second antidumping duty administrative review of Saha Thai. The CIT ordered the Department ''to clearly set forth the criteria used in its Final Results and to provide a reasonable explanation for any departure from established criteria if necessary, the facts used, and the conclusions reached in light of those criteria and facts.'' The Department having done so as reported in its remand results dated May 31, 1995, and final calculations dated June 21, 1995 (together referred to as the ''remand results''), the CIT, on August 2, 1995, affirmed the remand results (Slip Op. 95–139).

Amended Final Results of the Review

As a result of our recalculations, we have determined that a weighted-average dumping margin of 0.46 percent ad valorem exists for certain circular welded carbon steel pipes and tubes sold by Saha Thai during the period beginning on March 1, 1988 and ending on February 28, 1989. The dumping margin is de minimis.

Because the CIT's ruling affirming our redetermination has become final and conclusive, within the meaning of section 516A(e) of the Act, the Department will instruct the U.S. Customs Service immediately to lift the suspension of liquidation and also to assess antidumping duties on entries subject to this review, as appropriate. The Department will issue appraisement instructions directly to the U.S. Customs Service.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This amendment of final results of review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended [19 U.S.C. 1675(a)(1)] and section 353.22 of the Department's regulations (19 CFR 353.22).

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14746 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–19–P

[A–455–001]

Electric Golf Carts From Poland; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amended final results of antidumping duty administrative review.

SUMMARY: On August 25, 1995 the United States Court of International Trade (the CIT) remanded to the Department of Commerce (the Department) the final results of its administrative review of the antidumping finding on electric golf carts from Poland covering the period July 1, 1976 through June 10, 1980. *Melex USA, et al.* v. *United States,* Court No. 92–04–00298, Slip Op 96–58 (August 25, 1995). In its remand instructions, the CIT ordered that the Department recalculate the antidumping margin by applying the methodologies of the Antidumping Act of 1921, and by using Melex's cost differential data to determine the cost of four-wheel golf carts. On February 12, 1996, the Department filed its results of redetermination pursuant to the CIT's remand. On March 22, 1996, the CIT affirmed the Department's results of the remand redetermination. *Melex USA, et al.* v. *United States,* Court No. 92–04–00298, Slip Op 96–58.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4195/3814.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 1992, the Department published in the Federal Register the final results of its administrative review of the antidumping finding on electric golf carts from Poland, (57 FR 10334). As a result of clerical errors, we amended the final results of review on April 29, 1992 (57 FR 18129). The weighted-average margin in the amended final results was 2.91 percent. The review covered two manufacturers/exporters, Melex USA, Inc. and Pezetel, Ltd. (collectively referred to as Melex), and the period July 1, 1976 through June 10, 1980.

On August 25, 1995, the CIT remanded to the Department the final results of its administrative review of the antidumping finding on electric golf carts from Poland, *Melex USA, et al.* v. *United States,* Court No. 92–04–00298, Slip Op 96–58.

In its remand instructions, the CIT directed the Department to: (1) Apply the methodologies of the Antidumping Act of 1921 (the 1921 Act) to unliquidated entries made prior to the effective dates of the Trade Agreements Act of 1979 and the Trade and Tariff Act of 1984; (2) reevaluate the applicability of credit expense as a component of the constructed value calculation in light of the CIT's decision to apply the 1921 Act; and (3) use Melex's four-wheel cost differential data to determine the cost of four-wheel golf cars. Slip Op. at 20.

On February 12, 1996, the Department filed its results of redetermination pursuant to the CIT's remand. As a result of the remand instructions from the CIT, the antidumping margin for Melex on redetermination changed to 0.33 percent.

On March 22, 1996, the CIT affirmed the Department's results of the remand redetermination and dismissed the case. *Melex USA, et al.* v. *United States,* Court No. 92–04–00298, Slip Op 96–58.

Pursuant to the CIT's order of March 22, 1996, the Department is hereby amending the final results of administrative review. The Department shall determine, and the Customs Service shall assess, antidumping duties on all entries made during the period of review. The Department will instruct the U.S. Customs Service to collect the antidumping duty applicable. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

This notice is in accordance with section 516A of the Tariff Act of 1930 as amended.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14742 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–557–806]

Extruded Rubber Thread From Malaysia; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on extruded rubber thread from Malaysia. For information on the net subsidy for each reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as indicated in the Preliminary Results of Review section of this notice. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Judy Kornfeld or Lorenza Olivas, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: Judy Kornfeld (202) 482–3146, Lorenza Olivas (202) 482–1785 or (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1992, the Department published in the Federal Register (57 FR 38472) the countervailing duty order on extruded rubber thread from Malaysia. On August 1, 1995, the Department published a notice of ''Opportunity to Request an Administrative Review'' (60 FR 39150) of this countervailing duty order. We received a timely request for review, and we initiated the review, covering

the period January 1, 1994 through December 31, 1994, on September 15, 1995 (60 FR 47930).

In accordance with section 355.22 of the Department's *Interim Regulations,* this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested *(see Antidumping and Countervailing Duties: Interim Regulations; Request for Comments,* 60 FR 25130 (May 11, 1995) *(Interim Regulations).* Accordingly, this review covers Heveafil Sdn. Bhd., Filmax Sdn. Bhd., Rubberflex Sdn. Bhd., Filati Lastex Elastofibre Sdn Bhd. (Filati), and Rubfil Sdn. Bhd. Heveafil and Filmax are affiliated companies. This review also covers 13 programs.

On May 8, 1996 we extended the period for completion of the preliminary and final results pursuant to section 751(a)(3) of the Tariff Act of 1930, as amended *(see, Extruded Rubber Thread From Malaysia; Extension of Time Limit for Countervailing Duty Administrative Review,* 61 FR 20803). As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996 (on file in the public file of the Central Records Unit, Room B–099 of the Department of Commerce), all deadlines were further extended to take into account the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 15, 1995, through January 6, 1996. The deadline for the final results of this review is no later than 120 days from the date on which these preliminary results are published in the Federal Register.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting this administrative review in accordance with section 751(a) of the Act. References to the *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments,* 54 FR 23366 (May 31, 1989) *(Proposed Regulations),* are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the URAA. See *Advance Notice of Proposed Rulemaking and Request for Public Comments,* 60 FR 80 (January 3, 1995).

Scope of the Review

Imports covered by this review are shipments of extruded rubber thread from Malaysia. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural latex of any cross sectional shape; measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Such merchandise is classifiable under item number 4007.00.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and Customs purposes. The written description is dispositive.

Verification

As provided in section 782(i) of the Act, we verified information submitted by the Government of Malaysia and Heveafil, Filmax, Rubberflex, Filati and Rubfil. We followed standard verification procedures, including meeting with government and company officials and examination of relevant accounting and financial records and other original source documents. Our verification results are outlined in the public versions of the verification reports, which are on file in the Central Records Unit (Room B–099 of the Main Commerce Building).

Affiliated Parties

Heveafil owns and controls Filmax and both companies produce subject merchandise. Therefore, we determine them to be affiliated companies under section 771(33) of the Act. As such, and consistent with prior reviews of this order, we have calculated only one rate for both of these companies. *See Extruded Rubber Thread From Malaysia; Preliminary Results of Countervailing Duty Administrative Review,* 59 FR 46392 (September 8, 1994). For further information, *see Memorandum to File from Judy Kornfeld Regarding Status as Affiliated Parties* dated May 22, 1996, on file in the public file of the Central Records Unit, Room B–099 of the Department of Commerce.

Analysis of Programs

I. Programs Conferring Subsidies

A. Programs Previously Determined To Confer Subsidies

1. Export Credit Refinancing (ECR) Program

The ECR program was established in order to promote: (1) Exports of manufactured goods and agricultural food products that have significant value-added and high local content, (2) greater domestic linkages in export industries, and (3) easy access to credit facilities. In order to accomplish this, the Bank Negara Malaysia, the central bank of Malaysia, provides order-based and pre- and post-shipment financing of exports through commercial banks for periods of up to 120 and 180 days, respectively, and certificate of performance (CP)-based pre-shipment financing. These loans are provided in Malaysian Ringgits. Order-based financing is provided for specific sales to specific markets. CP-based financing is a line of credit based on the previous 12 months' export performance, and cannot be tied to specific sales in specific markets.

The Department determined that this program was countervailable in *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Extruded Rubber Thread From Malaysia* (57 FR 38472; August 25, 1992) *(Malaysian Rubber Thread Final Determination)* because receipt of loans under this program was contingent upon export performance and the loans were provided at preferential interest rates. No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding. Heveafil, Filmax, Rubberflex and Rubfil used pre-shipment ECR loans. Rubfil and Filati used post-shipment ECR loans.

In order to determine whether these loans were provided at preferential rates during the review period, we compared the interest rate charged on these loans to a benchmark interest rate. As a benchmark for short-term loans, it is our practice to select the predominant source of short-term financing in the country as our benchmark for short-term loans. *See,* section 355.44(b)(3) of the *Department's Proposed Regulations.* In Malaysia, term loans and overdrafts offered by commercial banks are the most predominant form of short-term financing. The average interest rates for these types of financing, however, are not individually available. Therefore, we have used as our benchmark for ECR loans the average commercial bank lending rate as an estimate of these

predominant short-term lending rates. This rate is referred to by banks as the base lending rate (BLR). Commercial banks then add a one to two percent spread to the BLR. Thus, to determine the commercial benchmark, we used the average commercial BLR rates as published by Bank Negara, the central bank of Malaysia, plus an average spread of 1.5 percent. This is consistent with the benchmark methodology used in the last two administrative reviews. *(See, e.g., Extruded Rubber Thread from Malaysia; Final Results of Countervailing Duty Administrative Review) (Final Results of 1992 Review)* (60 FR 17515; April 6, 1995).

Based on a comparison of the ECR rates and the benchmark rate, we find that ECR loans continue to be provided at preferential interest rates. To calculate the benefit from ECR loans on which interest was paid in 1994, we used our short-term loan methodology which has been applied consistently in previous determinations. (*See, e.g., Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Butt-Weld Pipe Fittings from Thailand* (55 FR 1695; January 18, 1990); and the *Malaysian Rubber Thread Final Determination* in this case (57 FR 38474; August 27, 1992). *See also* section 355.44(b)(3) of the *Proposed Regulations.* Because the post-shipment ECR loans were shipment-specific, we included in our calculations only those loans used to finance exports of extruded rubber thread to the United States. Because the pre-shipment loans were not shipment-specific, we included all loans on which interest was paid during the review period.

To calculate the benefit, we compared the amount of interest actually paid on these loans during the review period with the amount that would have been paid at the benchmark rate of 8.98 percent. The difference between those amounts is the benefit. We then divided each company's interest savings by total exports, in the case of pre-shipment loans, because they applied to all exports, or by exports to the United States, in the case of post-shipment loans, because they applied to specific shipments of exports to the United States. On this basis, we preliminarily determine the *ad valorem* net subsidy from pre-shipment loans to be the following for each of the reviewed companies:

Net subsidies—producer/exporter	Net subsidy rate %
Heveafil/Filmax	0.22
Rubberflex	0.19
Filati	0.00
Rubfil	0.15

For post-shipment loans, we preliminarily determine the *ad valorem* net subsidy to be the following for each of the reviewed companies:

Net subsidies—producer/exporter	Net subsidy rate %
Heveafil/Filmax	0.00
Rubberflex	0.00
Filati	2.59
Rubfil	0.23

2. Pioneer Status

Pioneer status is a tax incentive offered to promote investment in the manufacturing, tourist, and agricultural sectors. Pioneer status was first introduced under the Pioneer Industries (Relief from Income Tax) Ordinance, 1958. This ordinance was replaced by the Investment Incentives Act (IIA) in 1968, which was subsequently replaced by the Promotion of Investment Act (PIA) of 1986. Under the IIA and the PIA, the Minister of International Trade and Industry may determine products or activities to be pioneer products or activities.

Companies petition for pioneer status for products or activities that have already been approved and listed as pioneer products. Once a company receives pioneer status, its profits from the designated product or activity are exempt from the corporate income tax for a period of five years, with the possibility of an extension for an additional five years. The five-year extension was abolished for companies which applied for pioneer status on or after November 1991. Furthermore, the computation of capital allowances, which are normally deducted against the adjusted taxable income is postponed to the post-tax holiday period.

Under certain conditions, companies must agree to an export commitment (i.e., they must agree to export a certain percentage of their production) to receive pioneer status. Furthermore, an export requirement may sometimes be applied to certain industries after it is determined that the domestic market is saturated and will no longer support additional producers.

In the investigation of this case (*see, Malaysian Rubber Thread Final Determination*), we determined that pioneer status was granted to Rubberflex based on its obligation to export. Therefore, we found the program to constitute an export subsidy with respect to that company. In addition, in past administrative reviews, we reviewed the pioneer status of Filati and Filmax and found the program countervailable with respect to both of these companies because pioneer status was granted to each based on a commitment that they would export a majority of their production. (*See Final Results of 1992 Review.*) No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of these findings. Rubberflex, Filati and Filmax continued to hold pioneer status during the review period. However, no benefits were provided to any of these companies because either the company (1) did not file a tax return, or (2) had a tax loss during this review period.

Rubfil was the only company to claim the tax exemption under pioneer status during the review period. However, in the original investigation and in prior administrative reviews of this order, Rubfil either did not use this program or did not participate in the review. Therefore, a determination as to the countervailability of this program with respect to Rubfil has not been made.

During verification of this review we examined the application process which led to the granting of Rubfil's pioneer status. We verified that in its pioneer agreement, Rubfil committed to export a majority of its production. Therefore, since pioneer status was conferred upon Rubfil contingent upon its export commitment, we determine this program constitutes an export subsidy with respect to that company.

To calculate the benefit, we determined the tax savings from this program during the review period and divided those savings by total exports. On this basis, we preliminarily determine the *ad valorem* net subsidy from this program to be the following for each of the reviewed companies:

Net subsidies—producer/exporter	Net subsidy rate %
Heveafil/Filmax	0.00
Rubberflex	0.00
Filati	0.00
Rubfil	0.15

3. Industrial Building Allowance

Sections 63 through 66 of the Income Tax Act of 1967, as amended, allow an income tax deduction for a percentage of the value of constructed or purchased buildings used in manufacturing. In 1984, this allowance, which had been limited to manufacturing facilities, was extended to include buildings used as warehouses to store finished goods

ready for export or imported inputs to be incorporated into exported goods. This program includes a 10 percent initial and a 2 percent annual tax allowance (*i.e.*, 12 percent in the first year and 2 percent thereafter). The program effectively reduces a company's taxable income, and the tax allowance can be carried forward to future tax years until fully exhausted. Rubber-based exporters are eligible for this program. We found this program countervailable in the *Malaysian Rubber Thread Final Determination* because use of this allowance is limited to exporters. No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this program's countervailability.

Heveafil used this program during the review period. To calculate the benefit, we determined the tax savings from this program during the review period for Heveafil and divided the savings amount by Heveafil/Filmax's total exports, because these benefits applied to all exports. On this basis, we preliminarily determine the *ad valorem* net subsidy from this program to be the following for each of the reviewed companies:

Net subsidies—producer/exporter	Net subsidy rate %
Heveafil/Filmax	Less than 0.005
Rubberflex	0.00
Filati	0.00
Rubfil	0.00

4. Double Deduction for Export Promotion Expenses

Section 41 of the Promotion of Investments Act allows companies to deduct expenses related to the promotion of exports twice, once in calculating net income on the financial statement and again in calculating taxable income. We found this program countervailable in the *Malaysian Rubber Thread Final Determination* because its use is limited to exporters. No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding.

Heveafil used this program during the review period. To calculate the benefit, we calculated the tax savings from this program during the review period for this company and divided those savings by Heveafil/Filmax's total exports, because these benefits applied to all exports. On this basis, we preliminarily determine the *ad valorem* net subsidy from this program to be the following for each of the reviewed companies:

Net subsidies—producer/exporter	Net subsidy rate %
Heveafil/Filmax	0.02
Rubberflex	0.00
Filati	0.00
Rubfil	0.00

II. Programs Preliminarily Determined to be Not Used

We examined the following programs and preliminarily find that the producers and/or exporters subject to review did not apply for or receive benefits under these programs during the period of review:

- Investment Tax Allowance,
- Abatement of a Percentage of Net Taxable Income Based on the F.O.B. Value of Export Sales,
- Abatement of Five Percent of Taxable Income Due to Location in a Promoted Industrial Area,
- Abatement of Taxable Income of Five Percent of Adjusted Income of Companies due to Capital Participation and Employment Policy Adherence,
- Double Deduction of Export Credit Insurance Payments,
- Abatement of Taxable Income of Five Percent of Adjusted Income of Companies Due to Capital Participation and Employment Policy Adherence, and
- Preferential Financing for Bumiputras.

Preliminary Results of Review

In accordance with section 355.22(c)(4)(ii) of the Department's *Interim Regulations*, we have calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1994 through December 31, 1994, we preliminarily determine the *ad valorem* net subsidies to be as follows:

Net subsidies—producer/exporter	Net subsidy Rate %
Heveafil/Filmax	0.24
Rubberflex	0.19
Filati	2.58
Rubfil	0.52

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to assess countervailing duties as indicated above. The Department also intends to instruct the U.S. Customs Service to collect cash deposits of estimated countervailing duties as indicated above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. As provided for in the Act, any rate less than 0.5 percent *ad valorem* in an administrative review is *de minimis.* Accordingly, for those companies no countervailing duties will be assessed or cash deposits required.

The URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies. The procedures for countervailing duty cases are now essentially the same as those in antidumping cases, except as provided for in section 777(e)(2)(B) of the Act. Requests for administrative reviews must now specify the companies to be reviewed. *See* § 355.22(a) of the *Interim Regulations.* The requested review will normally cover only those companies specifically named. Pursuant to 19 CFR 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States*, 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States*, 822 F.Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g)). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding. *See Extruded Rubber Thread from Malaysia; Final Results of Countervailing Duty Administrative Review* (60 FR 17515; April 6, 1995). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1994 through December 31, 1994, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38, are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: May 29, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14741 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 060496D]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting.

DATES: The meetings are scheduled as follows: Mackerel Advisory Panel (AP) July 8, 1996, from 10:00 a.m. to 5:00 p.m.; Standing and Special Mackerel Scientific and Statistical Committee (SSC), July 9, 1996, from 10:00 a.m. to 5:00 p.m.

ADDRESSES: The Mackerel AP and SSC meeting will be held at the Ponchartrain Hotel, 2031 St. Charles Avenue, New Orleans, LA 70104; telephone: 800–777–6193.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Senior Fishery Biologist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The Mackerel AP during its meeting on July 8, 1996 and the SSC during its meeting on July 9, 1996 will review the following mackerel assessment information and develop their recommendations to the Council: A stock assessment for the fishery prepared by NMFS; a report of the Mackerel Stock Assessment Panel which will recommend the range of allowable biological catch of Gulf group king mackerel for the 1996–97 season; and a report of a scientific socioeconomic panel which examines social and economic impacts of various levels of total allowable catch (TAC) for the 1996–97 season.

The Council will consider these recommendations when it sets TAC and trip and bag limits for king and Spanish mackerel for the 1996–97 mackerel season at the Council meeting on July 17–18, 1996 in Tampa, FL.

The SSC consists of scientists, and the Mackerel AP is made up of fishermen and other users who advise the Council on fishery issues.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by July 1, 1996.

Dated: June 5, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–14732 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 060496C]

Gulf of Mexico 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 Gulf of Mexico Fishery Management Council's (Council) Mackerel Socioeconomic Panel (SEP) will convene a public meeting.

DATES: The meeting will be held beginning at 11:00 a.m. on July 1, 1996 and will conclude at 5:00 p.m. on July 2, 1996.

ADDRESSES: This meeting will be held at the Radisson Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa FL; 813–281–8900.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review available social and economic data on the Gulf of Mexico king mackerel fishery and to determine the social and economic implications of the levels of acceptable biological catch recommended by the Council's Mackerel Stock Assessment Panel. The SEP may recommend to the Council a total allowable catch level for the 1996–97 fishing year.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by June 24, 1996.

Dated: June 5, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–14733 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced of Manufactured in Malaysia

June 5, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing a limit.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of of each Customs port or call (202) 927–6712. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limit for Categories 340/640 is being reduced for carryforward used during the previous period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62394, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 5, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 6, 1996, you are directed to reduce the limit for Categories 340/640 to 1,161,772 dozen [1], as provided for under the terms of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–14709 Filed 6–10–96; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1995.

DEPARTMENT OF DEFENSE

Notice of Determination of Need

AGENCY: Department of Defense (DoD).

SUMMARY: The Director of Defense Procurement has determined that a need exists to facilitate the private financing of defense contracts, particularly contracts to be performed by small businesses, by using provisions precluding reductions or setoffs in defense contracts containing the Assignment of Claims clause when claims have been assigned.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John Galbraith, (703) 697–6710.

SUPPLEMENTARY INFORMATION: Section 2451 of the Federal Acquisition Streamlining Act of 1994 amended Section 3737 of the Revised Statutes (41 U.S.C. 15) to authorize use of ''no-setoff'' provisions in contracts authorizing contractor assignments of claims, upon a determination of need. The President delegated the authority to make these determinations of need to the Secretaries of Defense and Energy, the Administrator of General Services, and the heads of all other departments and agencies, and authorized further redelegation.

A provision in DoD contracts limiting reduction or setoff as provided in Section 3737 of the Revised Statutes facilitates the use of private financing of DoD contracts, and therefore facilitates the participation of businesses, especially small businesses, in the procurements of DoD thereby increasing competition in these procurements, to the benefit of DoD.

Pursuant to the Presidential delegation dated October 3, 1995, the Secretary of Defense delegation dated February 5, 1996, and the Under Secretary of Defense for Acquisition and Technology delegation dated February 23, 1996, the Director of Defense Procurement on May 10, 1996, made the following determination and ordered its publication in the Federal Register in accordance with the authorizing statute:

Determination of Need Under Section 3737 of the Revised Statutes

Pursuant to section 2451 of the Federal Acquisition Streamlining Act of 1994, Public law 103–355 (41 U.S.C. 15), and in accordance with the authority delegated to me by the Under Secretary of Defense for Acquisition and Technology on February 23, 1996, I determine that a need exists to facilitate the private financing of defense contracts, particularly contracts to be performed by small businesses. Consequently, any contract of the Department of Defense, except any such contract under which full payment has been made, may provide or be amended without consideration to provide that payments under such contract shall not be subject to reduction or setoff.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 96–14713 Filed 6–10–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

International Energy Agency meetings

AGENCY: Department of Energy.

ACTION: Notice of Meetings.

SUMMARY: The Industry Advisory Board to the International Energy Agency will meet June 17–18, 1996, in Paris, France, to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions on June 17 and on June 18 at a joint meeting of the IEA's Governing Board and the SEQ.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notices are provided:

I. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 17, 1996, at the Organization for Economic Cooperation and Development (OECD) offices at 2, rue Andre-Pascal, Paris, France, beginning at 2:30 p.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) which is scheduled to be held at the OECD on the same date, including a preparatory

session for company representatives from 2:30 p.m. to 3:00 p.m. The agenda for the preparatory session for company representatives is to elicit views regarding items on the agendas of the SEQ meeting and of the joint meeting of the IEA's Governing Board and the SEQ to be held on June 18, 1996. The agenda for the June 17 meeting of the SEQ is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of Summary Record of the 87th Meeting
3. Policy and Legislative Developments in Member Countries
   —Energy Policy and Conservation Act (EPCA)
   —Current Status of the SPR
   —Other Country Developments
4. SEQ Work Program
   —Adjustments to SEQ 1996 Work Program
   —Draft SEQ Work Program for 1997
   —IEA Medium Term Strategy
5. Follow-Up to Joint SEQ/SOM Meeting of April 16, 1996, and Conference on Long-Term Oil Security Issues
6. Industry Advisory Board (IAB)
   —Current and Planned IAB Activities
7. Emergency Response Issues in IEA Candidate Countries
   —Emergency Reserve and Net Import Situation of IEA Countries on January 1, 1996
   —The Emergency Response Potential of Hungary
8. Emergency Reserve Situation of IEA Countries
   —Organization of Seminar on Emergency Reserve Issues in Spring 1997
   —Emergency Reserve and Net Import Situation of IEA Countries on April 1, 1996
   —Historical Trends and Future Prospects for IEA Emergency Reserves
9. Emergency Response Reviews
   —Updated Schedule of Reviews
   —Emergency Response Review of the United Kingdom
   —Emergency Response Review of the United States
10. Emergency Data System and Related Questions
   —Monthly Oil Statistics (MOS) for February 1996
   —MOS for March 1996
   —Base Period Final Consumption—Q295–Q196
   —Quarterly Oil Forecast—Q296–Q197
11. Review of SEQ Work Procedures
12. Emergency Reference Guide
   —Update of Emergency Contact Points List
13. Any Other Business
   —Date of Autumn meeting of the SEQ

II. A meeting of the IAB will be held on June 18, 1996, at La Maison de la Chimie, 28, rue Saint-Dominique, Paris, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Governing Board and of the SEQ which is scheduled to be held at the same location on the same date. The agenda for the meeting is under the control of the Governing Board. It is expected that the following agenda will be adopted:

1. Introductory Remarks
2. Report on April SEQ/SOM Meeting
3. Global Oil Market Perspectives to 2010
4. Future Challenges for Global Oil Security
   —An American Perspective
   —A European Perspective
   —An Asian Perspective
   —IEA Emergency Response
5. Comments by Oil Industry and Government Participants
6. Round Table Discussion
   —Oil Supply Disruptions beyond 2000
   —Prevention and Response Strategies
   —Effective Response Measures
   —The Non-IEA and Global Dimension
   —The Roles of the IEA and IAB
7. Summing Up

As permitted by 10 CFR 209.32, the usual 7-day period for publication of the notice of these meetings in the Federal Register has been shortened because unanticipated circumstances pertaining to the IEA's scheduling of these meetings delayed the issuance of this notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), these meetings are open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ and the Governing Board, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, D.C., June 5, 1996.

Robert R. Nordhaus,

General Counsel.

[FR Doc. 96–14708 Filed 6–10–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP95–149–004]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective on the dates shown below:

January 1, 1996

First Revised Tenth Revised Sheet No. 8
First Revised Twelfth Revised Sheet No. 9
First Revised Twelfth Revised Sheet No. 13
First Revised Twelfth Revised Sheet No. 16
First Revised Fourteenth Revised Sheet No. 18

March 1, 1996

Substitute Eleventh Revised Sheet No. 8
Substitute Thirteenth Revised Sheet No. 9
Substitute Thirteenth Revised Sheet No. 13
Substitute Thirteenth Revised Sheet No. 16
Substitute Fifteenth Revised Sheet No. 18
Substitute Sixteenth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement the Stipulation and Agreement (Stipulation) filed by ANR in the referenced proceeding on January 5, 1996, and approved by the Commission in a March 4, 1996 Letter Order. The Stipulation resolves ANR's recovery of certain pricing differential costs.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14654 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–262–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff Second Revised Volume No. 1, the following tariff sheet to become effective June 1, 1996:

Eighteenth Revised Sheet No. 18

ANR states that the above-referenced tariff sheet is being filed to restate its currently effective Gas Supply Realignment (''GSR'') and Pricing Differential (''PD'') Reservation Surcharges, to reflect the impact of the annual update of the Eligible MDQ that is used to calculate those Surcharges, as required by and consistent with ANR's transition cost recovery mechanism set forth in its tariff.

ANR states that copies of the filing are being mailed to each of ANR's Second Revised Volume No. 1 customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14666 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–263–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective June 1, 1996:

Twelfth Revised Sheet No. 8
Fourteenth Revised Sheet No. 9
Fourteenth Revised Sheet No. 13
Fourteenth Revised Sheet No. 16
Seventeenth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed pursuant to the approved recovery mechanism of its Tariff to implement recovery of $6.0 million of costs that are associated with its obligations to Dakota Gasification Company (Dakota). ANR proposes a reservation surcharge applicable to its Part 284 firm transportation customers to collect ninety percent (90%) of the Dakota costs and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS–2 so as to recover the remaining ten percent (10%). ANR advises that the proposed changes would decrease current quarterly Dakota Above-Market cost recoveries from $6.8 million to $6.0 million, based upon costs incurred from February 1996 to April 1996.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Sections 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14667 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–6–32–000]

Colorado Interstate Gas Company; Notice of Tariff Filing

June 5, 1996.

Take notice that on May 31, 1996, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventeenth Revised Sheet No. 11.

CIG states that the tariff sheet is being filed to reflect an increase in the fuel reimbursement percentage for Lost, Unaccounted-For and Other Fuel Gas from 0.11% to 0.58% effective July 1, 1996.

CIG states that copies of this filing have been served on CIG's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.214 and 385.211). All such petitions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14668 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP95–408–000 and RP95–408–001]

Columbia Gas Transmission Corp.; Notice of Informal Settlement Conference

June 5, 1996.

Take notice that an informal settlement conference in this proceeding will be convened on Thursday, June 13, 1996 at 10:00 a.m., continuing through Friday, June 14, if necessary. The settlement conference will be held at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Thomas J. Burgess at 208–2058 or David R. Cain at 208–0917.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14655 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–261–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective July 1, 1996.

Columbia Gulf states that the revised tariff sheets are submitted to comply with the regulations promulgated under Order No. 582, update references to the revised regulations, and to correct certain tariff sheets which contain clerical errors.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14669 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–254–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, El Paso Natural Gas Company (El Paso), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets, to become effective July 1, 1996:

Third Revised Sheet Nos. 30, 31, and 32

El Paso states that Section 31.4(b) of its tariff provides the mechanism by which El Paso adjusts the interest calculated on the unrecovered balance of its stranded investment cost in Washington Ranch Storage Facility and then adjusts the Monthly Amortized Amount allocated to each Shipper. El Paso states that the Tariff further provides that El Paso will adjust its rates for any differences resulting from the use of the estimated interest versus the actual interest and such difference shall be added to or deducted from the estimated interest for the upcoming six month period.

El Paso states that the Monthly Amortized Amount has been adjusted to reflect the projected interest and the difference in the previously estimated interest and actual interest utilizing the appropriate interest rate calculated pursuant to Section 154.501(d)(1) of the Commission's Regulations under the Natural Gas Act. El Paso states that the projected interest was calculated on the remaining unrecovered balance of the stranded investment costs. El Paso states that the revised Washington Ranch Reservation Surcharges and resulting Monthly Billed Amounts are shown on the tendered tariff sheets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14664 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–250–000]

Equitrans, L.P.; Notice of Tariff Filing

June 5, 1996.

Take notice that on May 31, 1996, Equitrans, L.P. (Equitrans) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A.

By this filing, Equitrans seeks approval to offer a new interruptible parking service under Rate Schedule PS. Equitrans states that under this Rate Schedule customers may park gas on Equitrans' system for up to 15 days, paying a daily charge for the service. Equitrans requests that the Commission allow the tariff sheets to become effective on July 1, 1996.

Equitrans proposes a maximum daily rate for the service of $0.0028/Dth, which is derived from the existing rates for Rate Schedule INSS. Equitrans states that it is offering parking service as a tool for customers to manage aggregated supply on the Equitrans system, and to reduce exposure to balancing and scheduling penalties. Equitrans states that the rates, terms, and conditions of service and the appropriate level of allocated costs can be reviewed in Equitrans' 1997 rate case after experience is gained with the service.

Any person desiring to be heard or to make any protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or 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 proceeding. Any person desiring to become a party to a proceeding or to participate as a party in any hearing therein must file a petition for leave to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

Appendix A

Original Sheet No. 7A
Second Revised Sheet No. 10
Original Sheet No. 77
Original Sheet No. 78
Original Sheet No. 79
Original Sheet No. 80
Sheet Nos. 81–199
Third Revised Sheet No. 203
First Revised Sheet No. 213
Second Revised Sheet No. 215
Second Revised Sheet No. 300
Fifth Revised Sheet No. 304
Original Sheet No. 368
Original Sheet No. 369
Original Sheet No. 370
Original Sheet No. 371
Original Sheet No. 372
Sheet Nos. 373–399

[FR Doc. 96–14660 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–1–131–000]

KO Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 29, 1996, KO Transmission Company (KO Transmission) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheet with a proposed effective date of June 1, 1996:

First Revised Sheet No. 10

KO Transmission states that the purpose of the filing is to revise its fuel retainage percentage consistent with Section 24 of the General Terms and Conditions of its Tariff. According to KO Transmission, Columbia Gas Transmission Corporation (Columbia) operates and maintains the KO Transmission facilities pursuant to the Operating Agreement referenced in its tariff at Original Sheet No. 7. Pursuant to that Operating Agreement, Columbia retains certain volumes associated with gas transported on behalf of KO Transmission. On May 17, 1996, Columbia notified KO Transmission of an increase in the percentage of volumes to be retained. Accordingly, KO Transmission states that the instant filing tracks this increase.

KO Transmission states that copies of the filing have been mailed to each of KO Transmission's jurisdictional customers.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.214 and section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14658 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–247–000]

Midwestern Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 29, 1996, Midwestern Gas Transmission Company (Midwestern) tendered for filing as part of its FERC Gas Tariff Second Revised Volume No. 1, the following tariff sheets, to become effective July 1, 1996:

First Revised Sheet No. 32
Second Revised Sheet No. 35
First Revised Sheet No. 38
Second Revised Sheet No. 41

Midwestern states that the proposed filing conforms the provisions of its LMS–MA and LMS–PA Rate Schedules related to its annual cashout report to industry standards, so that Midwestern may carry forward any cashout loss into the subsequent year's annual report. The proposed filing also amends section 6(b) Midwestern's Rate Schedules LMS–MA and LMS–PA to accurately define the value of gas delivered into or out of the Midwestern system. This change will result in consistency between Midwestern's LMS–MA and LMS–PA Rate Schedules.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.214 and section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary,

[FR Doc. 96–14657 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–67–002]

Mojave Pipeline Company; Notice of Tariff Filing

June 5, 1996.

Take notice that on May 31, 1996, Mojave Pipeline Company (Mojave) tendered for filing certain tariff sheets in compliance with the Commission's orders issued in the above proceeding on December 29, 1995 and May 17, 1996. In particular, Mojave tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective January 1, 1996:

Substitute Seventh Revised Sheet No. 11
Substitute Sheet No. 58
Substitute Sheet No. 63
First Revised Sheet No. 117
First Revised Sheet No. 118
Substitute Sheet No. 137
Substitute Sheet No. 144

Mojave states that Substitute Seventh Revised Sheet No. 11 includes an Imbalance Trading Marketing Fee, with a maximum level of $0.02/MMBtu and a minimum level of $0.00/MMBtu, in the Schedule of Rates for services provided by Mojave.

Mojave states that Substitute Sheet No. 58 contains provisions making the availability of Authorized Loan Service under Rate Schedule ALS–1 subject to the user or shipper having an executed Authorized Loan Service Agreement and an executed firm or interruptible service agreement with Mojave. Substitute Sheet No. 63 contains provisions making the availability of Authorized Parking Service under Rate Schedule APS–1 subject to the user or shipper having an executed Authorized Parking Service Agreement and an executed firm or interruptible service agreement with Mojave.

Mojave states that First Revised Sheet Nos. 117 and 118 revise the General Terms and Conditions of Mojave's Tariff to provide that Authorized Loan Service and Authorized Parking Service have the lowest service priority for purposes of scheduling of deliveries, and have the lowest priority for purposes of curtailment of deliveries.

Mojave states that Substitute sheet Nos. 137 and 144 reflect the deletion of Section 1.3 of the Form of Service Agreement applicable to Authorized Loan Service and providing for reimbursement of filing fees.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14656 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–5–16–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

June 5, 1996.

Take notice that on May 31, 1996, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Eighth Revised Sheet No. 5A, with a proposed effective date of June 1, 1996.

National states that under Article II, Section 2, of the approved settlement in the above-captioned proceedings, National is required to recalculate monthly the maximum Interruptible Gathering (IG) rate and charge that rate on the first day of the following month if the result is an IG rate 2 cents above or below the IG rate. The recalculation produced an IG rate of 21 cents per dth.

National further states that pursuant to Article II, Section 4, National is required to file a revised tariff sheet in a Compliance Filing each time the effective IG rate is revised within 30 days of the effective date of the revised IG rate.

Any person desiring to be heard or to protest filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 385.211 or 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385. 214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14670 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–253–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Fourth Revised Sheet No. 20, to be effective July 1, 1996.

Natural states that the filing is submitted pursuant to Section 2.6(b) of the General Terms and Conditions of Natural's FERC Gas Tariff, Sixth Revised Volume No. 1 [Section 2.6(b)]. Section 2.6(b) allows Natural to file a one-time adjustment to its rates under Rate Schedule DSS to reflect the cost of cushion gas Natural must provide to replace that previously provided by customers but returned by Natural to customers upon expiration of Rate Schedules S–1, LS–2 and LS–3.

Natural requested waivers of its tariff and the Commission's Regulations, including the requirements of Section 154.63, to the extent necessary to permit the tariff sheet to become effective July 1, 1996.

Natural states that copies of the filing are being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14663 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–251–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border Pipeline Company's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to become effective May 1, 1996:

1st Rev Sixth Revised Sheet Number 156

Northern Border states that the purpose of this filing is to revise the Maximum Rate under Rate Schedule IT–1 to reflect the letter order of the Director, Division of Audits, issued May 17, 1996 at Docket No. FA93–45–000. Northern Border proposes to decrease the Maximum Rate from 4.203 cents per 100 Dekatherm-Miles to 4.199 cents per 100 Dekatherm-Miles. In accordance with the May 17 letter order, Northern Border is required to make certain accounting and billing adjustments and refunds. The herein proposed tariff change reflects such adjustments to the rate to be charged for volumes transported pursuant to Rate Schedules IT–1 or OT–1.

Northern Border states that the herein proposed change does not result in a change in Northern Border's total revenue requirement.

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 285.214 and Section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14661 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–252–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Northern Natural Gas Company (Northern), tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1.

Northern states that the filing revises the current Stranded Account No. 858 and Stranded Account No. 858-Reverse Auction surcharges, which are designed to recover costs incurred by Northern related to its contracts with third-party pipelines. Therefore, Northern has filed Twenty First Revised Sheet Nos. 50 and 51 and Thirtieth Revised Sheet No. 53 to be effective July 1, 1996.

Northern states that copies of this filing were served upon the Company's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestant a party to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14662 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–4–86–000]

Pacific Gas Transmission Company; Notice of Compliance Filing

June 5, 1996.

Take notice that on May 31, 1996, Pacific Gas Transmission Company (PGT) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A: Twelfth Revised Sheet No. 5; and as part of its FERC Gas Tariff, Second Revised Volume No. 1: Tenth Revised Sheet No. 7. PGT requested the above-referenced tariff sheet become effective July 1, 1996.

PGT asserts that the purpose of this filing is to comply with Paragraphs 37 and 23 of the terms and conditions of First Revised Volume No. 1–A and Second Revised Volume No. 1, respectively, of its FERC Gas Tariff, ''Adjustment for Fuel, Line Loss and Other Unaccounted For Gas Percentages.'' These tariff changes reflect an increase in PGT's fuel and line loss surcharge from 0.0002 to 0.0004 percentage to become effective July 1, 1996. Also included, as required by Paragraphs 37 and 23, are workpapers showing the derivation of the current fuel and line loss percentage in effect for each month the fuel tracking mechanism has been in effect.

PGT further states that a copy of this filing has been served on PGT's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14671 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–259–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective July 1, 1996.

Panhandle states that the purpose of this filing is to recover a portion of certain Take-or-Pay Settlement and Contract Reformation Costs in accordance with the Commission's Order Nos. 500 and 528 cost-sharing and recovery mechanism. The costs to be recovered reflect one new payment which has not previously been the subject of any cost recovery filing.

Panhandle states that a copy of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14672 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–260–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective July 1, 1996.

Panhandle states that the purpose of this filing is to recover additional Miscellaneous Stranded Costs pursuant to Section 18.14 of the General Terms and Conditions of Panhandle's tariff. Specifically, this filing will implement Panhandle's recovery of $1,869,027 of certain Miscellaneous Stranded Costs, including interest from the date the costs were incurred to the date of filing and including a levelized interest component applicable for the three year period the rates encompassed herein are anticipated to be in effect.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14673 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–257–000]

Southern Natural Gas Company; Notice of GSR Revised Tariff Sheets

June 5, 1996.

Take notice that on May 31, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of June 1, 1996:

Tariff Sheets Applicable to Contesting Parties:

Tenth Revised Sheet No. 14
Thirty-Second Revised Sheet No. 15
Tenth Revised Sheet No. 16
Thirty-Second Revised Sheet No. 17

Southern submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, to reflect a slight increase of $.001 in its FT/FT–NN GSR Surcharge, resulting from the removal of a credit for interim FT services.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14674 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–258–000]

Southern Natural Gas Company; Notice of GSR Cost Recovery Filing

June 5, 1996.

Take notice that on May 31, 1996, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of July 1, 1996.

Tariff Sheets Applicable to Contesting Parties:

Eleventh Revised Sheet No. 14
Thirty-Third Revised Sheet No. 15
Eleventh Revised Sheet No. 16
Thirty-Third Revised Sheet No. 17
Nineteenth Revised Sheet No. 18
Twenty-First Revised Sheet No. 29
Twenty-First Revised Sheet No. 30
Twenty-First Revised Sheet No. 31

Tariff Sheets Applicable to Supporting Parties:

Fourth Revised Sheet No. 14A
Eleventh Revised Sheet No. 15A
Fourth Revised Sheet No. 16A
Eleventh Revised Sheet No. 17A

Southern sets forth in the filing of its revised demand surcharges and revised interruptible rates that will be charged in connection with its recovery of GSR costs associated with the payment of price differential costs under unrealigned gas supply contracts or contract buyout costs associated with continuing realignment efforts as well as sales function costs during the period February 1, 1996 through April 30, 1996. These GSR costs have arisen as a direct result of customers' elections during restructuring to terminate their sales entitlements under Order No. 636.

Southern states that copies of the filing were served upon Southern's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14675 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–249–000]

Tennessee Gas Pipeline Company; Notice of Request for Waiver and Filing of Take-or-Pay Reports

June 5, 1996.

Take notice that on May 31, 1996, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a request for waiver of Section 2 of Article XXV of the General Terms and Conditions of its FERC Gas Tariff, Fifth Revised Volume No. 1.

Tennessee states that it is requesting this waiver to permit Tennessee to omit the filing of the revised tariff sheets scheduled to be filed by May 31, 1996, to be effective on July 1, 1996, in that Tennessee has not incurred significant additional take or pay costs since its last recovery filing submitted on November 30, 1995 in Docket No. RP96–61.

Tennessee notes that the deferral of recovery of take-or-pay costs will not affect the accounting for additional costs and carrying charges, in accord with Article XXV, Section 3.2, and the costs will be recovered through future filings pursuant to Article XXV.

Tennessee further notes that it is filing reports showing the derivation of the balances in its Demand and Volumetric Transition Cost Accounts, including carrying charge calculations, and the status of its recovery filings relative to the cap.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 12, 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. Any person wishing to become a party must file an intervention. 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. 96–14659 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–5–18–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, Texas Gas Transmission Corporation (Texas Gas) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets to become effective July 1, 1996:

Sixteenth Revised Sheet No. 10
Original Sheet No. 10A
Fourteenth Revised Sheet No. 11
Ninth Revised Sheet No. 11A
Original Sheet No. 11B
Eighteenth Revised Sheet No. 12
Third Revised Sheet No. 12A
Fifth Revised Sheet No. 15
Sixth Revised Sheet No. 16
Fifth Revised Sheet No. 17

Texas Gas states that the filing reflects the Miscellaneous Revenue Credit Adjustment as required by Article IV of Texas Gas's Docket No. RP94–423 settlement agreement and the respective Section 29 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1. This filing also shows the calculation of the ISS Revenue Credit Adjustment as required by § 5.3 of Rate Schedule ISS of the aforementioned tariff.

Texas Gas states that copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14676 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ96–3–35–000]

West Texas Gas, Inc.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1996.

Take notice that on May 31, 1996, West Texas Gas, Inc. (WTG), tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. WTG submitted Nineteenth Revised Sheet No. 4 to be effective July 1, 1996.

WTG states that this tariff sheet and the accompanying explanatory schedules constitute WTG's quarterly PGA filing submitted in accordance with the Commission's purchased gas adjustment regulations.

WTG state that copies of the filing were served upon WTG's customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protest must be filed as provided in Section 154.210 of the Commission's Regulations Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14677 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–255–000]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

June 5, 1996.

Take notice that on May 31, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing, its Annual Take-or-Pay Reconciliation Filing pursuant to Sections 36 and 37 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. More specifically, Williston Basin filed the following tariff sheets, to become effective July 1, 1996.

Second Revised Volume No. 1
Seventeenth Revised Sheet No. 15
Twentieth Revised Sheet No. 16
Seventeenth Revised Sheet No. 18
Fifteenth Revised Sheet No. 21
Third Revised Sheet No. 321
Original Volume No. 2
Sixty-second Revised Sheet No. 11B

Williston Basin states that the revised tariff sheets are being filed to reflect recalculated fixed monthly surcharges and revised throughput surcharges to be effective during the period July 1, 1996 through June 30, 1997 pursuant to the procedures contained in Sections 36 and 37 of the General Terms and Conditions of Williston Basin's FERC Gas Tariff, Second Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 12, 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. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14665 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–256–000]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

June 5, 1996.

Take notice that on May 31, 1996, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing its Annual Gas Supply Realignment Reconciliation Filing pursuant to Subsection 39.3.3 of General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. More specifically, Williston Basin filed the following tariff sheets:

Second Revised Volume No. 1
Eighteenth Revised Sheet No. 15
Twenty-first Revised Sheet No. 16
Eighteenth Revised Sheet No. 18

Williston Basin has requested that the Commission accept this filing to become effective July 1, 1996.

Williston Basin states that the revised tariff sheets reflect the annual reconciliation of the latest GSR cost recovery period and the establishment of new reservation charge surcharges applicable to service under Rate Schedules FT–1 and ST–1 for the period July 1, 1996 thru June 30, 1997.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. 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. 96–14678 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1086–001, et al.]

SCANA Energy Marketing Inc., et al.; Electric Rate and Corporate Regulation Filings

June 5, 1996.

Take notice that the following filings have been made with the Commission:

1. SCANA Energy Marketing, Inc.

[Docket No. ER96–1086–001]

Take notice that on May 28, 1996, SCANA Energy Marketing, Inc. tendered for filing copies of its revised Code of Conduct in compliance with the Commission's order issued on May 13, 1996 in Docket No. ER96–1086–000.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Western Systems Power Pool, Mesquite Energy Services Inc., Rig Gas Inc., Vastar Power Marketing, Inc., ConAgra Energy Services, Inc., Eastex Power Marketing, Inc., Federal Energy Sales, Inc.

[Docket No. ER91–195–024, Docket No. ER95–74–004, Docket No. ER95–480–005, Docket No. ER95–1685–001, Docket No. ER95–1751–002, Docket No. ER96–118–003, Docket No. ER96–918–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On May 8, 1996, Western Systems Power Pool filed certain information as required by the Commission's April 23, 1991, order in Docket No. ER91–195–000.

On May 22, 1996, Mesquite Energy Services Inc. filed certain information as required by the Commission's January 4, 1995, order in Docket No. ER95–74–000.

On May 1, 1996, Rig Gas Inc. filed certain information as required by the Commission's March 16, 1995, order in Docket No. ER95–480–000.

On May 15, 1996, Vastar Power Marketing, Inc. filed certain information as required by the Commission's October 26, 1995, order in Docket No. ER95–1685–000.

On May 24, 1996, ConAgra Energy Services, Inc. filed certain information as required by the Commission's October 23, 1995, order in Docket No. ER95–1751–000.

On May 15, 1996, Eastex Power Marketing, Inc. filed certain information as required by the Commission's November 28, 1995, order in Docket No. ER96–118–000.

On May 22, 1996, Federal Energy Sales, Inc. filed certain information as required by the Commission's March 1, 1996, order in Docket No. ER96–918–000.

3. AES Power, Inc., LG&E Power Marketing, Inc., Vastar Power Marketing, Inc., Quantum Energy Resources, Inc.

[Docket No. ER94–890–009, Docket No. ER94–1188–004, Docket No. ER95–1685–002, Docket No. ER96–947–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On May 1, 1996, AES Power, Inc. filed certain information as required by the Commission's April 8, 1994, order in Docket No. ER94–890–000.

On May 1, 1996, LG&E Power Marketing, Inc. filed certain information as required by the Commission's August 19, 1994, order in Docket No. ER94–1188–000.

On May 15, 1996, Vastar Power Marketing, Inc. filed certain information as required by the Commission's October 26, 1995, order in Docket No. ER95–1685–000.

On May 22, 1996, Quantum Energy Resources, Inc. filed certain information as required by the Commission's March 5, 1996, order in Docket No. ER96–947–000.

4. Entergy Services, Inc.

[Docket Nos. ER96–838–000, ER96–839–000 and ER96–842–000]

Take notice that on May 17, 1996, Entergy Services, Inc. tendered for filing an amendment in the above-referenced dockets.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Power Service Corporation on behalf of Monongahela Power Co.; The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER96–1049–001]

Take notice that on May 28, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) submitted a compliance filing in order to comply with a Letter Order issued by the Commission on May 3, 1996.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Atlantic City Electric Company

[Docket No. ER96–1307–001]

Take notice that on May 29, 1996, Atlantic City Electric Company tendered for filing its refund report in the above-referenced docket.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Atlantic City Electric Company

[Docket No. ER96–1361–001]

Take notice that on May 31, 1996, Atlantic City Electric Company tendered for filing changes to its market-based rate tariff.

Atlantic City Electric Company indicates that it has served the filing on all parties in Docket No. ER96–1361–000 and on the New Jersey Board of Public Utilities.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Aquila Power Corporation

[Docket No. ER96–1366–001]

Take notice that on May 30, 1996, Aquila Power Corporation tendered for filing revisions to its FERC Electric Rate Schedule No. 1 and its Statement of Policy and Code of Conduct.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. New Energy Ventures, Inc.

[Docket No. ER96–1387–000]

Take notice that on May 29, 1996, New Energy Ventures, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Public Service Company

[Docket No. ER96–1449–000]

Take notice that on May 14, 1996, Southwestern Public Service Company tendered for filing a letter requesting cancellation of the wholesale interruptible rate rider FERC Rate No. 113.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Co.

[Docket Nos. ER96–1646–000, ER96–1647–000, ER96–1648–000, ER96–1654–000]

Take notice that Louisville Gas and Electric Company (LG&E), tendered for filing on May 31, 1996, an amendment to its filings in the above-referenced dockets. LG&E states that the purpose of the amendment is to modify LG&E's Rate Schedule GSS to include two forms of service agreements.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Montana Power Company

[Docket No. ER96–1685–000]

Take notice that on May 29, 1996, Montana Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Midwest Energy, Inc.

[Docket No. ER96–1791–000]

Take notice that May 14, 1996, Midwest Energy, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. CPS Capital, Ltd.

[Docket No. ER96–1798–000]

Take notice that on May 28, 1996, CPS Capital, Ltd. tendered for filing an amendment in the above-referenced docket.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power & Light Company

[Docket No. ER96–1900–000]

Take notice that on May 23, 1996, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with Delhi Energy Services, Inc. for transmission service under FPL's Transmission Tariff No. 2 and FPL's Transmission Tariff No. 3.

FPL requests that the proposed service agreements be permitted to become effective on June 1, 1996, or as soon thereafter as practicable.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Madison Gas and Electric Company

[Docket No. ER96–1901–000]

Take notice that on May 23, 1996, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with Eastex Power Marketing, Inc., Sonat Power Marketing, Inc., and TransCanada Power Corporation under MGE's Power Sales Tariff. In addition, MGE filed First Revised Sheet No. 23 of its Volume No. 2 to incorporate a minor revision to the Form of Service Agreement. MGE requests an effective date 60 days from the filing date.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Northeast Utilities Service Company

[Docket No. ER96–1902–000]

Take notice that on May 23, 1996, Northeast Utilities Service Company (NUSCO), on behalf of Public Service Company of New Hampshire (PSNH), tendered for filing a Bulk Power Supply Service Agreement (Agreement) to provide required service to PSNH Energy, Inc. (PSNH Energy).

NUSCO requests that the rate schedule become effective on May 28, 1996, or such date as the SEC approves the formation of a retail marketing affiliate to participate in the New Hampshire Pilot Program. NUSCO states that copies of the rate schedule have been mailed or delivered to the parties to the Agreement and the affected state utility commissions.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Florida Power & Light Company

[Docket No. ER96–1903–000]

Take notice that on May 23, 1996, Florida Power & Light Company (FPL), tendered for filing a Long Term Firm Transmission Service Agreement For Stanton Unit Two Between FPL And The Florida Municipal Power Agency. That Agreement is filed under Transmission Tariff No. 1 of Florida Power & Light Company For Long-Term Transmission Service. FPL proposed to make the Agreement effective June 1, 1996.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Florida Power & Light Company

[Docket No. ER96–1904–000]

Take notice that on May 23, 1996, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with Federal Energy Sales Inc. for transmission service under FPL's Transmission Tariff No. 2 and FPL's Transmission Tariff No. 3.

FPL requests that the proposed service agreements be permitted to become effective on June 1, 1996, or as soon thereafter as practicable.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Southwestern Public Service Company

[Docket No. ER96–1905–000]

Take notice that on May 23,1996, Southwestern Public Service Company (SPS), filed with the Commission an amendment to SPS's Rate Schedule in effect with Public Service Company of Oklahoma (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Southwestern Public Service Company

[Docket No. ER96–1906–000]

Take notice that on May 23, 1996, Southwestern Public Service Company (SPS) filed with the Commission an amendment to SPS Rate Schedule FERC No. 78 with WestPlains Energy Co. (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Southwestern Public Service Company

[Docket No. ER96–1907–000]

Take notice that on May 23, 1996, Southwestern Public Service Company (SPS), filed with the Commission an amendment to SPS Rate Schedule FERC No. 58 in effect with West Texas Utilities Co. (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Southwestern Public Service Company

[Docket No. ER96–1908–000]

Take notice that on May 23, 1996, Southwestern Public Service Company (SPS), filed with the Commission an amendment to SPS Rate Schedule FERC No. 102 with Public Service Company of New Mexico (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Southwestern Public Service Company

[Docket No. ER96–1909–000]

Take notice that on May 23, 1996, Southwestern Public Service Company (SPS), filed with the Commission an amendment to SPS Rate Schedule FERC No. 107 with Texas-New Mexico Power Company (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Southwestern Public Service Company

[Docket No. ER96–1910–000]

Take notice that on May 23, 1996, Southwestern Public Service Company (SPS), filed with the Commission an amendment to SPS Rate Schedule FERC No. 104 with El Paso Electric Company (Customer). SPS indicates that the purpose of the filing is to harmonize its emergency service rates with industry practice and Commission guidance. SPS asks that the revised rate be made effective as of June 1, 1996.

SPS states that copies of the amendment have been served on Customer.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Duke Power Company

[Docket No. ER96–1911–000]

Take notice that on May 24, 1996, Duke Power Company (Duke), tendered for filing the following: (1) Service Agreement for Market Rate (Schedule MR) Sales between Duke and Delmarva Power & Light Company; (2) Service Agreement for Market Rate (Schedule MR) Sales between Duke and Wisconsin Power & Light Company; (3) Service Agreement for Market Rate (Schedule MR) Sales between Duke and UtiliCorp United, Inc., and (4) Service Agreement for Market Rate (Schedule MR) Sales between Duke and Commonwealth Edison Company.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Consumers Power Company

[Docket No. ER96–1912–000]

Take notice that on May 24, 1996, Consumers Power Company (Consumers), tendered for filing a Supplemental Agreement No. 3 which modifies the Service Agreement for Limited Term, Pre-Scheduled Interruptible Wholesale Electric Service to the City of Holland.

Copies of the filing were served upon the Michigan Public Service Commission and the City of Holland.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. Kansas City Power & Light Company

[Docket No. ER96–1913–000]

Take notice that on May 24, 1996, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated April 30, 1996, between KCPL and Western Power Services, Inc. (WPS). KCPL proposes an effective date of April 10, 1996, and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service between KCPL and WPS.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges which were conditionally accepted for filing by the Commission in Docket No. ER94–1045–000.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

29. Florida Power Corporation

[Docket No. ER96–1914–000]

Take notice that on May 24, 1996, Florida Power Corporation (FPC), tendered for filing a contract for the provision of interchange service between itself and CNG Power Services Corporation. The contract provides for service under Schedule J, Negotiated Interchange Service and OS, Opportunity Sales.

FPC requests Commission waiver of the 60-day notice requirement in order to allow the contract to become effective as a rate schedule on May 28, 1996. Waiver is appropriate because this filing provides for rates under the Schedule OS that are lower than the rates for Schedule OS which have been previously accepted for filing.

Comment date: June 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14710 Filed 6–10–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5517–6]

Agency Information Collection Activities; Proposed Collection; Comment Request; New Source Performance Standards for Subparts DD, DDD, I, JJJ, L, and RRR

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 12, 1996.

ADDRESSES: Office of Enforcement and Compliance Assurance, Office of Compliance. People interested in getting copies of or making comments about these ICRs should direct inquiries or comments to the Office of Compliance, Mail Code 2224A, 401 M Street, SW., Washington, DC 20460. Information may also be acquired electronically through the Enviroene Bulletin Board, (703) 908–2092 or the Enviroene WWW/Internet Address, http//wastenot.inel.gov./envirosense/. All responses and comments will be collected regularly for Enviroene.

FOR FURTHER INFORMATION CONTACT: Kenneth Harmon, (202) 564–7049, facsimile number (202) 564–0037, for NSPS Subpart DD; Sandi Jones, (202) 564–7038, facsimile number (202) 564–0037, for NSPS Subpart DDD; Scott Throwe, (202) 564–7013, facsimile number (202) 564–0050, for NSPS Subpart I; Joyce Chandler, (202) 564–7073, facsimile number (202) 564–0037, for NSPS Subpart JJJ; Jane M. Engert, (202) 564–5021, facsimile number (202) 564–0050, or via e-mail (ENGERT.JANE@EPAMAIL.EPA.GOV.), for NSPS Subpart L; and Darlene Williams, (202) 564–7031 or via e-mail (Williams.Darlene@EPAMAIL.EPA.GOV.), for NSPS Subpart RRR.

SUPPLEMENTARY INFORMATION:

NSPS Subpart DD Supplementary Information

Affected entities: Entities potentially affected by this action are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, and all grain handling operations at any grain terminal elevator or any grain storage elevator.

Title: NSPS Subpart DD: Standards of Performance for Grain Elevators, OMB control Number 2060–0082, expires November 30, 1996.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR Part 60.300, *et seq.*, Subpart DD, New Source Performance Standards for Grain Elevators. This information notifies EPA when a source becomes subject to the regulations, informs the Agency if a source is in compliance when it begins operation, and informs the Agency if the source remained in compliance during any period of startup, shutdown, or malfunction.

In the Administrator's judgment, particulate matter emissions from grain elevators cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NSPS were promulgated for this source category, as required under Section 111 of the Clean Air Act.

Controlling emissions of particulate matter from grain elevators requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Particulate emissions from grain elevators are the result of grain drying and grain handling operations, including loading and unloading. These standards rely on the proper operation of particulate control devices such as baghouses and equipment such as shed doors and spouts designed to reduce particulate emission during grain unloading and loading.

Owners or operators of the affected facilities subject to NSPS Subpart DD must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility that may increase the rate of emission of the regulated pollutant; notification of the date of the initial performance test; and the results of the initial performance test, including information necessary to determine the conditions of the performance test and performance test measurements and results, including particulate matter concentration and opacity.

Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, as well as the nature and cause of the malfunction (if known) and corrective measures taken. These notifications, reports and records are required, in general, of all sources subject to NSPS. Without such information, enforcement personnel would be unable to determine if the standards are being met on a continuous basis, as required by the Clean Air Act.

EPA estimates that one additional source will become subject to the standard in each of the next three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The required information consists of emissions data and other information that have been determined not to be private. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 1764, March 23, 1979).

The EPA 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.

Burden Statement: The current ICR estimates the average total annual burden to industry to be $3,261. This is based on an estimated average total annual burden for this industry of 107.1 person-hours. The respondent costs have been calculated on the basis of $14.50 per hour, plus 110 percent overhead.

EPA's estimate of 107.1 average total annual burden hours over the three year life of this ICR represents a 21 percent decrease from the 134.85 hours estimated in the previous ICR. This downward adjustment, however, results from EPA's discovery of a calculation error that overstated the true burden.

To account for the annual burden hours associated with the startup, shutdown, and malfunction recordkeeping activities of the estimated one new source annually over the three year life of the ICR, the prior ICR and this ICR both assume that 1.5 sources represents the average number of new sources over three years. This average number of new sources is added to the number of existing sources, and the total estimated annual average number of sources is multiplied by the estimated annual burden hours per source for these activities. In the prior ICR, the average number of new sources, 1.5, was added to the number of existing sources, 60, but the estimated burden annual hours per source, 1, was mistakenly multiplied by 1.5 before the estimated annual average number of sources, 61.5, was multiplied by the estimated annual burden hours per source, 1.5[sic]. As a result, the burden hours, 92.25, and cost, $2,809.01, associated with these activities were overstated by 50 percent, skewing the estimated total annual burden to industry by 30.75 hours and $936.34.

The estimated annual burden is calculated as one hour for the newly subject respondent to read the reporting requirements; 24 hours for the new respondent to perform the initial performance test, 4.8 hours annually to account for the estimated 20 percent of performance tests that must be repeated, 4 hours for the new respondent to perform the Method 9 tests, 0.8 hours annually to account for the estimated 20 percent of Method 9 tests that must be repeated, two hours to prepare and send the notification of construction/ reconstruction of the newly-subject source, two hours to prepare and send notification of anticipated startup, two hours to prepare and send notification of actual startup, and two hours to prepare and send notification of the initial performance test. Together, these information collection activities required of the anticipated one new source annually amount to and average of 42.6 person hours at a cost of $1,297. Additionally, EPA estimates that established sources will spend an average of an hour annually entering information regarding startups, shutdowns, and malfunctions. Assuming 63 existing sources and one addition source for each of the three years that this ICR will be in effect, EPA estimates an average of 64.5 sources annually will each devote one person hour to these activities for a total of 64.5 person hours, at a cost of $1,964. Therefore, the estimated total annual industry burden is 107.1 hours at a cost of $3,261.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

NSPS Subpart DDD Supplementary Information

Affected entities: Approximately 30 sources are currently subject to the standard, and it is estimated that an additional 10 sources per year will become subject to the standard in the next three years. Volatile organic compounds (VOCs) are the pollutants regulated under this Subpart. Entities potentially affected by this action are facilities involved in the manufacture of polypropylene, polystyrene, or poly(ethylene terephthalate)for which construction, modification or reconstruction commenced after the date of proposal, or after January 10, 1989, depending on the process section.

Title: Subpart DDD: Standards of Performance for Volatile Organic Compound Emissions from the Polymer Manufacturing Industry, OMB Control Number 2060–0145, expires December 31, 1996.

Abstract: This ICR contains recording and reporting requirements under 40 CFR Part 60, Subpart DDD, that apply to facilities involved in the manufacture of polymers. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied.

The affected facilities include: (1) For polypropylene and polyethylene manufacturing, each raw materials preparation section, each polymerization reaction section, each material recovery section, each product finishing section, and each product storage section; (2) for polystyrene manufacturing processes, each material recovery section; and (3) for poly(ethylene terephthalate) manufacturing, each polymerization reaction section. For equipment leaks, the affected facilities are each group of fugitive emissions equipment within any process unit.

In the Administrator's judgment, VOC emissions from the polymer manufacturing industry cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Consequently, NSPS were promulgated for this source category.

In order to ensure compliance with these standards, adequate recordkeeping is necessary. This information enables the Agency to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

Owners or operators of the affected facilities described must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of a physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of the date of the initial performance test; and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports and records are required, in general of all sources subject to NSPS.

In addition, owners/operators of affected facilities are required to record periods of operation during which the performance boundaries are exceeded, results of flare pilot flame monitoring, all periods of operation of a boiler or process heater, and to continuously record the indication of any emission stream diverted away from the control device. Records of startups, shutdowns, and malfunctions should be noted as

they occur. Any owner or operator subject to the provisions of this part shall maintain a file of all of these records, and retain the file for at least two years following the date of such measurements and records.

The reporting requirements for this industry currently include the initial notifications listed, the initial performance test results, and semiannual reports. Semiannual reports shall include the following: all exceedances of parameter boundaries; all periods during which the vent stream is diverted from the control device; all periods when the boiler or process heater was not operated; all periods in which the pilot flame of the flare was absent; and any recalculation of the TRE index value.

All reports are sent to the delegated State or local authority. In the event that there is not such delegated authority, the reports are sent directly to the EPA Regional Office. Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the standard is being met. Performance test reports are needed as these are the Agency's record of a source's initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

EPA would like to solicit 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.

Burden Statement: The estimate was based on the assumption that there would be 10 new affected facilities each year and that there would be an annual average of 45 affected facilities over each of the next three years covered by the ICR. For new sources, it was estimated that it would take 10 person-hours to read the instructions, 3,600 person hours to conduct the initial performance tests and 720 person hours for a total of 4,320 person hours (assuming that 20% of the tests must be repeated), and 70 person hours to gather the information and write the initial reports. For all sources, it was estimated that it would take 270 person hours to fill out semiannual reports and 4,095 person hours to enter information for records of operating parameters.

The annual average burden to industry for the three-year period covered by this ICR from record keeping and reporting requirements has been estimated at 8,765 person hours. The respondents cost were calculated on the basis of $14.50 per hour plus 110% overhead. The total annual burden to industry is estimated at $266,894.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

NSPS Subpart I Supplementary Information

Affected entities: Entities potentially affected by this action are those which are subject to New Source Performance Standards (NSPS) Subpart, Standards of Performance for Hot Mix Asphalt Facilities.

Title: NSPS Subpart I: Standards of Performance for Hot Mix Asphalt Facilities, OMB Control Number 2060–0083, expires November 30, 1996.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with Subpart I, New Source Performance Standards for Hot Mix Asphalt Facilities. This information notifies the Agency when a source becomes subject to the regulations, and informs the Agency that the source is in compliance when it begins operation.

In the Administrator's judgment, particulate matter from hot mix asphalt facilities cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, New Source Performance Standards have been promulgated for this source category as required under Section 111 of the Clean Air Act.

The control of emissions of particulate matter requires not only the installation of properly designed equipment, but also the proper operation and maintenance of that equipment. These standards rely on the capture of pollutants vented to a control device.

Owners or operators of hot mix asphalt facilities subject to NSPS Subpart I are required to make initial notifications for construction, startup, and performance testing. They must also report the results of a performance test.

Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or malfunction in the operation of the air pollution control device. These notifications, reports and records are required in general, of all sources subject to NSPS.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit 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.

Burden Statement: At the writing of the previous ICR there were 1100 sources currently subject to the standards. It is estimated that 60 additional sources per year will become subject to the standard. The current ICR estimates average burden to the industry to be 4,341 person hours. The respondent costs have been calculated on the basis of $14.50 per hour plus 110 percent overhead rate. The current ICR also estimates the average annual burden to the industry is $132,183.45.

The following is a breakdown of burden used in the ICR. Burden is calculated as two hours for respondents to write the reports for: notification of construction or reconstruction; notification of physical or operational changes; notification of anticipated startup; notification of actual startup; and notification of initial performance test. Initial performance tests are allocated 24 burden hours. It is assumed that 20% of all affected facilities will have to repeat performance tests.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose information to or for a federal agency. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

NSPS Subpart JJJ Supplementary Information

Affected entities: Entities potentially affected by this action are those whose which are subject to NSPS Subpart JJJ or each petroleum dry cleaning facilities for which construction, modification or reconstruction commenced after December 14, 1982. The affected facilities include the petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks.

Title: NSPS Subpart JJJ: Standard of Performance for Petroleum Dry Cleaners, OMB Control Number 2060–0079, expires November 30, 1996.

Abstract: The information collected is needed to determine which sources are subject to the regulation and whether these sources are in compliance with the standards. EPA is required to under Section 111 of the Clean Air Act, as amended, to establish standard of performance for new stationary sources. Volatile organic compounds (VOC) are the pollutants regulated under this Subpart. The standards require that any affected petroleum dry cleaning dryer be a solvent recovery dryer.

Owners or operators of the affected facilities described must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; and the notification of the date of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the affected facility. These notifications, reports and records are required, in general, of all sources subject to NSPS. Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. Performance test records are needed as these are the Agency's record of a source's initial capability to comply with the emission standards.

Recordkeeping requirements specific to petroleum dry cleaners include only the performance test required under Section 60.624. There are no reporting requirements specific to Subpart JJJ.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit 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.

Burden Statement: The Agency computed the burden for each of the recordkeeping and reporting requirements applicable to the industry for the currently approved 1993 Information Collection Request (ICR). Where appropriate, the Agency identified specific tasks and make assumptions, while being consistent with the concept of burden under the Paperwork Reduction Act.

The estimate was based on the assumption that there are approximately 216 sources currently subject to the standard, and it is estimated that an additional 18 sources per year will become subject to the standard in the next three years. For new sources it is estimated that it takes a respondent 81.2 person hours for recordkeeping and reporting. The frequency of these reports is once. The annual burden to industry is 1,462 person hours per year. Respondent costs would be calculated on the basis of $14.50 per hour, plus 110 percent overhead. The annual cost of the burden to the industry is $44,517.90.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

NSPS Subpart L Supplementary Information

Affected entities: Entities potentially affected by this action are secondary lead smelters. Specifically, the affected facility in each smelter is any pot furnace of more than 250 kg charging capacity, blast (cupola) furnaces, and reverberatory furnaces.

Title: NSPS Subpart: Standards of Performance for Secondary Lead Smelters, OMB Control Number 2060–0080, expires January 31, 1997.

Abstract: Secondary lead smelters produce elemental lead from scrap, providing the primary means for

recycling lead-acid batteries (automotive) into useable products. Currently upwards of 95% of all lead-acid batteries are recycled by these facilities. Secondary lead smelters emit lead and non-lead particulate matter in quantities that, in the Administrator's judgment, cause or contribute to air pollution that may endanger public health or welfare. Consequently, New Source Performance Standards were promulgated for this source category. These standards rely on the proper installation, operation and maintenance of particulate control devices such as electrostatic precipitators or scrubbers.

In order to ensure compliance with the standards, adequate recordkeeping and reporting is necessary. This information enables the Agency to: (1) Identify the sources subject to the standard; (2) ensure initial compliance with emission limits; and (3) verify continuous compliance with the standard. Specifically, the rule requires an application for approval of construction, notification of startup, notification and report of the initial emissions test, and notification of any physical or operational change that may increase the emission rate. In addition, sources are required to keep records of all startups, shutdowns, and malfunctions.

In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act. Consequently, these information collection requirements are mandatory, and the records required by this NSPS must be retained by the owner or operator for two years. In general, the required information consists of emissions data and other information deemed not to be private. However, any information submitted to the agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit 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.

Burden Statement: The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated at 34.5 person-hours. This is based on an estimated 23 respondents. Respondent costs would be calculated on the basis of $14.50 per hour, plus 110 percent overhead. The average annual burden for reporting only is projected to be less than 10 hours. This is because virtually all reporting requirements apply to new facilities only, and no new secondary lead smelters are anticipated over the next three years. There is a chance that some existing facility might need to report a physical or operational change; however, these reports are very rare, and might only involve one facility over the three-year period, with a burden of less than 10 hours.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

NSPS Subpart RRR Supplementary Information

Affected entities: Entities potentially affected by this action are those which are subject to the Standards of Performance of Volatile Organic Compound (VOC) emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes, Subpart RRR with the exceptions listed in 40 CFR 60.700(c).

Title: NSPS Subpart RRR: Standards of Performance for VOC Emission from SOCMI Reactors Processes, OMB number 2060–0269, expires November 30, 1996.

Abstract: This ICR contains record keeping and reporting requirements that are mandatory for compliance with 40 CFR Part 60.700, Subpart RRR, Standards of Performance for VOC Emissions from SOCMI Reactor Processes. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied. The standards require periodic record keeping to document process information relating to the sources' ability to meet the requirements of the standard and to note the operating conditions under which compliance was achieved.

In the Administrator's judgment, VOC emissions from SOCMI reactor processes cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NSPS were promulgated for this source category.

Owners or operators of the affected facilities described must make the following one-time-only reports: Notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of the date of the initial performance test; and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports and records are required, in general, of all sources subject to NSPS.

In addition, owners/operators of affected facilities are required to record periods of operation during which the performance boundaries are exceeded, results of flare pilot flame monitoring; continuous records of flow to the control device as well as records of all periods and the duration when the vent stream is diverted from the control device; records of all monthly visual inspections of the seals as well as records of all periods and the duration when the seal mechanism is broken, the bypass line valve position has changed, the serial number of the broken car-seal has changed, or when the key for a lock-and-key type configuration has been checked out.

Records of startups, shutdowns, and malfunctions should be noted as they occur. Any owner or operator subject to the provisions of this part shall maintain a file of all of these records, and retain the file for at least two years following the date of such measurements and records.

The reporting requirements for this industry currently include the initial notifications listed, the initial performance test results, and semiannual reports. Semiannual reports shall include the following: All exceedances of parameter boundaries; all periods during which the vent stream is diverted from the control device; all periods when the boiler or process heater was not operated; all periods in which the pilot flame of the flare was absent; and any recalculation of the TRE index value.

All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the standard is being met. Performance test reports are needed as these are the Agency's records of a source's initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit 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.

Burden Statement: The Agency computed the burden for each of the record keeping and reporting requirements applicable to the industry for the currently approved ICR. Where appropriate, the Agency identified specific tasks and made assumptions, while being consistent with the concept of burden under the Paperwork Reduction Act.

The estimate was based on the assumption that there would be 27 new affected facilities each year and that there would be an annual average of 203 affected facilities over each of the next three years covered by the ICR. For new sources, it was estimated that it would take: 27 person hours to read the instructions, 11,520 person hours to conduct the initial performance tests (assuming that 20% of the tests must be repeated), and 432 person hours to gather the information and write the initial reports. For all sources, it was estimated that it would take: 812 person hours to fill out semiannual reports and 3784 person hours to enter information for records of operating parameters.

The annual average burden to industry for the three-year period covered by this ICR from record keeping and reporting requirements has been estimated at 16,575 person hours. The respondents costs were calculated on the basis of $14.50 per hour plus 110% overhead. The total annual burden to industry is estimated at $504,708.75.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. No additional third party burden is associated with this ICR.

Dated: May 31, 1996.

Elaine G. Stanley,

Director, Office of Compliance.

[FR Doc. 96–14681 Filed 6–10 –96; 8:45 am]

BILLING CODE 6560–50–P

[FRC–5515–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Ecosystem Monitoring Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) for the Ecosystem Monitoring Survey described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 11, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1782.01.

SUPPLEMENTARY INFORMATION:

Title: Ecosystem Monitoring Survey. EPA ICR No. 1782.01. This is a new collection.

Abstract: The primary goal of the survey is to obtain information regarding the possible future requirements and applications of natural resources monitoring data in the Pacific Northwest. Results of the survey will be used by the EPA in developing an integrated monitoring plan for the region. The survey is targeted at monitoring issues which have not been specifically addressed by FEMAT. The survey is exploratory, and is not designed for statistical analysis of how monitoring data is used, or a critical evaluation of any specific monitoring program or system. The survey is voluntary, and although a list of interviewed individuals will accompany the published report, these individuals or organizations which they represent will not be associated with specific comments. The survey involves one and one-half hour interviews with approximately 30 persons representing State and local governments or other resource management entities in western Oregon and Washington. Interviews will be tape recorded to minimize use of the respondent's time,

and respondents will be offered the opportunity to review a summary of the interview before publication. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under CFR 1320.8(d), soliciting comments on this collection of information was published on March 22, 1996 (FR Volume 61, Number 57).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2.67 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 60.

Estimated Number of Respondents: 30.

Frequency of Response: One time.

Estimated Total Annual Hour Burden: 85 hours.

Estimated Total Annualized Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1782.01 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 10460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for EPA 725 17th Street, NW, Washington, DC 20503.

Dated June 3, 1996.

Richard Westlund,

Acting Director.

[FR Doc. 96–14683 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5518–7]

Agency Information Collection Activities Under OMB Review; National Emission Standard for Hazardous Air Pollutants: Mercury

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) for the National Emission Standard for Mercury (40 CFR Part 61, Subpart E) described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 11, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 0113.06.

SUPPLEMENTARY INFORMATION:

Title: National Emission Standard for Hazardous Air.

Pollutants: Mercury (Part 61, Subpart E).

This information collection is a renewal of an existing collection.

Abstract: A national emission standard was developed for mercury ore processing facilities, mercury chlor-alkali plants, and sludge incineration and drying plants to ensure that emissions from these facilities do not cause ambient concentrations of mercury to exceed the inhalation effects limit of 1 microgram per cubic meter. In order to ensure compliance with the standards, adequate recordkeeping and reporting is necessary. This information enables the Agency to: (1) Identify the sources subject to the standard; (2) ensure initial compliance with emission limits; and (3) verify continuous compliance with the standard. Responses are mandatory under 40 CFR Part 61. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 26, 1996 [61 FR 13185].

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.3 hour per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 298.

Estimated Number of Respondents: 298.

Frequency of Response: semi-annually, annually.

Estimated Total Annual Hour Burden: 37,066 hours.

Estimated Total Annualized Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0113.06 and OMB Control No. 2060–0097 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: June 4, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–14767 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5518–2]

Request for Information Concerning the Development of NSPS Subpart Y (Coal Preparation Plants)

The U.S. Environmental Protection Agency (EPA) currently is reviewing whether coal dump truck unloading operations located at coal preparation plants are regulated as an effected facility under the Clean Air Act's New Source Performance Standards (NSPS), 40 CFR Part 60, Subpart Y, and if not, whether coal unloading is, nevertheless, part of the coal preparation NSPS source category. These issues have arisen in the context of determining whether coal preparation plants are major sources under Title V of the Clean Air Act (as implemented by EPA regulations at 40 CFR Part 70) and, thus, must obtain a Title V operating permit.

EPA has reviewed all of the relevant information in our files, including the background information used to develop the Subpart Y NSPS, the 1977 ''Inspection Manual for Coal Preparation Plants,'' as well as the NSPS review documents prepared for coal preparation plants in 1980 and 1988. From our analysis of the above sources, it appears that several relevant original documents or portions of the original documents upon which the NSPS were formed (e.g., attachments) are missing.

The Agency is requesting assistance in locating or obtaining the following relevant documents/data related to the development of the Subpart Y NSPS to assist us in making a determination on the above mentioned issues: 1) reports upon which the NSPS were formed and which contain any actual opacity or visible emission testing data related to coal loading and unloading; 2) a document entitled ''Background Information for Establishment of National Standards of Performance for New Sources—Coal Cleaning Industry'' prepared for EPA by an EPA contractor; 3) analysis of State standards applied to coal loading and/or unloading operations; and 4) any reference report(s) or information about the controlled emission points at a coal preparation plant prepared for EPA by Scott Research Laboratories, Incorporated.

Information should be sent no later than July 11, 1996 to Dan Chadwick or Chris Oh (2223A), Office of Compliance, U.S. EPA, 401 M Street SW, Washington, D.C. 20460.

Dated: May 31, 1996.

Elaine G. Stanley,

Director, Office of Compliance.

[FR Doc. 96–14765 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5517–5]

Access to Confidential Business Information by Environmental Research Group

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is authorizing its contractor, Eastern Research Group (ERG), to have access to information which has been submitted to EPA pursuant to the Clean Water Act (CWA), the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA). Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning this notice must be submitted on or before June 17, 1996, except with respect to contract no. 68–D4–0092, in which case comments must be submitted on or before June 21, 1996.

ADDRESSES: Interested persons may submit written comments to: Donald A. Sadowsky, Finance and Operations Division (2379), Office of General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald A. Sadowsky, Office of General Counsel. Telephone 202/260–5469.

SUPPLEMENTARY INFORMATION: EPA previously published notices in the Federal Register stating that the Agency was giving access to CBI, collected pursuant to various environmental statutes, to Radian Corporation of Austin, TX in connection with its work under several Agency contracts and subcontracts, listed below:

Contract	Applicable statute	Federal Register citation	Date of publication	If subcontract, name of prime
68–C4–0024	CWA	59 FR 49924	9/30/94	
68–C4–0060	CWA	59 FR 58840	11/15/94	Abt.
68–C5–0005	CWA	60 FR 47993	9/15/95	
68–C5–0013	CWA	60 FR 37890	7/24/95	
68–C5–0023	CWA	60 FR 37890	7/24/95	
68–C5–0025	CWA	60 FR 37890	7/24/95	
68–C5–0032	CWA, RCRA	60 FR 37890	7/24/95	
68–C5–0033	CWA	60 FR 37890	7/24/95	
68–C5–0035	CWA	60 FR 37890	7/24/95	Avanti Corp.
68–D1–0117	CAA	60 FR 24851	5/10/95	
68–D4–0092	TSCA	59 FR 63790	12/9/94	

On January 30, 1996, Radian Corporation (Radian) and Dow Environmental, Inc. (DEI) were merged to form Radian International Limited Liability Company, a joint venture owned by Hartford Steam Boiler Inspection and Insurance Company (Radian's parent company) and the Dow Chemical Company (DEI's parent company). The joint venture owners have agreed to sell to ERG those assets being used to perform all of Radian's contracts with EPA. The divestiture is expected to be completed by June 15, 1996. The purpose of this notice is to announce the impending transfer of assets from Radian to ERG, and the Agency's expectation that it will concur, on or soon after the date of divestiture, in the parties' novation of all affected EPA contracts.

Pursuant to EPA's regulations at 40 CFR part 2, subpart B, EPA previously determined that Radian requires access to CBI to perform the work required under the applicable contracts (see the above-referenced Federal Register notices). The same determinations apply to Radian's successor, ERG.

Dated: May 30, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–14682 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5518–9]

Common Sense Initiative Council (CSIC); Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory Open Meetings of the CSI Council, the Metal Finishing Sector Subcommittee, the Computers and Electronics Sector Subcommittee, the Iron and Steel Sector Subcommittee, and the Petroleum Refining Sector Subcommittee.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Common Sense Initiative Council and the Metal Finishing, Computers & Electronics, Iron and Steel, and Petroleum Refining Sector Subcommittees of the Common Sense Initiative Council, will meet on the dates and times described below. All meetings are open to the public. Seating will be on a first come, first served basis. Limited time will be provided for public comment. For further information concerning specific meetings, please contact the individuals listed with the Council and four Sector Subcommittee announcements below.

(1) Common Sense Initiative Council—June 27 and 28, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Common Sense Initiative Council on Thursday, June 27, 1996, from 1:00 p.m. EDT to 5:30 p.m. EDT, and Friday, June 28, 1996, from 8:30 a.m. EDT to 1:00 p.m. EDT. The Common Sense Initiative Council meeting will be held at the Holiday Inn Hotel and Suites, 625 First Street, Alexandria, Virginia. The telephone number is 703–548–6300.

The Council's two day agenda focuses on a wide range of important topics including: an area of particular interest to small businesses, leveraging capital for pollution prevention—the needs and issues for industries like Metal Finishing; information on available public health literature and data for possible use by CSI sectors; the changing roles of regulatory entities (federal, state, tribe, and local governments) in sector-based environmental management; information on EPA's ongoing work in permitting reform and a project dialogue and feedback session on a permitting project underway in the Iron and Steel Sector Subcommittee; updates on sector-specific reporting and public access projects as well as an overview of EPA's One-Stop Reporting program; and action on a Computers and Electronics Sector Subcommittee recommendation on goals and objectives to use as a framework for facility-based alternative systems/strategies of environmental protection.

For further information concerning this meeting of the Common Sense Initiative Council, please contact Prudence Goforth, Designated Federal Official (DFO) on (202) 260–7417.

(2) Metal Finishing Sector Subcommittee—July 9 and 10, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Metal Finishing Sector Subcommittee on Tuesday, July 9, 1996, from approximately 9:00 a.m. EDT to 4:00 p.m. EDT, and on Wednesday, July 10, 1996, from approximately 9:00 a.m. EDT to 4:00 p.m. EDT, and will include breakout sessions for three Subcommittee workgroups (Regulations and Reporting, Research and Technology, and a combination of the Incentives, Compliance, and Site Transition Workgroups). The meeting will be held at the Hyatt Regency Hotel, (Crystal City) 2799 Jefferson Davis Highway, Arlington, VA 22202. The telephone number is 703–418–1234.

The Metal Finishing Sector Subcommittee anticipates having discussions, led by appropriate workgroups, on at least three topics—strategic goals and performance targets for the Metal Finishing Sector; POTW project recommendations; and a possible enforcement project for bottom tier firms (deliberate non-compliers). An agenda will be available later this month.

For further information concerning this meeting of the Metal Finishing Sector Subcommittee, please contact Bob Benson, DFO, at 202–260–8668 in Washington, DC, or e-mail him at benson.robert @ epamail.epa.gov.

(3) Computers and Electronics Sector Subcommittee—July 15 and 16, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Computers and Electronics Sector Subcommittee on Monday, July 15, 1996, from 8:30 a.m. EDT to 5:00 p.m., EDT, and Tuesday, July 16, 1996, from 8:30 a.m. to 3:00 p.m., at the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia 22314. The phone number is 703–549–6080.

The first day of the meeting, July 15, will be devoted partly to breakout sessions for the three subcommittee workgroups (Reporting and Information Access; Overcoming Barriers to Pollution Prevention, Product Stewardship, and Recycling; and Integrated and Sustainable Alternative Strategies for Electronics) and partly to plenary session; the second day, July 16, will also consist of both workgroup and plenary sessions. Over the course of the two days, the Subcommittee will be discussing ongoing reporting reinvention projects, management of the end of life of consumer electronic products, and alternative regulatory strategies. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

For further information concerning this meeting of the Computers and Electronics Sector Subcommittee, please contact Gina Bushong at 202–260–1096, or by mail at US EPA (MC 7405), 401 M Street, SW, Washington, DC 20460; Mark Mahoney, Region 1, US EPA at 617–565–1155; or David Jones, Region 9, US EPA at 415–744–2266.

(4) Iron and Steel Sector Subcommittee—July 25, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Iron and Steel Sector Subcommittee on Thursday, July 25, 1996. The meeting will begin at 8:00 a.m. EDT and will run until 4:00 p.m. EDT. The meeting will be held at the Comfort Inn, 6921 Baltimore-Annapolis Boulevard, Baltimore, Maryland, (approximately 3 miles north of the Baltimore-Washington International Airport, just off exit 6A on Route 695.) The telephone number is 410–789–9100.

The Iron and Steel Sector Subcommittee has created four work groups which are responsible for proposing to the full Subcommittee, for its review and approval, potential activities or projects that the Iron and Steel Sector Subcommittee will undertake, and for carrying out projects once approved. The subcommittee has approved seven projects (Brownfields, Multi-media Permit, Permit Issues, Consolidated Multi-media Reporting, Alternative Compliance Strategy, Innovative Technology Web Site, and Barriers) their work plans, and one project concept. The primary purpose of this meeting is to discuss the status of projects sponsored by the workgroups, to review any recommendations that the workgroups propose, and to take final action on the Community Involvement guiding principles that have been previously discussed. Additionally, the subcommittee will be discussing its Operating Principles because of changes that may be made to the Operating Principles of the main CSI Council, having presentations by EPA on its sector facility indexing project and on

its activities regarding the regulation of air particulates and potential revision of air standard. The Subcommittee's four workgroups will meet the preceding day, Wednesday, July 24, 1996, from approximately 10:00 a.m. EDT to 5:00 p.m. EDT at the Comfort Inn.

For further information concerning this Iron and Steel Sector Subcommittee Meeting, please call either Ms. Mary Byrne at 312–353–2315 in Chicago, Illinois or Ms. Judith Hecht at 202–260–5682 in Washington, DC.

(5) Petroleum Refining Sector Subcommittee—July 30, 1996

Notice is hereby given that the Environmental Protection Agency will hold an open meeting of the Petroleum Sector Subcommittee on Tuesday, July 30, 1996, from 8:00 a.m., CDT to 4:00 p.m., CDT, at the Harvey Hotel—Addison, 14315 Midway Road, Dallas, Texas 75244. The phone number is 214–980–8877. The Subcommittee's workgroups will meet the preceding day, Monday, July 29, 1996, from 1:00 p.m. to 5:00 p.m. at the Harvey Hotel-Addison.

The meeting agenda for July 30 includes discussion of the Subcommittee's ''One-Stop'' project and ''Equipment Leaks'' project.

For further information regarding this Petroleum Refining Sector Subcommittee Meeting, please contact either Meg Kelly, DFO, at EPA, 401 M Street, S.W., Washington, DC (703–603–7188) or Craig Weeks, EPA, Region VI at 214–665–7505.

Inspection of Subcommittee Documents

Documents relating to the above Sector Subcommittee announcements, will be publicly available at the meeting. Thereafter, these documents, together with the official minutes for the meetings, will be available for public inspection in room 2821M of EPA Headquarters, Common Sense Initiative Staff, 401 M Street, SW, Washington, DC 20460, telephone number 202–260–7417. Common Sense Initiative information can be accessed electronically through contacting Katherine Brown at brown.katherine@epamail.gov.

Dated: June 6, 1996.

Prudence Goforth,

Designated Federal Officer.

[FR Doc. 96–14771 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5516–9]

Notice of Public Meetings on Drinking Water Issues

Notice is hereby given that the Environmental Protection Agency (EPA) is holding a series of public meetings for purposes of informal information exchange on various issues related to the development of rules that address microbial contaminants and disinfectants/disinfection by-products in drinking water. Microbial contaminants and disinfectants/disinfection by-products were the subject of a negotiated rulemaking process which resulted in agreement to develop three rules—an Information Collection Rule (ICR), a Disinfectants and Disinfection By-Products (D/DBP) Rule, and an Enhanced Surface Water Treatment Rule (ESWTR). The negotiated rulemaking committee met from September 1992 through June 1993, with signature documents in the first half of 1994. Since then, EPA and drinking water utilities have worked principally on technical issues concerning the ICR, which was published in the Federal Register on May 14, 1996. At a one-day stakeholder meeting held by EPA on May 10, 1996, to review the status of the three rules generated by the negotiated rulemaking process attendees voiced interest in having a series of future information exchange meetings.

EPA currently has scheduled a two-day information exchange meeting on June 13 and 14, 1996, with discussions focusing on linkages between the ICR, health effects research, the ESWTR and the D/DBP Rule. The meeting agenda also includes updates on developmental and reproductive health effects research related to disinfection by-products and discussion of ICR data objectives and issues. The meeting will be preceded by a one-day technical meeting held on June 12 to discuss ICR protozoa monitoring issues in preparation for a summary discussion on June 13th.

EPA is inviting all interested members of the public to participate in these and subsequent information exchange meetings. Another two-day meeting is currently being planned for later in the year. Additional meetings are also planned.

The June meetings will be held in Washington, D.C., at the office of the Center for Environmental Dispute Resolution (RESOLVE). A limited number of phone lines will also be available to enable attendance by teleconference. Because there are limitations on conference room seating and the number of phone lines, members of the public who are interested in attending on any of the three days are requested to contact Elizabeth Corr of EPA's Office of Ground Water and Drinking Water at (202) 260–8907 prior to the day of the meeting. Members of the public who wish to be notified of future meetings should also contact Elizabeth Corr.

Dated: June 5, 1996.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 96–14633 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5517–9]

Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All times noted are Eastern Daylight Time. All meetings are open to the public. Due to limited space, seating at meetings will be on a first-come basis. For further information concerning specific meetings, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office.

1. Executive Committee of the Science Advisory Board

The Science Advisory Board's (SAB's) Executive Committee will meet on Tuesday and Wednesday, June 25–26, 1996 in the Administrator's Conference Room, Room 1103, West Tower, U.S. Environmental Protection Agency Headquarters Building, 401 M St. SW, Washington, DC 20460. The meeting will convene both days at 8:30 am, adjourning no later than 5:30 pm on Tuesday and 2:00 pm on Wednesday.

At this meeting, the Executive Committee will receive updates from its committees and subcommittees concerning their recent and planned activities. As part of these updates, some committees will present draft reports for Executive Committee review and approval. Expected drafts include: (a) Executive Committee's ''Lookout Panel'' Committee-of-the-Whole activity—Commentary on the First Lookout Panel Session: Forecasting Future Water Environmental Issues; (b) Environmental Engineering

Committee—Report on the Review of the Waste Incineration Research Program; and (c) Radiation Advisory Committee—Commentary on the International Commission on Radiation Protection's (ICRP) Lung Model.

Other items on the agenda will likely include: (a) The Agency-proposed projects for SAB review in FY97; (b) Discussion with Agency leaders regarding the role of science in various Agency programs; and (c) Planning for the second Lookout Panel session in September.

For Further Information—Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee, Science Advisory Board (1400), U.S. EPA, Washington, DC 20460, phone (202)–260–4126; fax (202)–260–9232; or via the Internet at: barnes.don@epamail.epa.gov. Copies of the draft meeting agenda and available draft reports listed above can be obtained from Ms. Priscilla Tillery-Gadson at the above phone and fax numbers.

2. Risk Reduction Options Subcommittee of the Integrated Risk Project

The Risk Reduction Options Subcommittee (RROS) of the Science Advisory Board's (SAB) Integrated Risk Project will meet Wednesday and Thursday, June 26–27, 1996. The meeting will be held in the EPA Institute for Learning at EPA's Waterside Mall Complex, 401 M Street, SW, Washington, DC. The Institute is located in the northwest corner of the mall. On the 26th, the Subcommittee will meet in the Muir Room and on the 27th in the Carrson Room. On both days the meeting will begin at 8:30 am and end by 6:30 pm.

Purpose of the Meeting—The main purpose of the meeting is to discuss risk reduction options for environmental problems. The Subcommittee's activities are part of an SAB project to update the 1990 SAB report, Reducing Risk: Setting Priorities and Strategies for Environmental Protection. In a letter dated October 25, 1995, to Dr. Matanoski, Chair of the SAB Executive Committee, Deputy Administrator Fred Hansen charged the SAB to: (a) Develop an updated ranking of the relative risk of different environmental problems based upon explicit scientific criteria; (b) provide an assessment of techniques and criteria that could be used to discriminate among emerging environmental risks and identify those that merit serious, near-term Agency attention; (c) assess the potential for risk reduction and propose alternative technical risk reduction strategies for the environmental problems identified; and (d) identify the uncertainties and data quality issues associated with the relative rankings. The project will be conducted by several SAB panels, including RROS, working at the direction of an ad hoc Steering Committee established by the SAB's Executive Committee.

Availability of Review Materials—Single copies of Reducing Risk can be obtained by contacting the SAB's Committee Evaluation and Support Staff (CESS) (1400), 401 M Street, SW, Washington, DC 20460, telephone (202) 260–8414, or fax (202) 260–1889.

For Further Information—Agendas and rosters can be obtained from the Subcommitteee Secretary, Mrs. Dorothy Clark, Tel. (202) 260–6552, Fax (202) 260–7118, or via the internet at: clark.dorothy@epamail.epa.gov. Members of the public desiring additional information about the meeting should contact Mrs. Kathleen Conway, Designated Federal Official, Environmental Engineering Committee, Science Advisory Board (1400F), U.S. EPA, 401 M Street, SW, Washington, DC 20460; telephone/voice mail at (202) 260–2558; fax at (202) 260–7118; or via the internet at: conway.kathleen@epamail.epa.gov.

Members of the public who wish to make a brief oral presentation to the Committee *must* contact Mrs. Conway *in writing* (by letter or by fax—see previously stated information) no later than 12 noon Eastern Time, Wednesday June 19, 1996 in order to be included on the Agenda. Public comments will be limited to five minutes per speaker or organization. The request should identify the name of the individual who will make the presentation, the organization (if any) they will represent, any requirements for audio visual equipment (e.g., overhead projector, 35mm projector, chalkboard, etc.), and at least 35 copies of an outline of the issues to be addressed or the presentation itself

3. Integrated Human Exposure Committee

The Integrated Human Exposure Committee (IHEC) (formerly called the Indoor Air Quality and Total Human Exposure Committee (IAQC)) of the Science Advisory Board (SAB) will meet on June 27–28, 1996 at the Holiday Inn Georgetown, 2101 Wisconsin Avenue NW, Washington D.C. 20007. The hotel telephone number is (202) 338–4600. The meeting will start at 9:00 am and end no later than 5:00 pm each day.

Purpose of the Meeting—The main purpose of the meeting is to discuss and review the Cumulative Exposure Study, an on-going Agency effort within the Office of Policy, Planning, and Evaluation (OPPE) intended to increase the level of understanding of total chronic human exposure to various toxic agents in the environment, including geographic and demographic variations in exposure levels. The Committee will address the overall scientific underpinnings of the study's initial findings, its planned approaches for future work, and several specific issues, including: (a) Proposed methods for modeling ambient concentrations of air toxics; (b) use of a proposed toxics emissions inventory for developing representative long-term concentrations of air toxics by census tract; (c) dispersion modeling techniques for developing representative, geographically differentiated long-term concentrations of air toxics; (d) methods proposed for evaluating the performance of the dispersion model; (e) proposed methodology for estimating food and drinking water ingestion exposures, including dealing with uncertainty and quantitation issues; (f) the proposed methods for aggregating pollutants for comparative analysis across subpopulations and communities; (g) methods for addressing indoor pollutant concentrations; and (h) methods for combining the inhalation, food ingestion and drinking water ingestion exposures estimated in this project to derive multi-pathway cumulative exposures. In addition, staff from EPA's Office of Air Quality Planning and Standards and the Office of Pollution Prevention and Toxics will brief the Committee on related activities in their program areas.

For Further Information—Single copies of the review materials for the Cumulative Exposure Study can be obtained by contacting Ms. Constance Williams, US EPA, Mail Code 2126, 401 M Street, SW, Washington, DC 20460, telephone (202) 260–5490, fax (202) 260–0512, or via the Internet at: williams.constance@epamail.epa.gov. PLEASE NOTE THAT THIS DOCUMENTATION IS NOT AVAILABLE FROM THE SAB. Members of the public desiring additional technical information about the study should contact Mr. Daniel Axelrad, US EPA, Mail Code 2126, 401 M Street, SW, Washington, DC 20460, telephone (202) 260–9363, or fax (202) 260–6512, or by sending a request via the Internet at: axelrad.daniel@epamail.epa.gov.

Members of the public desiring additional information about the meeting, including a draft agenda,

should contact Ms. Dorothy Clark, Staff Secretary, Science Advisory Board (1400F), US EPA, 401 M Street, SW, Washington DC 20460, telephone (202) 260–6552, fax (202) 260–7118, or Internet at: clark.dorothy@epamail.epa.gov. Anyone wishing to make an oral presentation at the meeting *must* contact Mr. Samuel Rondberg, Designated Federal Official for the IHEC, in *writing* at the above address no later than 4:00 p.m., June 21, 1996 via fax (202) 260–7118 or via Internet at: rondberg.sam@epamail.epa.gov. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 35 copies of any written comments to the Committee are to be given to Mr. Rondberg no later than the time of the presentation for distribution to the Committee and the interested public. Mr. Rondberg may be contacted by telephone at (202) 260–2559.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Dated: May 29, 1996.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 96–14684 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5518–3]

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: Notice is hereby given that a proposed prospective purchaser agreement associated with Calhoun Park Area Superfund Site in Charleston County, South Carolina was executed by the Agency on May 9, 1996, and executed by the Department of Justice on May 19, 1996. This agreement is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), against the South Carolina State Ports Authority, the prospective purchaser (''the purchaser''). The settlement would require the purchaser to provide for proper disposal of any wastes, debris, or other materials generated by a proposed railroad realignment over a portion of the Calhoun Park Area Site within 90 days for any wastes so generated, and to provide EPA access to the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region 4, 345 Courtland St., N.E., Atlanta, Georgia 30365.

DATES: Comments must be submitted on or before July 11, 1996.

AVAILABILITY: The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, Region 4, 345 Courtland St., N.E., Atlanta, Georgia 30365. A copy of the proposed agreement may be obtained from Bernie Hayes, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 345 Courtland St., N.E., Atlanta , Georgia 30365. Comments should reference the ''Calhoun Park Area Superfund Site Prospective Purchaser Agreement'' and should be forwarded to Bernie Hayes, Remedial Project Manager, at the above address.

FOR FURTHER INFORMATION CONTACT: Kevin T. Beswick, Assistant Regional Counsel, United States Environmental Protection Agency, Region 4, 345 Courtland St., N.E., Atlanta, Georgia 30365, (404) 347–2641 extension 2273.

Dated: May 29, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 96–14766 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–44627; FRL–5376–5]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of test data on cyclohexane (CAS No. 110–82–7). These data were submitted pursuant to an enforceable consent agreement/order issued by EPA under section 4 of the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under 40 CFR Part 790.60, all TSCA section 4 enforceable consent agreements/orders must contain a statement that results of testing conducted pursuant to testing enforceable consent agreements/orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for cyclohexane were submitted by the Chemical Manufacturers Association Cyclohexane Panel on behalf of the following test sponsors: Chevron Chemical Company, CITGO Refining & Chemicals Inc., E.I. du Pont de Nemours & Company, Huntsman Corporation, Koch Industries Inc., Philips Petroleum Company, and Sun Company, Inc. These data were submitted pursuant to a TSCA section 4 enforceable consent agreement/order at 40 CFR Part 799.5000 and were received

by EPA on May 20, 1996. The submission includes two final reports entitled (1) ''Dermal Absorption of (14C)Cyclohexane in Fischer 344 Rats. Comparison of the Disposition of Dermally and Intravenously Administered (14C)Cyclohexane,'' and (2) ''Guinea Pig Dermal Sensitization - Modified Buehler Method with Cyclohexane (H-21174).'' Cyclohexane is found in a number of consumer products including spray paint and spray adhesives and is also available as a laboratory solvent.

EPA has initiated its review and evaluation process for this data submission. At this time, the Agency is unable to provide any determination as to the completeness of the submission.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44627). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Nonconfidential Information Center (NCIC) (also known as the TSCA Public Docket Office), Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: June 3, 1996.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 96–14774 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5518–5]

A Framework for Watershed-Based Trading

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA's Assistant Administrator for Water hereby gives notice of the availability of a Draft Framework for Watershed-Based Trading (EPA 800–R–96–001). This Framework is a companion to the Policy Statement for Effluent Trading which was issued in January 1996. The Policy Statement and Framework are a result of President Clinton's ''Reinventing Environmental Regulation'' (March, 1995), which listed effluent trading in watersheds as one of the twenty-five high priority action items. The Framework has been developed to encourage trading and assist in evaluating and designing trading programs. The framework provides a background on trading and its benefits, a series of conditions that are necessary for trading, including those that assure protection of water quality comparable to the protection that would be provided without trading. The framework also includes a template of regulatory, economic, data, technical, scientific, institutional, administrative, accountability and enforcement issues that facilitate identification and evaluation of trading opportunities. Finally, the framework has worksheets/checklists, for five types of trading identified by EPA, to evaluate whether potential trades meet threshold conditions. The audience for the framework includes local and national community groups, members of the regulated and nonregulated community and governmental organizations. EPA is asking for comments on the framework.

DATES: Comments must be submitted on or before September 9, 1996.

ADDRESSES: Comments should be addressed to Comment Clerk, Water Docket MC–4101: Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Commenters are requested to submit an original and 3 copies of their written comments. Commenters who want receipt of their comments acknowledged should include a self-addressed, stamped envelope. EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epamail.epa.gov. Electronic comments must submitted on an ASCII file avoiding the use of special characters and any form of encryption. EPA is experimenting with electronic commenting, therefore commenters may want to submit both electronic comments and duplicate paper comments.

FOR COPIES OF THE FRAMEWORK CONTACT: Fax NCEPI at (513) 569–7186; you must specify publication number and title. Copies are also available on disk in WP 6.1 format. The Framework may also be accessed on the EPA Office of Water Home Page on the Internet at the following address: http://www.epa.gov/ow/watershed.

SUPPLEMENTARY INFORMATION:

Authority: Clean Water Act, 33 U.S.C. 1251 *et. seq.*

Dated: June 3, 1996.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 96–14769 Filed 6–10–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Affordable Housing Advisory Board Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., announcement is hereby published of the Affordable Housing Advisory Board (AHAB) meeting. The meeting is open to the public.

DATES: The Federal Deposit Insurance Corporation, Affordable Housing Advisory Board will hold its second meeting on Tuesday, June 25, 1996 in New Haven, Connecticut, from 9:00 a.m. to 12 Noon.

ADDRESSES: The meeting will be held at the following location: The Colony Inn, 1157 Chapel Street, Ballroom East, New Haven, Connecticut 06511.

FOR FURTHER INFORMATION CONTACT: Danita M. C. Walker, Committee Management Officer, Federal Deposit Insurance Corporation, 801 17th Street, NW., Room 736, Washington, DC 20429, (202) 416–4086.

SUPPLEMENTARY INFORMATION: The Board consists of the Secretary of Housing and Urban Development (HUD) or delegate; the Chairperson of the Board of Directors of the FDIC, or delegate; the Chairperson of the Oversight Board, or delegate; four persons appointed by the General Deputy Assistant Secretary of HUD who represent the interests of individuals and organizations involved in using the affordable housing programs, and two members of the Resolution Trust Corporations Regional Advisory Boards. The AHAB's original charter was issued March 9, 1994, and a recharter was issued on February 26, 1996.

Agendas

An agenda will be available at the meeting. At the general session, the AHAB will have a presentation on the FDIC Affordable Housing Program without an appropriation, Private Sector Affordable Housing Financing Programs and Monitoring and Compliance. The AHAB will develop recommendations at the conclusion of the Board meeting. The AHAB's chairperson or its

Delegated Federal Officer may authorize a member or members of the public to address the AHAB during the public forum portion of the session.

Statements

Interested persons may submit, in writing, data, information or views on the issues pending before the Affordable Housing Advisory Board prior to or at the general session of the meeting. Seating for the public is available on a first-come first-served basis.

Dated: June 6, 1996.

Danita M.C. Walker,

Committee Management Officer, Federal Deposit Insurance Corporation.

[FR Doc. 96–14781 Filed 6–10–96; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL ELECTION COMMISSION "FEDERAL REGISTER" NUMBER: 96–14461.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 13, 1996, 10:00 a.m. Meeting Open to the Public.

THE FOLLOWING ITEM WAS ADDED TO THE AGENDA:

Advisory Opinion 1996–22: Ross Clayton Mulford on behalf of Ross Perot and the Perot Reform Committee (continued from the meeting of June 6, 1996).

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 96–14882 Filed 6–7–96; 12:47 pm]

BILLING CODE 6715–01–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 25, 1996.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Jefferson V.A. Haynes, Alpine, Texas; to acquire an additional 8.04 percent, for a total of 21.37 percent, of the voting shares of First Alpine, Inc., Alpine, Texas, and thereby indirectly acquire First National Bank in Alpine, Alpine, Texas.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Andrew J. Rossi, Sr., A. Rossi, Inc., Augostino J. Rossi, Albert J. Rossi, Andrew J. Rossi, Jr., Kathryn Rossi, Toinnette Rossi, all of Manteca, California, and Valerie Rossi Salas, Modesto, California, all acting in concert; to retain a total of 25.10 percent of the voting shares of Delta National Bancorp, Manteca, California, and thereby indirectly acquire Delta National Bank, Manteca, California.

Board of Governors of the Federal Reserve System, June 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14685 Filed 6–10–96; 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 July 5, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Finlayson Bancshares, Inc., Finlayson, Minnesota; to acquire 100 percent of the voting shares of Wood Lake Bancorporation, Wood Lake, Minnesota, and thereby indirectly acquire State Bank of Wood Lake, Wood Lake, Minnesota.

In connection with this application, Applicant also has applied to acquire Wood Lake Bancorporation, Wood Lake, Minnesota, d/b/a Wood Lake Agency, Wood Lake, Minnesota, and d/b/a Simonson Insurance Agency, Hanley Falls, Minnesota, and thereby engage in continuing to operate two general property/casualty insurance agencies in towns of less than 5,000 people, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. The geographic scope for these activities is Wood Lake and Hanley Falls, Minnesota.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. M. B. and I. M. Hampton Family Partnership, Ltd., Mt. Pleasant, Texas; to become a bank holding company by acquiring 31 percent of the voting shares of Morris County Bankshares, Incorporated, Naples, Texas, and thereby indirectly acquire Morris County National Bank, Naples, Texas.

Board of Governors of the Federal Reserve System, June 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14686 Filed 6–10–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 25, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. West Coast Bancorp, Lake Oswego, Oregon; to acquire West Coast Trust Company, Inc., Salem, Oregon, and thereby engage in trust company functions, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14687 Filed 6–10–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 21, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. FBOP Corporation, Oak Park, Illinois; to acquire through its subsidiary, Regency Savings Bank, FSB, Naperville, Illinois, Torrance Bank, S.S.B., Torrance, California, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 6, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14843 Filed 6–10–96; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE BOARD

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, June 17, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14945 Filed 6–7–96; 2:42 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Executive Order 12975; Delegation of Authority

Notice is hereby given that I have delegated to the Director, National Institutes of Health, with authority to redelegate, all the authorities vested in the Secretary of Health and Human Services to provide management and support services under Executive Order 12975, Protection of Human Research Subjects and Creation of National Bioethics Advisory Commission. This delegation excludes the authority to promulgate regulations and to submit reports to Congress.

This delegation became effective upon date of signature. In addition, I have affirmed and ratified any actions taken by the Director, National Institutes of Health, or his subordinates which, in effect, involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Dated: June 3, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–14754 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

Centers for Disease Control and Prevention

The National Institute for Occupational Safety and Health (NIOSH) Notice of Public Meeting and Request For Comments Meeting: Correction

Federal Register Citation of previous announcement: 61 FR 25227—dated May 20, 1996.

SUMMARY: Notice is given on page 25227, in the first column, PURPOSE: should read, ''The purpose of this notice is to request public comments on the NIOSH draft document, ''Criteria for Recommended Standard: Occupational Noise Exposure.'' NIOSH is convening this public meeting to discuss the scientific and technical issues relevant to the document.'' The meeting times, dates, place, and status remain unchanged.

CONTACT PERSON FOR MORE INFORMATION: Diane Manning, NIOSH Docket Office, 4676 Columbia Parkway, M/S C–34, Cincinnati, Ohio, 45226.

Dated: June 5, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services, Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14691 Filed 6–10–96; 8:45 am]

BILLING CODE 4160–19–M

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Job Opportunity Basic Skills (JOBS) Participation Rate Quarterly Report.

OMB No.: 0970–0112.

Description: Jobs participants data collection form ACF–108. States are required to report participants' characteristics on a monthly basis. The information received from this collection will provide the data base to analyze and evaluate the JOBS program relevant to the degree in which States are assisting participants to achieve self-sufficiency and reduce welfare dependency, and provide ACF with sufficient information to adequately respond to inquires from Congress and other interested parties.

Respondents: State, Local or Tribal governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–108	54	21	2	1,296

Estimated Total Annual Burden Hours: 1,296.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC, 20503, Attn: Ms. Wendy Taylor.

Dated: June 5, 1996.

Larry Guerrero,

Director, Office of Information Services.

[FR Doc. 96–14642 Filed 6–10–96; 8:45 am]

BILLING CODE 4184–01–M

Submission for OMB Review; Comment Request

Title: Quarterly Report of IV–F Expenditures Uniform Reporting Requirements.

OMB No.: 0970–0116.

Description: The ACF–332 report will be used by States to report IV–F expenditures by component and activity on a quarterly basis. The data are used by personnel in the Administration for Children and Families, the Department (DHHS), and other Federal personnel responsible for the formulation of JOBS program and budget policy.

Respondents: State governments.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–332	54	4	12	2,592

Estimated Total Annual Burden Hours: 2,592.

Additional Information

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after

publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: May 10, 1996.

Roberta Katson,

Director, Office of Information Resource Management Services.

[FR Doc. 96–14723 Filed 6–10–96; 8:45 am]

BILLING CODE 4184–01–M

National Institutes of Health

Proposed collection; comment request; the NIH Consultant Information File System

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Division of Research Grants (DRG), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* The NIH Consultant Information File System. *Type of Information Collection Request:* REVISION *Form Number:* OMB 0925–0358 (approved through 9/30/96) NIH 2668–1; 2663–3. *Need and Use of Information Collection:* Directly support the recruitment and appointment of experts that provide scientific merit and program relevance evaluations of the research grant applications and research contract proposals submitted to the NIH. The primary objective of this system is to support the NIH Peer Review system, but other PHS review administrative staff use the system to identify experts to support their advisory committees. *Frequency of Response:* Intake established record on file, candidate can initiate the updating of their information at any time, formal information update requested every 24 months. *Affected Public:* Not-for-profit institutions; business or other for-profit; Federal Government. *Type of Respondents:* Adult scientific professionals. The annual reporting burden is as follows: *Estimated Number of Respondents:* 8,118; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* 0.333; and *Estimated Total Annual Burden Hours Requested:* 2,703. The estimated annualized cost to respondents is $148,665 (Using a $55 physician/professor hourly wage rate.) There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact CAPT Edward C. Farley, USPHS Project Clearance Officer, DRG, NIH, Rockledge II Building, Room 3032, 6701 Rockledge Drive, Bethesda, MD 20892–7762, or call non-toll-free number (301) 594–0601 or E-mail your request, including your address to: efarley@nih.gov.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received by August 12, 1996.

Dated: June 3, 1996.

John H. Jones,

Acting Executive Officer, DRG.

[FR Doc. 96–14753 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institutes: Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: Subcommittee F—Manpower and Training Subcommittee.

Date: June 19–21, 1996.

Time: 8 a.m.

Place: The St. James Hotel, 950 24th Street, N.W., Washington, D.C. 20037.

Contact Person: Mary Bell, Ph.D., 6130 Executive Blvd., Room 611A, Bethesda, Md 20892, Telephone: 301–496–7978.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control.)

Dated: June 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–14643 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: June 11, 1996.

Time: 1 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: June 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–14751 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meeting:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: June 11, 1996.

Time: 1:30 p.m.

Place: Holiday Inn, Chevy Chase, Maryland.

Contact Person: Dr. Lawrence Pinkus, Scientific Review Administrator, 6701 Rockledge Drive, Room 4140, Bethesda, Maryland 20892, (301) 435–1214.

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 grant review and funding cycle.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–14750 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: June 13, 1996,

Time: 1:00 p.m.

Place: Omni Shoreham Hotel, Washington, DC.

Contact Person: Dr. Carole Jelsema, Scientific Review Administrator, 6701 Rockledge Drive, Room 5176, Bethesda, Maryland 20892, (301) 435–1248.

Name of SEP: Microbiological and Immunological Sciences.

Date: June 13, 1996,

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4182, Telephone Conference.

Contact Person: Dr. William Branche, Jr., Scientific Review Administrator, 6701 Rockledge Drive, Room 4182, Bethesda, Maryland 20892, (301) 435–1148.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Chemistry and Related Sciences.

Date: July 3, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4154, Telephone Conference.

Contact Person: Dr. Gopa Rakhit, Scientific Review Administrator, 6701 Rockledge Drive, Room 4154, Bethesda, Maryland 20892, (301) 435–1721.

Name of SEP: Multidisciplinary Sciences.

Date: July 21–23, 1996.

Time: 7:00 p.m.

Place: Hyatt Regency, San Antonio, TX.

Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5116, Bethesda, Maryland 20892, (301) 435–1171.

Name of SEP: Chemistry and Related Sciences.

Date: July 29, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge Drive, Room 4154, Telephone Conference.

Contact Person: Dr. Gopa Rakhit, Scientific Review Administrator, 6701 Rockledge Drive, Room 4154, Bethesda, Maryland 20892, (301) 435–1721.

Purpose/Agenda: To review Small Business Innovation Research.

Name of SEP: Microbiological and Immunological Sciences.

Date: July 7, 1996.

Time: 8:30 a.m.

Place: Seattle Marriott Hotel, Seattle, WA.

Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4154, Bethesda, Maryland 20892, (301) 435–1216.

Name of SEP: Biological and Physiological Sciences.

Date: July 18–19, 1996.

Time: 8:00 a.m.

Place: Ramada Inn, Rockville, MD.

Contact Person: Dr. Anthony Carter, Scientific Review Administrator, 6701 Rockledge Drive, Room 5108, Bethesda, Maryland 20892, (301) 435–1167.

Name of SEP: Clinical Sciences.

Date: July 25, 1996.

Time: 8:30 a.m.

Place: Holiday Inn, Chevy Chase, MD.

Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

The meetings will be closed in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93,893, National Institutes of Health, HHS)

Dated: June 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–14752 Filed 6–10–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3735–N–02]

Office of the Assistant Secretary for Community Planning and Development; Announcement of Funding Awards for Consolidated Technical Assistance for Community Planning and Development Programs—FY 1994

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this is an announcement notifying the public of the funding decision made by the Department for funding under a Notice of Funding Availability (NOFA) for Consolidated Technical Assistance (TA) for Community Planning and Development (CPD) programs, published on June 30, 1994 (59 FR 33842). This announcement contains the names and addresses of the awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Lyn T. Whitcomb, Office of Technical Assistance and Management, room 7216, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–3176 (this is not a toll-free number). A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: The four Technical Assistance (TA) authorities for CPD programs are authorized as follows: (1) The Home Investment Partnership Act (42 U.S.C. 12701–12840) 24 CFR part 92 authorizes TA for HOME programs and TA for Community Housing Development Organizations (CHDO); (2) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320) 24 CFR 570.402 authorizes TA for Community Development Block Grant (CDBG) and other Title I programs; and (3) Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11389 and 3535(d)) 24 CFR 583.140 authorizes TA for Supportive Housing (SH) programs.

On June 30, 1994 (59 FR 33842) the Department published a consolidated NOFA (commonly referred to as the TA Super NOFA) announcing the availability of $51 million in TA funds for all four TA programs under CPD. The funds provided were as follows:

CDBG TA: $7,500,000
CHDO TA: $25,000,000
HOME TA: $13,000,000
SH TA: $5,500,000

There was a separate competition for each program. Eligible applicants could compete for one or more programs. Recipients were chosen under selection criteria announced in the June 30, 1994 NOFA.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is hereby publishing the names, addresses, and amount of those awards for each of the four programs as shown in Appendix A.

Dated: June 6, 1996.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

APPENDIX A.—RECIPIENTS OF FUNDING AWARDS TA SUPER NOFA

Funding recipient	CDBG amount	CHDO amount	HOME amount	SH amount
Action for Homeless, Inc., 1021 North Calvert Street, Baltimore, MD 21202	.....	.....	.....	$24,916
Alaska Housing Finance Corporation, 520 East 34th Avenue, Anchorage, AK 99503	.....	$54,367	$1,484	.....
Arizona Department of Commerce, 3800 North Central Avenue, Suite 1200, Phoenix, AZ 85012	$106,940	.....	184,354	.....
Arkansas Delta Housing Development Corporation, 1343 South Washington St., Forrest City, AR 72335	39,571	.....	.....	.....
Arkansas Development Finance Authority, 100 Main Street, P.O. Box 8023, Little Rock, AR 72203	.....	.....	109,364	.....
Batts Ramos and Associates, Inc., 313 Fee Fee Road, Room 305, Saint Louis, MO 63043	15,344	.....	50,000	.....
California Housing Partnership, 2201 Broadway, Oakland, CA 94612	.....	529,444	.....	.....
Carrero and Associates, Inc., 1830 Connecticut Ave., NW, 3rd Floor, Washington, DC 20009	237,582	.....	400,500	.....
CASA of Oregon, 212 East First Street, Newberg, OR 97132	46,396	220,000	.....	.....
Center for Community Change, 1000 Wisconsin Avenue, NW, Washington, DC 20007	432,900	685,162	.....	139,500
Center for Housing Resource, Inc., 31003 Greenwood Street, Dallas, TX 75204–6011	.....	.....	100,000	43,369
Chicago Rehabilitation Network, 53 West Jackson Boulevard, Chicago, IL 60604	.....	710,340	.....	.....
Coalition for Low Income Community Development, Inc., 513 North Chapel Gate Lane, Baltimore, MD 21229–2403	144,292	.....	.....	.....
Colorado Coalition for the Homeless, 2100 Broadway Boulevard, Denver, CO 80205	.....	.....	.....	90,000
Common Ground, 105 Cherry Street, Suite 410, Seattle, WA 98104	38,500	256,455	128,605	22,746
Community Builders, Inc., 95 Berkley Street, Boston, MA 02116	225,000	1,340,000	272,000	185,000
Community Economic Development Assistant Corporation, 19 Temple Place, Suite 200, Boston, MA 02111–1305	.....	150,000	.....	.....
Corporation for Supportive Hsg., 342 Madison Avenue, Suite 200, New York, NY 10173	.....	.....	280,519	1,809,122
Council of State Community Development Agencies, Hall of the States	106,250	.....	.....	.....
Delaware Valley Community Reinvestment Corporation, 924 Cherry Street, 3rd Floor, Philadelphia, PA 19107	.....	90,000	255,556	.....
Development Training Institute, 3500 Maryland Avenue, Baltimore, MD 21218	187,001	2,404,969	699,129	.....
Douglas-Cherokee Economic Authority, Inc., P.O. Box 1218, Morristown, TN 37816	57,938	289,905	189,190	55,105
EastWest Planning & Development, Inc., 270 River Street, Suite 202, Troy, NY 12180	85,106	.....	.....	.....
Education Development Center, Inc., 55 Chapel Street, Newton, MA 02158–1060	.....	.....	.....	71,372
Enterprise Foundation, 10227 Wincopin Circle, Suite 500, Columbia, MD 21044–3400	690,136	3,583,930	776,888	699,685
Greater Boston Housing and Shelter, 5 Park Street, Boston, MA 02108	.....	.....	.....	347,666
Housing and Finance Services, P.O. Box 13127, Jackson, MS 39236	.....	.....	95,197	.....
Housing Assistance Council, 1025 Vermont Avenue, Suite 606, Washington, DC 20005	.....	.....	1,497,964	.....
ICF, Inc., 9300 Lee Highway, Suite 1150, Fairfax, VA 22031	1,331,001	.....	2,050,658	481,605
Illinois Community Action Association, P.O. Box 1090, Springfield, IL 62703–1090	.....	.....	.....	188,523

APPENDIX A.—RECIPIENTS OF FUNDING AWARDS TA SUPER NOFA—Continued

Funding recipient	CDBG amount	CHDO amount	HOME amount	SH amount
Illinois Housing Development Authority, 401 North Michigan, Suite 900, Chicago, IL 60611	.....	.....	350,000	.....
Indiana Association for CED, 17 West Market Street, Suite 865, Indianapolis, IN 46204–2930	114,197	371,762	157,081	121,222
Institute for Community Economics and Land Trust, 57 School Street, Springfield, MA 01105	.....	471,932	.....	.....
Iowa Housing Corporation, 100 Court Avenue, Suite 209, Des Moines, IA 50309	.....	117,000	.....	.....
Little Tokyo Service Center, CDC, 112 N. San Pedro Street, Suite 109, Los Angeles, CA 90012	1,000,000	45,000	150,000	.....
Local Government Commission, 1414 K Street, Suite 250, Sacramento, CA 95814	88,996	.....	.....	.....
Local Initiatives Support Corporation, 733 Third Avenue, 8th Floor, New York, NY 10017	89,637	2,588,983	.....	.....
Low Income Housing Development Corporation, 1201 Greenwood Cliff, Suite 310, Charlotte, NC 28204	.....	329,245	.....	73,026
Low Income Housing Institute, 2326 6th Avenue, Seattle, WA 98121	.....	.....	.....	253,669
Maine State Housing Authority, 353 Water Street, P.O. Box 2669, Augusta, ME 04330	100,000	200,000	143,000	104,897
McAuley Institute, 8300 Colesville Road, Suite 310, Silver Spring, MD 20910	.....	504,374	.....	.....
Mercy Housing, Inc., 601 East 18th Avenue, Suite 150, Denver, CO 80203	.....	512,830	279,093	.....
Michigan Coalition Against Homelessness, 1210 West Saginaw, Lansing, MI 48915	.....	.....	.....	113,228
Michigan State Housing Development Authority, 1210 West Saginaw, Lansing, MI 48915–1999	.....	512,500	460,081	.....
Minnesota Housing Partnership, 122 West Franklin Avenue, Suite 522, Minneapolis, MN 55404	92,595	318,710	144,640	45,516
Mississippi Home Corporation, 8940 East River Place, Suite 605, Jackson, MS 39202	.....	193,404	.....	.....
Nancy Freeman and Associates, 5161 Imhoff Avenue, SW., Howard Lake, MN 55349	.....	.....	56,495	.....
National Affordable Housing Training Institute, 1200 19th Street, NW., Washington, DC 20036–2401	339,200	.....	1,912,600	.....
National Coalition for the Homeless, 1612 K Street, NW., Suite 1004, Washington, DC 20036–2401	.....	.....	.....	157,900
National Council for Urban Economic Development, 1730 K Street, NW., Washington, DC 20006	73,896	.....	.....	.....
National Development Council, 41 East 42nd Street, Suite 1500, New York, NY 10017	256,210	934,586	199,376	.....
National Puerto Rican Coalition, Inc., 1700 K Street, NW, Suite 915, Washington, DC 20006–2401	76,032	290,880	60,000	62,058
Nebraska Dept. of Economic Development, Community & Rural Dev., P.O. box 94666, 301 Centennial Mall, Lincoln, NE 68509	45,302	80,000	120,800	.....
Neighborhood Preservation Coalition of NY State, 303 Hamilton Street, Albany, NY 12210	.....	29,165	.....	.....
Neighborhood Reinvestment Training Department, 1325 G Street, NW, Suite 800, Washington, DC 20005	.....	382,880	.....	.....
Nevada Housing Division, 1802 North Carson Street, Suite 154, Carson City, NV 89710	.....	.....	92,000	.....
New Mexico State Housing Division, State of New Mexico, 810 West San Mateo, SU, Santa Fe, NM 87505	.....	.....	100,000	.....
Nwe York State Rural Housing Coalition, 350 Northern Boulevard, Suite 206, Albany, NY 12204	136,796	165,000	.....	.....
North Carolina Division of Community Assistance, 1307 Glenwood Avenue, P.O. Box 12600, Raleigh, NC 27605–2600	53,772	.....	.....	.....
Northwest Regional Facilitators, East 525 Mission Avenue	43,800	123,269	.....	24,883
Northwest Regional Planning Commission, 302 Walnut Street, Spooner, WI 54801	34,655	.....	.....	.....
Ohio Capital Corporation for Housing, 88 E. Broad Street Suit, Columbus, OH 43215	.....	838,768	.....	25,000
Ohio CDC Association, Inc., 85 East Gay Street, Suite 403, Columbus, OH 43201	235,000	.....	.....	.....
Ohio Coalition for the Homeless,1066 North High Street, Columbus, OH 43201	.....	.....	.....	166,252
Oklahoma Association of Community Action Agencies, 2915 Classen Boulevard, Suite 520, Oklahoma City, OK 73106	.....	50,047	56,892	.....
OKM Associates, Inc., 164 Canal Street, Boston, MA 02114	121,227	.....	50,390	.....
PI Architects and Engineers, 2905 San Gabriel, Suite 309, Austin, TX 78705	65,151	.....	78,375	12,119
PPEP Microbusiness and Housing Development Corporation, 802 East 46th Street, Tucson, AZ 85713	.....	90,000	.....	.....

APPENDIX A.—RECIPIENTS OF FUNDING AWARDS TA SUPER NOFA—Continued

Funding recipient	CDBG amount	CHDO amount	HOME amount	SH amount
Pratt Institute Center for Community and Environmental Development, 379 Dedalb Avenue, 2nd Floor, Brooklyn, NY 11205	.....	627,980	.....	.....
Puerto Rico Community Foundation Royal Bank Center, 225 Ponce De Leon Avenue, San Juan, PR 00917	.....	415,973	131,270	35,272
Purchase Area Development District, P.O. Box 588, Mayfield, KY 67103	36,000	.....	.....	.....
Rural Community Assistance Corporation, 2125 19th Street, Suite 203, Sacramento, CA 95818	.....	711,738	.....	.....
Santa Cruz Community Housing Corporation, 105 Locust Street, P.O. Box 632, Santa Cruz, CA 95061	.....	481,166	.....	.....
Smart, Inc., 909 Poydras Street, Suite 1800, New Orleans, LA 70112	67,003	.....	96,087	89,760
South Carolina Finance and Development Authority, 919 Bluff Road, Columbia, SC 29201	.....	265,956	138,297	.....
Southeast Michigan Council of Governments, 660 Plaza Drive, Suite 1900, Detroit, MI 48226	328,475	.....	.....	.....
Southern California Association of Governments, 818 West 7th Street, Los Angeles, CA 90017	.....	.....	150,000	.....
State of New Hampshire, 2½ Beacon Street, Boscawen, NH 03301	60,000	.....	150,000	.....
State of New York, 38–40 State Street, Albany, NY 12207	94,782	.....	354,410	62,209
Statewide Housing Action Coalition, 202 South State Street, Suite 1414, Chicago, IL 60604	181,016	200,000	.....	.....
Structured Employment Economic Development Corporation, 915 Broadway, Suite 1703, New York, NY 10010–7108	107,623	600,000	.....	.....
Task Force for the Homeless, Inc., Metro Atlanta, 363 Georgia Avenue, S.E., Atlanta, GA 30312–3027	.....	.....	.....	87,010
Tennessee Housing Consortium, C/O TNCED, P.O. Box 2, Nashville, TN 37219	14,374	.....	.....	.....
Texas Development Institute, 824 West 10th Street, Suite 110, Austin, TX 78701	.....	297,496	.....	.....
Tonya, Inc., 1000 Vermont Avenue, NW., 5th Floor, Washington, DC 20005	839,875	3,583,930	1,580,403	.....
Virginia Department of Housing and Community Development, 501 North Second Street, Richmond, VA 23219	.....	.....	74,000	.....
Wisconsin Department of Administration Division of Housing, 101 East Wilson Street, P.O. Box 8944, 4th Floor, Madison, WI 53708	.....	.....	80,000	74,386
Wisconsin Partnership for Housing Development, Inc., 121 South Pinckney Street, Suite 200, Madison, WI 53703	.....	451,616	80,373	.....

[FR Doc. 96–14722 Filed 6–10–96; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[OR–030–06–1430–00: GP6–0153]

Notice of Realty Action—Sale

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: OR–50855 Notice of Realty Action—Sale Public Land in Malheur County, Oregon.

SUMMARY: The following land has been found suitable for sale by direct sale procedures under Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 1719), at not less than the appraised fair market value (FMV) of $2,000.00.

The land will not be offered for sale for at least 60 days after publication of this notice.

Willamette Meridian, Oregon

T. 19S., R. 43E.,

Sect. 12: SW¼SW¼

Containing 40 acres.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute, for 270 days from the date of publication of this notice in the Federal Register or until title transfer is completed or the segregation is terminated by publication in the Federal Register, whichever occurs first.

The parcel is difficult and uneconomic to manage as part of the public lands because of its location and has been identified as unneeded and not suitable for management by another Federal department or agency. There are no significant resource values which will be affected by this disposal. This parcel has no legal access and the public interest will be served by offering this land for sale.

The parcel will be offered by the direct sale method to Little Valley Ranch Co., LLC whose lands completely surround the subject parcel. The direct sale method is authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA). The purchaser will submit a non-refundable $50.00 filing fee for the conveyance of the mineral estate, with the exception of oil and gas and geothermal resources.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States under the authority of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. The sale is for surface and subsurface estate with the following reservations: The patent will contain a reservation to the United States for oil and gas and geothermal resources, together with the right to prospect for, mine and remove the same.

The mineral interest being offered for conveyance have no known mineral value. The purchaser will submit an application for conveyance of the mineral estate in accordance with Section 209 of the Federal Land Policy and Management Act.

3. The sale will be subject to all valid existing rights.

DATES: For a period of 45 days from the date of publication of this notice in the

Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918. Objections would be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

ADDRESSES: Detailed information concerning the sale, including the reservations, procedures for and conditions of sale, and planning and environmental documents, is available at the Vale District Office, Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918.

FOR FURTHER INFORMATION CONTACT: Nancy Getchell, Realty Specialist, Malheur Resource Area, at 100 Oregon Street, Vale, Oregon 97918, (Telephone 541 473–3144).

James E. May,

Vale District Manager.

[FR Doc. 96–14639 Filed 6–10–96; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

National Park Service

Sale of Real Property, Buffalo National River, Arkansas

AGENCY: National Park Service, DOI.

SUMMARY: This notice publishes the interest of the National Park Service to solicit bids for the sale of lands within the boundary of Buffalo National River, Newton County, Arkansas.

DATES: The sale solicitation for sealed bids will be accepted until 2:00 p.m., July 18, 1996. The sealed bids are to be delivered to Superintendent, Buffalo National River, 402 North Walnut Street, Harrison, Arkansas; or mailed to Buffalo National River, P.O. Box 1173, Harrison, Arkansas 72602.

FOR FURTHER INFORMATION: Buffalo National River headquarters, 402 North Walnut Street, Harrison, Arkansas, 72602. Telephone: 501–741–5443.

SUPPLEMENTARY INFORMATION: The following additional information is provided regarding the proposed sale of real property:

Justification

The National Park Service is soliciting sealed bids for the sale of Tract 63–135 consisting of 21.1 acres, with a hay barn and other historic structures in poor condition. The property is located within an isolated area within Buffalo National River, and is served by limited and difficult access. Selling of real property is authorized under Section 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 USC 460*l*–22(a), 36 CFR Part 17.

Selling this historic property with deed restrictions will ensure the property is maintained in conformance with the Boxley Valley Land Use Plan and the historical traditions of Big Buffalo Valley Historic District.

Legal description

Buffalo National River Tract 63–135, a.k.a., ''Fults Farm,'' Newton County, Arkansas, containing 21.1 acres, more or less. The metes and bounds legal description, tract map and the protective covenants and restrictions are available for inspection at the Superintendent's office, 402 North Walnut Street, Harrison, Arkansas 72602. Prospective bidders can arrange to inspect the property by telephoning park headquarters, Buffalo National River, 501–741–5443. A representative of the National Park Service will conduct a guided inspection of the property between 2:00 p.m. and 4:00 p.m. on June 26 and July 10, 1996.

Interest to be Conveyed

The property will be conveyed in fee title to the surface estate without warranty. The conveyance document will contain specific reservations to the United States for all mineral interests and for ditches and canals. The conveyance document will be issued subject to certain covenant restrictions regarding the use of the property, including the requirement to rehabilitate at least the exteriors of the three named historic structures. Further, there will be a prohibition on any future alterations which do not meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Fair Market Value

The fair market value of the property as determined by an independent appraiser licensed in the State of Arkansas is $17,500. The appraisal may be inspected at the headquarters of Buffalo National River, 402 North Walnut Street, Harrison, Arkansas 72601.

Conveyance Procedures, Requirements and Time Schedule

Conveyance of the property will be by a Restrictive Covenant Quitclaim Deed. The minimum acceptable bid is $17,500, plus a separate non-refundable payment of $100 to cover the cost of publication and processing of bids. Bids must be in writing, clearly identify the bidder, signed by the bidder or his assigned agent, state amount of bid and refer to the notice. Bids must be accompanied by certified check and made payable to the United States of America for the full amount of the bid. This payment will be refunded to unsuccessful bidders. The property will be available for inspection on the site from 2:00 p.m. to 4:00 p.m., June 26 and July 10, 1996. Bids will be accepted until 2:00 p.m., July 18, 1996.

Dated: April 19, 1996.

William W. Schenk,

Field Director, Midwest Field Area, National Park Service.

[FR Doc. 96–14695 Filed 6–10–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Federal Prison Industries, Inc.

Agency Information Collection Activities: Proposed Collection; Common Request

ACTION: Notice of information collection under review; public involvement procedures regarding proposals to produce new products or expand the production of existing products.

The proposed information collection is published to obtain comments from the public. Emergency review of this collection has been requested from OMB by June 14, 1996. This approval is only valid for 90 days. Regular review of this proposed collection is also being undertaken at this time. Comments are encouraged and will be accepted for 60 days from the date listed at the top of this page in the Federal Register.

I. Summary

FPI is administered by a board of six directors who are appointed by the President to oversee FPI's operations. The Board of Directors represent Industry, Labor, Agriculture, Retailers & Consumers, the Department of Defense, and the Attorney General. All proposals for the production of new products or the expansion of existing production must be approved by the Board.

The product approval process was articulated by Congress in 1988 revisions to 18 U.S.C. 4122. FPI, in conjunction with private industry, established the Public Involvement Procedures and definitions. These procedures implement the requirements set forth in 18 U.S.C. 4122. The statute requires FPI to ''invite such trade associations to submit comments on those plans.'' In addition, the statute requires that FPI provide industry representatives ''a reasonable opportunity . . . to present comments

directly to the board of directors on the proposal.'' The public involvement procedures allows for input by all interested parties both in writing and through in-person hearings before the Board of Directors. There are several methods through which information is collected. Private Industry may provide comments directly to the research team that is writing the proposal to the Board, the Ombudsman who serves as a liaison between private industry and the Board or they can make comments directly at the Board hearing on the proposed expansion or new product. These comments become part of the public record presented to the Board of Directors on the new product or expansion proposal. As such, they are considered by the Board of Directors in making a decision on an FPI proposal.

II. Request for Comments

The purpose of this notice is to 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 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 agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have comments, suggestions or need a copy of the proposed information collection, please contact Edward J. Spear, Planning, Research and Activation, 202–508–8400, Federal Prison Industries, Inc., ACACIA Building, 320 First Street, NW., Washington, DC 20534 or via facsimile at 202–628–0855.

III. Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title:* Public Involvement Procedures Information Collection.

(3) *Affected public:* Business, including for profit manufacturers and dealers of the particular product that is under consideration for expanded or new production by FPI.

(4) *Burden Statement:* An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 125 responses at 3.5 hours, or 210 minutes per comment. The total public burden (in hours) associated with this collection is estimated at 437.5 total 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: June 5, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–14652 Filed 6–10–96; 8:45 am]

BILLING CODE 4410–06–M

Office of Juvenile Justice and Delinquency Prevention

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

June 3, 1996.

AGENCY: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUPPLEMENTARY INFORMATION: A meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will take place in the District of Columbia, beginning at 11:00 a.m. on Friday, June 28, 1996, and ending at 1:00 p.m. on June 28, 1996. This advisory committee, chartered as the Coordinating Council on Juvenile Justice and Delinquency Prevention, will meet at the United States Department of Justice, located at 10th and Constitution Avenue, N.W., Conference Room 5111, Washington, D.C. 20530. The Coordinating Council, established pursuant to section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This meeting will be open to the public. The public is advised that it must enter the building via the Constitution Avenue Visitors Center. For security reasons, members of the public who are attending the meeting must contact the Office of Juvenile Justice and Delinquency Prevention (OJJDP) by close of business June 20, 1996. The point of contact at OJJDP is Lutricia Key who can be reached at (202) 307–5911. The public is further advised that a pictured identification is required to enter the building.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 96–14698 Filed 6–10–96; 8:45 am]

BILLING CODE 4410–18–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 96–3 CARP-SRA]

Rate Adjustment for the Satellite Carrier Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of negotiation period; precontroversy discovery schedule.

SUMMARY: The Copyright Office is announcing a two month voluntary negotiation period for the purpose of determining the royalty fees to be paid by satellite carriers under the satellite carrier compulsory license. The Office is also announcing the dates for the filing of Notices of Intent to Participate in the rate adjustment proceeding, as well as the precontroversy discovery schedule and the initiation of arbitration proceedings.

DATES: Notices of Intent to Participate are due no later than August 30, 1996.

ADDRESSES: If sent by mail, an original and five copies of the Notice of Intent to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies of the Notice of Intent to Participate should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), or Tanya Sandros, CARP Specialist, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

The satellite carrier compulsory license establishes a statutory copyright licensing scheme for satellite carriers that retransmit television broadcast

signals to satellite dish owners for their private home viewing. 17 U.S.C. 119. First created by Congress in the Satellite Home Viewer Act of 1988, the satellite license was reauthorized for another five years in the Satellite Home Viewer Act of 1994. *See* Public Law No. 103–369, 108 Stat. 3481 (1994). It is currently slated to expire on December 31, 1999. Satellite carriers pay royalties based on a flat, per subscriber, per month fee. Congress initially wrote the fees into the statute in 1988, so that carriers at that time were required to pay twelve cents per subscriber per month for the retransmission of superstation signals, and three cents per subscriber per month for the retransmission of network signals. Congress, however, provided for an adjustment of these rates in the 1988 Home Viewer Act. The fees could be set by voluntary negotiation between satellite carriers and copyright owners, or by binding arbitration for those parties failing to reach an agreement. No voluntary negotiations were reached, and in 1992, the former Copyright Royalty Tribunal convened a three-person arbitration panel to set the new rates. The new rates adopted by the panel, and approved by the Tribunal, were seventeen and a half cents per subscriber for superstations subject to syndicated exclusivity, fourteen cents per subscriber for superstations not subject to syndicated exclusivity,[1] and six cents per subscriber for network signals.

When Congress reauthorized the satellite license in 1994, it adopted the rates set by the arbitration panel. However, section 119(c) directs the Librarian of Congress to conduct proceedings to amend the current rates. This notice begins the process mandated by the statute.

II. Voluntary Negotiation Period

Section 119(c)(2)(A) of the Copyright Act, 17 U.S.C., provides that ''[o]n or before July 1, 1996, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining the royalty fee to be paid by satellite carriers under subsection (b)(1)(B).'' This notice initiates the voluntary negotiation period.

The statute does not provide for how long the voluntary negotiation period is to last. In the 1992 rate adjustment proceeding, the Copyright Royalty Tribunal allowed the parties six months to negotiate their differences. *See* 56 FR 29951 (July 1, 1991). The arbitration proceeding involved in that rate adjustment, however, was significantly different than the current system. The current rate adjustment, for those parties that do not reach a voluntary agreement, is governed by the provisions of chapter 8 of the Copyright Act, and involves the convening of a Copyright Arbitration Royalty Panel (CARP). Because it is a CARP proceeding, the Library must apply the rules and regulations of 37 C.F.R. part 251, which include the filing of written direct cases and a discovery period prior to the initiation of the CARP. Because section 119(c)(3)(A) provides that the Librarian must ''[o]n or before January 1, 1997, . . . publish[] in the Federal Register . . . initiation of arbitration proceedings . . .,'' the Library cannot grant the parties a six month negotiation period prior to the submission of written direct cases and conduct of discovery, and still be able to convene the CARP by January 1, 1997.

Consequently, the Library has decided to designate the voluntary negotiation period commencing July 1, 1996, and concluding August 30, 1996, which will afford the parties a two month negotiation period. We note that the Library has published this notice prior to the July 1 date, and we would encourage the parties to begin negotiations as soon as possible so as to maximize their allotted time. Of course, the parties are free, and are encouraged to continue negotiations even after the CARP process has begun.

III. Notices of Intent to Participate

Any party wishing to participate in the satellite carrier compulsory license rate adjustment proceeding must file a Notice of Intent to Participate no later than the close of business on August 30, 1996. Failure to file a timely Notice of Intent to Participate will preclude a party from participating in the rate adjustment proceeding.

IV. Precontroversy Discovery Schedule and Procedures

Any party that has filed a timely Notice of Intent to Participate is entitled to participate in the precontroversy discovery period. Each party may request of an opposing party nonprivileged documents underlying facts asserted in the opposing party's written direct case. The precontroversy discovery period is limited to discovery of documents related to written direct cases and any amendments made during the period.

The Library of Congress rules do not specify any particular steps or regimen to the precontroversy discovery period. We believe, however, that it is necessary to establish procedural dates for exchange of documents and filing of motions within the 45-day period to provide order and allow discovery to proceed smoothly and efficiently. The need for such a schedule, and selection of the dates, is underscored by the potentially large number of CARP proceedings that must be scheduled during 1996–1997. In order to coordinate and manage all of these proceedings, we are establishing the following precontroversy discovery schedule with corresponding deadlines:

Action	Deadline
Filing of Written Direct Cases	Sept. 27, 1996.
Requests for Underlying Documents Related to Written Direct Cases	Oct. 7, 1996.
Responses to Requests for Underlying Documents	Oct. 11, 1996.
Completion of Document Production	Oct. 16, 1996.
Follow-Up Requests for Underlying Documents	Oct. 21, 1996.
Responses to Follow-Up Requests	Oct. 28, 1996.
Motions Related To Document Production	Oct. 31, 1996.
Production of Documents in Response to Follow-Up Requests	Nov. 5, 1996.
All Other Motions, Petitions, and Objections	Nov. 12, 1996.

[1] The reference to ''syndicated exclusivity'' is to the Federal Communications Commission's regulations regarding the rights of television broadcasters to purchase exclusive rights to programming within their local service areas. Often referred to as ''syndex,'' these rules permit a broadcaster who has purchased exclusive rights to insist that the local cable operator carrying the same programming delete it from its lineup. The arbitration panel determined that Congress intended in 1988 for the FCC to impose syndex restrictions on the satellite industry by requiring the Commission to conduct a feasibility study. *See* Pub.L.No. 100–667, 102 Stat. 3949 (1988). When the FCC concluded that such imposition was not technically possible, the arbitration panel chose to compensate copyright owners for loss of exclusivity rights by imposing a higher seventeen and a half cent fee for superstation signals that, if retransmitted by cable systems, would have been entitled to syndex protection. *See* 57 FR 19052 (May 1, 1992).

The precontroversy discovery period, as specified by § 251.45(b) of the CARP rules, begins on September 27, 1996. The purpose of this date is to mark the date by which all parties, including the Copyright Office, have in their possession a copy of each party's written direct case. Service of the written direct cases on all parties, and filing with the Copyright Office, must therefore take place on or before that date. It is recommended that each party serve and file its written direct case by hand to ensure timely receipt. Failure to submit a timely filed written direct case will result in dismissal of that party's case. Parties must comply with the form and content of written direct cases as prescribed in § 251.43.

After the filing of written direct cases, document production will proceed according to the above-described schedule. Each party may request underlying documents related to each of the other parties' written direct cases by October 7, 1996, and responses to those requests are due by October 11, 1996. Documents which are produced as a result of the requests must be exchanged by October 16, 1996. It is important to note that all initial document requests must be made by October 7, 1996. Thus, for example, if one party asserts facts that expressly rely on the results of a particular study that was not included in the written direct case, another party desiring production of that study must make its request by October 7; otherwise, the party is not entitled to production of the study.

The precontroversy discovery schedule also establishes deadlines for follow-up discovery requests. Follow-up requests are due by October 21, 1996. Any documentation produced as a result of a follow-up request must be exchanged by November 5, 1996. An example of a follow-up request would be as follows. In the above example, one party expressly relies on the statistics from a particular study, but the study itself is not included in its written direct case. As noted above, a party desiring production of that study or survey must make its request by October 7. If, after receiving a copy of the study, the reviewing party determines that the study heavily relies on the results of a statistical survey, it would be appropriate for that party to make a follow-up request for production of the statistical survey by the October 21 deadline. Again, failure to make a timely follow-up request would waive that party's right to request production of the survey.

In addition to the deadlines for document requests and production, there are two deadlines for the filing of precontroversy motions. Motions related to document production must be filed by October 31, 1996. Typically, these are motions to compel production of requested documents for failure to produce them, but they may also be motions for protective orders. Finally, all other motions, petitions, and objections must be filed by November 12, 1996, the final day of the 45-day precontroversy discovery period. These motions, petitions, and objections include, but are not limited to, objections to arbitrators who are on the arbitrator list under 37 CFR 251.4, and petitions to dispense with formal hearings under 37 CFR 251.41(b).

Due to time limitations between procedural steps of the precontroversy discovery schedule, we are requiring that all discovery requests and responses to such requests be served by hand or sent by fax to the party to whom such response or request is directed.

Filing and service of all precontroversy motions, petitions, objections, oppositions, and replies shall be as follows. In order to be considered properly filed with the Librarian and/or Copyright Office, all pleadings must be brought to the Copyright Office at the following address no later than 5 p.m. of the filing deadline date: Office of the Register of Copyrights, Room 403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. 20540. The form and content of all motions, petitions, objections, oppositions, and replies filed with the Office must be in compliance with 37 CFR 251.44(b)-(e). As provided in § 251.45(b), oppositions to any motions or petitions must be filed with the Office no later than seven business days from the date of filing of such motion or petition. Replies are due five business days from the date of filing of such oppositions. Service of all motions, petitions, objections, oppositions, and replies must be made on counsel or the parties by means no slower than overnight express mail on the same day the pleading is filed.

V. Initiation of Arbitration

Section 119(c)(3) provides that ''[o]n or before January 1, 1997, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of arbitration proceedings'' for the purpose of adjusting satellite royalty rates. The Library has determined, through experience from prior CARP proceedings, that it needs roughly 45 days to rule on all precontroversy motions and petitions, as well as to assist in the timely selection of arbitrators. The Office recognizes that due to the holiday season it is unwise to have the proceeding start earlier in December. Consequently, to reduce the potential for lost time, the 180-day arbitration period for adjustment of the section 119 satellite carrier compulsory license royalty rates will begin on December 31, 1996. The schedule of the arbitration proceeding will be established by the CARP after the three arbitrators have been selected. Delivery of the rate adjustment decision of the arbitrators to the Librarian, in accordance with 17 U.S.C. 802(e), must be no later than June 27, 1997.

Dated: June 5, 1996.

Marilyn J. Kretsinger,

Acting General Counsel.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–14748 Filed 6–10–96; 8:45 am]

BILLING CODE 1410–33–P

NATIONAL INSTITUTE FOR LITERACY

[CFDA No. 84.257I]

Notice Inviting Applications for the Literacy Leader Fellowship Program

AGENCY: The National Institute for Literacy.

PURPOSE: To establish the Literacy Fellows Program to provide Federal financial assistance to individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation and adult new learners. Under the program, career literacy workers and adult learners are applicants for fellowships.

Deadline for Transmittal of Applications: Applications must be submitted August 1, 1996.I11*Available Funds:* $105,000.

Estimated Range of Awards: $20,000–$30,000.

Estimated Average Size of Awards: $20,000.

Estimated Number of Awards: 5.

Note: The National Institute for Literacy is not bound by any estimates in this Notice.

Project Period

Projects will be no less than three nor more than 12 months of full-time activity or the equivalent in less than full-time participation.

Applicable Regulations

The regulations governing the National Institute for Literacy's Literacy Leader Fellows Program were published on July 11, 1995, in the Federal Register. Applications for Fiscal Year 1996 are being accepted on the basis of those regulations.

While the Institute is associated with the U.S. Departments of Education, Labor, and Health and Human Services, the specific policies and procedures of these agencies regarding rulemaking and administration of grants are not adopted by the Institute except as expressly stated in this Notice.

Transmittal of Applications

Five (5) copies of applications for award must be mailed or hand-delivered on or before the deadline date of August 1, 1996.

Applications delivered by mail. Applications sent by mail must be addressed to: National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006, Attention: (CFDA#84.257I).

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

If an application is mailed through the U.S. Postal Service, the Institute does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered, certified, or first class mail.

Each late applicant will be notified that his/her application will not be considered.

Applications delivered by hand. Applications that are hand-delivered must be taken to the National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC.

The Institute will accept hand-delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted by the Institute after 4:30 p.m. on the due date.

The Institute will mail an Applicant Receipt Acknowledgment to each applicant within 15 days from the due date. If an applicant fails to receive the application acknowledgment, call the National Institute for Literacy at (202) 632–1525.

The applicant must indicate on the outside of the envelope the CFDA number of the competition under which the application is being submitted.

Application Forms

The National Institute for Literacy has no application forms or prescribed format for the Literacy Leader Fellowship Program. Applicants must submit the following: a detailed budget, curriculum vitae or resume, a description of your proposal (up to 8 pages); and sufficient information, e.g., two letters of recommendations, to allow the Institute to determine the merits of the proposed activities and rate the application according to the criteria and any applicable priorities. Applicants are also required to submit the following assurances and certifications:

(a) Assurances—Non-Construction Programs (Standard Form 424B).

(b) Certification Regarding Lobbying; Debarment, Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements (ED90–0013).

(c) Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions.

The assurances, and certifications must each have an original signature. No award can be made unless these forms are submitted.

Priorities

(a) The Director invites applications for Literacy Leader Fellowships that meet the following priorities for 1996.

(b) The priorities for 1996 are major areas of concern in the literacy field that are currently being addressed in the Institute's work.

(c) An application may be awarded up to 5 bonus points for addressing a priority or priorities, depending on how well the application meets the priority or priorities.

(d) The publication of these priorities does not bind the Institute to fund only applications addressing priorities. The Director is especially interested in fellowship applications that address one or more of the priorities, but not to the exclusion of other significant issues that may be proposed by applicants.

(e) The priorities selected from the regulations for 1996 are as follows:

(1) Developing Leadership in Adult Learners. Because adult learners are the true experts on literacy, they are an important resource for the field. Their firsthand experience as ''customers'' of the literacy system can be invaluable in assisting the field in moving forward, particularly in terms of raising public awareness and understanding about literacy.

(2) Expanding the Use of Technology in Literacy Programs. One of the NIFL's major projects is the Literacy Information and Communication System (LINCS), an Intemet-based information system that provides timely information and abundant resources to the literacy community. Keeping the literacy community up to date in the Information Age is vital.

(3) Improving Accountability for Literacy Programs. Legislation that has passed both houses of the U.S. Congress emphasizes that literacy programs must develop accountability systems that demonstrate their effectiveness in helping adult learners contribute more fully in their workplace, family, and community. Assessing practices that focus on outcomes and disseminating information about promising activities that will help the literacy field best adapt to the requirements of the new legislation is a priority.

(4) Raising Public Awareness about Literacy. The NIFL is leading a national effort to raise public awareness that literacy is part of the solution to many social concerns, including the well-being of children, health, welfare, and the economy. Projects that enhance this effort will be given priority consideration.

SUPPLEMENTARY INFORMATION:

National Institute for Literacy:

National Educational Goal 6, which is now included in the Goals 2000 Educate America Act, puts forward an ambitious agenda for adult literacy and lifelong learning in America. To further this goal, the Congress passed Public Law 102–73, the National Literacy Act of 1991, which is the first piece of national legislation to focus exclusively on literacy. To overall intent of the Act, as stated, is:

''To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives and to strengthen and coordinate adult literacy programs.''

In designing the Act, among the primary concerns shared by the Congress and literacy stakeholders was the fragmentation and lack of coordination among the many efforts in the field. To address these concerns, the Act created the National Institute for Literacy to:

(A) Provide a national focal point for research, technical assistance and research dissemination, policy analysis and program evaluation in the area of literacy; and

(B) Facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

Among the Institute's authorized activities is the awarding of fellowships to outstanding individuals who are pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation. These fellowships are to be awarded for activities that advance the field of adult education and literacy.

FOR FURTHER INFORMATION CONTACT: Alice Johnson, National Institute for Literacy, 800 Connecticut Avenue, N.W., Suite 200, Washington, DC 20006. E-mail address ajohnson@NIFL.gov, telephone: 202/632–1516, fax: 202/632–1512. To receive an application package, please contact Darlene McDonald at the same address, e-mail dmcdonald@NIFL.gov, telephone: 202/632–1525 or Fax: 202/632–1512.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the National Institute for Literacy invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and disseminating the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the National Institute for Literacy, and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503. (Information collection approved under OMB control number 3200–0030, Expiration date: June 30, 1998).

Program Authority: 20 U.S.C. 1213(c).

Andrew J. Hartman,

Director, National Institute for Literacy.

[FR Doc. 96–14720 Filed 6–10–96; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 145 to Facility Operating License No. NPF–21 issued to Washington Public Power Supply System (the Supply System, or the licensee), which revised the Technical Specifications for operation of the Nuclear Project No. 2, located in Benton County, Washington.

The amendment is effective as of the date of issuance.

The amendment revised the technical specifications to reflect the replacement of the existing reactor recirculation (RRC) flow control system with an adjustable speed drive (ASD) system. In addition, the proposed technical specification changes will reflect replacement of the existing analog-hydraulic flow control system with dual channel, variable frequency ASDs and a digital recirculation flow control system that would vary RRC flow by varying RRC pump speed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings are required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on March 4, 1996 (61 FR 8307). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1995, as supplemented by letters dated March 12, 1996, May 8, 1996, and May 16, 1996, (2) Amendment No. 145 to License No. NPF–21, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street N.W., and at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Director, Division of Reactor Projects III/IV.

Dated at Rockville, Maryland, this 3rd day of June 1996.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–14700 Filed 6–10–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Washington Public Power Supply System (WPPSS, the licensee) to withdraw its June 6, 1995, application for proposed amendment to Facility Operating License No. NPF–21 for the WPPSS Nuclear Project, Unit No. 2, located on the Hanford Reservation in Benton County, Washington.

The proposed amendment would have revised the technical specifications (TS) to add references to three topical reports describing analytical methods that may be used in determining reactor core operating limits for reload licensing applications.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on July 19, 1995 (60 FR 37101). However, by letter dated April 24, 1996, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 6, 1995, and the licensee's letter dated April 24, 1996, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland City Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 4th day of June 1996.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–14701 Filed 6–10–96; 8:45 am]

BILLING CODE 7590–01–P

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of June 10, 17, 24, and July 1, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed

MATTERS TO BE CONSIDERED:

Week of June 10

Wednesday, June 12

3:00 p.m.
Briefing on Part 100 Final Rule on Reactor Site Criteria (Public Meeting)
(Contact: Charles Ader, 301–415–5622)
4:30 p.m.
Affirmation Session (Public Meeting) (if needed)

Week of June 17—Tentative

Tuesday, June 18

10:00 a.m.
Briefing on Status of NRC Operator Licensing Initial Examination Pilot Process (Public Meeting)
(Contact: Stuart Richards, 301–415–1031)
11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

Week of June 24—Tentative

Tuesday, June 25

10:00 a.m.
Briefing on Operating Reactors and Fuel Facilities (Public Meeting)
(Contact: Victor McCree, 301–415–1711)

Wednesday, June 26

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)
2:30 p.m.
Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
(Contact: John Larkins, 301–415–7360)

Week of July 1—Tentative

Tuesday, July 2

10:00 a.m.
Briefing on Alternatives for Regulating Fuel Cycle Facilities (Public Meeting)
(Contact: Ted Sherr, 301–415–7218)

Wednesday, July 3

10:00 a.m.
Briefing on BPR Project on Redesigned Material Licensing Process (Public Meeting)
(Contact: Pat Rathbun, 301–415–7178)
11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

The schedule for Commission 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: June 7, 1996.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96–14937 Filed 6–7–96; 2:42 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Privacy Act of 1974, as Amended; Revisions to Existing System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Nuclear Regulatory Commission (NRC) is issuing public notice of its intent to modify an existing system of records (system), NRC–3, ''Enforcement Actions Against Individuals—NRC,'' to expand the Categories of Individuals Covered and the Categories of Records Maintained in the system, to add one new routine use, and to revise two existing routine uses.

EFFECTIVE DATE: The revised system of records will become effective without further notice on July 22, 1996, unless comments received on or before that date cause a contrary decision. If changes are made based on NRC's review of comments received, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm Federal workdays. Copies of comments may be examined, or copied for a fee, at the NRC Public Document Room at 2120 L Street, NW., Lower Level, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jona L. Souder, Freedom of Information/ Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7170.

SUPPLEMENTARY INFORMATION: The NRC is proposing to amend the system notice for NRC–3, ''Enforcement Actions Against Individuals—NRC,'' to add ''individuals involved in NRC-licensed activities who have been the subject of correspondence indicating that they are being, or have been, considered for enforcement action'' as a new category of individuals covered by the system. NRC–3 currently covers only those individuals who have actually been subject to NRC enforcement actions. In addition, while the current categories of records in the system include Letters of Reprimand, NRC–3 does not include other letters such as those concerning matters that are being or have been considered for individual enforcement action and those that reflect on an individual's performance concerning a particular matter. These letters, which are necessary in deciding whether enforcement action should be taken against an individual, determining whether repetitive performance problems are occurring, and tracking actions considered and taken, are being added to the categories of records maintained in the system.

Existing routine use b. is being amended to include several additional means of making certain information routinely available to the public in an effort to deter future violations of NRC regulations.

Existing routine use e. is being redesignated f. and is being revised to include routine use 5. from the Prefatory Statement of General Routine Uses available to all NRC systems of records to permit disclosures to a Congressional office in response to its inquiry made at the request of the subject individual.

A new routine use e. permitting disclosures to the National Archives and Records Administration and the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906 is being added to the system.

A report on the proposed revisions to this system of records, required by 5 U.S.C. 552a(r) and the Office of Management and Budget (OMB) Circular No. A–130, is being sent to the Committee on Governmental Affairs, U.S. Senate; the Committee on Government Reform and Oversight, U.S. House of Representatives; and OMB.

Accordingly, the NRC proposes to amend NRC–3 in its entirety to read as follows:

NRC–3

SYSTEM NAME:

Enforcement Actions Against Individuals—NRC.

SYSTEM LOCATION:

Primary system—Office of Enforcement, NRC, 11555 Rockville Pike, Rockville, Maryland.

Duplicate systems—Duplicate systems may exist, in whole or in part, at the NRC Regional Offices at the locations listed in Addendum I, Part 2, and in the Office of the General Counsel, NRC, 11555 Rockville Pike, Rockville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in NRC-licensed activities who have been subject to NRC Enforcement Actions or who have been the subject of correspondence indicating that they are being, or have been, considered for enforcement action.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes, but is not limited to, individual enforcement actions, including Orders, Notices of Violations with and without Civil Penalties, Orders Imposing Civil Penalties, Letters of Reprimand, Demands for Information, and letters to individuals who are being considered for enforcement action or have been considered. Also included are responses to these actions and letters. In addition, the files may contain other relevant documents directly related to those actions and letters that have been issued. Files are arranged numerically by Individual Action (IA) number, which is assigned as individual enforcement actions are issued. In instances where only letters are issued, these letters also receive IA numbers. The system includes a computerized database from which information is retrieved by names of the individuals subject to the action and IA numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2114, 2167, 2201(c), and 2282 (1988).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, the NRC may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

a. To respond to general information requests from the Congress;

b. To deter future violations, certain information in this system of records may be routinely disseminated to the public by such means as (1) publishing in the Federal Register certain enforcement actions issued to an individual; (2) placing in the NRC Public Document Room (PDR) and most local public document rooms (LPDRs); (3) publishing in the NRC Homepage; and (4) listing all individuals currently subject to an order that affects their participation in licensed activities in NUREG–0940, Part I, ''Enforcement Actions: Significant Actions Resolved, Individual Actions,'' published semiannually. In addition to being available in the PDR and most LPDRs, copies of NUREG–0940, Part I, are sent to all power reactor licensees and major materials licensees and are made available to other licensees and the general public on request;

c. When considered appropriate for disciplinary purposes, information in this system of records, such as enforcement actions and hearing proceedings, may be disclosed to a bar association, or other professional organization performing similar functions, including certification of individuals licensed by NRC or Agreement States to perform specified licensing activity;

d. Where appropriate to ensure the public health and safety, information in this system of records, such as enforcement actions and hearing proceedings, may be disclosed to a Federal or State agency with licensing jurisdiction; and

e. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

f. For the routine uses specified in paragraphs 1, 2, 3, 4, and 5 of the Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper in file folders, on computer printouts, and on computer media.

RETRIEVABILITY:

Records are accessed by individual action file number or by the name of the individual.

SAFEGUARDS:

Records are maintained in lockable file cabinets or computer databases. Access to and use of these records is limited to those NRC employees whose official duties require access. Access to automated records requires use of proper password and user identification codes. Paper files are under visual control during duty hours.

RETENTION AND DISPOSAL:

Enforcement Action Case Files and related indexes are currently unscheduled and must be retained until a records disposition schedule for this material is approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

NOTIFICATION PROCEDURE:

Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Information in the records is primarily obtained from NRC inspectors and investigators and other NRC employees, individuals to whom a record pertains, authorized representatives for these individuals, and NRC licensees, vendors, other individuals regulated by the NRC, and persons making allegations to the NRC.

Dated at Rockville, MD, this 31st day of May, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–14702 Filed 6–10–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Accounting for Property, Plant, and Equipment

AGENCY: Office of Management and Budget.

ACTION: Notice of document availability.

SUMMARY: This Notice indicates the availability of the sixth Statement of Federal Financial Accounting Standards, ''Accounting for Property, Plant, and Equipment,'' adopted by the Office of Management and Budget (OMB). The statement was recommended by the Federal

Accounting Standards Advisory Board and adopted in its entirety by OMB.

ADDRESSES: Copies of the Statement of Federal Financial Accounting Standards No. 6, ''Accounting for Property, Plant, and Equipment,'' may be obtained for $6.50 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238), Stock No. 041–001–00462–9.

FOR FURTHER INFORMATION CONTACT: Ronald Longo (telephone: 202–395–3993), Office of Federal Financial Management, Office of Management and Budget, 725–17th Street, N.W.—Room 6025, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: This Notice indicates the availability of the sixth Statement of Federal Financial Accounting Standards, ''Accounting for Property, Plant, and Equipment.'' The standard was recommended by the Federal Accounting Standards Advisory Board (FASAB) in September 1995, and adopted in its entirety by the Office of Management and Budget (OMB).

Under a Memorandum of Understanding among the General Accounting Office, the Department of the Treasury, and OMB on Federal Government Accounting Standards, the Comptroller General, the Secretary of the Treasury, and the Director of OMB decide upon principles and standards after considering the recommendations of FASAB. After agreement to specific principles and standards, they are to be published in the Federal Register and distributed throughout the Federal Government.

G. Edward DeSeve,

Controller.

[FR Doc. 96–14689 Filed 6–10–96; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22004; 812–10014]

Norwest Funds, et al.; Notice of Application

June 4, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption Under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Norwest Advantage Funds, Norwest Select Funds, Core Trusts (collectively, the ''Trusts'') and Norwest Bank Minnesota, N.A. (''Norwest'').

RELEVANT ACT SECTION: Order requested under rule 17d–1 to permit certain transactions in accordance with section 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit the series of certain investment companies and certain private accounts to deposit daily cash balances in one or more joint accounts to be used to enter into short-term investments.

FILING DATES: The application was filed on February 26, 1996 and amended on May 16, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 1, 1996, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, Forum Financial Services, Inc., Two Portland Square, Portland, Maine 04101; Norwest Bank Minnesota, N.A., Norwest Center, Sixth and Marquette, Minneapolis, Minnesota 55479–1026.

FOR FURTHER INFORMATION CONTACT: Suzanne Krudys, Senior Counsel, at (202) 942–0641, or Alison E. Baur, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trusts, organized as Delaware business trusts, are registered open-end management investment companies comprised of multiple series (the ''Series''). Existing and future series of the Trusts and other registered investment companies or Series thereof that are advised by Norwest are collectively referred to as the ''Funds'' and individually as a ''Fund.'' Norwest, a national bank, serves as investment adviser to each Fund. Norwest also serves as transfer agent, custodian, shareholder servicing and dividend paying agent of each Trust. The term ''Norwest'' shall include, in addition to the company itself, any other entity controlling, controlled by or under common control with Norwest that acts in the future as investment adviser for the Trusts or other investment companies.

2. Applicants request relief on behalf of themselves and also any present or future Series and Funds that are advised by Norwest, or any entity controlling, controlled by, or under common control with Norwest and any individual corporate, charitable, endowment, common and collective trust fund, public entity, individual and retirement accounts for which Norwest serves as investment adviser (the ''Private Accounts''). All Funds that currently intend to rely on the requested order are named as applicants.

3. All of the Funds are authorized to invest at least a portion of their uninvested cash balances in short-term liquid assets. Private Accounts are invested by Norwest in accordance with each Private Accounts' investment objectives, policies and restrictions. Assets of the Funds and Private Accounts are held by Norwest as custodian (the ''Custodian'').

4. The Funds and Private Accounts have uninvested cash balances in their accounts at the Custodian that are not otherwise invested in portfolio securities. Generally, such cash balances are invested in short-term liquid assets, such as commercial paper or U.S. Treasury bills. Cash balances may also be invested in shares of the money market series of the Trusts.[1]

5. Applicants propose to deposit daily cash balances of the Funds and Private Accounts into one or more joint accounts (the ''Joint Accounts'') established at the Custodian and to invest the daily balance of the Joint Account in: (a) Repurchase agreements ''collateralized fully'' (as defined in rule 2a–7 under the Act); (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term money market instruments, including variable rate demand notes and other tax exempt money market instruments, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (collectively, ''Short-Term Investments''). The Funds and Private Accounts that are eligible to participate in a Joint Account and that elect to

[1] An SEC exemptive order permits Funds advised by Norwest to invest their cash balances in shares of certain affiliated money market series. *See Norwest Funds,* Investment Company Act Release Nos. 20940 (Mar. 6, 1995) (notice) and 20983 (Apr. 3, 1995) (order).

participate in such Account are collectively referred to as ''Participants.''

6. A Participant's decision to use a Joint Account will be based on the same factors as its decision to make any other short-term liquid investment. The sole purpose of the Joint Accounts is to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Participants necessary to manage their respective daily account balances.

7. Norwest would be responsible for investing funds held by the Joint Accounts, establishing accounting and control procedures, and ensuring fair treatment of Participants. Norwest would manage investments in the Joint Accounts in essentially the same manner as if it had invested in such instruments on an individual basis for each Fund or Private Account. A Participant will be able to transfer a portion of its cash balances to more than one Joint Account and a Joint Account would be permitted to invest in more than one Short-Term Investment.

8. Any repurchase agreements entered into through the Joint Account will comply with the terms of Investment Company Act Release No. 13005 (February 2, 1983). Applicants acknowledge that they have a continuing obligation to monitor the SEC's published statements on repurchase agreements, and represent that repurchase agreement transactions will comply with future positions of the SEC to the extent that such positions set forth different or additional requirements regarding repurchase agreements. In the event that the SEC sets forth guidelines with respect to other Short-Term Investments, all such investments made through the Joint Account will comply with those guidelines.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 thereunder prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from participating in any joint enterprise or arrangement in which such investment company is a participant, without an SEC order. The applicants believe that granting the requested order is consistent with the provisions, policies, and purposes of the Act and the Funds would participate in the Joint Account on a basis no different from or less advantageous than that of any other Participant.

2. The Participants, by participating in the proposed Joint Accounts, and Norwest, by managing the proposed Joint Accounts, could be deemed to be ''joint participants'' in a transaction within the meaning of section 17(d) of the Act. In addition, the proposed Joint Accounts could be deemed to be a ''joint enterprise or other joint arrangement'' within the meaning of rule 17d–1.

3. Applicants state that the Participants may earn a higher rate of return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, it is generally possible to negotiate a rate of return on larger Short-Term Investments that is higher than the rate available on smaller Short-Term Investments. The Joint Accounts also may increase the number of dealers and issuers willing to enter into Short-Term Investments with the Participants and may reduce the possibility that their cash balances remain uninvested.

4. Applicants believe that no Participant would be in a less favorable position as a result of the Joint Accounts. Each Participant's investment in a Joint Account would not be subject to the claims of creditors, whether brought in bankruptcy, insolvency, or other legal proceeding, of any other Participant. Each Participant's liability on any Short-Term Investment would be limited to its interest in such investment; no Participant would be jointly liable for the investments of any other Participant.

Applicants state that the Joint Accounts may result in certain administrative efficiencies and a reduction of the potential for errors by reducing the number of trade tickets and cash wires that must be processed by the counterparties to the transactions, the Custodian and Norwest's trading department.

6. Applicants believe that the proposed operation of the Joint Account would not result in any conflicts of interest between any of the Participants and Norwest. When making investments, Norwest would take into account each Participant's investment objective, policies and restrictions, its obligation to fairly allocate investment opportunities among participants, the need for diversification and the time that cash becomes available.

7. The Boards will have determined, prior to participation by any Fund, that the procedures for operating the Joint Accounts are reasonably designed to ensure (i) that the Joint Accounts are not inherently biased in favor of one Participant over another and should eliminate any bias due to size or lack thereof in any transaction; and (ii) that the anticipated benefits to each Participant would be within an acceptable range of fairness.

8. For the reasons set forth above, applicants believe that granting the requested order is consistent with the provisions, policies and purpose of the Act and intention of rule 17d–1.

Applicants' Conditions

Applicants would comply with the following as conditions to any order granted by the SEC:

1. The Joint Accounts would not be distinguishable from any other accounts maintained by Participants at the Custodian except that monies from Participants would be deposited in a Joint Account on a commingled basis. The Joint Accounts would not have a separate existence and would not have indicia of a separate legal entity. The sole function of the Joint Accounts would be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by Norwest of uninvested cash balances.

2. Cash in the Joint Accounts would be invested in one or more of the following, as directed by Norwest: (a) Repurchase agreements ''collateralized fully'' as defined in rule 2a–7 under the Act; (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term money market instruments, including variable rate demand notes and other tax-exempt money market instruments, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (collectively, ''Short-Term Investments''). Short-Term Investments that are repurchase agreements would have a remaining maturity of 60 days or less and other Short-Term Investments would have a remaining maturity of 90 days or less, each as calculated in accordance with rule 2a–7 under the Act.

3. All assets held in the Joint Accounts would be valued on an amortized cost basis to the extent permitted by applicable SEC releases, rules or orders.

4. Each Participant that is a registered investment company valuing its net assets in reliance on rule 2a–7 under the Act would use the average maturity of the instruments in the Joint Account in which such Participant has an interest (determined on a dollar weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Participant to use any part of a balance of a Joint Account credited to another Participant, no Participant will be allowed to create

a negative balance in any Joint Account for any reason, although each Participant will be permitted to draw down its entire balance at any time. Each Participant's decision to invest in a Joint Account would be solely at its option, and no Participant would be obligated to invest in the Joint Account or to maintain any minimum balance in the Joint Account. In addition, each Participant would retain the sole rights of ownership to any of its assets invested in the Joint Account, including interest payable on such assets invested in the Joint Account.

6. Norwest would administer the investment of cash balances in and operation of the Joint Accounts as part of its general duties under its advisory agreements with Participants and would not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Account would be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

8. The Board of Trustees of each Trust (each a ''Board'') would adopt procedures pursuant to which the Joint Accounts would operate, which will be reasonably designed to provide that the requirements of this application will be met. Each Board will make and approve such changes as they deem necessary to ensure that such procedures are followed. In addition, the Board of each Fund would determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the proposed procedures and would permit a Fund to continue to participate therein only if it determines that there is a reasonable likelihood that the Fund and its shareholders would benefit from the Fund's participation.

9. Any Short-Term Investments made through the Joint Accounts would satisfy the investment criteria of all Participants in that investment.

10. Each Participant and the Custodian would maintain records (in conformity with Section 31 of the Act and the rules thereunder) documenting for any given day, the Participant's aggregate investment in a Joint Account and the Participant's pro rata share of each Short-Term Investment made through such Joint Account. Each Participant that is not a registered investment company or registered investment adviser would make available to the Commission, upon request, such books and records with respect to its participation in a Joint Account.

11. Short-Term Investments held in a Joint Account generally would not be sold prior to maturity except if: (a) Norwest believes the investment no longer presents minimal credit risks; (b) the investment no longer satisfies the investment criteria of all Participants in the investment because of a downgrading or otherwise; or (c) in the case of a repurchase agreement, the counterparty defaults. Norwest may, however, sell any Short-Term Investment (or any fractional portion thereof) on behalf of some or all Participants prior to the maturity of the investment if the cost of such transactions will be borne solely by the selling Participants and the transaction would not adversely affect other Participants. In no case would a sale prior to maturity of a Short-Term Investment on behalf of less than all Participants be permitted if it would reduce the principal amount or yield to be received by other Participants in the Short-Term Investment or otherwise adversely affect the other Participants. Each Participant of a Joint Account will be deemed to have consented to such sale and partition of the investments in the Joint Account.

12. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and, for any Participant that is an open-end investment company registered under the Act, will be subject to the restriction that the Fund may not invest more than 10%, in the case of a money market fund, and 15%, in the case of a non-money market fund, (or such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, if Norwest cannot sell the instrument, or the Fund's fractional interest in such instrument, pursuant to the preceding condition.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–14712 Filed 6–10–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37274; File No. SR–PSE–96–08]

Self-Regulatory Organizations; the Pacific Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Amendments to Exchange Constitution Article III, Section 2(c)

June 4, 1996.

I. Introduction

On March 28, 1996, the Pacific Stock Exchange, Inc. (''PSE'' or ''Exchange'') submitted to the Securities and Exchange Commission) ''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Constitution Article II, Section 2(c).

The proposed rule change was published for comment in Securities Exchange Act Release No. 37083 (April 8, 1996), 61 FR 16515 (April 15, 1996). No comments were received on the proposal.

II. Background

Prior to 1973, the Exchange had no rule in place regarding conflicts of interest on the Board of Governors. In 1973, a simplified version of the current rule was added to the PSE Constitution, which read as follows:

> No two or more Governors for a common or overlapping term may be associated either as partners, stockholders or otherwise in the same member firm or in a partnership or corporation which is affiliated with the same member firm.

In 1983, the rule expanded the definition of associates to include officers and directors,[3] and attempted to define more clearly an ''indirect association'' between Governors, by using two specific tests that are set forth in the current rule.[4] The experience of PSE management and the PSE Board of Governors, however, in interpreting and applying the current rule has been that the language is too cumbersome and specific to achieve the intended purpose of eliminating conflicts. The existing rule limits the Exchange's authority to force a governor off the Board only in limited circumstances.

A task force was created to review the current rule and to examine alternatives that might work better to avoid conflicts on both the Board of Governors and the Exchange committees. The task force consisted of nine members as follows: four Governors (including a public governor, a specialist, an options floor broker and an allied member), two options clearing firm officials, the chairman of the Options Floor Trading Committee, the chairman of the Equity Floor Trading Committee, and the chairman of the Ethics and Business Conduct Committee. The task force concluded that the current language was unnecessarily specific, and therefore was too restrictive on the Board's power

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 19406 (Feb. 17, 1983), 48 FR 8385 (Feb. 28, 1983) (order approving File No. SR–PSE–82–16).

[4] See PSE Const., Art. III, Sec. 2(c).

to determine whether a conflict existed. After review, the task force noted that most of the other exchanges used broad and general language,[5] or no language at all, with the understanding that the boards of each exchange follow the spirit of a general policy of avoiding conflicts of interest. The task force approved the proposed rule, which is intended to provide the PSE Board with more flexibility in determining when a conflict exists and with the authority to take appropriate action when such conflicts arise.

III. Description of Proposal

The PSE, accordingly, proposes to amend its rules to authorize the Exchange to remove a governor from the Board, if no resignation is received, in cases where the Board determines that an affiliation or association between Governors of the Board creates a conflict of interest. Moreover, the proposed rule provides that care shall be taken to have the various interests of the membership represented on the Board of Governors.

The PSE states that the proposal is designed to provide the Exchange with the added flexibility and authority necessary to assure that the Board of Governors is comprised of members representative of the public interests while ensuring that an affiliation or association between two or more governors does not create a conflict of interest.

IV. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[6] In particular, the Commission believes the proposal is consistent with the Section 6(b)(1) requirement that the exchange be organized so as to be able to carry out the purposes of the Act. The proposal also is consistent with the Section 6(b)(3) requirement that the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provides that one or more directors must be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer. Lastly, the proposal is consistent with the Section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

The Commission believes that the PSE's proposal to authorize the Exchange to remove a Governor from the Board, if no resignation is received, when, in the opinion of the Board, an affiliation or association between Governors creates a conflict of interest while ensuring that various interests of the membership are represented on the Board is appropriate and will make the PSE's rules consistent with those that are applicable on other exchanges.

The Commission believes that the current rule prevents the Board from resolving conflicts of interest arising among Governors in certain situations in that it limits the Exchange's authority to force a governor off the Board only in limited circumstances. As a result, the Exchange is precluded from addressing various conflicts of interest that arise from an affiliation or association between Governors of the Board that can result in a lack of independence among the Board of Governors. This situation may affect the Board's ability to effectuate proper oversight of the Exchange's business. In this regard, the Commission supports the PSE's proposal which gives the Exchange the authority to remove a governor from the Board when any conflicts of interest arise due to an affiliation or association between Governors of the Board. The Commission notes that the proposal appropriately gives the Exchange the requisite authority to promote and ensure the independence of the Board of Governors, which should result in a more impartial decision making process.

The Commission also believes that a diversified Board, which no single membership group could dominate, would better represent the interests of all of the PSE's constituencies. Towards this end, the PSE proposal appropriately promotes and ensures the diversity of Board representation among the different categories of member firms and the public in that it requires the Exchange to exhibit care to have various interests of the membership represented on the Board of Governors.

Finally, the Commission believes that the PSE proposal promotes a Board of Governors representative of various independent interests that would be more likely to enforce the rules of the Act and of the Exchange.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–PSE–96–08) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–14711 Filed 6–10–96; 8:45 am]

BILLING CODE 8010–01–M

[5] See Amex Const. Art. 3, Para. 9022; CBOE Const. Art. 4, para. 1033.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

STATE JUSTICE INSTITUTE

Sunshine Act Meeting

TIME AND DATE:
Friday, June 14, 1996, 9 a.m.–5 p.m.
Saturday, June 15, 1996, 9 a.m.–1 p.m.

PLACE: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

MATTERS TO BE CONSIDERED: FY 1996 grant requests and internal Institute business.

PORTIONS OPEN TO THE PUBLIC: All matters other than those noted as closed below.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel matters; Board committee meetings.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684–6100.

[FR Doc. 96–14890 Filed 6–7–96; 12:48 pm]

BILLING CODE 6820–SC–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Airport Certification Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss airport certification issues.

DATES: The meeting will be held on June 27, 1996, at 10:00 a.m. Arrange for oral presentations by June 17, 1996.

ADDRESSES: The meeting will be held at the Airports Council International—North American Region, Suite 500, 1775 K Street NW., Washington, DC 20006–1502.

FOR FURTHER INFORMATION CONTACT: Ms. Marisa Mullen, Federal Aviation Administration, Office of Rulemaking

(ARM–205), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9681; fax (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on June 27, 1996, at the Airports Council International—North American Region, Suite 500, 1775 K Street NW., Washington, DC 20006–1502. The agenda will include:

- Committee administration.
- General discussion and clarification of Commuter Airport Certification Working Group tasking.
- General discussion of ARAC procedures as they apply to Issues and Working Group members.
- A discussion of future meeting dates, locations, activities, and plans.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by June 17, 1996, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on June 5, 1996.

Robert E. David,

Assistant Executive Director for Airport Certification Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 96–14763 Filed 6–10–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Department of Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the Release of Non-Public Information.

DATES: Written comments should be received on or before August 12, 1996, to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0081. These submissions may be hand delivered to 1700 G Street, NW., from 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906–7755. Comments over 25 pages in length should be sent to FAX Number (202) 906–6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

Thomas Segal, Litigation Division, Office of Chief Counsel, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Thomas Segal, Litigation Division, Office of Chief Counsel, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7230.

SUPPLEMENTARY INFORMATION:

Title: Release of Non-Public Information.

OMB Number: 1550–0081.

Form Number: Not Applicable.

Abstract: This information collection provides an orderly mechanism for expeditiously processing requests from the public, such as litigants in lawsuits where OTS is not a party, for non-public or confidential information (document and testimony), while preserving OTS' need to maintain confidentiality over the information.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Extension.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 125.

Estimated Time Per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 625 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Dated: June 4, 1996.

Catherine C. M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96–14653 Filed 6–10–96; 8:45 am]

BILLING CODE 6720–01–P

Federal Register

Tuesday
June 11, 1996

Part II

Department of Labor

Pension and Welfare Benefits Administration

29 CFR Part 2509

Interpretive Bulletin 96–1; Participant Investment Education; Final Rule

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2509

RIN 1210–AA50

Interpretive Bulletin 96–1; Participant Investment Education

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Interpretive bulletin.

SUMMARY: This interpretive bulletin sets forth the views of the Department of Labor (the Department) concerning the circumstances under which the provision of investment-related information to participants and beneficiaries in participant-directed individual account pension plans will not constitute the rendering of ''investment advice'' under the Employee Retirement Income Security Act of 1974, as amended (ERISA). This guidance is intended to assist plan sponsors, service providers, participants and beneficiaries in determining when activities designed to educate and assist participants and beneficiaries in making informed investment decisions will not cause persons engaged in such activities to become fiduciaries with respect to a plan by virtue of providing ''investment advice'' to plan participants and beneficiaries for a fee or other compensation.

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Bette J. Briggs or Teresa L. Turyn, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Ave. N.W. Room N–5669, Washington, DC 20210, telephone (202) 219–8671, or Paul D. Mannina, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, DC 20210, telephone (202) 219–4592. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: In order to provide a concise and ready reference to its interpretations of ERISA, the Department publishes its interpretive bulletins in the Rules and Regulations section of the Federal Register. Published in this issue of the Federal Register is ERISA Interpretive Bulletin 96–1, which interprets section 3(21)(A)(ii), 29 U.S.C. 1002(21)(A)(ii), and the Department's regulation issued thereunder at 29 CFR 2510.3–21(c). The Department is publishing this interpretive bulletin because it believes there is a need to clarify the circumstances under which the provision of investment-related information to participants and beneficiaries will not give rise to fiduciary status under ERISA section 3(21)(A)(ii).

(Sec. 505, Pub. L. 93–406, 88 Stat. 894 (29 U.S.C. 1135).)

Background

With the growth of participant-directed individual account pension plans, more employees are directing the investment of their pension plan assets and, thereby, assuming more responsibility for ensuring the adequacy of their retirement income.* At the same time, there has been an increasing concern on the part of the Department, employers and others that many participants may not have a sufficient understanding of investment principles and strategies to make their own informed investment decisions. It has been represented to the Department that, while a number of employers sponsoring participant-directed individual account pension plans have instituted programs intended to educate their employees about investment principles, financial planning and retirement, many employers have not offered programs or offered only limited programs due to uncertainty regarding the extent to which the provision of investment-related information may be considered the rendering of ''investment advice'' under section 3(21)(A)(ii) of ERISA, resulting in fiduciary responsibility and potential liability in connection with participant-directed investments. Although section 404(c) of ERISA, 29 U.S.C. 1104(c), and the Department's regulations, at 29 CFR 2550.404c–1, provide limited relief from liability for fiduciaries of pension plans that permit a participant or beneficiary to exercise control over the assets in his or her individual account, there remains a need for employers and others who provide investment information with respect to pension plan assets to know what standards apply in determining whether an education activity may give rise to fiduciary status.

In view of the important role that investment education can play in assisting participants and beneficiaries in making informed investment and retirement-related decisions and the uncertainty relating to the fiduciary implications of providing investment-related information to participants and beneficiaries, the Department is clarifying, herein, the application of ERISA's definition of the term ''fiduciary with respect to a plan'' in section 3(21)(A)(ii) to the provision of investment-related information to participants and beneficiaries.

Interpretive Bulletin 96–1 identifies categories of information and materials regarding participant-directed individual account pension plans that do not, in the view of the Department, constitute ''investment advice'' under the definition of ''fiduciary'' in ERISA section 3(21)(A)(ii) and the corresponding regulation at 29 CFR 2510.3–21(c)(1). The interpretive bulletin points out, in effect, a series of graduated safe harbors under ERISA for plan sponsors and service providers who provide participants and beneficiaries with four increasingly specific categories of investment information and materials—plan information, general financial and investment information, asset allocation models and interactive investment materials—as described in paragraph (d) of IB 96–1.

Comments on the Interpretive Bulletin

Interpretive Bulletin 96–1 was developed following extensive review of educational materials currently being provided by plan sponsors and service providers to participants. To further ensure that the guidance provided would be helpful, and would promote increased and improved participant education efforts, the Department also released an exposure draft of the interpretive bulletin for public comment. The response to the exposure draft was overwhelmingly positive. Both plan sponsor and service provider representatives unequivocally agreed that the guidance as drafted would strengthen participant investment education, and urged the Department to proceed as expeditiously as possible to adopt the interpretive bulletin. The commenters also suggested various technical and clarifying changes which, as discussed below, have been included in the interpretive bulletin.

Identifying Specific Investment Alternatives in Model Asset Allocations

The most frequent comment on the exposure draft concerned the safe harbor provision in paragraphs (d)(3) (asset allocation models) and (d)(4) (interactive investment materials) that if

* Under section 3(2) of ERISA, 29 U.S.C. 1002(2), the term ''pension plan'' encompasses any plan, fund or program established or maintained by an employer or employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances, it provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond. The Department notes that, for purposes of Title I of ERISA, an employer-sponsored individual retirement account (IRA) is considered to be an individual account pension plan. See 29 CFR 2510.3–2(d).

a model asset allocation identifies or matches any specific investment alternative available under the plan with a generic asset class, then all investment alternatives under the plan with similar risk and return characteristics must be similarly identified or matched. The commenters were concerned that in plans with investment alternatives offered by multiple service providers it would be difficult, and possibly inappropriate, for one service provider to identify and describe a competitor's products.

The requirement to identify other investment alternatives within an asset class was intended to address the concern that a service provider could effectively steer participants to a specific investment alternative by identifying only one particular fund in connection with an asset allocation model. Where it is possible to identify other investment alternatives within an asset class, the Department encourages service providers to do so. In response to the comments, however, safe harbors (d)(3) and (d)(4) have been revised to provide that, where an asset allocation model identifies any specific investment alternative available under the plan, an accompanying statement must indicate that other investment alternatives having similar risk and return characteristics may be available under the plan, and must identify where information on those investment alternatives may be obtained.

The Fiduciary Safe Harbors and Section 404(c)

Several commenters requested clarification of the statement in the exposure draft that issues relating to the circumstances under which information provided to participants and beneficiaries may affect their ability to exercise independent control for purposes of 404(c) are outside the scope of the IB. The commenters were concerned that activities which come within one of the safe harbors for participant education may nevertheless be viewed by the Department as compromising a participant's or beneficiary's ability to exercise independent control under section 404(c).

Whether a participant or beneficiary has exercised independent control over the assets in his or her individual account pursuant to section 404(c) is necessarily a factual inquiry. In general, however, the types of educational programs described in the safe harbors do not, in the view of the Department, raise issues under section 404(c). Accordingly, footnote 2 of IB 96–1 makes clear that the provision of investment-related information and materials to participants and beneficiaries in accordance with paragraph (d) of the IB will not, in and of itself, affect the availability of relief from the fiduciary responsibility provisions of ERISA that is provided by section 404(c).

Applying Asset Allocations to Individual Participants and Beneficiaries

A number of commenters asked the Department to clarify the requirement to provide a statement that individual participants and beneficiaries should consider their other assets, income or investments (outside of the plan) when applying an asset allocation model or using interactive investment materials. The commenters pointed out that, in many instances, interactive models or materials already take into account an individual's other assets. Accordingly, they requested clarification that such models or materials come within the safe harbor in paragraph (d)(4). Commenters were also concerned that given the rationale for the safe harbor in paragraph (d)(4)—*i.e.* that interactive investment models or materials enable participants and beneficiaries independently to design and assess multiple asset allocation models—the Department may have intended to exclude from the safe harbors situations in which service providers assist individual participants or beneficiaries to develop possible asset allocation models based upon their personal financial information.

The provisions of the safe harbors are designed to ensure that participants and beneficiaries will have adequate information to enable them to make their own, informed asset allocation decisions. The Department has clarified that the safe harbor in paragraph (d)(4) for interactive investment materials would not be unavailable merely because the asset allocation models generated by the materials take into account a participant's or beneficiary's non-plan assets, income and investments. Nor does the Department consider that the safe harbor would be unavailable merely because participants and beneficiaries receive personal assistance in developing model asset allocations. In this regard, paragraph (d) of the IB states that providing the categories of information identified in paragraph (d) will not in and of itself constitute the rendering of ''investment advice'' irrespective of the form in which the materials are provided (*e.g.*, whether on an individual or group basis, in writing or orally, or via video or computer software). The interpretive bulletin also makes clear that information and materials within each category may be furnished alone or combined with information and materials from other categories. For example, general financial and investment information on estimating future retirement income needs, determining investment time horizons and assessing risk tolerance, as described in paragraph (d)(2), may be combined with interactive investment materials described in paragraph (d)(4) in order to assist participants and beneficiaries to relate basic retirement planning concepts to their individual situations.

Generally Accepted Investment Theories

Several commenters requested clarification of the requirement that asset allocation models and interactive investment materials must be based on ''generally accepted investment theories that take into account the historic returns of different asset classes (*e.g.*, equities, bonds, or cash) over defined periods of time.'' The Department included this requirement to assure that, for purposes of the safe harbors, any models or materials presented to participants or beneficiaries will be consistent with widely accepted principles of modern portfolio theory, recognizing the relationship between risk and return, the historic returns of different asset classes, and the importance of diversification.

Plan Sponsor or Fiduciary Endorsements of Service Providers

The commenters also requested clarification regarding the circumstances in which a plan sponsor or fiduciary may be viewed as having fiduciary responsibility by virtue of endorsing a third party who has been selected by a participant or beneficiary to provide participant education or investment advice. Commenters noted, for example, that a plan sponsor may wish merely to provide office space or make computer terminals available for use by a service provider that has been selected by a participant or beneficiary to provide investment education using interactive materials. Whether a plan sponsor or fiduciary has effectively endorsed or made an arrangement with a particular service provider is an inherently factual inquiry which depends upon all the relevant facts and circumstances. It is the Department's view, however, that a uniformly applied policy of providing office space or computer terminals for use by participants or beneficiaries who have independently selected a service provider to provide investment

education would not, in and of itself, constitute an endorsement of or arrangement with the service provider for purposes of the IB.

Participation Rates, Contribution Levels and Preretirement Withdrawals

With the objective of distinguishing between investment education and investment advice, IB 96–1 focuses primarily on educational activities relating to investment decision-making. However, as suggested in a recent study by the Employee Benefits Research Institute (EBRI), which was commissioned by the Department of Labor, plan participants also need to be informed about the impact on retirement savings of preretirement withdrawals and other fundamental principles regarding plan participation and contribution levels. According to the EBRI study, the impact of preretirement withdrawals on retirement income is one of the least often provided topics and could have serious consequences for the adequacy of employees' retirement income. The Department, therefore, encourages educational service providers to emphasize that participants should: (1) participate in available plans as soon as they are eligible; (2) make the maximum contribution possible to the plan; and(3) if they change employment, refrain from withdrawing their retirement savings, and opt instead to directly transfer or roll over their plan account into an IRA or other retirement vehicle. Such information relating to plan participation is specifically encompassed within the safe harbor in paragraph (d)(1) of IB 96–1.

Application of the Investment Advisers Act of 1940

Employer sponsors of participant-directed individual account pension plans that provide investment-related information to employees who are participants in those plans have also raised questions regarding their status under the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 *et seq.,* (''Advisers Act''). In this regard, the staff of the Division of Investment Management of the Securities and Exchange Commission (SEC) has advised the Department of Labor that, generally, employers who provide their employees with investment information including, but not limited to, the type described in paragraph (d) of IB 96–1 would not be subject to registration or regulation under the Advisers Act. This position applies only to employers who provide such information, and not to third-party service providers, whose status under the Adviser's Act must be determined independently. See Letters from Jack W. Murphy, Associate Director (Chief Counsel), Division of Investment Management, SEC, to Olena Berg, Assistant Secretary, Pension and Welfare Benefit Administration, U.S. Department of Labor, dated February 22, 1996, and December 5, 1995. Persons who have questions regarding this issue are directed to contact the Office of the Chief Counsel, Division of Investment Management, at (202) 942–0660. This is not a toll free number.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Department must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in, among other things, a rule raising novel policy issues arising out of the President's priorities.

Pursuant to the terms of the Executive Order, the Department has determined that this regulatory action is a ''significant regulatory action'' as that term is used a Executive Order 12866 because the action would raise novel policy issues arising out of the President's priorities. Thus, the Department believes this notice is ''significant,'' and subject to OMB review on that basis. OMB has reviewed this rule.

Paperwork Reduction Act

The regulation being issued here is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) because it does not contain an ''information collection request'' as defined in 44 U.S.C. 3502 (4).

Small Business Regulatory Enforcement Fairness Act

The regulation being issued here is subject to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et. seq.) and has been transmitted to Congress and the Comptroller General for review.

List of Subjects in 29 CFR Part 2509

Employee benefits plans, Pensions.

For the reasons set forth above, Part 2509 of Title 29 of The Code of Federal Regulations is amended as follows:

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

1. The authority citation for Part 2509 continues to read as follows:

Authority: 29 U.S.C. 1135. Section 2509.75–1 is also issued under 29 U.S.C. 1114. Sections 2509.75–10 and 2509.75–2 are also issued under 29 U.S.C. 1052, 1053, 1054. Secretary of Labor's Order No. 1–87 (52 FR 13139).

2. Part 2509 is amended by adding new § 2509.96–1 to read as follows:

§ 2509.96–1 Interpretive Bulletin Relating to Participant Investment Education.

(a) *Scope.* This interpretive bulletin sets forth the Department of Labor's interpretation of section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), and 29 CFR 2510.3–21(c) as applied to the provision of investment-related educational information to participants and beneficiaries in participant-directed individual account pension plans (*i.e.*, pension plans that permit participants and beneficiaries to direct the investment of assets in their individual accounts, including plans that meet the requirements of the Department's regulations at 29 CFR 2550.404c–1).

(b) *General.* Fiduciaries of an employee benefit plan are charged with carrying out their duties prudently and solely in the interest of participants and beneficiaries of the plan, and are subject to personal liability to, among other things, make good any losses to the plan resulting from a breach of their fiduciary duties. ERISA sections 403, 404 and 409, 29 U.S.C. 1103, 1104, and 1109. Section 404(c) of ERISA provides a limited exception to these rules for a pension plan that permits a participant or beneficiary to exercise control over the assets in his or her individual account. The Department of Labor's regulation, at 29 CFR 2550.404c–1, describes the kinds of plans to which section 404(c) applies, the circumstances under which a participant or beneficiary will be considered to have exercised independent control over the assets in his or her account, and the consequences of a participant's or beneficiary's exercise of such control.[1]

With both an increase in the number of participant-directed individual account plans and the number of investment options available to participants and beneficiaries under such plans, there has been an increasing recognition of the importance of providing participants and beneficiaries,

[1] The section 404(c) regulation conditions relief from fiduciary liability on, among other things, the participant or beneficiary being provided or having the opportunity to obtain sufficient investment information regarding the investment alternatives available under the plan in order to make informed investment decisions. Compliance with this condition, however, does not require that participants and beneficiaries be offered or provided either investment advice or investment education, *e.g.* regarding general investment principles and strategies, to assist them in making investment decisions. 29 CFR 2550.404c–1(c)(4).

whose investment decisions will directly affect their income at retirement, with information designed to assist them in making investment and retirement-related decisions appropriate to their particular situations. Concerns have been raised, however, that the provision of such information may in some situations be viewed as rendering ''investment advice for a fee or other compensation,'' within the meaning of ERISA section 3(21)(A)(ii), thereby giving rise to fiduciary status and potential liability under ERISA for investment decisions of plan participants and beneficiaries.

In response to these concerns, the Department of Labor is clarifying herein the applicability of ERISA section 3(21)(A)(ii) and 29 CFR 2510.3–21(c) to the provision of investment-related educational information to participants and beneficiaries in participant directed individual account plans.[2] In providing this clarification, the Department does not address the ''fee or other compensation, direct or indirect,'' which is a necessary element of fiduciary status under ERISA section 3(21)(A)(ii).[3]

(c) *Investment Advice.* Under ERISA section 3(21)(A)(ii), a person is considered a fiduciary with respect to an employee benefit plan to the extent that person ''renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority to do so * * *.'' The Department issued a regulation, at 29 CFR 2510.3–21(c), describing the circumstances under which a person will be considered to be rendering ''investment advice'' within the meaning of section 3(21)(A)(ii). Because section 3(21)(A)(ii) applies to advice with respect to ''any moneys or other property'' of a plan and 29 CFR 2510.3–21(c) is intended to clarify the application of that section, it is the view of the Department of Labor that the criteria set forth in the regulation apply to determine whether a person renders ''investment advice'' to a pension plan participant or beneficiary who is permitted to direct the investment of assets in his or her individual account.

Applying 29 CFR 2510.3–21(c) in the context of providing investment-related information to participants and beneficiaries of participant-directed individual account pension plans, a person will be considered to be rendering ''investment advice,'' within the meaning of ERISA section 3(21)(A)(ii), to a participant or beneficiary only if: (i) the person renders advice to the participant or beneficiary as to the value of securities or other property, or makes recommendations as to the advisability of investing in, purchasing, or selling securities or other property (2510.3–21(c)(1)(i); and (ii) the person, either directly or indirectly, (A) has discretionary authority or control with respect to purchasing or selling securities or other property for the participant or beneficiary (2510.3–21(c)(1)(ii)(A)), or (B) renders the advice on a regular basis to the participant or beneficiary, pursuant to a mutual agreement, arrangement or understanding (written or otherwise) with the participant or beneficiary that the advice will serve as a primary basis for the participant's or beneficiary's investment decisions with respect to plan assets and that such person will render individualized advice based on the particular needs of the participant or beneficiary (2510.3–21(c)(1)(ii)(B)).[4]

Whether the provision of particular investment-related information or materials to a participant or beneficiary constitutes the rendering of ''investment advice,'' within the meaning of 29 CFR 2510.3–21(c)(1), generally can be determined only by reference to the facts and circumstances of the particular case with respect to the individual plan participant or beneficiary. To facilitate such determinations, however, the Department of Labor has identified, in paragraph (d), below, examples of investment-related information and materials which if provided to plan participants and beneficiaries would not, in the view of the Department, result in the rendering of ''investment advice'' under ERISA section 3(21)(A)(ii) and 29 CFR 2510.3–21(c).

(d) *Investment Education.* For purposes of ERISA section 3(21)(A)(ii) and 29 CFR 2510.3–21(c), the Department of Labor has determined that the furnishing of the following categories of information and materials to a participant or beneficiary in a participant-directed individual account pension plan will not constitute the rendering of ''investment advice,'' irrespective of who provides the information (*e.g.*, plan sponsor, fiduciary or service provider), the frequency with which the information is shared, the form in which the information and materials are provided (*e.g.*, on an individual or group basis, in writing or orally, or via video or computer software), or whether an identified category of information and materials is furnished alone or in combination with other identified categories of information and materials.

(1) *Plan Information.* (i) Information and materials that inform a participant or beneficiary about the benefits of plan participation, the benefits of increasing plan contributions, the impact of preretirement withdrawals on retirement income, the terms of the plan, or the operation of the plan; or

(ii) information such as that described in 29 CFR 2550.404c-1(b)(2)(i) on investment alternatives under the plan (*e.g.*, descriptions of investment objectives and philosophies, risk and return characteristics, historical return information, or related prospectuses).[5]

The information and materials described above relate to the plan and plan participation, without reference to the appropriateness of any individual investment option for a particular participant or beneficiary under the plan. The information, therefore, does not contain either ''advice'' or ''recommendations'' within the meaning of 29 CFR 2510.3–21(c)(1)(i). Accordingly, the furnishing of such information would not constitute the rendering of ''investment advice'' for purposes of section 3(21)(A)(ii) of ERISA.

(2) *General Financial and Investment Information.* Information and materials that inform a participant or beneficiary about: (i) General financial and investment concepts, such as risk and return, diversification, dollar cost averaging, compounded return, and tax deferred investment; (ii) historic differences in rates of return between different asset classes (*e.g.*, equities, bonds, or cash) based on standard market indices; (iii) effects of inflation; (iv) estimating future retirement income needs; (v) determining investment time horizons; and (vi) assessing risk tolerance.

The information and materials described above are general financial and investment information that have no direct relationship to investment alternatives available to participants and beneficiaries under a plan or to individual participants or beneficiaries. The furnishing of such information, therefore, would not constitute rendering ''advice'' or making ''recommendations'' to a participant or beneficiary within the meaning of 29 CFR 2510.3–21(c)(1)(i). Accordingly, the furnishing of such information would not constitute the rendering of ''investment advice'' for purposes of section 3(21)(A)(ii) of ERISA.

(3) *Asset Allocation Models.* Information and materials (*e.g.*, pie charts, graphs, or case studies) that provide a participant or beneficiary with models, available to all plan participants and beneficiaries, of asset allocation portfolios of hypothetical individuals with different time horizons and risk profiles, where: (i) Such models are based on generally accepted investments theories that take into account the historic returns of different asset classes (*e.g.*, equities, bonds, or cash) over define periods of time; (ii) all material facts and assumptions on which such models are based (*e.g.*, retirement ages, life expectancies, income levels, financial resources, replacement income ratios, inflation rates, and rates of return) accompany the models; (iii) to the extent that an asset allocation model identifies any specific investment alternative available under the plan, the

[2] Issues relating to the circumstances under which information provided to participants and beneficiaries may affect a participant's or beneficiary's ability to exercise independent control over the assets in his or her account for purposes of relief from fiduciary liability under ERISA section 404(c) are beyond the scope of this interpretive bulletin. Accordingly, no inferences should be drawn regarding such issues. See 29 CFR 2550.404c–1(c)(2). It is the view of the Department, however, that the provision of investment-related information and material to participants and beneficiaries in accordance with paragraph (d) of this interpretive bulletin will not, in and of itself, affect the availability of relief under section 404(c).

[3] The Department has expressed the view that, for purposes of section 3(21)(A)(ii), such fees or other compensation need not come from the plan and should be deemed to include all fees or other compensation incident to the transaction in which the investment advise has been or will be rendered. See A.O. 83–60A (Nov. 21, 1983); *Reich* v. *McManus*, 883 F. Supp. 1144 (N.D. Ill. 1995).

[4] This IB does not address the application of 29 CFR 2510.3–21(c) to communications with fiduciaries of participant-directed individual account pension plan plans.

[5] Descriptions of investment alternatives under the plan may include information relating to the generic asset class (*e,g,*, equities, bonds, or cash) of the investment alternatives. 29 CFR 2550.404c-1(b)(2)(i)(B)(*1*) (*ii*).

model is accompanied by a statement indicating that other investment alternatives having similar risk and return characteristics may be available under the plan and identifying where information on those investment alternatives may be obtained; and (iv) the asset allocation models are accompanied by a statement indicating that, in applying particular asset allocation models to their individual situations, participants or beneficiaries should consider their other assets, income, and investments (*e.g.*, equity in a home, IRA investments, savings accounts, and interests in other qualified and non-qualified plans) in addition to their interests in the plan.

Because the information and materials described above would enable a participant or beneficiary to assess the relevance of an asset allocation model to his or her individual situation, the furnishing of such information would not constitute a ''recommendation'' within the meaning of 29 CFR 2510.3–21(c)(1)(i) and, accordingly, would not constitute ''investment advice'' for purposes of section 3(21)(A)(ii) of ERISA. This result would not, in the view of the Department, be affected by the fact that a plan offers only one investment alternative in a particular asset class identified in an asset allocation model.

(4) *Interactive Investment Materials.* Questionnaires, worksheets, software, and similar materials which provide a participant or beneficiary the means to estimate future retirement income needs and assess the impact of different asset allocations on retirement income, where: (i) Such materials are based on generally accepted investment theories that take into account the historic returns of different asset classes (*e.g.*, equities, bonds, or cash) over defined periods of time; (ii) there is an objective correlation between the asset allocations generated by the materials and the information and data supplied by the participant or beneficiary; (iii) all material facts and assumptions (*e.g.*, retirement ages, life expectancies, income levels, financial resources, replacement income ratios, inflation rates, and rates of return) which may affect a participant's or beneficiary's assessment of the different asset allocations accompany the materials or are specified by the participant or beneficiary; (iv) to the extent that an asset allocation generated by the materials identifies any specific investment alternative available under the plan, the asset allocation is accompanied by a statement indicating that other investment alternatives having similar risk and return characteristics may be available under the plan and identifying where information on those investment alternatives may be obtained; and (v) the materials either take into account or are accompanied by a statement indicating that, in applying particular asset allocations to their individual situations, participants or beneficiaries should consider their other assets, income, and investments (*e.g.*, equity in a home, IRA investments, savings accounts, and interests in other qualified and non-qualified plans) in addition to their interests in the plan.

The information provided through the use of the above-described materials enables participants and beneficiaries independently to design and assess multiple asset allocation models, but otherwise these materials do not differ from asset allocation models based on hypothetical assumptions. Such information would not constitute a ''recommendation'' within the meaning of 29 CFR 2510.3–21(c)(1)(i) and , accordingly, would not constitute ''investment advice'' for purposes of section 3(21)(A)(ii) of ERISA.

The Department notes that the information and materials described in subparagraphs (1)–(4) above merely represent examples of the type of information and materials which may be furnished to participants and beneficiaries without such information and materials constituting ''investment advice.'' In this regard, the Department recognizes that there may be many other examples of information, materials, and educational services which, if furnished to participants and beneficiaries, would not constitute ''investment advice.'' Accordingly, no inferences should be drawn from subparagraphs (1)–(4), above, with respect to whether the furnishing of any information, materials or educational services not described therein may constitute ''investment advice.'' Determinations as to whether the provision of any information, materials or educational services not described herein constitutes the rendering of ''investment advice'' must be made by reference to the criteria set forth in 29 CFR 2510. 3–21(c)(1).

(e) *Selection and Monitoring of Educators and Advisors.* As with any designation of a service provider to a plan, the designation of a person(s) to provide investment educational services or investment advice to plan participants and beneficiaries is an exercise of discretionary authority or control with respect to management of the plan; therefore, persons making the designation must act prudently and solely in the interest of the plan participants and beneficiaries, both in making the designation(s) and in continuing such designation(s). See ERISA sections 3(21)(A)(i) and 404(a), 29 U.S.C. 1002 (21)(A)(i) and 1104(a). In addition, the designation of an investment advisor to serve as a fiduciary may give rise to co-fiduciary liability if the person making and continuing such designation in doing so fails to act prudently and solely in the interest of plan participants and beneficiaries; or knowingly participates in, conceals or fails to make reasonable efforts to correct a known breach by the investment advisor. See ERISA section 405(a), 29 U.S.C. 1105(a). The Department notes, however, that, in the context of an ERISA section 404(c) plan, neither the designation of a person to provide education nor the designation of a fiduciary to provide investment advice to participants and beneficiaries would, in itself, give rise to fiduciary liability for loss, or with respect to any breach of part 4 of title I of ERISA, that is the direct and necessary result of a participant's or beneficiary's exercise of independent control. 29 CFR 2550.404c–1(d). The Department also notes that a plan sponsor or fiduciary would have no fiduciary responsibility or liability with respect to the actions of a third party selected by a participant or beneficiary to provide education or investment advice where the plan sponsor or fiduciary neither selects nor endorses the educator or advisor, nor otherwise makes arrangements with the educator or advisor to provide such services.

Signed at Washington, DC, this 30th day of May, 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare, Benefits Administration, U.S. Department of Labor.

[FR Doc. 96–14093 Filed 6–10–96; 8:45 am]

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Federal Register

Tuesday
June 11, 1996

Part III

Department of Housing and Urban Development

12 CFR Part 1270
Risk-Based Capital; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

12 CFR Part 1270

RIN 2550–AA02

Office of Federal Housing Enterprise Oversight; Risk-Based Capital

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Title XIII of the Housing and Community Development Act of 1992, known as the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (1992 Act), requires the Office of Federal Housing Enterprise Oversight (OFHEO) to develop a risk-based capital regulation for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises). The regulation will specify a risk-based capital stress test (stress test) that, when applied to the Enterprises, determines the amount of capital that an Enterprise must hold to maintain positive capital throughout a 10-year period of economic stress. On February 8, 1995, OFHEO published an Advance Notice of Proposed Rulemaking (ANPR), which solicited public comment on a variety of issues concerning the development of the risk-based capital regulation. In light of the complex issues and decisions that OFHEO must address prior to issuing proposed risk-based capital standards and the challenge of developing the risk-based capital stress test, OFHEO has decided to issue the proposed risk-based capital regulation in two parts.

This first Notice of Proposed Rulemaking (NPR) addresses two key components of the stress test. The first is OFHEO's proposal of the procedures for establishing the ''benchmark loss experience,'' which is the basis for determining the extent of Enterprise credit losses during the stress test. This NPR describes the methodology and rationale OFHEO used to identify the proposed benchmark loss experience, responds to relevant ANPR comments, and describes how the benchmark loss experience will influence the risk-based capital stress test. In this NPR, OFHEO also proposes to use its House Price Index (HPI) in the stress test to estimate changes over time in the values of single-family properties securing Enterprise mortgages.

A second NPR will: specify the timing and content of risk-based capital reports to be submitted by the Enterprises; specify all of the remaining aspects of the risk-based capital stress test; and describe how the stress test will be used to determine the Enterprises' risk-based capital requirements.

DATES: Comments regarding this NPR must be received in writing on or before September 9, 1996.

ADDRESSES: Send written comments to Anne E. Dewey, General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: David J. Pearl, Director, Office of Research, Analysis and Capital Standards; or Gary L. Norton, Deputy General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414–3800 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Supplementary Information is organized according to this table of contents:

Background

Title XIII of the Housing and Community Development Act of 1992, Pub. L. No. 102–550, known as the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, established OFHEO. OFHEO is an independent office within the Department of Housing and Urban Development (HUD) with responsibility for ensuring that Fannie Mae and Freddie Mac are adequately capitalized and operating in a safe and sound manner. Included among the express statutory authorities of the Director of OFHEO (Director) is the authority to issue regulations establishing minimum and risk-based capital standards.[1]

Fannie Mae and Freddie Mac are Government-sponsored enterprises with important public purposes.[2] These include providing liquidity to the residential mortgage market and increasing the availability of mortgage credit benefiting low-and moderate-income families and areas that are underserved by lending institutions. The Enterprises engage in two principal businesses: Investing in residential mortgages and guaranteeing residential mortgage securities. The securities they guarantee and the debt instruments they issue are not backed by the full faith and credit of the United States.[3] However, financial market participants perceive that the United States Government would not permit the Enterprises to fail. This perception principally arises from the public purposes of the Enterprises, their Congressional charters, their potential direct access to Treasury funds, and the statutory exemptions of their debt and mortgage-backed securities from otherwise mandatory investor protection provisions.[4]

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[1] 1992 Act, section 1313(b)(1) (12 U.S.C. 4513(b)(1)).

[2] *See* 1992 Act, sections 1331–38 (12 U.S.C. 4561–67, 4562 note).

[3] *See* section 306(h)(2), Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(h)(2)), and section 304(b), Federal National Mortgage Association Charter Act (12 U.S.C. 1719(b)).

[4] *See, e.g.*, 12 U.S.C. 24 (seventh) (authorizing unlimited investment by national banks in obligations of or issued by the Enterprises); 12 U.S.C. 1455(g), 1719(d), 1723c (exempting securities

Furthermore, the insolvency of either of the Enterprises would have serious consequences for the nation's housing markets and financial system.

OFHEO was created as the safety and soundness regulator of the Enterprises to reduce the risk of their failure. OFHEO's principal responsibilities include conducting examinations and establishing and enforcing compliance with capital standards. At least quarterly, OFHEO ascertains the amount of capital maintained by each Enterprise, computes its capital requirements, and determines its capital classification.[5]

Capital provides a cushion to absorb financial losses resulting from adverse economic conditions and other problems at the Enterprises. The 1992 Act prescribes that to be classified as adequately capitalized, an Enterprise must meet both a minimum capital standard and a risk-based capital standard.

Section 1362 of the 1992 Act prescribes the minimum capital standard for the Enterprises.[6] The minimum capital requirements are computed from ratios that are applied to the assets and specific categories of off-balance sheet obligations of the Enterprises. The minimum capital requirement for an Enterprise represents an amount of capital needed to provide protection against risk in general. The minimum capital standard is not designed to address specific credit risk exposures or exposure to interest rate risk. It does not represent the amount needed by an Enterprise to operate safely and soundly under all circumstances.

OFHEO published a proposed rule regarding minimum capital on June 8, 1995. Until 1 year after the effective date of a final rule on risk-based capital, an Enterprise need only meet the minimum capital standard in order to be classified as adequately capitalized.

Statutory Requirements for Risk-Based Capital

In contrast to the minimum capital requirement, the risk-based capital standard required by the 1992 Act addresses specific risk exposures. This standard determines the amount of capital necessary for an Enterprise to withstand adverse credit conditions and large interest rate movements simultaneously during a 10-year period, plus an additional amount to cover management and operations risk.[7] This 10-year period is referred to as the ''stress period.'' The level of capital required under this standard for an Enterprise will reflect that Enterprise's specific risk profile.[8] This NPR proposes two key components of the risk-based capital regulation.

Credit Losses in the Stress Test

The 1992 Act requires that the stress test subject each Enterprise to very large credit losses on mortgages it owns or guarantees. The frequency and severity of those losses must be reasonably related to the highest rate of default and severity of mortgage losses experienced during a period of at least 2 consecutive years in contiguous areas of the United States that together contain at least 5 percent of the total U.S. population.[9] This provision requires OFHEO to identify a ''benchmark loss experience,'' which is the default and severity behavior of mortgage loans, in a place and time meeting statutory requirements, that resulted in the highest loss rate for any such place and time.[10] In this context, default and severity behavior means the frequency, timing, and severity of losses on mortgage loans, given the specific characteristics of those loans and the economic circumstances affecting those losses.

Interest Rates in the Stress Test

The 1992 Act prescribes two interest rate risk scenarios, one with rates falling and the other with rates rising.[11] The 1992 Act further describes the path of the 10-year constant maturity Treasury (CMT) yield for each scenario, and directs OFHEO to establish the yields on Treasury instruments of other maturities in a manner reasonably related to historical experience.

In the falling rate scenario, the 10-year CMT yield decreases during the first year of the stress period, and then remains constant at the lesser of: (a) 600 basis points below the average yield during the 9 months preceding the stress period or (b) 60 percent of the average yield during the 3 years preceding the stress period. The 1992 Act further limits the decrease in yield to a yield no less than 50 percent of the average yield in the 9 months preceding the stress period.[12]

In the rising rate scenario, the 10-year CMT yield increases during the first year of the stress period, and then remains constant at the greater of: (a) 600 basis points above the average yield during the 9 months preceding the stress period or (b) 160 percent of the average yield during the 3 years preceding the stress period. The 1992 Act further limits the increase in yield to a yield no more than 175 percent of the average yield over the 9 months preceding the stress period.[13] The 1992 Act recognizes that interest rates can affect credit risk, specifically requiring that credit losses be adjusted for a correspondingly higher rate of general price inflation if application of the stress test assumes an increase of more than 50 percent in the 10-year CMT yield.[14]

New Business, Other Activities, and Considerations

The 1992 Act requires an assumption that the Enterprises conduct no new business within the stress period, except to fulfill contractual commitments to purchase mortgages or issue securities. The 1992 Act states that OFHEO may, 4 years after the final risk-based capital regulation is issued, incorporate assumptions about additional new business conducted during the stress

from oversight from federal regulators); 15 U.S.C. 77r–1(a) (preempting state law that would treat Enterprise securities differently from obligations of the United States for investment purposes); 15 U.S.C. 77r–1(c) (exempting Enterprise securities from state blue sky laws).

[5] Section 1364 of the 1992 Act (12 U.S.C. 4614) requires the Director of OFHEO to determine the capital classification of each Enterprise not less than quarterly.

[6] 12 U.S.C. 4612.

[7] 1992 Act, section 1361 (12 U.S.C. 4611).

[8] For purposes of the risk-based capital standard, the term ''capital'' means ''total capital'' as defined under section 1303(18) of the 1992 Act (12 U.S.C. 4502(18)) to mean the sum of the following:

(A) The core capital of the enterprise;

(B) A general allowance for foreclosure losses, which—

(i) shall include an allowance for portfolio mortgage losses, an allowance for nonreimbursable foreclosure costs on government claims, and an allowance for liabilities reflected on the balance sheet for the enterprise for estimated foreclosure losses on mortgage-backed securities; and

(ii) shall not include any reserves of the enterprise made or held against specific assets.

(C) Any other amounts from sources of funds available to absorb losses incurred by the enterprise, that the Director by regulation determines are appropriate to include in determining total capital. The term ''core capital'' is defined under section 1303(4) of the 1992 Act (12 U.S.C. 4502(4)) to mean the sum of the following (as determined in accordance with generally accepted accounting principles):

(A) The par or stated value of outstanding common stock.

(B) The par or stated value of outstanding perpetual, noncumulative preferred stock.

(C) Paid-in capital.

(D) Retained earnings.

The core capital of an enterprise shall not include any amounts that the enterprise could be required to pay, at the option of investors, to retire capital instruments.

[9] 1992 Act, section 1361(a)(1) (12 U.S.C. 4611(a)(1)).

[10] In this document, the word ''benchmark,'' when used as an adjective, refers to the benchmark loss experience.

[11] Section 1361(a)(2) (12 U.S.C. 4611(a)(2)).

[12] Section 1361(a)(2)(B) (12 U.S.C. 4611(a)(2)(B)).

[13] Section 1361(a)(2)(C) (12 U.S.C. 4611(a)(2)(C)).

[14] Section 1361(a)(2)(E) (12 U.S.C. 4611(a)(2)(E)).

period.[15] In doing so, OFHEO must take into consideration the results of studies conducted by the Congressional Budget Office and the Comptroller General of the United States on the advisability and appropriate forms of new business assumptions. The 1992 Act requires that the studies be completed within the first year after issuance of the regulation.

The stress test must take into account distinctions among mortgage product types and current loan-to-value (LTV) ratios, and may take into account any other factors that the Director deems appropriate. The 1992 Act does not require a specific adjustment for any of these factors, allowing the Director to determine how best to account for them. Likewise, the 1992 Act requires the Director to determine losses and gains on Enterprise activities not specifically addressed, and all other characteristics of the stress period not explicitly defined in the 1992 Act, on the basis of available information, in a manner consistent with the stress period.[16] These stress period characteristics could include, among others, mortgage prepayment rates and Enterprise funding policies, operating expenses, and dividend policies.

Management and Operations Risk

To supplement the amount of capital that would permit an Enterprise to meet the requirements of the stress test, each Enterprise must maintain an additional 30 percent of this amount to protect against management and operations risk.[17]

Regulation Development

General Approach

The mission of OFHEO is to protect the taxpayer by ensuring that the Enterprises are adequately capitalized and operating in a safe and sound manner. The principal objective of the risk-based capital standard is to reduce the risk of Enterprise insolvency. However, effective capital standards should promote prudent business practices and strategies and the maintenance of the financial health necessary to fulfill the Enterprises' public purposes. Although the stress test produces a single capital requirement, it effectively creates marginal capital requirements—incremental requirements for each additional dollar of business—for every type of product the Enterprises guarantee or hold in portfolio. Marginal capital requirements for mortgages held in portfolio will vary depending on the risk, as reflected in the stress test, of an Enterprise's funding strategy. These marginal capital requirements will have significant bearing on how the Enterprises choose to conduct their businesses.

OFHEO will seek to design the stress test so that the incentives it creates closely reflect the relative risks inherent in the Enterprises' different activities. To this end, OFHEO will incorporate, to the extent feasible, consistent relationships between the economic environment of the stress period and the Enterprises' businesses. Doing so will require modeling the Enterprises' assets, liabilities, and off-balance sheet positions at a sufficient level of detail to capture important risk characteristics.

However, as the level of detail of a stress test increases, so does its complexity, together with the time and other resources required to develop it. There are also practical limits to the number of variables that can be modeled from existing data. OFHEO, therefore, seeks to establish a level of complexity and realism in the stress test that appropriately weighs the associated benefits and costs.

OFHEO's stress test is composed of a number of components, some that correspond to subjects specifically cited in the 1992 Act and others that represent the infrastructure that makes the stress test operational. Figure 1 illustrates these components and their interrelationships. The infrastructure components—database, cashflows, and financial reports—are shaded gray. The unshaded components implement the specific requirements of the 1992 Act, as well as the many other aspects of the stress test that the 1992 Act either requires or permits OFHEO to determine.

Each of the components of the stress test involves one or more projects of varying complexity, resource intensity and expected duration. The diagram highlights in bold the completed components of the stress test that OFHEO proposes and describes in this NPR—the benchmark loss experience and a house price index.

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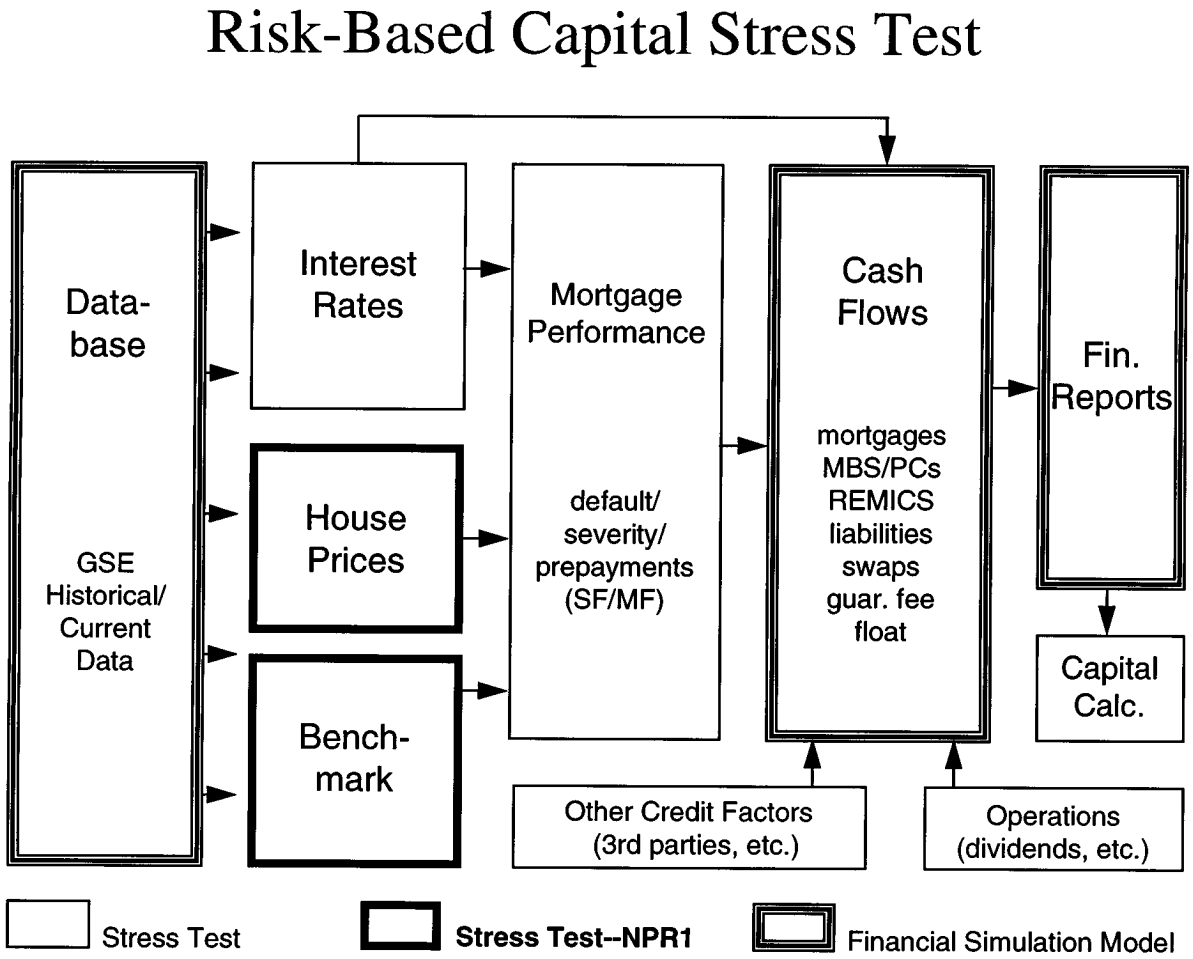
[15] Section 1361(a)(3)(C) and (D) (12 U.S.C. 4611(a)(3)(C) and (D)).

[16] Sections 1361(b) and (d)(2) (12 U.S.C. 4611(b) and (d)(2)).

[17] 1992 Act, section 1361(c)(2) (12 U.S.C. 4611(c)(2)).

Figure 1



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Advance Notice of Proposed Rulemaking

On February 8, 1995, OFHEO published an ANPR[18] as its first step in developing the risk-based capital regulation. The ANPR announced OFHEO's intention to develop and publish a risk-based capital regulation and solicited public comment on a variety of issues relating to that regulation.

The comment period for the ANPR ended on May 9, 1995, and was extended through June 8, 1995.[19] OFHEO received 15 comments on the ANPR from a variety of interested parties. Commenters included two Executive Branch Departments (Department of Housing and Urban Development and Department of Veterans Affairs), one financial institution regulatory agency (Office of Thrift Supervision), the Enterprises (Fannie Mae and Freddie Mac), four trade groups (Mortgage Bankers Association of America, America's Community Bankers, National Association of Realtors, and Mortgage Insurance Companies of America), two mortgage banking firms (PNC Mortgage Corporation of America and Norwest Mortgage, Inc.), one rating agency (Standard and Poor's Ratings Group), one thrift institution (World Savings and Loan Association), one private mortgage research firm (Mortgage Risk Assessment Corporation), and one individual (Professor Anthony Yezer of George Washington University).

The responses to the ANPR ranged from a comment on only one or two specific risk-based capital issues to an extensive analysis of every question or issue raised. OFHEO has been considering these comments in the development of its risk-based capital regulation.

Notice of Proposed Rulemaking

OFHEO will issue two separate NPRs before issuing a final risk-based capital regulation. This NPR addresses two key aspects of that regulation. The first is OFHEO's methodology for identifying and measuring the benchmark loss experience. The benchmark loss experience will be the basis for determining credit losses that the Enterprises will experience during the stress period. This NPR describes: (1) The proposed methodology (definitions, data, and procedures) that is used to identify the benchmark loss experience; (2) characteristics of the benchmark loss experience that was identified and proposed using this methodology; and (3) in general terms, the implications of the benchmark loss experience for mortgage losses in the risk-based capital test. OFHEO seeks comment on the methodology it used to determine the benchmark loss experience.

In the second key aspect of the regulation addressed in this NPR, OFHEO also proposes to use a weighted repeat transactions house price index, the HPI produced by OFHEO, rather than the Constant Quality Home Price Index (CQHPI), published by the Secretary of Commerce, referenced in the 1992 Act, to measure differences in seasoning of single-family mortgages in the stress test. The 1992 Act defines ''seasoning'' as the change over time in the LTV ratio of a mortgage.[20] Such changes result from changes in principal balance and changes in the value of the property. OFHEO proposes to use the HPI as the basis for estimating changes in property values and seeks comment about its choice of index.

At a later date OFHEO will issue a second NPR which will: (1) Specify and propose for public comment all of the remaining aspects of the risk-based capital stress test, (2) describe how the stress test will be used to determine the Enterprises' risk-based capital requirements, and (3) respond to all ANPR comments not addressed in this NPR. OFHEO will consider comments received in response to both NPRs in the final risk-based capital regulation.

OFHEO decided to publish two NPRs for several reasons. They include the complex issues and decisions that OFHEO must address prior to completing its proposal for the risk-based capital regulation and the challenge of developing the stress test infrastructure. Further, the development of the risk-based capital standard comprises multiple projects, most of which will not be concluded until later this year. Rather than delay in order to present an entire proposal, OFHEO believes the public interest is best served by publishing the results of completed projects that can be considered independently of the rest of the regulation. OFHEO's analysis, which identified the location, time and magnitude of the highest mortgage losses, may also be of public interest apart from the development of the risk-based capital regulation.

In the sections titled ''Issues, Alternatives Considered, and Comments Received,'' this NPR discusses the ANPR comments that related directly to the benchmark loss experience and house price index topics. There were certain other issues, such as the potential impact of improved underwriting standards on credit losses, the application of a regional recession to the Enterprises' books of business, and the impact of recent loss mitigation programs that were raised by ANPR commenters in discussing the credit stress benchmark. OFHEO believes that those issues are more appropriately addressed in the second NPR, which will discuss how, or whether, to account for these factors in the risk-based capital stress test.

Benchmark Loss Experience

Definitions, Data, and Procedures

OFHEO proposes to use the methodology (definitions, data, and procedures) described in this section to identify the benchmark loss experience. Alternatives OFHEO considered and the reasons for OFHEO's choices are discussed below in the section titled ''Issues, Alternatives Considered, and Comments Received.''

1. Definitions

The 1992 Act requires OFHEO to determine the highest rate of default and severity of mortgage losses in contiguous areas containing 5 percent or more of the U.S. population for a period of 2 or more years. OFHEO defined ''contiguous areas'' as all the areas within a state or a group of two or more states sharing common borders, and interpreted ''year'' to mean the calendar year in which a loan is originated (origination year). Thus, OFHEO's proposed methodology is designed to identify the combination of states and origination years from which mortgages had a higher loss rate than mortgages from any other qualifying state/year combination.

OFHEO defined ''defaulted loans'' as loans that, within 10 years following their origination, (1) resulted in pre-foreclosure sale, (2) completed foreclosure, (3) resulted in real estate owned (REO), or (4) resulted in a credit loss to an Enterprise. For any group of loans, OFHEO defined the ''default rate'' as the ratio of the aggregate original principal balance of the defaulted loans in the group to the aggregate original principal balance of all loans in the

[18] Risk-Based Capital, ANPR, 60 FR 7468.

[19] Risk-Based Capital, Extension of Public Comment Period for ANPR, 60 FR 25174 (May 11, 1995).

[20] Section 1361(d)(1) (12 U.S.C. 4611(d)(1)). This usage in the 1992 Act should not be confused with the usage of the same term in the mortgage industry. Within this industry, seasoning is synonymous with aging, which has important implications for patterns of both prepayments and defaults. *See* Linda Lowell, Mortgage Pass-Through Securities, in *Handbook of Mortgage-Backed Securities* 59, 78 (F. Fabozzi ed., 3rd ed., Probus 1992) (prepayments); Standard and Poor's, Residential Mortgages: Criteria, Statistics, *Credit Week*, Oct. 25, 1993, at 29 (defaults).

group. OFHEO defined ''losses'' on defaulted loans in categories 1, 2, or 3 above as the difference between: (1) The sum of the principal and interest owed when the borrower lost title to the property securing the mortgage; REO financing costs [21] through the date of property disposition; and cash expenses incurred during the foreclosure process, REO holding period, and property liquidation process; and (2) the sum of the property sales price and any other liquidation proceeds (except those resulting from private mortgage insurance proceeds or other third-party credit enhancements). Losses on defaulted loans not in categories 1, 2, or 3 above were defined as the amount of the financial loss to the Enterprise. For any group of defaulted loans, the ''severity rate'' was defined as the aggregate losses on those loans divided by the aggregate original principal balance of all loans in the group. ''Loss rate'' for a group of loans was defined as the product of the default rate for those loans and the severity rate for all defaulted loans in that group for which loss data are available.

2. Data

OFHEO used the proposed methodology to identify the benchmark loss experience using historical loan-level data from each of the two Enterprises. OFHEO's analysis was based entirely on fixed-rate mortgages or ''FRMs'' (which were defined as conventional, 30-year, fixed-rate loans secured by first liens) on ''single-family properties'' (which were defined as single-unit, owner-occupied, detached properties) that were originated from 1979 to 1993. Detached properties were defined as single-family properties excluding condominiums, planned urban developments (PUDs), and cooperatives. The data included only loans that were purchased by an Enterprise within 12 months after loan origination and loans for which the Enterprise had no recourse to the lender.

Table 1 lists by year the number of loans, by Enterprise, used in the analysis. Fannie Mae's loan totals in most years are lower than Freddie Mac's, because Fannie Mae's data set does not include data on securitized loans. That Enterprise has not retained such data in a form that permits historical analysis.

TABLE 1.—NUMBER OF LOANS USED IN ANALYSIS

Origination year	Freddie Mac	Fannie Mae	Total
1979	81,507	66,499	148,006
1980	41,551	23,572	65,123
1981	17,922	41,017	58,939
1982	30,005	39,094	69,099
1983	107,406	33,099	140,505
1984	85,829	14,381	100,210
1985	165,966	32,833	198,799
1986	674,684	111,878	786,562
1987	365,580	63,058	428,638
1988	214,299	55,265	269,564
1989	353,687	72,026	425,713
1990	268,877	71,081	339,958
1991	447,731	120,182	567,913
1992	641,929	203,672	845,601
1993	845,052	313,537	1,158,589

OFHEO separately analyzed default and severity data from each Enterprise. Default rates were calculated from loan records meeting the criteria specified above. Severity rates were calculated from the subset of defaulted loans for which loss data were available.[22]

3. Procedures

OFHEO calculated each Enterprise's cumulative 10-year default rate for a combination of contiguous states and consecutive origination years (state/year combination) by grouping all of the Enterprise's loans originated in that state/year combination. For origination years with less than 10 years of default experience, cumulative-to-date default rates were used. The two Enterprise default rates were then averaged, yielding an ''average default rate'' for that state/year combination.

An ''average severity rate'' for each state/year combination was determined in the same manner as the average default rate; for each Enterprise, the aggregate severity rate was first calculated for all loans in the relevant state/year combination. The ''loss rate'' for each candidate state/year combination examined was calculated by multiplying the average default rate for that state/year combination by the average severity rate for that combination. The default and severity behavior of loans in the candidate with the highest loss rate constitutes the benchmark loss experience.

Characterization of the Benchmark Loss Experience

To identify the state/year combination with the highest loss rate, OFHEO examined individual state data on defaults and severity for each Enterprise from 1979 through 1985. Based on that examination, OFHEO selected more than 250 potential benchmark areas with at least 5 percent of the U.S. population that appeared to have unusually high loss rates for periods of 2 or more consecutive origination years. [23] For each potential benchmark area, OFHEO calculated loss rates for each consecutive combination of 2-, 3-, and 4-origination years during the time span examined, making a total of nearly 4,000 candidate state/year combinations.

[21] The financing costs associated with properties acquired through foreclosure from the time of foreclosure through property disposition were calculated using the average from 1982 through 1992 of the 12-month Federal Agency constant maturity yield computed by Bank of America.

[22] Available data did not permit inclusion of loans on which credit losses occurred as a result of loan restructurings, interest rate buydowns, or pre-foreclosure sales.

[23] These combinations of states and origination years are referred to as ''candidate state/year combinations'' or ''candidates.''

OFHEO also analyzed possible candidate state/year combinations that involved mortgage origination years with less than 10 years of loss experience (1986 through 1993), and compared their cumulative-to-date loss rates with comparable cumulative loss rates for candidate state/year combinations involving earlier mortgage originations. None of the candidates involving recent mortgage originations had cumulative loss rates exceeding those of candidates including 10 years of loan histories.

Using the proposed methodology, OFHEO identified the candidate with the highest loss rate. OFHEO will monitor new loss data for loans originated in more recent years. If OFHEO determines at a future time that there is a more recent candidate with a higher loss rate than the one described below, OFHEO may establish a new benchmark loss experience.

Table 2 shows some of the principal characteristics of the benchmark loss experience identified using the proposed procedures described above.

TABLE 2.— BENCHMARK LOSS EXPERIENCE

States	Arkansas, Louisiana, Mississippi, and Oklahoma
Percentage of U.S. Population.*	5.3%
Origination Years	1983 and 1984
Loss Rate	9.4%
Average 10-Year Default Rate.	14.9%
Average 10-Year Severity Rate.	63.3%

*Based on the percentage of 1985 U.S. population as estimated by the Bureau of the Census.

Table 3 describes the aggregate data for each Enterprise used in calculating the rates in Table 2. Table 3 also shows each Enterprise's default and severity rates. A ranking of results for the 500 candidates with the highest loss rates appears in the supplementary table at the end of the section titled ''Benchmark Loss Experience.''

TABLE 3.—DATA ON LOANS DETERMINNIG THE BENCHMARK LOSS EXPERIENCE

	Freddie Mac	Fannie Mae
Original Balance of All Loans used in Default Rate Analysis (000s)	$316,930	$242,296
Original Balance of Defaulted Loans used in Default Rate Analysis (000s)	$35,742	$44,910
Default Rate	11.28%	18.54%
Original Balance of Defaulted Loans used in Severity Rate Analysis (000s)	$14,107	$30,749
Losses on Defaulted Loans used in Severity Rate Analysis (000s)	$8,597	$20,166
Severity Rate	60.94%	65.58%

Some comparisons with other loss experiences help put these results in perspective. Texas loans originated in the early 1980s are sometimes considered a reference point for high loss experiences. Using the methodology and data to identify the proposed benchmark loss experience, the worst loss rate for Texas was 7.3 percent for loans originated in 1982 and 1983. Loss rates within the state were very uneven, however. In the 2-digit ZIP Code including Houston, Beaumont, and Bryan (77xxx), the loss rate for those years was 11.0 percent. Similarly, in the El Paso and West Texas area (79xxx), the loss rate was 9.8 percent.

The loss rate of benchmark loans is much higher than a normal or typical rate. The aggregate loss rate for the contiguous 48 states and the District of Columbia for all origination years from 1979 through 1985 was 2.1 percent, which is less than one-quarter of the rate for benchmark loans. The benchmark loss experience can also be compared with Federal Housing Administration (FHA) experience. The 10-year cumulative default rate for FHA loans originated in all states and the District of Columbia in 1981 was 19.1 percent, more than one-quarter higher than the average default rate of the benchmark loss experience.[24]

The LTV ratios of loans are good indicators of the likelihood of default and the severity of losses on defaulted loans. Table 4 shows average default, severity, and loss rates from the benchmark loss experience. These rates further characterize the benchmark loss experience.[25]

TABLE 4.—DEFAULT, SEVERITY, AND LOSS RATES OF BENCHMARK LOANS BY LTV AT ORIGINATION*

LTV range	Average default rate	Average severity rate	Loss rate
≤60%	2.2%	43.5%	1.0%
>60%, ≤70%	3.5%	46.2%	1.6%
>70%, ≤75%	7.9%	50.1%	3.9%
>75 ≤80	9.4%	58.9%	5.5%
>80%, ≤85%	12.0%	55.0%	6.6%
>85%, ≤90%	17.7%	60.2%	10.7%
>90%	26.4%	69.0%	18.2%

*In addition to the benchmark loans classified by LTV range to produce these results, a large portion (roughly half) of the loans provided by one Enterprise have no LTV information available. The average default rate on those loans was 12.2 percent.

To place these rates in a broader context, they can be compared with the loss coverage requirements established by the rating agencies for the rating of securitized mortgage pools that are not guaranteed by the Enterprises. To receive a given rating, the security structure must incorporate protection against credit losses, with higher ratings requiring greater loss protection. Each rating agency has its own methodology for determining loss coverage requirements (the required loss protection as a percentage of the total loan principal at the time a pool is formed), but all are based in some way on stress tests or default models calibrated to various severe historical episodes. Different loss rates have

[24] An Actuarial Review for Fiscal Year 1994 of the FHA's Mutual Mortgage Insurance Fund: Final Report, Appendix F, May 8, 1995.

[25] Losses experienced by the Enterprises on loans with LTV ratios of more than 80 percent were reduced considerably from the loss rates shown in the table by proceeds of mortgage insurance. Overall, mortgage insurance proceeds offset more than one-quarter of the losses on benchmark loans. See discussion of mortgage insurance in the stress test in the section ''Implications of the Benchmark Loss Experience for the Stress Test'' below.

become associated in the industry with different ratings, which in turn have been associated with hypothetical or actual historical experiences of varying severity by the rating agencies in their publications.

The rating agency loss coverage requirements are a relevant industry point of reference from which to gauge the mortgage credit losses of the benchmark loss experience. A rating agency's loss coverage requirement represents a projected cumulative loss experience of a fixed pool of mortgage loans. Once the loans in a fixed pool are identified, none is replaced and no additional loans are added to the pool; the pool dwindles over time as loans mature, prepay, or default. The benchmark loss experience is, in effect, the average experience of two fixed pools, one for each Enterprise.

Four rating agencies are active in the rating of mortgage pools: Standard and Poor's Ratings Group (S&P), Moody's Investors Service (Moody's), Fitch Investors Service, Inc. (Fitch), and Duff & Phelps Credit Rating Co. (Duff & Phelps). Although their methodologies differ, they are sufficiently similar to permit a comparison of the benchmark results with each of the four rating scales. In all cases, the published ''base case'' loss coverage requirements apply to a large, nationally diverse pool of good-quality, newly-originated, 30-year, fixed-rate loans on owner-occupied, single-family dwellings; and the loss coverage requirements vary based on the distribution of LTV ratios in the pool.

For purposes of comparison, Table 5 shows the required loss coverage requirements, by rating agency and rating, for a hypothetical pool of newly-originated FRMs[26] with a given distribution of LTV ratios. These coverage requirements are indicative of rating agency requirements derived from agency publications. Requirements for actual pools are adjusted to take into account a variety of factors other than LTV ratios, such as different mortgage products, underwriting standards, servicing practices, and regional economic considerations.

Applying the LTV-specific loss rates of the benchmark loss experience (shown in Table 4) to a pool with the hypothetical LTV distribution shown in the note to Table 5 yields an overall loss rate of 6.2 percent, a rate roughly comparable to the loss coverage requirements for double A rated securities backed by such a pool.

TABLE 5.— LOSS COVERAGE REQUIREMENTS FOR A POOL WITH A HYPOTHETICAL LTV DISTRIBUTION, BY RATING LEVEL AND RATING AGENCY*

Rating level	S&P	Moody's	Fitch	Duff & Phelps
Triple A	9.2%	n.a.	9.1%	8.0%
Double A	5.7%	**7.0%	6.0%	4.9%
Single A	4.1%	n.a.	n.a.	2.7%

n.a. = not available.

Weighted Loss Rate, Benchmark Loss Experience, Using the Same Hypothetical LTV Distribution—6.2%

* Derived by OFHEO from numerical requirements published by the rating agencies, for a large, nationally diverse pool of newly-originated, single-family, 30-year, fixed-rate mortgages with LTV ratios of loans distributed as follows:

LTV range	Percent of loans in pool
0%<LTV≤60%	15
60%<LTV≤70%	15
70%<LTV≤75%	15
75%<LTV≤80%	15
80%<LTV≤85%	15
85%<LTV≤90%	15
90%<LTV≤95%	10

Loss coverage requirements for specific pools may reflect many pool characteristics other than LTV distribution. In this table, Fitch coverage rates are based on medians of individual Metropolitan Statistical Areas requirements; Moody's and Duff & Phelps rates are based on rates for mortgages with intermediate risk characteristics (those that receive a risk factor of one). For the underlying LTV-specific requirements and for further details, *see* S&P, Residential Mortgages: Criteria, Statistics, *Credit Week*, Oct. 25, 1993; Moody's, Moody's Approach to Rating Residential Mortgage Pass-Throughs, *Structured Finance Research and Commentary: Special Report* (1995); Fitch, Fitch Mortgage Default Model, *Fitch Research*, June 28, 1993; and Duff & Phelps Residential Mortgage-Backed Securities Group, The Rating of Residential Mortgage-Backed Securities, Oct. 1995.

** Moody's has informed OFHEO that its current practice differs from that described in its 1991 publication. The coverage requirement for ''AA'' rating, consistent with the assumptions of the table, now would be 5.6%.

Implications of the Benchmark Loss Experience for the Stress Test

The stress test subjects the Enterprises to severe credit losses and extreme interest rate changes. The benchmark loss experience will be the basis for determining mortgage credit losses that the Enterprises will experience during the stress period. Although the benchmark loss experience relates most directly to single-family FRMs,[27] losses on other mortgage assets and guarantees also will be related to the benchmark experience in the stress test in a manner that reflects the different risk characteristics of other mortgages compared with those of single-family FRMs.

The projection of credit losses on an Enterprise's loans in the stress period will not involve direct application of the loss rate of the benchmark loss experience. That experience reflects the specific characteristics of the benchmark loans and the economic circumstances affecting the default and severity behavior of those loans. The characteristics of an Enterprise's loans during any application of the stress test (stress test loans) will differ from those of benchmark loans in a number of important ways. In addition to differences in mortgage product type,[28] differences in the mix of LTV ratios may be especially important, and OFHEO will design the stress test to take account of them. These differences in LTV ratios will reflect differences between the original LTVs of benchmark loans and those of an Enterprise's stress test loans. LTV ratios of stress test loans also will differ from those of benchmark

[26] *See* issue 2. ''Data'' under section ''Definitions, Data, and Procedures'' above.

[27] The term ''single-family FRM'' is used to mean an FRM secured by a single-family property.

[28] The 1992 Act, section 1361(d)(2), defines ''type of mortgage product'' to mean a classification of mortgages based upon characteristics that include: (1) the type of property securing the mortgages (*e.g.*, single-family, PUD, etc.), (2) the interest rate type (fixed, adjustable, balloon, etc.), (3) the priority of the liens securing the mortgages, and (4) the terms of the mortgages (15 years, 30 years, etc.) (12 U.S.C. 4611(d)(2)).

loans because most stress test loans will not be newly-originated loans. The LTV ratios of stress test loans will reflect house price changes subsequent to origination. Many will have lower LTV ratios than they originally did, but some will be higher, and a few will have LTV ratios that are higher than the highest original LTV ratios of benchmark loans. OFHEO is also considering whether and in what manner to incorporate the effect of a loan's age on the likelihood and timing of default in the stress test. Loan age is another factor that will distinguish some stress test loans from those in the benchmark loss experience, because some of the stress test loans will be older than the oldest benchmark loans.

To incorporate properly the effects of differences in LTV ratios, age of loans, and mortgage product type in the stress test, OFHEO is examining the effects of these factors on the default and severity behavior of a broader sample of loans than those of the benchmark loss experience.

Differences between the economic environment of the stress test and the environment affecting benchmark loans might also be expected to affect loan performance. The levels and patterns of change in interest rates will differ considerably among alternative interest rate scenarios and will not match the interest rate history of the time period affecting benchmark loans. Such differences in interest rates might reasonably be associated with differences in prepayments and house prices, which could have a significant impact on credit losses. OFHEO is considering whether or to what extent to take into account in the stress test the effect of interest rates on prepayments and house prices. In doing so, the stress test must incorporate the statutory requirement that the stress test take into account the effect of a correspondingly higher rate of general price inflation, if the 10-year CMT yield is assumed to increase more than 50 percent during the stress period.[29]

The purpose of incorporating the effects of some or all of these factors (and possibly others) is to make the stress test better reflect the risks, under stress test conditions, of loans owned or guaranteed by the Enterprises. OFHEO plans to design the test so that losses on loans with characteristics matching those of the benchmark loans would be projected, under economic circumstances matching those affecting the benchmark loans, to occur at the same rate of default and severity as the benchmark loans. However, as discussed above, projected credit losses will differ from benchmark losses to reflect key differences in risk affecting each Enterprise's stress test loans. The stress test will also take into account, for example, offsetting receipts from mortgage insurance, recourse, and other credit enhancements. OFHEO will present the specific methodology for determining credit losses in the stress test in the second NPR.

Issues, Alternatives Considered, and Comments Received

OFHEO encountered a number of methodological issues in identifying the benchmark loss experience. Many of these issues were mentioned specifically in the ANPR. In this section, OFHEO addresses the issues, discusses alternative methodologies it considered, and responds to related comments received on the ANPR.

OFHEO chose procedures best designed to identify the worst loss experience (meeting statutory time, contiguity, and population requirements) for mortgage loans with characteristics similar to those purchased or guaranteed by both Enterprises. In choosing among alternatives, OFHEO sought approaches that were most appropriate for setting capital standards. Because capital standards should be clear and predictable, OFHEO favored straightforward approaches over those that might require needlessly complex computations or frequent adjustments or changes to the benchmark loss experience. Wherever appropriate for setting capital standards, OFHEO resolved issues in ways that were consistent with analytical practices within or related to the residential mortgage industry. In particular, OFHEO looked to the practices of credit rating agencies and how the rating agencies analyze the credit risk of securitized mortgage pools, as credit rating agency practices often are published and readily available. OFHEO also considered practices of the Enterprises, mortgage insurers, and, as appropriate, the regulators of portfolio lenders. OFHEO also favored approaches that would make best use of the data available for analysis.

1. Data Sources Used to Define the Benchmark Loss Experience

The ANPR requested comment on whether OFHEO should use data from sources other than the Enterprises to identify the benchmark loss experience. After considering the issue, OFHEO is proposing to use only Enterprise data. OFHEO has concluded that the two Enterprise data sets are the most relevant sources currently available for determining a benchmark loss experience for use in a risk-based capital stress test. The choice is consistent with the general practice of banking and thrift industry regulators and the credit rating agencies, which use data on the loss experience of the relevant industry in determining capital adequacy.

Non-Enterprise mortgage default and severity data are necessarily less representative of the experience of loans owned or guaranteed by these large secondary mortgage market companies. FHA data, for example, reflect the very different market focus of that agency. A large portion of FHA loans would not have met Enterprise underwriting guidelines, and would, therefore, be expected to exhibit risk characteristics different from those of the loans that the Enterprises purchased or guaranteed.

OFHEO was in a unique position to obtain and analyze extensive data on the loss experience of individual Enterprise loans. This data included information on a large portion of loans originated and purchased since 1979. Severity data were available for a majority of the defaulted loans, which was sufficient for OFHEO's analysis.

The majority of comment letters supported the exclusive use of Enterprise data. One commenter, America's Community Bankers (ACB), however, suggested that it would be inconsistent with the 1992 Act to rely solely on Enterprise data if, as a result, a relatively recent period of severe losses might be overlooked. The same commenter stated that ''[t]he Federal Housing Administration and credit bureau data that are identified as supplementary sources [in the ANPR] should also be accompanied by private mortgage insurance data.'' For the reasons cited above, OFHEO believes that the exclusive use of Enterprise data to identify the benchmark loss experience is the most reasonable approach. OFHEO agrees that if using only Enterprise data would cause a recent period of severe losses to be overlooked, other data should be included in the analysis. However, the quantity and detail of the Enterprise data are such that those data reflect losses in recent periods as well as or better than data from any other sources.

2. Loan and Property Types Included in the Benchmark Analysis

OFHEO proposes to use single-family FRMs in the benchmark analysis. The analysis excludes other loan types, such as adjustable-rate and balloon mortgages and loans secured by other property

[29] 1992 Act, section 1361(a)(2)(E) (12 U.S.C. 4611(a)(2)(E)).

types such as multi-unit and 2- to 4-unit structures, condominiums, PUDs, or cooperatives.

OFHEO believes it is appropriate to identify the benchmark loss experience on the basis of single-family FRMs because of the homogeneity of these mortgages and their preponderance in the Enterprises' portfolios and mortgage-backed securities, especially in the early 1980s. Data on these mortgages are available from both Enterprises in all regions for loans originated in 1979 and subsequently. Single-family FRMs accounted for over three-quarters of the total dollar volume of Enterprise mortgages purchased between 1981 and 1985 and nearly two-thirds of mortgages purchased between 1986 and 1990.[30]

OFHEO's proposed approach is supported by the legislative history of the 1992 Act. The House and Senate Committee reports both suggested that OFHEO should rely on single-family FRMs in identifying the benchmark loss experience. The House report explained that:

> Conventional, 30-year, fixed-rate, single-family mortgages account for about two-thirds of the mortgages purchased by Fannie Mae and Freddie Mac in each year. The most reliable loan performance data the enterprises possess pertain to such loans.[31]

The House report also stated that:

> The bill would require the Director to measure rates of default in a manner that was reasonably related to prevailing industry practice.
>
> Prevailing industry practice at this time, as reflected by the practices of Fannie Mae, Freddie Mac, mortgage insurers and rating agencies, is to utilize estimated lifetime default rates of a group of mortgages with similar characteristics, e.g. product type and loan-to-value ratio, originated over a specific time period.[32]

The Senate report counseled that:

> The Director is only required to use data from the Benchmark origination years on rates of default and loss severity for the most common type or types of mortgages held or guaranteed during that period. Loss rates on other types of mortgages should be related to loss rates on the ''standard'' mortgage types according to prevailing practice * * *.[33]

The use of data on single-family FRMs from a historically stressful period to establish a standard for evaluating potential future credit losses is also consistent with credit rating agency practice. For example, single-family FRMs constitute the benchmark mortgage product type for the four rating agencies.[34] Lack of data on other mortgage product types is likely a major reason for this practice. As noted above, the volume of Enterprise loans secured by other mortgage product types during the early and middle 1980s was very small relative to the volume of single-family FRMs purchased or guaranteed by the Enterprises. These small sample sizes were an additional factor in OFHEO's decision not to include different mortgage types in its analysis. For purposes of the stress test, OFHEO will estimate the risk characteristics (and, ultimately, project the loss rates) of other Enterprise mortgage product types using all relevant historical data. This part of the stress test analysis will be discussed in detail in the second NPR.

All of the ANPR comments that discussed the issue of which mortgage product type(s) to include in the benchmark analysis were consistent with OFHEO's general approach of analyzing only the most common mortgage product types purchased by the Enterprises. While agreeing with OFHEO's general approach, Fannie Mae suggested a minor variation: to base the single benchmark loss experience on ''fixed rate, 30-year, conventional mortgages on single-family, owner-occupied, primary residences,'' thus implicitly including condominiums, PUDs, and cooperatives. OFHEO considered this option, but concluded that loans secured by condominiums, PUDs, and cooperatives should not be included, because they are significantly different types of properties and involve fees and contractual agreements with third parties that may cause the default and severity experience of the loans to differ from that of single-family mortgages. OFHEO decided not to include multifamily loans in the identification of the benchmark loss experience because, as highlighted in the ANPR and reinforced by many comments, multifamily loans and the properties underlying these loans present significantly different credit, market, and institutional risks to the Enterprises than do single-family mortgages.

3. Determination of a Single Benchmark State/Origination Year Combination or a Separate Area and Period for Each Enterprise

The ANPR also suggested that OFHEO might combine, in some fashion, data from the two Enterprises before determining the state/origination year combination with the worst joint loss experience, or, alternatively, that OFHEO might determine the worst experience for each Enterprise separately. If the latter approach were adopted, the ANPR suggested the possibility of using a simple or weighted average of default rates to derive the single benchmark loss experience to apply to both Enterprises in the stress test.

OFHEO is proposing to identify the benchmark loss experience on the basis of a single benchmark state/origination year combination representing the worst combined loss experience on mortgages owned or guaranteed by the Enterprises. All the comments were consistent with this proposal.

4. Role of Severity Data in Identifying the Benchmark Loss Experience

The ANPR suggested that, as an alternative to identifying a specific area and time period that experienced the highest overall loss rate, OFHEO might need to use severity data from different sources, time periods, or areas than those used to determine the average default rates in the benchmark loss experience. OFHEO was concerned at the time the ANPR was published that the quality or quantity of severity data might be inadequate to derive benchmark loss rates. Subsequently, OFHEO obtained severity data from the Enterprises that were adequate to determine severity experience from all potential benchmark areas and origination years. Severity data were available for 58% of defaulted loans and in higher percentages for later origination years. OFHEO, therefore, proposes to identify the benchmark loss experience on the basis of the worst loss experience of Enterprise loans, rather than only the worst default experience. This approach is consistent with all comments on the issue.

Some commenters apparently concluded that OFHEO was considering identifying separately the states and origination years with the highest default rate and the states and origination years with the highest severity rate, and then combining them

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[30] Congressional Budget Office, *Controlling the Risks Of Government-Sponsored Enterprises*, at 125 (April 1991).

[31] Government-Sponsored Enterprises Financial Safety and Soundness Act of 1991, H.R. Rep. No. 206, 102d Cong., 1st Sess. 66 (1991).

[32] *Id.*

[33] Federal Housing Enterprises Regulatory Reform Act of 1992, S. Rep. No. 282, 102d Cong., 2d Sess. 21 (1992).

[34] Fitch and Moody's note that they reduce the risk of 15-year mortgages in their mortgage default models, implying that single-family FRMs are the standard. *See, e.g.*, Fitch, Fitch Mortgage Default Model, *Fitch Research*, June 28, 1993, at 9; and Moody's, Moody's Approach to Rating Residential Mortgage Pass-Throughs, *Structured Finance Research and Commentary: Special Report* (1995), at 10–14. However, S&P and Duff & Phelps explicitly note that 30-year FRMs are the standard. S&P, Residential Mortgages: Criteria, Statistics, *Credit Week*, Oct. 25, 1993, at 20; and Duff & Phelps, The Rating of Residential Mortgage-Backed Securities, Oct. 1995, at 15.

to establish the overall benchmark loss rates. OFHEO did not intend to suggest such a synthesis of two different historical experiences. In OFHEO's view, such an approach would be inconsistent with the provisions of the 1992 Act and its legislative history; first, because it could result in an overall benchmark loss rate not ''reasonably related'' to any actual historical loss experience and, second, because the House and Senate reports consistently describe ''experience'' in the singular.[35]

5. Definition of ''Default Rate''

a. *In General.* OFHEO defined the default rate of a group of loans as the ratio of the aggregate original principal balance of the defaulted loans in the group to the aggregate original principal balance of all loans in the group. Although default rates are sometimes defined as the number of defaulted loans divided by the number of loans in the group, the dollar values more accurately describe the economic impact if large and small loans default at different rates.

The Enterprise data used in the default analysis did not include balances at the date of last paid installment (LPI). In some circumstances, the best measurement of default rates using dollar values would be based upon principal balances at the LPI date, rather than the original principal balance. However, that is not so in this case, because the ultimate focus of the analysis was loss rates, not default rates, and loss rates are a product of default and severity rates.[36]

b. *Interpretation of ''Years''.* OFHEO considered two approaches to analyzing default rates, one based upon origination years (origination year approach) and one based upon exposure years (exposure year approach). Under an origination year approach, mortgage loans originated during specified years are tracked as a group until maturity or some intermediate term. Default rates for that group of loans over the specified term are expressed as the cumulative defaulted loan balances divided by the sum of the original balances of all the loans in the group. Exposure year default rates, in contrast, are calculated for ''exposure years,'' which are the years in which the loans are subject to default. Exposure year default rates are expressed as the aggregate balances on all loans (from all origination years) that defaulted during a given period of consecutive exposure years divided by the unpaid balances of all loans active at the start of that period.

OFHEO proposes to identify the benchmark loss experience using an origination year approach. OFHEO favors the origination year standard because (1) it is consistent with industry practice; (2) it is the approach that was anticipated in the legislative history; and (3) using an exposure year approach would have required annual information on unpaid balances, which was not included in the Enterprises'' data on individual loans and would have required reliance on estimates.

Industry practice is to measure default and loss rates based on origination year data. Moody's Residential Mortgage-Backed Securities Credit Indices are broken out by origination year, as are S&P's surveillance reviews.[37] The Congressional Committees that considered the 1992 Act understood that prevailing industry practice was to measure rates of loss based on origination years. The House report states: ''Prevailing industry practice at this time, as reflected by the practices of Fannie Mae, Freddie Mac, mortgage insurers and rating agencies, is to utilize estimated lifetime default rates of a group of mortgages with similar characteristics, e.g. product type and loan-to-value ratio, originated over a specific time period.'' [38] Similarly, the Senate report provides: ''Currently, the prevailing practice in the Committee's judgment is to examine losses by origination year, that is, losses on mortgages purchased by the [Enterprises] in a particular year.'' [39] Although loans purchased in a particular year include some loans that were not originated in that year, this recommendation is consistent with OFHEO's general approach.

Most commenters, including the Department of Veterans Affairs, both Enterprises, and two trade associations, the Mortgage Bankers Association of America (MBA) and the National Association of Realtors (NAR), favored the origination year approach. These commenters viewed that approach as the most consistent with industry practice. For instance, MBA noted that, because of its predictive value, the origination year approach is used by Fannie Mae, Freddie Mac, and the lending industry.

Without stating a clear preference, HUD stated that an exposure year approach would be more appropriate for a stress test that assumes no new business. The comment may reflect a view that the loss experience of a mixture of old and new loans would be a more appropriate benchmark experience than the experience of newly-originated loans, because the Enterprises would be purchasing relatively few new loans during the stress period. ACB was the only commenter clearly preferring the exposure year approach. Its suggestion that an exposure year approach dovetails better with what it described as the ''foreclosure/disposition orientation'' of the 1992 Act appears to be based on similar reasoning. OFHEO believes that HUD's and ACB's concern will be dealt with in the stress test, which will take into account seasoning, age, amortization, and other factors that are found to affect losses on loans. Thus, the stress test will not necessarily project the same loss rate for two loans of different ages that are otherwise similar.

c. *Definition of ''Defaulted Loans''.* OFHEO defined ''defaulted loans'' as loans that, within 10 years following their origination, (1) resulted in pre-foreclosure sale, (2) completed foreclosure, (3) resulted in REO, or (4) resulted in a credit loss to an Enterprise. The Enterprises'' data provided little information on loss mitigation techniques such as sales prior to completion of foreclosure, loan restructurings, or interest rate buydowns. Although one Enterprise's data did identify loans that resulted in pre-foreclosure sales, it was not possible to include any other loans that were subject to loss mitigation efforts unless they resulted in a completed foreclosure or in REO. Data sufficient to determine loans on which these techniques were applied and the amounts of loss involved exist only for very recent years.

OFHEO's definition only includes defaults that occurred within 10 years after origination, which facilitated comparisons of data from different origination years. Although OFHEO could have estimated lifetime default rates for all groups of loans, that approach would have required assumptions and extrapolations. It would be unlikely to yield a different benchmark experience because the data indicate that the vast majority of mortgage defaults occur within 10 years of origination. Further, a 10-year rate is

[35] *See* H.R. Rep. No. 206, at 65–6, and S. Rep. No. 282, at 21.

[36] *See* issue 6. ''Definitions of ''Severity Rate'' and ''Losses'.''

[37] *See, e.g.*, S&P, Study Tracks MBS Loss and Default Experience, *Credit Week*, June 19, 1995 (credit rating agency practice); Moody;s, Residential Mortgage-Backed Securities Credit Indices Update: Are Slipping ARM Delinquencies Another Signal of Consumer Debt Problems?, *Structured Finance Credit Index*, Dec. 15, 1995 (same). *See also* Mortgage Information Corp., The Market Pulse, Sept. 1995 (securities industry practice).

[38] H.R. Rep. No. 206, at 66.

[39] S. Rep. No. 282, at 20.

consistent with the 10-year time span of the stress test.

All commenters who addressed the issue supported OFHEO's general approach to defining default. OFHEO agreed with the thrust of all these comments, which were concerned with avoiding counting as ''defaults'' loans that are brought current or rehabilitated without loss to the Enterprises.

ACB would have adjusted OFHEO's definition of default to account for the effects of loss mitigation, because foreclosure is not the only outcome under which the Enterprises may suffer loss. OFHEO agrees with this comment. However, as noted above, comprehensive information on most types of loss mitigation is unavailable in the historical data available to OFHEO.

6. Definitions of ''Severity Rate'' and ''Losses''

For any group of defaulted loans, the ''severity rate'' was defined as the aggregate losses on those loans divided by the aggregate original principal balance of all loans in the group. OFHEO defined ''losses'' on defaulted loans in categories 1, 2, or 3 of the definition of defaulted loans as the difference between: (1) The sum of the principal and interest owed when the borrower lost title to the property securing the mortgage; REO financing costs [40] through the date of property disposition; and cash expenses incurred during the foreclosure process, REO holding period, and property liquidation process; and (2) the sum of the property sales price and any other liquidation proceeds (except those resulting from private mortgage insurance proceeds or other third-party credit enhancements). Losses on defaulted loans not in categories 1, 2, or 3 of the definition were defined as the amount of the financial loss to the Enterprise.

This definition is consistent with industry practice. Duff & Phelps, Moody's, and S&P include all of these items in their respective definitions of severity. Proceeds from mortgage insurance are sometimes included; however, as discussed below, OFHEO did not include mortgage insurance proceeds for purposes of determining the benchmark loss experience.[41] Some accounting definitions of loss do not include lost interest on the loans or REO financing costs because these costs are reflected elsewhere in a company's financial statements. OFHEO determined that its definition better reflects the economic losses on defaulted loans and is, therefore, more appropriate.

Consistent with the calculation of default rate discussed above, OFHEO calculated severity rate as a percentage of the original balance, rather than the balance at the LPI date of the defaulted loans. Loss rates are the product of the default and severity rates. Because the balances of defaulted loans appear in the numerator of default rate calculations and in the denominator of severity rate calculations, errors in measuring those balances will tend to be offsetting when the two rates are multiplied in the calculation of loss rates. If it were possible, it would have been more accurate to use balances of defaulted loans at LPI date for both rates, but using original balances for both should have little effect on loss rates.

Fannie Mae's ANPR comment suggested that OFHEO should define ''losses'' to incorporate the proceeds of mortgage insurance. OFHEO is proposing to exclude the impact of mortgage insurance and other third-party credit enhancements from consideration in identifying the benchmark loss experience because the 1992 Act requires OFHEO to identify the highest credit losses on mortgages, not the highest net credit losses to the Enterprises. Moreover, third-party sources of credit support vary in scope, terms and type of coverage, and can change (and have changed) over time. OFHEO intends to propose in the second NPR how the stress test will take into account the impact of third-party credit enhancements on mortgage losses.

7. Definition of ''Contiguous Areas''

The 1992 Act requires that the benchmark loss experience must have ''occurred in contiguous areas of the United States containing an aggregate of not less than 5 percent of the total population of the United States * * *.'' [42] In determining the appropriate level of geographic aggregation to employ in identifying the benchmark area, OFHEO considered using entire states or using substate areas based on the first two or three digits of ZIP Codes. After considering the various options, OFHEO decided to use states as the lowest level of aggregation. OFHEO will consider using substate areas in the future, taking into account changing geographic patterns of loss as well as any new developments in data aggregation technology, if appropriate.

OFHEO found that states are the most logical, efficient, and reasonable geographic units from which to construct a benchmark area. Although rating agencies conduct studies at various levels of aggregation, analysis at the state level is common practice. For example, Moody's has established diversification criteria for loan pools based on loan distribution by state, and, in stress tests, both Moody's and Duff & Phelps have projected mean times to foreclosure based on state locations.[43]

The level of geographic aggregation has a significant impact on the level of potential benchmark loss rates. In general, the smaller the geographic units used, the higher the loss rates that can be identified. By connecting pockets of severe losses with narrow parcels of land, OFHEO could create an area with extremely high loss rates.

However, such a result is not consistent with the intent of the legislation, which envisioned that the benchmark area would be ''reasonably compact.'' [44] Furthermore, use of areas defined by ZIP Code would have greatly complicated the process of identifying the benchmark area by enormously increasing the number of candidates requiring consideration.

Commenters who addressed this issue unanimously supported the use of states as the smallest geographic unit in the benchmark analysis. MBA suggested that a contiguous area based on smaller units could look ''gerrymandered'' and that ''[f]inding the exact combination [of counties and metropolitan statistical areas] to produce the most severe loss results * * * should not be the goal.'' Freddie Mac observed that ''using finer geographic areas [than states] would present significant computational difficulties in aggregating to five percent of the population.''

8. Procedures for Accounting for Different LTV Ratios

LTV ratios are highly correlated with mortgage losses. Therefore, the different distributions of LTV ratios in candidate state/year combinations have an impact

[40] The financing costs associated with properties acquired through foreclosure from the time of foreclosure through property disposition were calculated using the average from 1982 through 1992 of the 12-month Federal Agency constant maturity yield computed by Bank of America.

[41] *See, e.g.*, Duff & Phelps, The Rating of Residential Mortgage-Backed Securities, Oct. 1995, at 18; Moody's, Moody's Approach to Rating Residential Mortgage Pass-Throughs, *Structured Finance Research and Commentary: Special Report* (1995), at 9, 13; and S&P, Residential Mortgages: Criteria, Statistics, *Credit Week*, Oct. 25, 1993, at 18.

[42] Section 1361(a)(1) (12 U.S.C. 4611 (a)(1)).

[43] Duff & Phelps, The Rating of Residential Mortgage-Backed Securities, Oct. 1995, at 31; and Moody's, Moody's Approach to Rating Residential Mortgage Pass-Throughs, *Structured Finance Research and Commentary: Special Report* (1995), at 19.

[44] S. Rep. No. 282, at 20.

on the relative loss rates of those candidates. In the ANPR, OFHEO suggested it would consider grouping loans by LTV ratio, computing separate default or loss rates for loans in each LTV range, and computing overall default or loss rates by assuming some standard distribution of LTV ratios and weighting the LTV-specific loss rates according to this distribution. After further evaluation, OFHEO has decided to compute loss rates for candidates on a dollar weighted basis, that is, based on loan balances without regard to LTV ratios.

OFHEO selected the simpler approach for three reasons. First, in many candidate state/year combinations there are too few loans in some LTV ranges for meaningful analysis. Second, OFHEO has found no acceptable basis to justify using any specific LTV weights to identify the benchmark loss experience. Finally, weighting loss rates by LTV category would be inconsistent with the intent of the 1992 Act that OFHEO determine the worst actual mortgage loss experience. Although the effects on mortgage losses of different LTV distributions are not controlled for in the identification of the benchmark loss experience, those effects will be accounted for in the stress test.

Fannie Mae commented that in comparing candidates, loss rates ''should be constructed from LTV-specific default and severity rates, weighted by the proportions of loans outstanding in the current book of business.'' The rationale for this approach is that, because distributions of LTV ratios at origination in candidate state/year combinations will differ from the Enterprises' current LTV distribution, loss rates of candidates should be normalized (weighted by the current book of business) to provide the most relevant measure of risk exposure.

For the reasons discussed above, OFHEO believes Fannie Mae's suggested weighting approach is inappropriate in the benchmark analysis. Further, because LTV distributions change constantly and changing LTV weightings will alter loss figures for candidate state/year combinations, Fannie Mae's approach would necessitate the frequent reconsideration of candidates, increasing the unpredictability and regulatory burden of the risk-based capital regulation.

9. Procedures for Combining Data from Different States and Years in Computing Default and Severity Rates

In computing default and severity rates for specific candidate state/year combinations, OFHEO treated loans from different states and different origination years within that combination equally, producing a single aggregate default rate and a single aggregate severity rate for each Enterprise. OFHEO adopted this approach because it is a straightforward and simple way to derive aggregate default and severity rates. Moreover, the Enterprise data sets, especially in the early 1980s, are not sufficiently complete to reflect accurately the distribution by origination year and state of Enterprise purchases of loans. OFHEO's approach more accurately reflects the actual loss experience of loans owned or guaranteed by the Enterprises in candidate state/year combinations than other approaches OFHEO considered.

Fannie Mae recommended that OFHEO calculate state-level loss rates and that ''benchmark loss rates * * * be built by constructing population-weighted averages of state loss rates * * * to meet the five percent or greater standard.'' Freddie Mac also suggested this approach, and stated that ''[t]his method would appropriately weight economic events rather than emphasizing an Enterprise's market share in each state during the relevant time period.'' Freddie Mac recommended extending this approach by calculating separate state loss rates for each origination year and averaging them for each state before population weighting the resulting average state loss rates.

OFHEO disagrees that the appropriate goal in identifying the benchmark loss experience is to reflect the underlying economic circumstances on a population- and time-weighted basis. Rather, OFHEO believes it is appropriate to reflect the actual loss experience of a relevant group of mortgages. The 1992 Act specifies that the benchmark loss experience should be identified based on the highest rates of loss, not the highest rates that would have occurred if loans had been distributed across states according to population and evenly across origination years. Enterprise purchases are not made evenly on a per capita basis, and some years have much higher levels of mortgage lending than others. OFHEO, therefore, has no basis to conclude that population weighting and annual averaging would yield accurate estimates of either Enterprise's default or severity rates for candidate state/year combinations.

Furthermore, population weighting and averaging across origination years would place heavy reliance on very small amounts of data from some states for some years. Freddie Mac suggested that OFHEO should ''[e]stablish a minimum acceptable number of observations or dollar volume for each state/origination-year combination for each Enterprise, to ensure that there are sufficient data from which to make valid inferences * * *.'' Although such an approach would address Freddie Mac's concern, it would do so at the cost of eliminating large portions of the available data set, sharply restricting the range of state/year combinations that could be considered. Instead, OFHEO considered the available data from less populous states, and avoided placing undue emphasis on small loan samples by pooling data from all states and origination years of a candidate before calculating default and severity rates.

10. Procedures for Combining Default and Severity Rates of the Two Enterprises

OFHEO calculated the default and severity rates for each Enterprise separately for candidate state/year combinations, then averaged the results. The proposed methodology takes account of the significant differences in the mortgage loan purchases of the two Enterprises in the early 1980s, which are reflected in their respective data sets. The loans in each data set differ by predominant purpose of purchase (securitization or portfolio holding), mix of lender types (such as thrifts or mortgage banks), geographic distributions, and default rates (Fannie Mae's were consistently higher in that period). These differences reflect historical differences in the business strategies, customers, and markets of the Enterprises.

Since the early 1980s, the Enterprises' business activities, markets, and credit risk profiles have become more similar. For example, during that time, Fannie Mae primarily bought loans and held them in portfolio, while Freddie Mac securitized all but a few loans it purchased. Currently, both Enterprises have extensive portfolio investments in mortgages and also guarantee an even larger volume of securities backed by mortgages.

In OFHEO's judgment, each of the two data sets constitutes an equally relevant historical experience. Merging the data of the two Enterprises without averaging would cause the experience of one or the other Enterprise's loans to dominate the resulting combined loan sample for many candidates. The proposed methodology avoids that result by giving equal weight to the two equally relevant experiences.

Both Freddie Mac and Fannie Mae suggested that OFHEO base the selection of the benchmark loss experience on a simple average of the

two Enterprises' experiences. Fannie Mae stated that ''loss rates should equal the average of Fannie Mae and Freddie Mac experience.'' Freddie Mac agreed, stating that ''[t]aking the simple average of the historical experience of the [Enterprises] would help smooth such institutional differences, thereby emphasizing the macroeconomic aspects of historical experience.''

In its comment, HUD stated that ''[t]he language of Section 1361(a)(1) [of the 1992 Act] seems to constrain OFHEO to using historical weights based on the [Enterprises'] respective market shares in averaging Fannie [Mae] and Freddie [Mac] default rates.'' As discussed above, OFHEO believes an equal weighting of the two Enterprises' default and severity rates experiences is more appropriate at this time. Enterprise historical data from the late 1970s and early 1980s do not provide an accurate estimate of the relative number of single-family FRMs actually purchased or guaranteed by each Enterprise from specific origination years or geographic areas (including the nation as a whole). Therefore, market share weighting using that data would be difficult and imprecise.

The 1992 Act provides broad discretion to the Director to use any reasonable weighting or averaging method in the identification of the benchmark loss experience.[45] The proposed approach, which gives equal weight to the default and severity experience of each Enterprise's loans in identifying the benchmark loss experience, is within the Director's discretion. Loss data for loans originating in more recent years than those in the currently identified benchmark loss experience have been and should continue to be more complete. As OFHEO monitors future data, it will consider whether the new data would provide a basis for a different method of weighting, such as market share weighting. In the event an alternative method of weighting is appropriate, OFHEO would propose an amendment to the regulation to incorporate that different methodology.

11. Number of Origination Years in the Benchmark Loss Experience

The 1992 Act requires the identification of a benchmark loss experience with the highest loss rate on mortgage loans, consistent with the relevant statutory requirements, including the requirement that the period be at least 2 years. The benchmark loss experience should include more than 2 origination years only if the candidate with the highest loss rate covers more than 2 origination years. OFHEO evaluated potential benchmark areas over 2-, 3-, and 4-origination year periods. The candidate state/year combination with the highest mortgage loss rate, the proposed benchmark loss experience, is based on loans originated during a 2-year period.

Fannie Mae suggested that more than 2 origination years should be used, presumably to lower the benchmark loss rate, if the shorter period would ''push prices outside the range that the market would accept * * *.'' Presumably, ''prices'' refers to the guarantee fees the Enterprises charge and the prices they pay for mortgages. OFHEO does not believe Fannie Mae's suggestion is consistent with the requirements of the 1992 Act. Furthermore, the proposed benchmark loss experience is consistent with the establishment of an appropriate risk-based capital standard.

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
1	1983/1984	AR, LA, MS, OK	5.29	60.94	65.58	63.26	11.28	18.54	14.91	9.43
2	1981/1982	IA, ID, ND, NE, OR, SD, UT, WY	5.00	56.86	59.18	58.02	9.71	22.06	15.88	9.22
3	1981/1982	IA, ID, MT, ND, NE, OR, UT, WY	5.05	56.86	59.20	58.03	9.39	22.00	15.69	9.11
4	1983/1984	IA, KS, MT, ND, NE, OK, WY	5.09	63.25	64.52	63.89	8.92	19.53	14.23	9.09
5	1981/1982	IA, ID, MT, ND, NE, OR, SD, UT, WY	5.35	56.86	59.20	58.03	9.33	21.91	15.62	9.07
6	1981/1982	IA, ID, MT, NE, OR, SD, UT, WY	5.06	56.86	59.13	57.99	9.23	21.90	15.56	9.03
7	1983/1984	IA, KS, ND, NE, OK, SD, WY	5.04	63.10	64.55	63.83	8.95	19.33	14.14	9.03
8	1982/1984	AR, LA, MS, OK	5.31	60.23	65.78	63.00	11.34	16.95	14.14	8.91
9	1982/1984	IA, KS, MT, ND, NE, OK, WY	5.20	62.50	65.45	63.97	8.99	18.69	13.84	8.85
10	1982/1984	IA, KS, ND, NE, OK, SD, WY	5.16	62.38	65.47	63.93	9.04	18.58	13.81	8.83
11	1981/1984	AR, LA, MS, OK	5.31	60.52	65.28	62.90	11.16	16.46	13.81	8.69
12	1981/1984	IA, KS, MT, ND, NE, OK, WY	5.20	62.36	65.68	64.02	8.86	18.27	13.56	8.68
13	1981/1984	IA, KS, ND, NE, OK, SD, WY	5.16	62.25	65.71	63.98	8.91	18.20	13.55	8.67
14	1981/1982	IA, KS, ND, NE, OK, SD, UT, WY	5.80	60.43	66.06	63.25	9.96	17.46	13.71	8.67
15	1981/1982	IA, KS, NE, OK, UT, WY	5.21	60.43	66.06	63.25	9.94	17.47	13.70	8.67
16	1981/1982	AR, KS, ND, NE, OK, SD, UT, WY	5.53	60.51	66.23	63.37	10.05	17.29	13.67	8.66
17	1981/1982	IA, KS, NE, OK, SD, UT, WY	5.52	60.43	66.06	63.25	9.90	17.44	13.67	8.65
18	1981/1982	AR, KS, NE, OK, SD, UT, WY	5.24	60.51	66.24	63.37	10.00	17.27	13.64	8.64
19	1982/1983	IA, KS, ND, NE, OK, SD, WY	5.16	58.61	64.84	61.72	9.40	18.59	13.99	8.64
20	1982/1983	IA,KS, MT, ND, NE, OK, WY	5.20	58.55	64.83	61.69	9.29	18.66	13.98	8.62
21	1981/1982	AR, KS, MT, ND, NE, OK, UT, WY	5.57	60.51	66.19	63.35	9.88	17.30	13.59	8.61
22	1981/1982	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	60.51	66.20	63.36	9.88	17.28	13.58	8.60
23	1981/1982	AR, IA, KS, NE, OK, UT, WY	6.22	60.51	66.21	63.36	9.86	17.29	13.58	8.60
24	1981/1982	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	60.43	66.02	63.22	9.76	17.44	13.60	8.60

[45] Section 1361(a)(1) (12 U.S.C. 4611(a)(1)).

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
25	1981/1982	IA, KS, MT, NE, OK, UT, WY	5.56	60.43	66.02	63.23	9.74	17.45	13.59	8.59
26	1981/1982	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	60.51	66.19	63.35	9.85	17.27	13.56	8.59
27	1982/1983	AR, LA, MS, OK	5.31	57.93	63.59	60.76	11.93	16.34	14.13	8.59
28	1981/1982	AR, KS, MT, NE, OK, UT, WY	5.28	60.51	66.19	63.35	9.83	17.28	13.56	8.59
29	1981/1982	AR, IA, KS, NE, OK, SD, UT, WY	6.52	60.51	66.21	63.36	9.83	17.26	13.55	8.58
30	1981/1982	IA, KS, MT, NE, OK, SD, UT, WY	5.86	60.43	66.02	63.23	9.71	17.42	13.56	8.58
31	1981/1982	AR, KS, MT, NE, OK, SD, UT, WY	5.59	60.51	66.19	63.35	9.80	17.25	13.53	8.57
32	1982/1983	AR, KS, ND, NE, OK, SD, UT, WY	5.53	60.11	63.70	61.91	9.78	17.87	13.83	8.56
33	1981/1982	AR, IA, KS, MT, ND, NE, OK, UT, WY	6.86	60.51	66.16	63.33	9.72	17.29	13.51	8.55
34	1982/1983	AR, KS, MT, ND, NE, OK, UT, WY	5.57	60.05	63.70	61.87	9.68	17.94	13.81	8.54
35	1981/1982	AR, IA, KS, MT, ND, NE, OK, SD, UT, WY	7.16	60.51	66.16	63.33	9.70	17.26	13.48	8.54
36	1982/1983	AR, KS, NE, OK, SD, UT, WY	5.24	60.11	63.69	61.90	9.71	17.86	13.79	8.53
37	1981/1982	AR, IA, KS, MT, NE, OK, UT, WY	6.57	60.51	66.16	63.34	9.67	17.27	13.47	8.53
38	1982/1983	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	60.05	63.70	61.87	9.68	17.88	13.78	8.53
39	1982/1983	AR, KS, MT, NE, OK, UT, WY	5.28	60.05	63.68	61.87	9.61	17.92	13.77	8.52
40	1981/1982	AR, IA, KS, MT, NE, OK, SD, UT, WY	6.87	60.51	66.16	63.34	9.65	17.24	13.44	8.51
41	1982/1983	AR, AZ, ND, NM, OK, SD, UT, WY	5.56	60.72	62.56	61.64	9.66	17.94	13.80	8.51
42	1982/1983	AR, KS, MT, NE, OK, SD, UT, WY	5.59	60.05	63.68	61.87	9.62	17.87	13.74	8.50
43	1982/1983	AR, AZ, MT, ND, NM, OK, UT, WY	5.61	60.65	62.56	61.61	9.56	18.00	13.78	8.49
44	1981/1982	IA, ID, KS, NE, OK, UT, WY	5.63	59.45	65.70	62.58	9.84	17.28	13.56	8.49
45	1982/1983	IA, KS, ND, NE, OK, SD, UT, WY	5.80	60.09	63.86	61.98	9.34	18.04	13.69	8.49
46	1980/1982	IA, ID, ND, NE, OR, SD, UT, WY	5.00	55.21	56.97	56.09	10.01	20.24	15.13	8.49
47	1981/1982	AR, ID, KS, NE, OK, UT, WY	5.35	59.54	65.87	62.70	9.93	17.12	13.53	8.48
48	1982/1983	AR, AZ, NM, OK, SD, UT, WY	5.28	60.72	62.55	61.63	9.59	17.93	13.76	8.48
49	1981/1983	IA, KS, ND, NE, OK, SD, WY	5.16	58.69	65.23	61.96	9.20	18.17	13.69	8.48
50	1981/1982	ID, KS, MT, ND, NE, OK, SD, UT, WY	5.28	59.45	65.68	62.57	9.84	17.26	13.55	8.48
51	1982/1983	IA, KS, NE, OK, UT, WY	5.21	60.09	63.85	61.97	9.27	18.08	13.67	8.47
52	1980/1981	IA, ID, ND, NE, OR, SD, UT, WY	5.00	51.85	55.66	53.75	10.79	20.70	15.75	8.46
53	1982/1983	AR, AZ, MT, NM, OK, UT, WY	5.32	60.65	62.54	61.60	9.49	17.99	13.74	8.46
54	1981/1983	IA, KS, MT, ND, NE, OK, WY	5.20	58.64	65.21	61.92	9.10	18.22	13.66	8.46
55	1982/1983	IA, KS, NE, OK, SD, UT, WY	5.52	60.09	63.85	61.97	9.27	18.03	13.65	8.46
56	1982/1983	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	60.03	63.85	61.94	9.25	18.06	13.65	8.46
57	1982/1983	AR, AZ, MT, NM, OK, SD, UT, WY	5.62	60.65	62.54	61.60	9.49	17.94	13.72	8.45
58	1982/1983	IA, KS, MT, NE, OK, UT, WY	5.56	60.03	63.84	61.93	9.18	18.09	13.64	8.45
59	1981/1983	AR, KS, ND, NE, OK, SD, UT, WY	5.53	58.90	64.06	61.48	9.74	17.73	13.74	8.44
60	1982/1983	AZ, ND, NE, NM, OK, SD, UT, WY	5.25	60.67	62.70	61.69	9.54	17.83	13.69	8.44
61	1981/1983	AR, LA, MS, OK	5.31	58.55	63.51	61.03	11.67	15.98	13.83	8.44
62	1982/1983	IA, KS, MT, NE, OK, SD, UT, WY	5.86	60.03	63.84	61.93	9.19	18.04	13.61	8.43
63	1982/1983	AZ, IA, ND, NM, OK, SD, UT, WY	5.84	60.70	62.69	61.69	9.23	18.09	13.66	8.43
64	1982/1983	AZ, MT, ND, NE, NM, OK, UT, WY	5.29	60.60	62.70	61.65	9.44	17.89	13.67	8.42
65	1981/1982	ID, KS, ND, NE, OK, OR, SD, UT, WY	6.10	59.44	65.18	62.31	9.69	17.35	13.52	8.42
66	1981/1983	AR, KS, MT, ND, NE, OK, UT, WY	5.57	58.85	64.04	61.45	9.64	17.78	13.71	8.42
67	1981/1982	ID, KS, NE, OK, OR, UT, WY	5.50	59.44	65.18	62.31	9.67	17.36	13.52	8.42
68	1981/1983	AR, KS, NE, OK, SD, UT, WY	5.24	58.90	64.04	61.47	9.68	17.72	13.70	8.42
69	1981/1983	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	58.85	64.04	61.45	9.64	17.73	13.68	8.41
70	1981/1982	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.38	58.28	64.99	61.64	10.50	16.78	13.64	8.41
71	1981/1982	ID, KS, NE, OK, OR, SD, UT, WY	5.81	59.44	65.18	62.31	9.65	17.33	13.49	8.40
72	1981/1982	AR, KS, LA, NE, OK, UT, WY	6.79	58.28	64.99	61.63	10.48	16.78	13.63	8.40
73	1982/1983	AZ, IA, NM, OK, SD, UT, WY	5.55	60.70	62.67	61.68	9.16	18.08	13.62	8.40
74	1982/1983	AZ, IA, MT, ND, NM, OK, SD, UT, WY	6.19	60.63	62.68	61.66	9.15	18.10	13.63	8.40
75	1982/1983	AZ, MT, NE, NM, OK, UT, WY	5.00	60.60	62.68	61.64	9.38	17.88	13.63	8.40
76	1981/1983	AR, KS, MT, NE, OK, UT, WY	5.28	58.85	64.03	61.44	9.58	17.76	13.67	8.40
77	1981/1982	AZ, IA, ND, NM, OK, SD, UT, WY	5.84	61.09	63.52	62.30	9.04	17.92	13.48	8.40

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
78	1981/1982	AR, AZ, ND, NM, OK, SD, UT, WY	5.56	61.16	63.66	62.41	9.12	17.79	13.45	8.39
79	1981/1982	AR, KS, LA, NE, OK, SD, UT, WY	7.09	58.28	64.99	61.63	10.45	16.76	13.61	8.39
80	1982/1983	AZ, MT, NE, NM, OK, SD, UT, WY	5.31	60.60	62.68	61.64	9.38	17.83	13.61	8.39
81	1981/1983	AR, KS, MT, NE, OK, SD, UT, WY	5.59	58.85	64.03	61.44	9.58	17.72	13.65	8.38
82	1981/1982	ID, KS, MT, ND, NE, OK, OR, UT, WY	6.14	59.44	65.15	62.29	9.56	17.35	13.45	8.38
83	1981/1983	IA, KS, ND, NE, OK, SD, UT, WY	5.80	58.89	64.22	61.55	9.33	17.90	13.61	8.38
84	1981/1982	AZ, IA, NM, OK, SD, UT, WY	5.55	61.09	63.51	62.30	8.99	17.91	13.45	8.38
85	1982/1983	AZ, IA, MT, NM, OK, SD, UT, WY	5.90	60.63	62.67	61.65	9.08	18.09	13.59	8.38
86	1981/1982	AR, AZ, NM, OK, SD, UT, WY	5.28	61.16	63.66	62.41	9.07	17.77	13.42	8.37
87	1981/1982	IA, ID, KS, NE, OK, OR, UT, WY	6.79	59.44	65.17	62.31	9.53	17.35	13.44	8.37
88	1981/1982	AR, ID, KS, ND, NE, OK, OR, SD, UT, WY	7.11	59.52	65.34	62.43	9.63	17.19	13.41	8.37
89	1981/1983	IA, KS, NE, OK, UT, WY	5.21	58.89	64.21	61.55	9.27	17.93	13.60	8.37
90	1981/1982	ID, KS, NE, OK, OR, UT, WY	6.51	59.52	65.34	62.43	9.61	17.20	13.40	8.37
91	1981/1982	AR, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	6.44	59.44	65.15	62.29	9.53	17.33	13.43	8.37
92	1982/1983	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	60.15	63.63	61.89	9.22	17.80	13.51	8.36
93	1981/1982	ID, KS, MT, NE, OK, OR, UT, WY	5.85	59.44	65.15	62.29	9.51	17.34	13.42	8.36
94	1981/1982	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.43	58.28	64.97	61.63	10.34	16.78	13.56	8.36
95	1982/1983	ID, KS, MT, ND, NE, OK, SD, UT, WY	5.28	58.40	63.82	61.11	9.72	17.63	13.67	8.36
96	1981/1982	AR, AZ, MT, ND, NM, OK, UT, WY	5.61	61.16	63.64	62.40	8.99	17.79	13.39	8.36
97	1981/1983	IA, KS, NE, OK, SD, UT, WY	5.52	58.89	64.21	61.55	9.27	17.88	13.57	8.35
98	1981/1982	AR, IA, KS, LA, NE, OK, UT, WY	8.08	58.28	64.98	61.63	10.33	16.78	13.56	8.35
99	1982/1983	AR, IA, KS, MT, ND, NE, OK, UT, WY	6.86	60.09	63.62	61.85	9.14	17.86	13.50	8.35
100	1982/1983	AR, IA, KS, NE, OK, UT, WY	6.22	60.15	63.61	61.88	9.15	17.84	13.49	8.35
101	1981/1982	AR, AZ, IA, ND, NM, OK, SD, UT, WY	6.85	61.16	63.68	62.42	8.99	17.77	13.38	8.35
102	1981/1983	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	58.84	64.20	61.52	9.24	17.90	13.57	8.35
103	1981/1982	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.73	58.28	64.97	61.63	10.31	16.77	13.54	8.34
104	1981/1982	AZ, IA, MT, ND, NM, OK, SD, UT, WY	6.19	61.09	63.50	62.30	8.89	17.90	13.39	8.34
105	1981/1982	AR, KS, LA, MT, NE, OK, UT, WY	7.14	58.28	64.97	61.62	10.30	16.77	13.54	8.34
106	1981/1982	AR, IA, KS, LA, NE, OK, SD, UT, WY	8.38	58.28	64.98	61.63	10.30	16.77	13.53	8.34
107	1981/1983	IA, KS, MT, NE, OK, UT, WY	5.56	58.84	64.19	61.52	9.18	17.93	13.55	8.34
108	1982/1983	AR, IA, KS, MT, ND, NE, OK, SD, UT, WY	7.16	60.09	63.62	61.85	9.14	17.81	13.48	8.34
109	1981/1982	IA, ID, KS, MT, ND, NE, OK, OR, UT, WY	7.42	59.44	65.14	62.29	9.42	17.34	13.38	8.34
110	1982/1983	AR, IA, KS, NE, OK, SD, UT, WY	6.52	60.15	63.61	61.88	9.16	17.78	13.47	8.34
111	1981/1982	AR, AZ, MT, NM, OK, UT, WY	5.32	61.16	63.64	62.40	8.94	17.77	13.36	8.34
112	1981/1983	AR, AZ, ND, NM, OK, SD, UT, WY	5.56	59.13	62.52	60.83	9.48	17.92	13.70	8.33
113	1981/1982	AR, AZ, IA, NM, OK, SD, UT, WY	6.56	61.16	63.67	62.41	8.94	17.75	13.35	8.33
114	1981/1982	AR, ID, KS, MT, ND, NE, OK, OR, UT, WY	7.15	59.52	65.31	62.42	9.50	17.19	13.35	8.33
115	1981/1982	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.44	58.28	64.97	61.62	10.27	16.75	13.51	8.33
116	1981/1982	IA, KS, ND, NE, OK, SD, WY	5.16	60.54	66.92	63.73	8.72	17.42	13.07	8.33
117	1981/1982	AR, IA, ID, KS, ND, NE, OK, OR, SD, UT, WY	8.39	59.52	65.33	62.43	9.50	17.18	13.34	8.33
118	1982/1983	AZ, ID, MT, ND, NM, OK, UT, WY	5.01	59.02	62.65	60.84	9.59	17.78	13.69	8.33
119	1982/1983	AR, IA, KS, MT, NE, OK, UT, WY	6.57	60.09	63.60	61.85	9.07	17.85	13.46	8.32
120	1981/1982	AZ, IA, MT, NM, OK, SD, UT, WY	5.90	61.09	63.50	62.29	8.84	17.88	13.36	8.32
121	1981/1983	IA, KS, MT, NE, OK, SD, UT, WY	5.86	58.84	64.19	61.52	9.18	17.88	13.53	8.32
122	1982/1983	AR, AZ, IA, ND, NM, OK, SD, UT, WY	6.85	60.75	62.51	61.63	9.12	17.88	13.50	8.32

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
123	1981/1982	AR, AZ, MT, NM, OK, SD, UT, WY	5.62	61.16	63.64	62.40	8.92	17.75	13.33	8.32
124	1981/1982	IA, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	7.73	59.44	65.14	62.29	9.40	17.32	13.36	8.32
125	1982/1983	AR, AZ, NE, NM, OK, UT, WY	5.66	60.72	62.51	61.62	9.34	17.66	13.50	8.32
126	1981/1982	IA, ID, KS, MT, NE, OK, OR, UT, WY	7.14	59.44	65.14	62.29	9.38	17.32	13.35	8.32
127	1980/1982	IA, ID, MT, ND, NE, OR, UT, WY	5.05	55.09	57.02	56.06	9.51	20.16	14.83	8.32
128	1981/1982	AR, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	7.45	59.52	65.31	62.42	9.47	17.17	13.32	8.31
129	1981/1983	AR, AZ, MT, ND, NM, OK, UT, WY	5.61	59.09	62.51	60.80	9.39	17.95	13.67	8.31
130	1982/1983	AZ, ID, MT, ND, NM, OK, SD, UT, WY	5.32	59.02	62.65	60.84	9.60	17.73	13.67	8.31
131	1981/1982	AR, ID, KS, MT, NE, OK, OR, UT, WY	6.86	59.52	65.31	62.41	9.45	17.18	13.31	8.31
132	1982/1983	AR, IA, KS, MT, NE, OK, SD, UT, WY	6.87	60.09	63.60	61.85	9.08	17.80	13.44	8.31
133	1981/1983	AR, AZ, NM, OK, SD, UT, WY	5.28	59.13	62.51	60.82	9.42	17.90	13.66	8.31
134	1981/1982	AZ, ND, NE, NM, OK, SD, UT, WY	5.25	61.15	63.44	62.30	9.01	17.67	13.34	8.31
135	1981/1982	AR, IA, ID, KS, NE, OK, OR, SD, UT, WY	8.10	59.52	65.33	62.43	9.45	17.16	13.31	8.31
136	1982/1983	AZ, MS, ND, NM, OK, SD, UT, WY	5.67	59.83	62.34	61.09	9.47	17.71	13.59	8.30
137	1981/1982	IA, ID, KS, MT, NE, OK, OR, SD, UT, WY	7.44	59.44	65.14	62.29	9.35	17.30	13.33	8.30
138	1981/1982	AR, AZ, IA, MT, ND, NM, OK, SD, UT, WY	7.20	61.16	63.66	62.41	8.84	17.75	13.30	8.30
139	1982/1983	AR, AZ, IA, MT, ND, NM, OK, SD, UT, WY	7.20	60.68	62.51	61.59	9.05	17.89	13.47	8.30
140	1982/1983	AR, AZ, IA, NM, OK, SD, UT, WY	6.56	60.75	62.50	61.62	9.06	17.87	13.46	8.30
141	1981/1983	AR, AZ, MT, NM, OK, UT, WY	5.32	59.09	62.50	60.79	9.33	17.94	13.64	8.29
142	1981/1983	ID, KS, MT, ND, NE, OK, SD, UT, WY	5.28	57.48	64.03	60.76	9.67	17.62	13.64	8.29
143	1982/1983	AZ, ID, MT, NM, OK, SD, UT, WY	5.03	59.02	62.64	60.83	9.53	17.72	13.63	8.29
144	1980/1982	IA, ID, MT, ND, NE, OR, SD, UT, WY	5.35	55.09	57.02	56.06	9.48	20.09	14.78	8.29
145	1982/1983	AZ, MS, MT, ND, NM, OK, UT, WY	5.71	59.78	62.34	61.06	9.38	17.76	13.57	8.29
146	1981/1982	AR, IA, ID, KS, MT, ND, NE, OK, OR, UT, WY	8.43	59.52	65.29	62.41	9.37	17.19	13.28	8.29
147	1981/1982	IA, KS, MT, ND, NE, OK, WY	5.20	60.54	66.87	63.70	8.57	17.42	12.99	8.28
148	1981/1983	AR, AZ, MT, NM, OK, SD, UT, WY	5.62	59.09	62.50	60.79	9.33	17.90	13.62	8.28
149	1981/1982	AR, AZ, IA, MT, NM, OK, SD, UT, WY	6.91	61.16	63.65	62.41	8.80	17.73	13.27	8.28
150	1982/1983	AZ, MS, NM, OK, SD, UT, WY	5.38	59.83	62.33	61.08	9.41	17.69	13.55	8.28
151	1981/1982	AR, IA, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	8.74	59.52	65.29	62.41	9.35	17.16	13.25	8.27
152	1981/1983	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	58.94	64.05	61.50	9.21	17.68	13.45	8.27
153	1980/1981	IA, ID, MT, ND, NE, OR, UT, WY	5.05	51.74	55.73	53.73	10.22	20.57	15.39	8.27
154	1982/1983	AR, AZ, IA, MT, NM, OK, SD, UT, WY	6.91	60.68	62.49	61.59	8.98	17.88	13.43	8.27
155	1981/1982	AZ, MT, ND, NE, NM, OK, UT, WY	5.29	61.15	63.43	62.29	8.88	17.67	13.28	8.27
156	1980/1983	IA, KS, ND, NE, OK, SD, WY	5.16	57.74	64.56	61.15	9.26	17.78	13.52	8.27
157	1981/1983	AZ, IA, ND, NM, OK, SD, UT, WY	5.84	59.12	62.64	60.88	9.11	18.05	13.58	8.27
158	1981/1982	AR, IA, ID, KS, MT, NE, OK, OR, UT, WY	8.15	59.52	65.29	62.41	9.33	17.17	13.25	8.27
159	1981/1982	AZ, IA, ND, NE, NM, OK, SD, UT, WY	6.54	61.15	63.46	62.30	8.88	17.65	13.27	8.27
160	1981/1983	AZ, ND, NE, NM, OK, SD, UT, WY	5.25	59.12	62.56	60.84	9.36	17.80	13.58	8.26
161	1982/1983	AZ, MS, MT, NM, OK, UT, WY	5.42	59.78	62.32	61.05	9.32	17.75	13.53	8.26
162	1982/1983	AZ, IA, ND, NE, NM, OK, SD, UT, WY	6.54	60.70	62.65	61.67	9.02	17.77	13.40	8.26
163	1981/1983	AR, IA, KS, NE, OK, UT, WY	6.22	58.94	64.04	61.49	9.15	17.71	13.43	8.26

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
164	1981/1982	AZ, IA, NE, NM, OK, UT, WY	5.94	61.15	63.45	62.30	8.86	17.66	13.26	8.26
165	1981/1982	AR, AZ, NE, NM, OK, UT, WY	5.66	61.22	63.60	62.41	8.93	17.53	13.23	8.26
166	1981/1983	AR, IA, KS, MT, ND, NE, OK, UT, WY	6.86	58.90	64.03	61.47	9.13	17.73	13.43	8.26
167	1982/1983	AR, ID, KS, NE, OK, UT, WY	5.35	58.51	63.58	61.05	9.62	17.42	13.52	8.25
168	1981/1982	AZ, ID, MT, ND, NM, OK, UT, WY	5.01	60.10	63.25	61.68	9.00	17.77	13.38	8.25
169	1982/1984	IA, KS, NE, OK, UT, WY	5.21	60.49	64.45	62.47	8.53	17.90	13.21	8.25
170	1981/1982	AZ, MT, NE, NM, OK, UT, WY	5.00	61.15	63.42	62.28	8.83	17.66	13.25	8.25
171	1982/1983	AZ, MS, MT, NM, OK, SD, UT, WY	5.73	59.78	62.32	61.05	9.32	17.70	13.51	8.25
172	1982/1983	AZ, IA, NE, NM, OK, UT, WY	5.94	60.70	62.63	61.67	8.95	17.80	13.38	8.25
173	1982/1984	IA, KS, ND, NE, OK, SD, UT, WY	5.80	60.41	64.47	62.44	8.60	17.82	13.21	8.25
174	1981/1983	AR, IA, KS, NE, OK, SD, UT, WY	6.52	58.94	64.04	61.49	9.15	17.67	13.41	8.25
175	1980/1982	IA, ID, MT, NE, OR, SD, UT, WY	5.06	55.22	9.34	56.09	9.34	20.07	14.70	8.25
176	1981/1982	AZ, LA, ND, NM, OK, SD, UT, WY	6.41	58.76	63.42	61.09	9.70	17.30	13.50	8.25
177	1981/1982	AZ, IA, NE, NM, OK, SD, UT, WY	6.25	61.15	63.45	62.30	8.83	17.64	13.23	8.25
178	1981/1983	AZ, IA, NM, OK, SD, UT, WY	5.55	59.12	62.63	60.87	9.04	18.04	13.54	8.24
179	1982/1984	IA, KS, MT, NE, OK, UT, WY	5.56	60.54	64.44	62.49	8.49	17.90	13.19	8.24
180	1980/1981	IA, ID, MT, ND, NE, OR, SD, UT, WY	5.35	51.74	55.73	53.73	10.18	20.50	15.34	8.24
181	1981/1983	AZ, MT, ND, NE, NM, OK, UT, WY	5.29	59.07	62.55	60.81	9.28	17.84	13.56	8.24
182	1981/1982	AR, AZ, ID, NM, OK, UT, WY	5.39	60.18	63.42	61.80	9.04	17.63	13.34	8.24
183	1981/1983	AR, IA, KS, MT, ND, NE, OK, SD, UT, WY	7.16	58.90	64.03	61.47	9.13	17.68	13.41	8.24
184	1981/1983	AZ, IA, MT, ND, NM, OK, SD, UT, WY	6.19	59.08	62.63	60.85	9.03	18.05	13.54	8.24
185	1981/1982	AZ, ID, MT, ND, NM, OK, SD, UT, WY	5.32	60.10	63.25	61.68	8.97	17.74	13.36	8.24
186	1982/1984	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	60.46	64.46	62.46	8.56	17.81	13.19	8.24
187	1983/1984	AR, AZ, LA, NM, OK	6.15	59.53	64.60	62.07	9.23	17.31	13.27	8.24
188	1982/1983	AZ, IA, NE, NM, OK, SD, UT, WY	6.25	60.70	62.63	61.67	8.95	17.76	13.36	8.24
189	1981/1982	AZ, MT, NE, NM, OK, SD, UT, WY	5.31	61.15	63.42	62.28	8.81	17.63	13.22	8.24
190	1982/1984	AR, KS, MT, ND, NE, OK, UT, WY	5.57	60.01	64.36	62.18	8.83	17.65	13.24	8.23
191	1981/1983	AR, IA, KS, MT, NE, OK, UT, WY	6.57	58.90	64.02	61.46	9.07	17.71	13.39	8.23
192	1981/1982	AZ, IA, ID, NM, OK, SD, UT, WY	5.97	60.10	63.28	61.69	8.95	17.73	13.34	8.23
193	1981/1982	AZ, LA, NM, OK, SD, UT, WY	6.12	58.76	63.42	61.09	9.66	17.28	13.47	8.23
194	1981/1982	AR, KS, MS, ND, NE, OK, SD, UT, WY	6.64	59.80	65.04	62.42	9.41	16.94	13.18	8.23
195	1982/1983	AZ, IA, MT, NE, NM, OK, UT, WY	6.29	60.63	62.63	61.63	8.88	17.81	13.34	8.22
196	1982/1983	AR, AZ, ID, NM, OK, UT, WY	5.39	59.13	62.46	60.80	9.50	17.56	13.53	8.22
197	1981/1982	AR, KS, MS, NE, OK, UT, WY	6.05	59.80	65.04	62.42	9.39	16.95	13.17	8.22
198	1982/1983	AR, KS, MS, ND, NE, OK, SD, UT, WY	6.64	59.29	63.22	61.26	9.47	17.37	13.42	8.22
199	1981/1982	AZ, ID, MT, NM, OK, SD, UT, WY	5.03	60.10	63.25	61.67	8.92	17.73	13.33	8.22
200	1981/1983	AZ, MT, NE, NM, OK, UT, WY	5.00	59.07	62.54	60.81	9.21	17.82	13.52	8.22
201	1982/1984	IA, KS, NE, OK, SD, UT, WY	5.52	60.42	64.46	62.44	8.53	17.80	13.16	8.22
202	1980/1983	IA, KS, MT, ND, NE, OK, WY	5.20	57.64	64.54	61.09	9.10	17.81	13.45	8.22
203	1981/1983	AR, IA, KS, MT, NE, OK, SD, UT, WY	6.87	58.90	64.02	61.46	9.07	17.67	13.37	8.22
204	1981/1983	AZ, IA, MT, NM, OK, SD, UT, WY	5.90	59.08	62.62	60.85	8.97	18.04	13.50	8.22
205	1981/1982	AR, AZ, IA, NE, NM, OK, UT, WY	6.95	61.22	63.61	62.42	8.81	17.52	13.16	8.22
206	1980/1981	IA, ID, MT, NE, OR, SD, UT, WY	5.06	51.82	55.73	53.77	10.06	20.49	15.28	8.21
207	1982/1983	AZ, IA, MT, NE, NM, OK, SD, UT, WY	6.59	60.63	62.63	61.63	8.88	17.77	13.32	8.21
208	1981/1982	AR, AZ, LA, ND, NM, OK, SD, UT, WY	7.42	58.84	63.53	61.18	9.64	17.20	13.42	8.21
209	1982/1984	AR, KS, ND, NE, OK, SD, UT, WY	5.53	59.88	64.38	62.13	8.87	17.56	13.21	8.21
210	1982/1984	IA, KS, MT, NE, OK, SD, UT, WY	5.86	60.47	64.45	62.46	8.49	17.80	13.14	8.21
211	1981/1982	AZ, ID, ND, NM, OK, OR, SD, UT, WY	6.13	60.07	62.92	61.50	8.90	17.80	13.35	8.21
212	1981/1982	AZ, IA, MT, NE, NM, OK, UT, WY	6.29	61.15	63.44	62.29	8.72	17.64	13.18	8.21
213	1982/1983	AR, KS, MS, NE, OK, UT, WY	6.05	59.29	63.20	61.25	9.40	17.41	13.40	8.21
214	1982/1983	AR, KS, MS, MT, ND, NE, OK, UT, WY	6.68	59.24	63.21	61.22	9.38	17.44	13.41	8.21
215	1981/1983	AZ, MT, NE, NM, OK, SD, UT, WY	5.31	59.07	62.54	60.81	9.21	17.78	13.50	8.21

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
216	1981/1982	AZ, LA, MT, ND, NM, OK, UT, WY	6.45	58.76	63.41	61.09	9.57	17.30	13.44	8.21
217	1981/1982	AR, AZ, LA, NM, OK, UT, WY	6.83	58.84	63.52	61.18	9.63	17.20	13.41	8.21
218	1981/1982	AZ, ID, NM, OK, OR, UT, WY	5.54	60.07	62.91	61.49	8.88	17.81	13.34	8.21
219	1981/1983	AR, ID, KS, NE, OK, UT, WY	5.35	57.57	63.87	60.72	9.58	17.44	13.51	8.20
220	1982/1984	AR, KS, MT, NE, OK, UT, WY	5.28	60.01	64.35	62.18	8.75	17.64	13.19	8.20
221	1981/1982	AR, KS, MS, NE, OK, SD,UT WY	6.35	59.80	65.04	62.42	9.36	16.92	13.14	8.20
222	1981/1983	AZ ID, MT, ND, NM, OK, UT, WY	5.01	57.75	62.49	60.12	9.43	17.86	13.64	8.20
223	1982/1984	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	59.94	64.37	62.16	8.82	17.56	13.19	8.20
224	1982/1983	AZ, LA, ND, NM, OK, SD, UT, WY	6.41	59.21	62.16	60.68	10.02	17.00	13.51	8.20
225	1981/1984	IA, KS, NE, OK, UT, WY	5.21	59.73	64.67	62.20	8.56	17.81	13.18	8.20
226	1981/1984	IA, KS, ND, NE, OK, SD, UT, WY	5.80	59.67	64.69	62.18	8.62	17.74	13.18	8.20
227	1981/1982	AR, AZ, LA, NM, OK, SD, UT, WY	7.13	58.84	63.52	61.18	9.60	17.19	13.40	8.20
228	1981/1982	AZ, IA, MT, NE, NM, OK, SD, UT, WY	6.59	61.15	63.44	62.29	8.69	17.62	13.16	8.19
229	1982/1983	AR, KS, MS, MT, ND, NE, OK, SD, UT, WY	6.99	59.24	63.21	61.22	9.38	17.39	13.38	8.19
230	1982/1983	AR, KS, MS, NE, OK, SD, UT, WY	6.35	59.29	63.20	61.25	9.40	17.36	13.38	8.19
231	1981/1982	AZ, ID, NM, OK, OR, SD, UT, WY	5.85	60.07	62.91	61.49	8.86	17.79	13.32	8.19
232	1981/1982	AZ, LA, MT, NM, OK, UT, WY	6.17	58.76	63.41	61.09	9.53	17.29	13.41	8.19
233	1981/1982	AZ, IA, LA, NM, OK, SD, UT, WY	7.41	58.76	63.43	61.10	9.53	17.28	13.40	8.19
234	1981/1983	AZ, ID, MT, ND, NM, OK, SD, UT, WY	5.32	57.75	62.49	60.12	9.42	17.82	13.62	8.19
235	1982/1983	AR, AZ, MS, NM, OK, UT, WY	6.08	59.89	62.16	61.02	9.29	17.54	13.41	8.19
236	1981/1984	IA, KS, MT, NE, OK, UT, WY	5.56	59.78	64.65	62.22	8.52	17.80	13.16	8.19
237	1981/1984	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	59.72	64.67	62.20	8.58	17.73	13.16	8.18
238	1981/1982	AR, KS, MS, MT, ND, NE, OK, UT, WY	6.68	59.80	65.01	62.41	9.28	16.95	13.11	8.18
239	1982/1983	AZ, LA, MT, ND, NM, OK, UT, WY	6.45	59.16	62.15	60.66	9.94	17.04	13.49	8.18
240	1982/1983	IA, ID, KS, NE, OK, UT, WY	5.63	58.50	63.74	61.12	9.19	17.58	13.39	8.18
241	1982/1983	AR, KS, MS, MT, NE, OK, UT, WY	6.39	59.24	63.20	61.22	9.31	17.42	13.37	8.18
242	1982/1984	AR, KS, NE, OK, SD, UT, WY	5.24	59.89	64.37	62.13	8.79	17.55	13.17	8.18
243	1982/1983	AZ, LA, NM, OK, SD, UT, WY	6.12	59.21	62.14	60.68	9.97	16.99	13.48	8.18
244	1981/1984	AR, KS, MT, ND, NE, OK, UT, WY	5.57	59.28	64.55	61.91	8.84	17.58	13.21	8.18
245	1981/1983	AR, AZ, IA, ND, NM, OK, SD, UT, WY	6.85	59.18	62.53	60.85	9.00	17.87	13.44	8.18
246	1981/1982	AR, IA, KS, MS, NE, OK, UT, WY	7.33	59.80	65.03	62.42	9.25	16.95	13.10	8.18
247	1981/1982	AZ, ID, MT, ND, NM, OK, OR, UT, WY	6.18	60.07	62.91	61.49	8.79	17.80	13.30	8.18
248	1982/1983	AZ, ID, ND, NE, NM, OK, SD, UT, WY	5.67	59.07	62.62	60.84	9.45	17.42	13.44	8.18
249	1981/1982	AR, AZ, LA, MT, ND, NM, OK, UT, WY	7.46	58.84	63.52	61.18	9.52	17.20	13.36	8.17
250	1981/1982	AR, AZ, IA, LA, ND, NM, OK, SD, UT, WY	8.71	58.84	63.54	61.19	9.52	17.19	13.36	8.17
251	1982/1984	AR, KS, MT, NE, OK, SD, UT, WY	5.59	59.94	64.36	62.15	8.75	17.55	13.15	8.17
252	1981/1984	IA, KS, NE ,OK, SD, UT, WY	5.52	59.67	64.68	62.17	8.55	17.73	13.14	8.17
253	1981/1982	AR, AZ, ID, ND, NM, OK, OR, SD, UT, WY	7.14	60.15	63.08	61.62	8.86	17.66	13.26	8.17
254	1981/1982	AR, KS, MS, MT, ND, NE, OK, SD, UT, WY	6.99	59.80	65.01	62.41	9.25	16.92	13.09	8.17
255	1981/1983	AZ, ID, MT, NM, OK, SD, UT, WY	5.03	57.75	62.48	60.12	9.36	17.81	13.58	8.17
256	1981/1982	AR, AZ, ID, NM, OK, OR, UT, WY	6.55	60.15	63.08	61.61	8.84	17.67	13.25	8.17
257	1981/1984	AR, KS, ND, NE, OK, SD, UT, WY	5.53	59.16	64.58	61.87	8.88	17.51	13.20	8.16
258	1981/1983	ID, KS, ND, NE, OK, OR, SD, UT, WY	6.10	57.08	63.70	60.39	9.57	17.47	13.52	8.16
259	1981/1982	AZ, ID, ND, NE, NM, OK, SD, UT, WY	5.67	60.16	63.21	61.69	8.96	17.51	13.23	8.16
260	1981/1982	AR, AZ, LA, MT, ND, NM, OK, SD, UT, WY	7.77	58.84	63.52	61.18	9.50	17.19	13.34	8.16
261	1982/1983	AZ, LA, MT, NM, OK, UT, WY	6.17	59.16	62.14	60.65	9.89	17.03	13.46	8.16
262	1981/1982	AR, KS, MS, MT, NE, OK, UT, WY	6.39	59.80	65.01	62.40	9.23	16.93	13.08	8.16
263	1982/1983	AZ, ID, NE, NM, OK, UT, WY	5.07	59.07	62.60	60.84	9.38	17.45	13.42	8.16
264	1981/1983	AR, AZ, NE, NM, OK, UT, WY	5.66	59.17	62.44	60.81	9.19	17.65	13.42	8.16
265	1981/1982	AR, AZ, LA, MT, NM, OK, UT, WY	7.18	58.84	63.51	61.18	9.48	17.19	13.34	8.16
266	1981/1982	AZ, ID, NE, NM, OK, UT, WY	5.07	60.16	63.20	61.68	8.94	17.51	13.23	8.16

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
267	1981/1982	AR, AZ, IA, LA, NM, OK, SD, UT, WY	8.42	58.84	63.53	61.19	9.48	17.18	13.33	8.16
268	1981/1984	IA, KS, MT, NE, OK, SD, UT, WY	5.86	59.72	64.66	62.19	8.51	17.72	13.12	8.16
269	1983/1984	IA, KS, MT, NE, OK, UT, WY	5.50	59.42	63.35	61.38	8.26	18.31	13.29	8.15
270	1981/1983	ID, KS, NE, OK, OR, UT, WY	5.50	57.08	63.69	60.38	9.51	17.50	13.50	8.15
271	1981/1983	AR, AZ, IA, NM, OK, SD, UT, WY	6.56	59.18	62.52	60.85	8.94	17.86	13.40	8.15
272	1981/1983	AR, AZ, IA, MT, ND, NM, OK, SD, UT, WY	7.20	59.13	62.52	60.83	8.93	17.87	13.40	8.15
273	1981/1984	AR, KS, MT, NE, OK, UT, WY	5.28	59.27	64.54	61.91	8.76	17.57	13.17	8.15
274	1981/1984	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	59.22	64.56	61.89	8.83	17.51	13.17	8.15
275	1982/1983	AZ, ID, NE, NM, OK, SD, UT, WY	5.38	59.07	62.60	60.84	9.39	17.41	13.40	8.15
276	1982/1983	ID, KS, ND, NE, OK, OR, SD, UT, WY	6.10	58.08	63.58	60.83	9.60	17.19	13.40	8.15
277	1982/1983	AZ, ID, MT, ND, NE, NM, OK, SD, UT, WY	6.01	59.02	62.61	60.82	9.37	17.43	13.40	8.15
278	1983/1984	IA, KS, NE, OK, UT, WY	5.15	59.33	63.35	61.34	8.27	18.30	13.28	8.15
279	1981/1983	ID, KS, MT, ND, NE, OK, OR, UT, WY	6.14	57.05	63.69	60.37	9.48	17.51	13.50	8.15
280	1982/1983	AR, AZ, IA, NE, NM, OK, UT, WY	6.95	60.75	62.46	61.60	8.85	17.60	13.23	8.15
281	1981/1983	AZ, MS, ND, NM, OK, SD, UT, WY	5.67	58.59	62.05	60.32	9.31	17.69	13.50	8.15
282	1981/1982	AZ, ID, NE, NM, OK, SD, UT, WY	5.38	60.16	63.20	61.68	8.91	17.49	13.20	8.14
283	1981/1982	IA, ID, MT, ND, NV, OR, SD, UT, WY	5.01	53.95	54.79	54.37	8.45	21.51	14.98	8.14
284	1981/1983	IA, ID, KS, NE, OK, UT, WY	5.63	57.57	64.03	60.80	9.19	17.60	13.39	8.14
285	1981/1983	ID, KS, NE, OK, OR, SD, UT, WY	5.81	57.08	63.69	60.38	9.51	17.45	13.48	8.14
286	1981/1982	AZ, LA, NE, NM, OK, UT, WY	6.51	58.82	63.38	61.10	9.53	17.12	13.32	8.14
287	1982/1983	AZ, IA, ID, NM, OK, SD, UT, WY	5.97	59.12	62.59	60.85	9.10	17.65	13.37	8.14
288	1981/1982	AR, AZ, ID, MT, ND, NM, OK, OR, UT, WY	7.19	60.15	63.07	61.61	8.75	17.66	13.21	8.14
289	1982/1983	ID, KS, NE, OK, OR, UT, WY	5.50	58.08	63.57	60.82	9.54	17.22	13.38	8.14
290	1982/1983	ID, KS, MT, ND, NE, OK, OR, UT, WY	6.14	58.04	63.57	60.81	9.51	17.25	13.38	8.14
291	1981/1984	AR, KS, NE, OK, SD, UT, WY	5.24	59.15	64.57	61.86	8.81	17.50	13.15	8.14
292	1982/1983	AZ, ID, MT, NE, NM, OK, UT, WY	5.42	59.02	62.60	60.81	9.30	17.46	13.38	8.14
293	1981/1983	AZ, LA, ND, NM, OK, SD, UT, WY	6.41	58.07	62.15	60.11	9.84	17.22	13.53	8.13
294	1981/1983	ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	6.44	57.05	63.69	60.37	9.48	17.47	13.48	8.13
295	1981/1982	AR, AZ, IA, ID, ND, NM, OK, OR, SD, UT, WY	8.43	60.15	63.10	61.63	8.75	17.65	13.20	8.13
296	1983/1984	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.07	59.33	63.39	61.36	8.34	18.17	13.25	8.13
297	1982/1983	AZ, ID, ND, NM, OK, OR, SD, UT, WY	6.13	58.69	62.47	60.58	9.49	17.35	13.42	8.13
298	1981/1982	AZ, LA, NE, NM, OK, SD, UT, WY	6.82	58.82	63.38	61.10	9.50	17.10	13.30	8.13
299	1981/1982	AZ, ID, LA, NM, OK, UT, WY	6.24	57.99	63.27	60.63	9.62	17.20	13.41	8.13
300	1981/1983	AZ, MS, MT, ND, NM, OK, UT, WY	5.71	58.55	62.04	60.30	9.23	17.73	13.48	8.13
301	1982/1983	AR, AZ, NM, NV, OK, UT, WY	5.32	59.63	61.70	60.67	9.10	17.70	13.40	8.13
302	1981/1983	AR, AZ, IA, MT, NM, OK, SD, UT, WY	6.91	59.13	62.51	60.82	8.87	17.86	13.36	8.13
303	1981/1982	AR, AZ, IA, LA, MT, ND, NM, OK, SD, UT, WY	9.06	58.84	63.53	61.18	9.38	17.18	13.28	8.13
304	1982/1983	AZ, MS, NE, NM, OK, UT, WY	5.77	59.83	62.29	61.06	9.18	17.43	13.31	8.13
305	1983/1984	IA, KS, ND, NE, OK, SD, UT, WY	5.73	59.24	63.39	61.32	8.35	18.15	13.25	8.13
306	1981/1982	AR, AZ, ID, MT, ND, NM, OK, OR, SD, UT, WY	7.49	60.15	63.07	61.61	8.73	17.64	13.19	8.12
307	1981/1983	ID, KS, MT, NE, OK, OR, UT, WY	5.85	57.05	63.68	60.36	9.42	17.50	13.46	8.12
308	1981/1983	AR, KS, MS, ND, NE, OK, SD, UT, WY	6.64	58.40	63.31	60.86	9.43	17.27	13.35	8.12
309	1982/1983	ID, KS, NE, OK, OR, SD, UT, WY	5.81	58.08	63.57	60.82	9.54	17.17	13.36	8.12
310	1982/1983	ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	6.44	58.04	63.57	60.81	9.52	17.20	13.36	8.12
311	1982/1983	AR, AZ, LA, ND, NM, OK, SD, UT, WY	7.42	59.26	62.04	60.65	9.91	16.87	13.39	8.12
312	1981/1984	AR, KS, MT, NE, OK, SD, UT, WY	5.59	59.21	64.56	61.88	8.76	17.49	13.13	8.12
313	1981/1983	AZ, MS, NM, OK, SD, UT, WY	5.38	58.59	62.04	60.31	9.26	17.68	13.47	8.12
314	1982/1983	AR, CO, ND, OK, SD, UT, WY	5.07	59.32	62.38	60.85	9.44	17.26	13.35	8.12

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
315	1981/1982	AR, AZ, ID, MT, NM, OK, OR, UT, WY	6.90	60.15	63.06	61.61	8.71	17.65	13.18	8.12
316	1981/1982	AZ, IA, ID, NE, NM, OK, UT, WY	6.36	60.16	63.22	61.69	8.82	17.50	13.16	8.12
317	1981/1983	AR, AZ, ID, NM, OK, UT, WY	5.39	57.85	62.38	60.11	9.34	17.67	13.51	8.12
318	1982/1983	AZ, ID, NM, OK, OR, UT, WY	5.54	58.69	62.45	60.57	9.43	17.38	13.40	8.12
319	1982/1983	AZ, ID, MT, ND, NM, OK, OR, UT, WY	6.18	58.65	62.46	60.55	9.41	17.40	13.41	8.12
320	1981/1983	AZ, LA, MT, ND, NM, OK, UT, WY	6.45	58.04	62.15	60.09	9.76	17.25	13.51	8.12
321	1981/1983	AZ, LA, NM, OK, SD, UT, WY	6.12	58.07	62.15	60.11	9.80	17.21	13.50	8.12
322	1983/1984	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.42	59.14	63.99	61.57	8.92	17.44	13.18	8.11
323	1982/1983	AZ, MS, NE, NM, OK, SD, UT, WY	6.07	59.83	62.29	61.06	9.19	17.39	13.29	8.11
324	1982/1983	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.38	58.73	62.73	60.73	10.02	16.70	13.36	8.11
325	1981/1982	AZ, ID, MT, ND, NE, NM, OK, SD, UT, WY	6.01	60.16	63.19	61.68	8.82	17.49	13.16	8.11
326	1981/1983	AR, KS, MS, NE, OK, UT, WY	6.05	58.40	63.30	60.85	9.37	17.30	13.33	8.11
327	1980/1983	AR, KS, ND, NE, OK, SD, UT, WY	5.53	57.40	63.11	60.26	9.68	17.24	13.46	8.11
328	1982/1983	AR, AZ, LA, NM, OK, UT, WY	6.83	59.26	62.03	60.64	9.86	16.89	13.38	8.11
329	1982/1983	ID, KS, MT, NE, OK, OR, UT, WY	5.85	58.04	63.56	60.80	9.45	17.23	13.34	8.11
330	1981/1983	AZ, IA, ND, NE, NM, OK, SD, UT, WY	6.54	59.16	62.57	60.86	8.90	17.76	13.33	8.11
331	1981/1982	AZ, ID, MT, NE, NM, OK, UT, WY	5.42	60.16	63.19	61.67	8.80	17.50	13.15	8.11
332	1981/1983	AR, KS, MS, MT, ND, NE, OK, UT, WY	6.68	58.36	63.30	60.83	9.34	17.32	13.33	8.11
333	1982/1983	AR, AZ, LA, MT, ND, NM, OK, UT, WY	7.46	59.21	62.04	60.63	9.83	16.91	13.37	8.11
334	1982/1983	AZ, ID, NM, OK, OR, SD, UT, WY	5.85	58.69	62.45	60.57	9.43	17.34	13.38	8.11
335	1981/1983	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.38	57.89	62.99	60.44	9.95	16.87	13.41	8.11
336	1981/1983	AZ, MS, MT, NM, OK, UT, WY	5.42	58.55	62.03	60.29	9.17	17.72	13.44	8.11
337	1983/1984	IA, KS, MT, NE, OK, SD, UT, WY	5.79	59.33	63.37	61.35	8.26	18.16	13.21	8.10
338	1982/1983	AR, AZ, MT, NM, NV, OK, UT, WY	5.67	59.58	61.70	60.64	9.02	17.71	13.36	8.10
339	1982/1983	AR, AZ, LA, NM, OK, SD, UT, WY	7.13	59.26	62.03	60.64	9.86	16.86	13.36	8.10
340	1981/1982	AZ, IA, LA, NE, NM, OK, UT, WY	7.80	58.82	63.39	61.11	9.41	17.12	13.26	8.10
341	1982/1983	AR, KS, LA, NE, OK, UT, WY	6.79	58.73	62.72	60.72	9.97	16.72	13.34	8.10
342	1982/1983	AZ, MS, MT, NE, NM, OK, UT, WY	6.12	59.78	62.29	61.03	9.11	17.45	13.28	8.10
343	1982/1984	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.43	59.36	64.65	62.00	9.17	16.96	13.06	8.10
344	1981/1983	AR, KS, MS, NE, OK, SD, UT, WY	6.35	58.40	63.30	60.85	9.37	17.26	13.31	8.10
345	1981/1983	AZ, IA, NE, NM, OK, UT, WY	5.94	59.16	62.55	60.86	8.83	17.78	13.31	8.10
346	1982/1983	AR, AZ, LA, MT, ND, NM, OK, SD, UT, WY	7.77	59.21	62.04	60.63	9.83	16.88	13.36	8.10
347	1981/1983	AZ, LA, MT, NM, OK, UT, WY	6.17	58.04	62.14	60.09	9.72	17.24	13.48	8.10
348	1982/1983	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.43	58.68	62.72	60.70	9.94	16.75	13.34	8.10
349	1983/1984	IA, KS, NE, OK, SD, UT, WY	5.44	59.24	63.37	61.31	8.27	18.14	13.21	8.10
350	1982/1984	AR, IA, KS, MT, ND, NE, OK, UT, WY	6.86	60.35	64.26	62.31	8.40	17.60	13.00	8.10
351	1981/1983	AR, KS, LA, NE, OK, UT, WY	6.79	57.89	62.98	60.44	9.91	16.89	13.40	8.10
352	1981/1983	AR, KS, MS, MT, ND, NE, OK, SD, UT, WY	6.99	58.36	63.30	60.83	9.34	17.27	13.31	8.10
353	1981/1983	AZ, MS, MT, NM, OK, SD, UT, WY	5.73	58.55	62.03	60.29	9.17	17.68	13.43	8.09
354	1982/1983	AR, KS, LA, NE, OK, SD, UT, WY	7.09	58.73	62.72	60.72	9.97	16.69	13.33	8.09
355	1983/1984	AR, KS, LA, MT, NE, OK, UT, WY	7.14	59.14	63.99	61.56	8.86	17.43	13.15	8.09
356	1981/1982	AZ, LA, MT, NE, NM, OK, UT, WY	6.86	58.82	63.37	61.09	9.39	17.11	13.25	8.09
357	1983/1984	AR, KS, LA, NE, OK, UT, WY	6.79	59.06	63.99	61.52	8.88	17.42	13.15	8.09
358	1982/1983	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.73	58.68	62.72	60.70	9.94	16.71	13.33	8.09
359	1982/1984	AR, KS, LA, NE, OK, UT, WY	6.79	59.31	64.65	61.98	9.15	16.95	13.05	8.09
360	1982/1984	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.38	59.26	64.66	61.96	9.21	16.90	13.05	8.09
361	1981/1983	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.43	57.85	62.99	60.42	9.87	16.90	13.39	8.09
362	1980/1983	AR, KS, NE, OK, SD, UT, WY	5.24	57.48	63.09	60.29	9.60	17.23	13.41	8.09

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
363	1981/1983	AZ, IA, NE, NM, OK, SD, UT, WY	6.25	59.16	62.55	60.86	8.83	17.74	13.29	8.09
364	1982/1983	AR, AZ, LA, MT, NM, OK, UT, WY	7.18	59.21	62.02	60.62	9.78	16.90	13.34	8.09
365	1981/1982	AZ, MS, ND, NM, OK, SD, UT, WY	5.67	60.35	62.69	61.52	8.67	17.62	13.15	8.09
366	1981/1983	AR, KS, LA, NE, OK, SD, UT, WY	7.09	57.89	62.98	60.44	9.90	16.86	13.38	8.09
367	1981/1982	AZ, ID, NE, NM, OK, OR, UT, WY	6.23	60.14	62.86	61.50	8.74	17.56	13.15	8.09
368	1981/1983	AR, KS, MS, MT, NE, OK, UT, WY	6.39	58.36	63.29	60.82	9.28	17.30	13.29	8.08
369	1981/1983	AZ, ID, ND, NM, OK, OR, SD, UT, WY	6.13	57.36	62.24	59.80	9.34	17.69	13.52	8.08
370	1983/1984	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.72	59.07	64.01	61.54	8.92	17.35	13.13	8.08
371	1983/1984	AR, KS, MT, ND, NE, OK, UT, WY	5.57	58.54	62.99	60.77	8.60	17.99	13.30	8.08
372	1982/1984	AR, KS, LA, MT, NE, OK, UT, WY	7.14	59.36	64.64	62.00	9.11	16.95	13.03	8.08
373	1982/1984	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.73	59.31	64.66	61.98	9.17	16.90	13.03	8.08
374	1983/1984	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.37	59.00	64.01	61.50	8.94	17.34	13.14	8.08
375	1980/1982	IA, KS, ND, NE, OK, SD, UT, WY	5.80	58.14	64.10	61.12	9.75	16.68	13.22	8.08
376	1981/1983	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.73	57.85	62.99	60.42	9.87	16.87	13.37	8.08
377	1982/1983	AR, KS, LA, MT, NE, OK, UT, WY	7.14	58.68	62.71	60.70	9.88	16.73	13.31	8.08
378	1981/1984	AR, KS, LA, MT, ND, NE, OK, UT, WY	7.43	58.84	64.49	61.66	9.15	17.05	13.10	8.08
379	1982/1984	AR, IA, KS, NE, OK, UT, WY	6.22	60.31	64.25	62.28	8.35	17.58	12.97	8.08
380	1981/1983	AZ, IA, MT, NE, NM, OK, UT, WY	6.29	59.12	62.55	60.83	8.76	17.78	13.27	8.07
381	1982/1984	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	60.24	64.28	62.26	8.43	17.50	12.97	8.07
382	1981/1983	AZ, ID, NM, OK, OR, UT, WY	5.54	57.36	62.23	59.80	9.29	17.71	13.50	8.07
383	1981/1984	AR, KS, LA, ND, NE, OK, SD, UT, WY	7.38	58.75	64.50	61.62	9.19	17.00	13.10	8.07
384	1982/1983	CO, IA, ND, OK, SD, UT, WY	5.34	59.30	62.51	60.91	9.10 17.40	13.25	8.07	
385	1982/1984	AR, IA, KS, MT, NE, OK, UT, WY	6.57	60.36	64.25	62.30	8.32	17.58	12.95	8.07
386	1982/1983	AZ, NE, NM, NV, OK, UT, WY	5.01	59.57	61.82	60.70	8.99	17.60	13.29	8.07
387	1982/1983	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.44	58.68	62.71	60.70	9.89	16.70	13.29	8.07
388	1981/1983	AR, KS, LA, MT, NE, OK, UT, WY	7.14	57.85	62.98	60.42	9.82	16.89	13.36	8.07
389	1981/1983	AR, AZ, LA, ND, NM, OK, SD, UT, WY	7.42	58.12	62.09	60.11	9.74	17.11	13.42	8.07
390	1981/1984	AR, KS, LA, NE, OK, UT, WY	6.79	58.78	64.49	61.64	9.14	17.04	13.09	8.07
391	1981/1982	AZ, MS, NM, OK, SD, UT, WY	5.38	60.35	62.68	61.52	8.62	17.61	13.11	8.07
392	1981/1983	AR, ID, KS, ND, NE, OK, OR, SD, UT, WY	7.11	57.14	63.55	60.34	9.45	17.29	13.37	8.07
393	1980/1982	AR, KS, ND, NE, OK, SD, UT, WY	5.53	57.87	64.28	61.08	9.79	16.63	13.21	8.07
394	1981/1983	AZ, ID, MT, ND, NM, OK, OR, UT, WY	6.18	57.33	62.24	59.78	9.26	17.72	13.49	8.07
395	1982/1984	AR, KS, LA, NE, OK, SD, UT, WY	7.09	59.25	64.66	61.96	9.15	16.89	13.02	8.07
396	1980/1982	IA, KS, NE, OK, UT, WY	5.21	58.26	64.09	61.18	9.68	16.70	13.19	8.07
397	1982/1984	AR, IA, KS, MT, ND, NE, OK, SD, UT, WY	7.16	60.29	64.27	62.28	8.40	17.50	12.95	8.07
398	1980/1983	AR, KS, MT, ND, NE, OK, UT, WY	5.57	57.32	63.10	60.21	9.52	17.27	13.39	8.06
399	1981/1983	AZ, IA, MT, NE, NM, OK, SD, UT, WY	6.59	59.12	62.55	60.83	8.76	17.74	13.25	8.06
400	1981/1983	AZ, ID, ND, NE, NM, OK, SD, UT, WY	5.67	57.83	62.43	60.13	9.28	17.53	13.41	8.06
401	1982/1983	AZ, LA, NE, NM, OK, UT, WY	6.51	59.21	62.12	60.66	9.76	16.81	13.29	8.06
402	1982/1984	ID, KS, MT, ND, NE, OK, SD, UT, WY	5.28	58.62	64.35	61.49	8.90	17.32	13.11	8.06
403	1981/1983	AZ, ID, NM, OK, OR, SD, UT, WY	5.85	57.36	62.23	59.80	9.29	17.68	13.48	8.06
404	1983/1984	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.43	59.06	64.00	61.53	8.86	17.34	13.10	8.06
405	1981/1983	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.44	57.85	62.98	60.42	9.82	16.86	13.34	8.06
406	1981/1984	AR, KS, LA, MT, ND, NE, OK, SD, UT, WY	7.73	58.80	64.49	61.65	9.15	17.00	13.07	8.06
407	1981/1984	AR, IA, KS, MT, ND, NE, OK, UT, WY	6.86	59.63	64.52	62.07	8.42	17.54	12.98	8.06
408	1981/1983	AR, AZ, LA, NM, OK, UT, WY	6.83	58.12	62.08	60.10	9.69	17.12	13.41	8.06

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
409	1982/1984	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.44	59.30	64.65	61.98	9.11	16.89	13.00	8.06
410	1982/1983	AZ, NE, NM, NV, OK, SD, UT, WY	5.31	59.57	61.82	60.70	9.00	17.56	13.28	8.06
411	1980/1983	IA, KS, ND, NE, OK, SD, UT, WY	5.80	57.66	63.24	60.45	9.33	17.33	13.33	8.06
412	1983/1984	AR, KS, LA, NE, OK, SD, UT, WY	7.09	58.99	64.00	61.50	8.88	17.33	13.10	8.06
413	1981/1983	AR, ID, KS, NE, OK, OR, UT, WY	6.51	57.14	63.54	60.34	9.40	17.31	13.35	8.06
414	1981/1984	AR, KS, LA, MT, NE, OK, UT, WY	7.14	58.84	64.48	61.66	9.10	17.03	13.07	8.06
415	1983/1984	AR, CO, LA, MT, OK, WY	6.11	57.89	63.92	60.90	9.04	17.41	13.23	8.06
416	1981/1982	AZ, ID, LA, NM, OK, OR, UT, WY	7.40	58.01	63.04	60.53	9.38	17.24	13.31	8.06
417	1981/1982	AZ, MS, MT, ND, NM, OK, UT, WY	5.71	60.35	62.67	61.51	8.56	17.63	13.09	8.05
418	1980/1982	IA, KS, ND, NE, OK, SD, WY	5.16	58.40	65.54	61.97	9.08	16.91	13.00	8.05
419	1982/1983	AZ, LA, NE, NM, OK, SD, UT, WY	6.82	59.21	62.12	60.66	9.77	16.78	13.27	8.05
420	1981/1984	ID, KS, MT, ND, NE, OK, SD, UT, WY	5.28	58.04	64.45	61.24	8.90	17.39	13.15	8.05
421	1981/1983	AR, ID, KS, MT, ND, NE, OK, OR, UT, WY	7.15	57.11	63.54	60.32	9.37	17.33	13.35	8.05
422	1983/1984	AR, KS, MT, NE, OK, UT, WY	5.29	58.53	62.98	60.75	8.53	17.98	13.25	8.05
423	1980/1982	IA, KS, NE, OK, SD, UT, WY	5.52	58.26	64.09	61.18	9.66	16.67	13.16	8.05
424	1981/1983	AR, AZ, LA, MT, ND, NM, OK, UT, WY	7.46	58.09	62.09	60.09	9.66	17.14	13.40	8.05
425	1982/1983	AZ, IA, NM, NV, OK, SD, UT, WY	5.91	59.62	61.81	60.71	8.73	17.79	13.26	8.05
426	1980/1983	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.87	57.32	63.10	60.21	9.51	17.23	13.37	8.05
427	1981/1983	AR, AZ, LA, NM, OK, SD, UT, WY	7.13	58.12	62.08	60.10	9.69	17.10	13.39	8.05
428	1981/1983	AZ, ID, NE, NM, OK, UT, WY	5.07	57.83	62.41	60.12	9.22	17.56	13.39	8.05
429	1981/1984	AR, KS, LA, NE, OK, SD, UT, WY	7.09	58.74	64.50	61.62	9.14	16.99	13.06	8.05
430	1981/1983	AR, AZ, MS, NM, OK, UT, WY	6.08	58.64	61.94	60.29	9.15	17.55	13.35	8.05
431	1980/1983	IA, KS, NE, OK, UT, WY	5.21	57.74	63.22	60.48	9.26	17.36	13.31	8.05
432	1981/1983	AZ, IA, ID, NM, OK, SD, UT, WY	5.97	57.84	62.50	60.17	8.98	17.77	13.37	8.05
433	1982/1983	AZ, MT, NE, NM, NV, OK, UT, WY	5.36	59.52	61.82	60.67	8.92	17.61	13.26	8.05
434	1982/1984	AR, IA, KS, NE, OK, SD, UT, WY	6.52	60.25	64.27	62.26	8.35	17.49	12.92	8.04
435	1981/1983	AR, AZ, LA, MT, ND, NM, OK, SD, UT, WY	7.77	58.09	62.09	60.09	9.66	17.11	13.39	8.04
436	1981/1984	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	59.52	64.54	62.03	8.45	17.48	12.97	8.04
437	1981/1984	AR, IA, KS, NE, OK, UT, WY	6.22	59.57	64.52	62.05	8.39	17.54	12.96	8.04
438	1982/1983	AR, ID, KS, ND, NE, OK, OR, SD, UT, WY	7.11	58.15	63.36	60.75	9.49	16.99	13.24	8.04
439	1981/1982	AR, AZ, MS, NM, OK, UT, WY	6.08	60.43	62.85	61.64	8.60	17.49	13.05	8.04
440	1981/1983	AR, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	7.45	57.11	63.54	60.32	9.37	17.29	13.33	8.04
441	1980/1983	AR, KS, MT, NE, OK, UT, WY	5.28	57.39	63.08	60.24	9.44	17.26	13.35	8.04
442	1981/1983	AZ, ID, NE, NM, OK, SD, UT, WY	5.38	57.83	62.41	60.12	9.22	17.52	13.37	8.04
443	1981/1984	AR, KS, LA, MT, NE, OK, SD, UT, WY	7.44	58.79	64.49	61.64	9.10	16.99	13.04	8.04
444	1982/1984	AR, IA, KS, MT, NE, OK, SD, UT, WY	6.87	60.30	64.26	62.28	8.32	17.49	12.91	8.04
445	1982/1983	AZ, LA, MT, NE, NM, OK, UT, WY	6.86	59.16	62.12	60.64	9.69	16.82	13.25	8.04
446	1980/1982	AR, KS, NE, OK, SD, UT, WY	5.24	57.99	64.27	61.13	9.68	16.61	13.15	8.04
447	1982/1983	AZ, ID, MS, NM, OK, UT, WY	5.49	58.35	62.24	60.30	9.33	17.33	13.33	8.04
448	1980/1982	AR, IA, KS, ND, NE, OK, SD, UT, WY	6.81	58.12	64.26	61.19	9.72	16.55	13.13	8.04
449	1982/1983	AR, AZ, ID, ND, NM, OK, OR, SD, UT, WY	7.14	58.75	62.30	60.53	9.38	17.17	13.28	8.04
450	1982/1983	AR, IA, KS, MS, NE, OK, UT, WY	7.33	59.34	63.13	61.24	8.90	17.34	13.12	8.04
451	1981/1982	AZ, MS, MT, NM, OK, UT, WY	5.42	60.35	62.67	61.51	8.52	17.61	13.06	8.04
452	1981/1982	AR, LA, MS, OK	5.31	59.66	64.99	62.32	10.64	15.15	12.89	8.03
453	1981/1983	AZ, ID, MT, ND, NE, NM, OK, SD, UT, WY	6.01	57.79	62.42	60.11	9.20	17.53	13.37	8.03
454	1980/1983	IA, KS, NE, OK, SD, UT, WY	5.52	57.74	63.22	60.48	9.26	17.31	13.28	8.03
455	1981/1982	AZ, ID, LA, NE, NM, OK, UT, WY	6.93	58.05	63.23	60.64	9.47	17.02	13.25	8.03
456	1981/1983	AR, AZ, LA, MT, NM, OK, UT, WY	7.18	58.09	62.08	60.08	9.62	17.12	13.37	8.03
457	1983/1984	AR, KS, MT, ND, NE, OK, SD, UT, WY	5.86	58.45	63.02	60.74	8.60	17.85	13.22	8.03
458	1981/1984	AR, IA, KS, MT, NE, OK, UT, WY	6.57	59.63	64.51	62.07	8.35	17.53	12.94	8.03
459	1981/1984	AR, IA, KS, MT, ND, NE, OK, SD, UT, WY	7.16	59.57	64.53	62.05	8.42	17.47	12.94	8.03

HIGHEST LOSS RATES AMONG CANDIDATE STATE/YEAR COMBINATIONS—Continued

Rank	Time period	Region	Percent of U.S. population	Freddie Mac severity	Fannie Mae severity	Average severity	Freddie Mac default	Fannie Mae default	Average default	Loss rate
460	1982/1983	AR, ID, KS, MT, ND, NE, OK, OR, UT, WY	7.15	58.10	63.35	60.73	9.40	17.05	13.22	8.03
461	1982/1983	AZ, NM, NV, OK, OR, UT, WY	5.48	59.17	61.68	60.43	9.05	17.53	13.29	8.03
462	1982/1983	AR, ID, KS, NE, OK, OR, UT, WY	6.51	58.15	63.34	60.75	9.42	17.02	13.22	8.03
463	1982/1983	AZ, IA, LA, NM, OK, SD, UT, WY	7.41	59.25	62.11	60.68	9.51	16.95	13.23	8.03
464	1981/1983	AR, ID, KS, MT, NE, OK, OR, UT, WY	6.86	57.11	63.52	60.32	9.31	17.31	13.31	8.03
465	1982/1983	AZ, ID, MS, NM, OK, SD, UT, WY	5.80	58.35	62.24	60.30	9.33	17.29	13.31	8.03
466	1983/1984	AR, KS, ND, NE, OK, SD, UT, WY	5.52	58.34	63.02	60.68	8.62	17.83	13.23	8.03
467	1980/1983	AR, KS, MT, NE, OK, SD, UT, WY	5.59	57.39	63.08	60.24	9.44	17.21	13.32	8.03
468	1980/1982	AR, IA, KS, NE, OK, UT, WY	6.22	58.24	64.26	61.25	9.64	16.56	13.10	8.02
469	1982/1983	AR, AZ, ID, MT, ND, NM, OK, OR, UT, WY	7.19	58.71	62.29	60.50	9.30	17.23	13.26	8.02
470	1982/1983	AR, AZ, ID, NM, OK, OR, UT, WY	6.55	58.75	62.28	60.52	9.32	17.20	13.26	8.02
471	1981/1982	AZ, MS, MT, NM, OK, SD, UT, WY	5.73	60.35	62.67	61.51	8.50	17.59	13.04	8.02
472	1981/1983	AZ, ID, MT, NE, NM, OK, UT, WY	5.42	57.79	62.41	60.10	9.14	17.56	13.35	8.02
473	1981/1982	AR, AZ, NM, NV, OK, UT, WY	5.32	59.85	62.05	60.95	8.52	17.79	13.16	8.02
474	1980/1983	AR, LA, MS, OK	5.31	57.99	62.81	60.40	11.31	15.24	13.28	8.02
475	1982/1983	AZ, NM, NV, OK, OR, SD, UT, WY	5.78	59.17	61.68	60.43	9.05	17.49	13.27	8.02
476	1980/1982	ID, KS, ND, NE, OK, OR, SD, UT, WY	6.10	57.27	63.32	60.30	9.78	16.81	13.30	8.02
477	1982/1983	AR, ID, KS, MT, ND, NE, OK, OR, SD, UT, WY	7.45	58.10	63.35	60.73	9.40	17.00	13.20	8.02
478	1981/1984	AR, IA, KS, NE, OK, SD, UT, WY	6.52	59.52	64.54	62.03	8.38	17.46	12.92	8.02
479	1981/1983	AR, AZ, IA, NE, NM, OK, UT, WY	6.95	59.21	62.45	60.83	8.74	17.61	13.18	8.01
480	1982/1983	AZ, ID, MS, MT, NM, OK, UT, WY	5.84	58.30	62.24	60.27	9.25	17.34	13.30	8.01
481	1982/1983	AR, AZ, ID, MT, ND, NM, OK, OR, SD, UT, WY	7.49	58.71	62.29	60.50	9.30	17.19	13.24	8.01
482	1980/1982	AR, IA, KS, NE, OK, SD, UT, WY	6.52	58.24	64.26	61.25	9.62	16.53	13.08	8.01
483	1982/1984	AR, AZ, LA, NM, OK	5.98	59.25	64.72	61.99	9.39	16.45	12.92	8.01
484	1981/1982	AZ, IA, NM, NV, OK, SD, UT, WY	5.91	59.77	61.91	60.84	8.44	17.89	13.16	8.01
485	1982/1983	AZ, MT, NM, NV, OK, OR, UT, WY	5.83	59.12	61.68	60.40	8.98	17.54	13.26	8.01
486	1980/1982	ID, KS, NE, OK, OR, UT, WY	5.50	57.37	63.32	60.34	9.72	16.82	13.27	8.01
487	1982/1983	AR, ID, KS, MT, NE, OK, OR, UT, WY	6.86	58.10	63.34	60.72	9.34	17.03	13.18	8.01
488	1981/1983	IA, ID, KS, NE, OK, OR, UT, WY	6.79	57.14	63.69	60.41	9.04	17.46	13.25	8.00
489	1981/1984	AR, IA, KS, MT, NE, OK, SD, UT, WY	6.87	59.57	64.52	62.05	8.35	17.45	12.90	8.00
490	1981/1983	IA, ID, KS, MT, ND, NE, OK, OR, UT, WY	7.42	57.11	63.69	60.40	9.03	17.47	13.25	8.00
491	1981/1983	AZ, LA, NE, NM, OK, UT, WY	6.51	58.11	62.10	60.10	9.59	17.04	13.31	8.00
492	1983/1984	AR, KS, MT, NE, OK, SD, UT, WY	5.58	58.43	63.00	60.72	8.53	17.83	13.18	8.00
493	1980/1983	IA, KS, MT, ND, NE, OK, SD, UT, WY	6.15	57.57	63.23	60.40	9.19	17.31	13.25	8.00
494	1981/1983	AR, AZ, ID, ND, NM, OK, OR, SD, UT, WY	7.14	57.42	62.15	59.79	9.24	17.53	13.38	8.00
495	1982/1983	AR, AZ, ID, MT, NM, OK, OR, UT, WY	6.90	58.71	62.28	60.49	9.24	17.21	13.22	8.00
496	1982/1984	AZ, LA, MT, ND, NM, OK, UT, WY	6.45	58.20	63.79	60.99	9.17	17.06	13.11	8.00
497	1981/1983	AR, AZ, NM, NV, OK, UT, WY	5.32	57.78	61.49	59.63	8.99	17.84	13.41	8.00
498	1983/1984	AR, KS, NE, OK, SD, UT, WY	5.23	58.32	63.00	60.66	8.54	17.82	13.18	8.00
499	1981/1982	AZ, NM, NV, OK, OR, UT, WY	5.48	59.75	61.57	60.66	8.41	17.96	13.18	8.00
500	1981/1983	AZ, LA, NE, NM, OK, SD, UT, WY	6.82	58.11	62.10	60.10	9.59	17.01	13.30	7.99

House Price Indexes

Introduction

In implementing the risk-based capital stress test, the 1992 Act requires OFHEO to take seasoning of mortgages into account, in accordance with the CQHPI or any index of similar quality, authority, and public availability that is regularly used by the Federal Government.[46] The 1992 Act defines ''seasoning'' as the change in the LTV ratio of a mortgage over time.[47] Such changes result from changes in the principal balance of the mortgage and changes in the value of the property. Changes in the value of the underlying property usually will have a much greater impact than scheduled amortization or curtailments on the seasoning of mortgages, particularly during the early years of the loan. OFHEO proposes to use its house price

[46] Section 1361(d)(1) (12 U.S.C. 4611(d)(1)).

[47] *See* note 20 above.

index, HPI,[48] which is a weighted repeat transactions index based on Enterprise data, rather than the CQHPI.

Using an Index to Adjust for Seasoning

The 1992 Act does not specify how an index should be used to account for the seasoning of Enterprise mortgages in the stress test. OFHEO proposes to account for the impact of changes in individual property values on the seasoning of single-family mortgages in the stress test based upon changes in the index used for the particular geographical area in which the property is located. In accounting for the changes in the distribution of current LTV ratios, OFHEO will also make adjustments for the scheduled amortization of the principal of the loan.

In general, a house price index provides estimates of changes in the general level of values over time based on observations of the values of specific properties in a particular geographic area. The accuracy of an adjustment to the value of an individual property based on an index will depend significantly on the accuracy of the index for the particular market area in which the property is located. It also will depend upon the degree of similarity between the value-determining characteristics of that property and the properties from which the index is estimated.

No matter how accurate an index, however, individual house values will appreciate at greater or lesser rates than the index over time. The longer the time period, the greater is the dispersion in changes of individual house values. That is one major reason why house prices can appreciate on the average, but mortgages on individual properties still default. OFHEO is studying alternative means to account for the increasing dispersion of rates of house price change that occur within a group of loans over time. OFHEO will address this issue in the second NPR.

Description of the HPI

OFHEO began publishing the HPI in March 1996 using data provided by the Enterprises. The HPI is released approximately 2 months after the end of each quarter. This index is reported for the nation, and subindexes are reported for 9 U.S. Census Divisions, 50 states, and the District of Columbia.

OFHEO calculates the HPI for each specified geographic area using repeated observations of housing values for individual single-family properties on which mortgages were originated and purchased by either Enterprise since 1975.[49] There are now more than 6.9 million repeat transaction pairs in the national sample. The use of house price differentials computed from repeat transactions on the same properties controls for differences in the quality of the houses over time. For this reason, the HPI is described as a ''constant quality'' house price index. The HPI is updated each quarter as additional mortgages are purchased by the Enterprises through the identification of additional repeat transactions for the most recent quarter and all earlier quarters.

The HPI provides broad geographic coverage by virtue of the national operations of the two Enterprises. There are, however, some limitations on the coverage of the HPI because it is produced using data on single-family, detached properties financed by conforming conventional mortgages purchased by the Enterprises. Thus, the HPI is not based upon any mortgage transactions on properties financed by government-insured loans, properties financed by mortgages exceeding the conforming loan limits determining eligibility for purchase by Freddie Mac or Fannie Mae, or multifamily properties.

Quarterly HPI reports include a summary of recent developments, frequently asked questions and answers, and statistical reports for each geographic area. The most recent HPI report is included as Exhibit 1 to this NPR.

Issues, Alternatives Considered, and Comments Received

1. Use of the HPI Versus the CQHPI and Other Alternatives

OFHEO has concluded that the HPI is superior to the CQHPI for purposes of determining current values of single-family properties securing Enterprise loans. This conclusion is consistent with Congressional intent. During consideration of the 1992 Act, Congress recognized that the CQHPI might not be the most suitable index and provided OFHEO discretion to use another index.[50] The legislative history also indicates Congress expected OFHEO to develop its own index for the stress test.[51] The Senate report stated: ''As no existing data series is fully satisfactory for this purpose, the Director is encouraged to conduct research necessary to produce and publish a suitable index.'' [52]

The CQHPI is based on data from the Housing Sales Survey conducted by the Bureau of the Census. Information on the physical characteristics and sales prices of new one-family houses are obtained through interviews with a national sample of the houses' builders and owners. The sample includes about 13,000 houses per year. The Commerce Department divides the data for detached houses into four regional samples. For each region, a statistical model is used to estimate how much the current average prices of new houses would have changed from the preceding period if the physical characteristics of new houses in both periods remained the same as they were in 1987. These regional estimates are published annually. The Commerce Department also publishes quarterly a national index that is a weighted average of the four regional indexes and a national index for attached houses.

In the ANPR, OFHEO expressed the view that a weighted repeat transactions index based on Enterprise data was more appropriate for purposes of the risk-based capital test than the CQHPI.[53] The HPI is such an index. By relying entirely upon Enterprise data, the HPI provides a more appropriate measure of average house price changes for the mix of properties securing the Enterprises' mortgages than does the CQHPI, which is based on a different mix of houses. A particularly important difference is that the HPI measures changes in values of existing houses, while the CQHPI measures price changes of new houses.

The CQHPI's small sample size results in other limitations that are undesirable for OFHEO's purposes. Because of limited data, the CQHPI provides national estimates by quarter, but only annual estimates for the four Census regions. Using either the quarterly, national estimates or the annual, regional estimates would present difficulties in accurately modeling the seasoning of Enterprise mortgages because house prices vary widely within Census regions and OFHEO must assess the Enterprises' capital on a quarterly basis. Such difficulties are avoided through the use of the HPI. With an existing database of more than

[48] ''House Price Index'' is a collective term that refers to all the subindexes described below.

[49] A technical description of the HPI and the methodology used to create it has been published by OFHEO and is available from the agency upon request. Charles A. Calhoun, *OFHEO House Price Indexes: HPI Technical Description* (March 1996) (HPI Technical Description).

[50] Section 1361(d)(1) (12 U.S.C. 4611(d)(1)).

[51] Congress indicated that use by OFHEO would satisfy the requirement at section 1361(d)(1) of the 1992 Act (12 U.S.C. 4611(d)(1)) that an appropriate index would ''be regularly used by the Federal Government.'' *See* 138 Cong. Rec. S 17920 (Chairman Riegle explaining that the index ''should be * * * used consistently by the Director or other Federal agencies * * *.'').

[52] S. Rep. No. 282, at 20.

[53] 60 FR 7475 (Feb. 8, 1995).

6.9 million transaction pairs, the weighted repeat sales approach provides sufficient data to estimate quarterly house price changes by states and by Census divisions.

The implications of these and other statistical issues of house price index construction are reviewed in more detail in the HPI Technical Description.

The Enterprises currently publish jointly the Conforming Mortgage House Price Index (CMHPI), a weighted repeat transactions index, using the same data as the HPI and a very similar methodology. OFHEO decided to produce its own index, rather than rely on the Enterprises' index, because of the important role of the house price index in determining capital requirements. By producing the HPI, OFHEO ensures that the index will meet the statutory requirements of quality, authority, and public availability. Additionally, OFHEO believes its index uses a statistical methodology that is more appropriate for its purposes (see issue 4. ''Statistical Methodology'' below).

OFHEO also considered other existing house price indexes. NAR has published indexes for existing single-family houses for metropolitan areas since 1968, using data on transactions reported by member boards. The NAR indexes represent the change in the median transaction price with no adjustment for variations in the composition of the properties that make up the sample in each period. The National Association of Home Builders reports mean and median prices for both existing and new houses derived from county records. FHA issues a median value index for single-family houses financed under the Section 203(b) program.[54] This index is available as a time series back to 1936 and is based on appraisal values.

For OFHEO's purposes, these mean and median house price indexes are subject to a number of statistical shortcomings. In particular, changes in the composition of the sample of properties with a given set of attributes, such as square footage, number of rooms, lot size, fixtures, etc., contributing to these indexes causes them to be less reliable than the HPI as indicators of changes in the actual mean or median property value over time. A constant quality index, such as the HPI, which controls for this particular source of bias by comparing the same or similar properties, is a better source of information concerning the rate of house price inflation than these other indexes.

[54] 12 U.S.C. 1709(b).

All of the commenters who addressed this issue favored using a weighted repeat transactions index, such as the HPI, rather than the CQHPI. ACB, for example, stated that ''[t]he weighted repeat sales approach currently used by the [Enterprises] as a house price index is clearly preferable to other approaches since its purpose is . . . targeted to the population of properties where the [Enterprises] can assume risk.''

2. Geographic Aggregation

OFHEO sought comment in the ANPR concerning the appropriate level of geographic aggregation for the index that will be used to adjust house prices in the risk-based capital stress test. The HPI is published for 9 Census divisions, 50 states, and the District of Columbia. A second NPR will address the level or levels of geographic aggregation that will be used in the stress test.

3. Bias and Volatility in the HPI

OFHEO sought comment in the ANPR about whether to adjust for sample selection bias, appraisal bias, or other possible sources of bias in a weighted repeat transactions index of house prices. After considering comments on the matter, the Director decided not to adjust the HPI for such possible biases. Likewise, OFHEO requested comments about whether revision volatility in house price indexes should be reflected in the risk-based capital test.[55] The Director also determined not to adjust the indexes for revision volatility. However, OFHEO is studying both the appropriateness and the practicality of adjusting for biases and revision volatility in the stress test, and will address these issues in a second NPR.

4. Statistical Methodology

The HPI is based upon a geometric repeat transactions estimator derived from a stochastic model of individual housing values. A geometric repeat transaction estimator estimates the average rate of change in housing values, with each house weighted equally regardless of dollar value. The Enterprises use an adjustment to the geometric estimator to approximate an arithmetic repeat sales procedure in calculating the CMHPI.[56] Arithmetic repeat transactions indexes have been shown to be more accurate for computing the change in the sum of the values of a fixed portfolio of properties. Because OFHEO plans to apply the index to loan-level data to update the distribution of current LTV ratios, OFHEO believes a geometric estimator is more suitable for use in the stress test. The publication of the HPI includes both the geometric index estimates and the adjustment factors needed to approximate an arithmetic index. Thus, the HPI publication provides the information needed to relate changes in the index to changes in the values of individual properties or portfolios of properties.[57]

[55] Revision volatility is the change in past index values that occurs as a result of current transactions. Current transactions can change index values for prior quarters, because every repeat sale of a property provides additional information about house price changes during the time since the prior transaction on that property.

[56] *See* HPI Technical Description, at 10–11 (discussion of ideal indexes, geometric versus arithmetic repeat sales estimators, and the Enterprises' approach in the CMHPI).

Section by Section Analysis

As noted in the preamble, at a later date OFHEO will issue a second NPR to propose all the remaining aspects of the stress test and to describe how the stress test will be used to determine the Enterprises' risk-based capital requirements.

Proposed Section 1750.5 Notice of Capital Classification

This section will be amended to add to the notice of capital classification, which OFHEO issues at least quarterly for each Enterprise, the risk-based capital level and the summary computation of that level.

Proposed Section 1750.10 General

This section identifies a ''Subpart B'' to the capital regulation, which establishes risk-based capital requirements for each Enterprise. This section also requires the board of directors of an Enterprise to ensure that the Enterprise maintains total capital at a level that is sufficient to ensure the continued financial viability of the Enterprise and is equal to or greater than the risk-based capital level specified in the regulation.

Proposed Section 1750.11 Definitions

This section defines various terms used in Subpart B and provides that, except where a term is explicitly defined differently in Subpart B, all terms defined at § 1750.2 of Subpart A (the minimum capital regulation) shall have the same meanings for purposes of Subpart B.

[57] Also, the adjustment used to produce the CMHPI depends on the base period of the index and the time elapsed since that period. Reporting the adjustment factors separately preserves the ability to adjust between any two dates covered by the index.

Proposed Section 1750.12 Procedures and Timing

This section will specify the timing and procedures for filing and the content of risk-based capital reports by each Enterprise. These reports will provide OFHEO with the information necessary to determine the risk-based capital level of each Enterprise. The section also requires that whenever an Enterprise makes an adjustment to the data contained in the risk-based capital report that may cause an adjustment to the risk-based capital determination, the Enterprise shall file with the Director an amended risk-based capital report not later than 3 business days after the date of such adjustment. Finally, the section requires that each risk-based capital report or amended risk-based capital report contain a declaration by an officer, authorized by the board of directors to do so, that the report is true and correct to the best of such officer's knowledge and belief.

Proposed Section 1750.13 Risk-Based Capital Level Computation

This section implements by regulation the provisions of the 1992 Act that describe risk-based capital. Together with Appendix A to Subpart B of the regulation, proposed section 1750.13 describes how OFHEO calculates the risk-based capital requirement for an Enterprise.

This section of the regulation implements the requirements of the 1992 Act that requires OFHEO to create a stress test that relates losses of each Enterprise during the stress period to the historical benchmark loss experience in which losses on mortgages were the highest.[58] The methodology that OFHEO uses to determine the benchmark area and period are referred to in proposed section 1750.13, and explained in greater detail in proposed Appendix A to Subpart B.

The 1992 Act also describes aspects of the interest rate environment that OFHEO must apply during the stress period and makes frequent use of the term ''the preceding [period].'' Proposed section 1750.13 implements that requirement and provides that when referring to a ''preceding'' period, the reference is to the period immediately preceding the beginning of the stress period.

In constructing the stress test, OFHEO initially must assume that new business of the Enterprises will be limited to fulfilling contractual commitments of each Enterprise to purchase mortgages or issue securities.[59] Proposed section 1750.13(a)(3) implements this requirement of the 1992 Act. The 1992 Act limits new business as described above until completion of two studies, one by the Director of the Congressional Budget Office and the other by the Comptroller General of the United States, on the advisability and appropriate form of any new business assumptions. The 1992 Act requires these studies to be completed within 1 year after issuance of the final risk-based capital regulation. The 1992 Act further provides that any new business assumptions incorporated by OFHEO into the stress test shall not become effective until 4 years after issuance of the final risk-based capital regulation.

The 1992 Act also requires that the stress test incorporate losses or gains on activities, other than those specifically identified in the statute, in an amount and manner to be determined by the Director to be consistent with the stress period.[60]

The risk-based capital test must take into account other considerations, including distinctions among the types of mortgage products, differences in seasoning, and any other factors the Director considers appropriate.[61] Proposed paragraph 1750.13(a)(1) implements this provision of the 1992 Act and specifies that the detailed description of these factors and the methodology by which they shall be taken into account are included in Appendix A to Subpart B of the regulation.

Proposed paragraph 1750.13(a)(5) also implements the requirement of the 1992 Act that characteristics of the stress period, other than those specifically set forth in that Act, will be determined by the Director to be most consistent with the stress period.[62] The subsection also indicates that the details of these characteristics are provided in Appendix A to Subpart B of the regulation.

Proposed subsection 1750.13(b) implements the 1992 Act's requirement that the total risk-based capital requirement include an additional amount equal to 30 percent of the capital determined by applying the risk-based capital test.[63]

Proposed Appendix A: Risk-Based Capital Test Methodology and Assumptions

Appendix A to Subpart B of the capital regulation will provide a detailed description of the stress test. In this NPR, OFHEO proposes the part of Appendix A that defines the methodology OFHEO uses to identify the benchmark loss experience. The other aspects of the stress test by which OFHEO will relate Enterprise losses in the stress period to the benchmark loss experience will be the subject of a second NPR.

Appendix A also includes a proposal to use the House Price Index (HPI), published by OFHEO, to calculate the change over time in the value of houses that secure mortgages purchased by the Enterprises. The 1992 Act requires OFHEO to calculate this change in value in accordance with the CQHPI, published by the Secretary of Commerce, or any index of similar quality, authority, and public availability that is regularly used by the Federal Government.[64] Under proposed Appendix A, OFHEO uses the HPI, which is a weighted repeat transactions index based on Enterprise data, rather than the CQHPI, as the basic measure of changes in the value of house prices.

Regulatory Impact

Executive Order 12606, The Family

This proposed regulation does not have potential for significant impact on family formulation, maintenance, and general well-being, and thus is not subject to review under Executive Order 12606.

Executive Order 12612, Federalism

This proposed regulation has no federalism implications that warrant the preparation of a Federalism Assessment in accordance with Executive Order 12612.

Executive Order 12866, Regulatory Planning and Review

This proposed regulation has been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards of sections 3(a) and (b) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This proposed regulation does not include a federal mandate that may

[58] Section 1361(a) (12 U.S.C. 4611(a)).

[59] 1992 Act, section 1361(a)(3) (12 U.S.C. 4611(a)(3)).

[60] Section 1361(a)(4) (12 U.S.C. 4611(a)(4)).

[61] 1992 Act, section 1361(b)(1) (12 U.S.C. 4611(b)(1)).

[62] Section 1361(b)(2) (12 U.S.C. 4611(b)(2)).

[63] Id.

[64] Sections 1361(b)(1), 1361(d)(1) (12 U.S.C. 4611(b)(1), 4611(d)(1)).

result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.

Consequently, the proposed regulation does not warrant the preparation of an assessment statement in accordance with the Unfunded Mandates Reform Act of 1995.

Regulatory Flexibility Act

This proposed regulation is applicable only to the Enterprises, which are not small entities for purposes of the Regulatory Flexibility Act, and does not have a significant effect on a substantial number of small entities. Therefore, the General Counsel of OFHEO has certified that the proposed regulation would not have significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed regulation contains no information collection requirements that require the approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 12 CFR Part 1750

Risk-based capital, capital classifications.

Accordingly, for the reasons set forth in the preamble, OFHEO proposes to amend Part 1750 of Chapter XVII of Title 12 of the Code of Federal Regulations, as proposed at 60 FR 30201 (June 8, 1995), as follows:

PART 1750—[AMENDED]

1. The Authority section for Part 1750 is revised to read as follows:

Authority: 12 U.S.C. 4513, 4514, 4611, 4612, 4614, 4618.

2. Section 1750.5 of Subpart A is amended by deleting the ''and'' at the end of paragraph (b)(1)(ii) and by deleting the period at the end of paragraph (b)(1)(iii) and inserting a semicolon in lieu of the period. The section is further amended by adding the following paragraphs after paragraph (b)(1)(iii):

§ 1750.5 Notice of Capital Classification

* * * * *

(b)(1) * * *

(iv) the proposed risk-based capital level; and

(v) the summary computation of the proposed risk-based capital level.

* * * * *

3. Subpart B is added to read as follows:

Subpart B—Risk-Based Capital

Sec.

Subpart B—Risk-Based Capital

§ 1750.10 General.

The regulation contained in this Subpart B establishes the risk-based capital requirement for each Enterprise. The board of directors of an Enterprise is responsible for ensuring that the Enterprise maintains total capital at a level that is sufficient to ensure the continued financial viability of the Enterprise and is equal to or exceeds the risk-based capital level contained in this Subpart B.

§ 1750.11 Definitions.

Except where a term is explicitly defined differently in Subpart B, all terms defined at § 1750.2 of Subpart A shall have the same meanings for purposes of Subpart B. For purposes of Subpart B, the following definitions shall apply:

Benchmark loss experience means the default and severity behavior of mortgage loans that:

(1) Were originated during a period of 2 or more consecutive calendar years in contiguous areas that together contain at least 5 percent of the population of the United States, and

(2) Experienced the highest loss rate for any period of such duration in comparison with the loans originated in any other contiguous areas that together contain at least 5 percent of the population of the United States.

Constant maturity Treasury yield means the constant maturity Treasury yield, published by the Board of Governors of the Federal Reserve System.

Contiguous areas means all the areas within a state or a group of two or more states sharing common borders. ''Sharing common borders'' does not mean meeting at a single point. Colorado, for example, is contiguous with New Mexico, but not with Arizona.

Credit risk means the risk of financial loss to an Enterprise from nonperformance by borrowers or other obligors on instruments in which an Enterprise has a financial interest, or as to which the Enterprise has a financial obligation.

The default rate of a given group of loans means the ratio of the aggregate original principal balance of the defaulted loans in the group to the aggregate original principal balance of all loans in the group.

Defaulted loan means a loan that, within 10 years following its origination:

(1) Resulted in pre-foreclosure sale,

(2) Completed foreclosure,

(3) Resulted in REO, or

(4) Resulted in a credit loss to an Enterprise.

Financing costs of property acquired through foreclosure means the product of:

(1) The number of years (including fractions) of the period from the completion of foreclosure through disposition of the property,

(2) The average of the Enterprises' short-term funding costs, and

(3) The unpaid principal balance at the time of foreclosure.

Interest rate risk means the risk of financial loss due to the sensitivity of earnings and net worth of an Enterprise to changes in interest rates.

Loss on any defaulted loan in category 1, 2, or 3 of the definition of defaulted loan means the difference between:

(1) The sum of the principal and interest owed when the borrower lost title to the property securing the mortgage; REO financing costs [1] through the date of property disposition; and cash expenses incurred during the foreclosure process, REO holding period, and property liquidation process; and

(2) The sum of the property sales price and any other liquidation proceeds (except those resulting from private mortgage insurance proceeds or other third-party credit enhancements).

Losses on defaulted loans not in categories 1, 2, or 3 of the definition were defined as the amount of the financial loss to the Enterprise.

Mortgage means any loan secured by such classes of liens as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, or a manufactured house that is personal property under the laws of the State in which the manufactured house is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages.

Seasoning means the change over time in the ratio of the unpaid principal balance of a mortgage to the value of the

[1] The financing costs associated with properties acquired through foreclosure from the time of foreclosure through property disposition were calculated using the average from 1982 through 1992 of the 12-month Federal Agency constant maturity yield computed by Bank of America.

property by which such mortgage loan is secured.

Severity rate for any group of defaulted loans means the aggregate losses on all loans in that group divided by the aggregate original principal balances of those loans.

Stress period means a hypothetical 10-year period immediately following the day for which capital is being measured, which is a period marked by severely adverse economic circumstances.

Total capital means, with respect to an Enterprise, the sum of the following:

(1) The core capital of the Enterprise;

(2) A general allowance for foreclosure losses, which—

(i) shall include an allowance for portfolio mortgage losses, an allowance for non-reimbursable foreclosure costs on government claims, and an allowance for liabilities reflected on the balance sheet for the Enterprise for estimated foreclosure losses on mortgage-backed securities; and

(ii) shall not include any reserves of the Enterprise made or held against specific assets.

(3) Any other amounts from sources of funds available to absorb losses incurred by the Enterprise, that the Director by regulation determines are appropriate to include in determining total capital.

Type of mortgage product means a classification of one or more mortgage products, as established by the Director, that have similar characteristics from each set of characteristics under the following paragraphs:

(1) The property securing the mortgage is—

(i) a residential property consisting of 1 to 4 dwelling units; or

(ii) a residential property consisting of more than 4 dwelling units.

(2) The interest rate on the mortgage is—

(i) fixed; or

(ii) adjustable.

(3) The priority of the lien securing the mortgage is—

(i) first; or

(ii) second or other.

(4) The term of the mortgage is—

(i) 1 to 15 years;

(ii) 16–30 years; or

(iii) more than 30 years.

(5) The owner of the property is—

(i) an owner-occupant; or

(ii) an investor.

(6) The unpaid principal balance of the mortgage—

(i) will amortize completely over the term of the mortgage, and will not increase significantly at any time during the term of the mortgage;

(ii) will not amortize completely over the term of the mortgage, and will not increase significantly at any time during the term of the mortgage; or

(iii) may increase significantly at some time during the term of the mortgage.

(7) Any other characteristics of the mortgage, as specified in Appendix A.

§ 1750.12 Procedures and Timing.

(a) Each Enterprise shall file with the Director a risk-based capital report each quarter, or at such other times as the Director requires. The report shall contain information identified by OFHEO in written instructions to each Enterprise, including, but not limited to:

(1) all data required to implement the risk-based capital test, as specified more fully at Appendix A to Subpart B of Part 1750; and

(2) such other information as may be required by the Director.

(b) The quarterly risk-based capital report for the last day of the preceding quarter shall be submitted not later than April 30, July 30, October 30, and January 30 of each year.

(c) Each risk-based capital report shall be submitted in such format or media as may be required by the Director.

(d) If an Enterprise makes an adjustment to the data contained in the risk-based capital report for a quarter or a date for which the report was previously supplied that may cause an adjustment to the risk-based capital determination, the Enterprise shall file with the Director an amended risk-based capital report not later than 3 business days after the date of such adjustment.

(e) Each risk-based capital report or any amended risk-based capital report shall contain a declaration by the president, vice-president, treasurer, or any other officer designated by the board of directors of the Enterprise to make such a declaration that the report is true and correct to the best of such officer's knowledge and belief.

§ 1750.13 Risk-Based Capital Level Computation.

(a) Risk-Based Capital Test—OFHEO shall compute a risk-based capital level for each Enterprise at least quarterly by applying a risk-based capital test to determine the amount of total capital required for each Enterprise to maintain positive capital during the stress period. In making this determination, the Director shall take into account any appropriate distinctions among types of mortgage products, differences in seasoning of mortgages, and other factors determined appropriate by the Director in accordance with the methodology specified in Appendix A to this subpart. The stress period has the following characteristics:

(1) Credit risk—With respect to mortgages owned or guaranteed by the Enterprise and other obligations of the Enterprise, losses occur throughout the United States at a rate of default and severity reasonably related, in accordance with Appendix A to this subpart, to the rate and severity of losses in the benchmark loss experience.

(2) Interest rate risk—

(i) In general—Interest rates decrease as described in paragraph (a)(2)(ii) of this section or increase as described in paragraph (a)(2)(iii) of this section, whichever would require more capital in the stress test for the Enterprise. Appendix A contains a description of the methodology applied to implement the interest rate scenarios described in those subparagraphs.

(ii) Decreases—The 10-year constant maturity Treasury yield decreases during the first year of the stress period and remains at the new level for the remainder of the stress period. The yield decreases to the lesser of—

(A) 600 basis points below the average yield during the 9 months immediately preceding the stress period, or

(B) 60 percent of the average yield during the 3 years immediately preceding the stress period,

but in no case to a yield less than 50 percent of the average yield during the 9 months immediately preceding the stress period.

(iii) Increases—The 10-year constant maturity Treasury yield increases during the first year of the stress period and will remain at the new level for the remainder of the stress period. The yield increases to the greater of—

(A) 600 basis points above the average yield during the 9 months immediately preceding the stress period, or

(B) 160 percent of the average yield during the 3 years immediately preceding the stress period,

but in no case to a yield greater than 175 percent of the average yield during the 9 months immediately preceding the stress period.

(iv) Different terms to maturity—Yields of Treasury instruments with terms to maturity other than 10 years will change relative to the 10-year constant maturity Treasury yield in patterns and for durations that are reasonably related to historical experience and are judged reasonable by the Director. The methodology used by the Director to adjust the yields of those other instruments is specified in Appendix A to this subpart.

(v) Large increases in yields—If the 10-year constant maturity Treasury yield is assumed to increase by more than 50 percent over the average yield

during the 9 months immediately preceding the stress period, the Director shall adjust the losses resulting from the conditions specified in paragraphs (a)(2)(i) and (ii) of this section to reflect a correspondingly higher rate of general price inflation. The method of such adjustment by the Director is specified in Appendix A to this subpart.

(3) New business—Any contractual commitments of the Enterprise to purchase mortgages or issue securities will be fulfilled. The characteristics of resulting mortgages purchased, securities issued, and other financing will be consistent with the contractual terms of such commitments, recent experience, and the economic characteristics of the stress period, as more fully specified in Appendix A to this subpart. No other purchases of mortgages shall be assumed.

(4) Other activities—Losses or gains on other activities, including interest rate and foreign exchange hedging activities, shall be determined by the Director, in accordance with Appendix A to this subpart and on the basis of available information, to be consistent with the stress period.

(5) Consistency—Characteristics of the stress period other than those specifically set forth in this paragraph (a), such as prepayment experience and dividend policies, will be determined by the Director, in accordance with Appendix A, on the basis of available information, to be most consistent with the stress period.

(b) Risk-Based Capital Level—The risk-based capital level of an Enterprise, to be used in determining the appropriate capital classification of each Enterprise, as required by section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614), shall be equal to the sum of the following amounts:

(1) Credit and Interest Rate Risk—The amount of total capital determined by applying the risk-based capital test under paragrpah (a) of this section to the Enterprise.

(2) Management and Operations Risk—To provide for management and operations risk, 30 percent of the amount of total capital determined by applying the risk-based capital test under paragraph (a) of this section to the Enterprise.

Appendix A to Subpart B of Part 1750—Risk-Based Capital Test Methodology and Assumptions

1. Identifying the Benchmark Loss Experience.—OFHEO will use the definitions, data, and methodology described below to identify the benchmark loss experience.

A. Definitions.—In addition to the terms defined at section 1750.11, the following definition shall apply for this Appendix A:

Origination year means the year in which a loan is originated.

B. Data.

OFHEO identifies the benchmark loss experience using historical loan-level data required to be submitted by each of the two Enterprises. OFHEO's analysis is based entirely on the most current data available on conventional, 30-year, fixed-rate loans secured by first liens on single-unit, owner-occupied, detached properties. Detached properties are defined as single-family properties excluding condominiums, planned urban developments, and cooperatives. The data includes only loans that were purchased by an Enterprise within 12 months after loan origination and loans for which the Enterprise has no recourse to the lender.

OFHEO organizes the data from each Enterprise to create two substantially consistent data sets. OFHEO separately analyzes default and severity data from each Enterprise. Default rates are calculated from loan records meeting the criteria specified above. Severity rates are calculated from the subset of defaulted loans for which loss data are available.

C. Procedures.

i. Cumulative 10-year default rates for each combination of states and origination years (state/year combination) that OFHEO examines are calculated for each Enterprise by grouping all of the Enterprise's loans originated in that combination of states and years. For origination years with less than 10 years of loss experience, cumulative-to-date default rates are used. The two Enterprise default rates are averaged, yielding an ''average default rate'' for that state/year combination.

ii. An ''average severity rate'' for each state/year combination is determined in the same manner as the average default rate. For each Enterprise, the aggregate severity rate is calculated for all loans in the relevant state/year combination and the two Enterprise severity rates are averaged.

iii. The ''loss rate'' for any state/year combination examined is calculated by multiplying the average default rate for that state/year combination by the average severity rate for that combination.

iv. The default and severity behavior of loans in the state/year combination containing at least 2 consecutive origination years and contiguous areas with a total population equal to or greater than 5% of the population of the United States with the highest loss rate constitutes the benchmark loss experience.

2. Identification of a New Benchmark Loss Experience.—OFHEO will periodically monitor available data and reevaluate the benchmark loss experience using the methodology set forth in this Appendix A. Using this methodology, OFHEO may identify a new benchmark loss experience that has a higher rate of loss than the benchmark experience identified at the time of the issuance of this regulation. In the event such a benchmark is identified, OFHEO may incorporate the resulting higher loss rates in the stress test.

3. Contents of the Risk-Based Capital Report.—(This space deliberately left blank.)

4. Computation of Risk-Based Capital Level.—(This space deliberately left blank.)

A. Seasoning Methodology.—OFHEO will determine the rate of change over time in the values of single-family properties securing mortgages using the House Price Index published by OFHEO or any successor index. (The remainder of this paragraph deliberately left blank.)

Aida Alvarez,

Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 96–14496 Filed 6–10–96; 8:45 am]

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Federal Register

Tuesday
June 11, 1996

Part IV

Department of Transportation

Federal Highway Administration

23 CFR Part 655

National Standards for Traffic Control Devices; Metric Conversion; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. 96–20]

RIN 2125–AD63

National Standards for Traffic Control Devices; Metric Conversion

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: The FHWA is adopting, as its policy for the design of traffic control devices for use on all roads open to public travel, two American Association of State Highway and Transportation Officials' (AASHTO) publications: ''Guide to Metric Conversion,'' June 1993, and ''Traffic Engineering Metric Conversion Factors; Addendum to the Guide to Metric Conversion, 1993,'' October 1993.

DATES: This regulation is effective June 11, 1996. Comments must be received on or before August 11, 1996. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of June 6, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 96–20, Federal Highway Administration, Room 4232, HCC–10, Office of the Chief Counsel, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope. The current design standards are on file at the Office of the Federal Register in Washington, DC, and are available for inspection from the FHWA Washington Headquarters and all FHWA Division and Regional Offices as prescribed in 49 CFR Part 7, Appendix D. Copies of the current AASHTO publications are also available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street NW., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Huckaby, Office of Highway Safety (HHS–10), (202) 366–9064, or Mr. Raymond Cuprill, Office of the Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The traffic control device design and applications standards have been adopted by the FHWA for use on all streets and highways open to public travel and are incorporated by reference in 23 CFR Part 655, subpart F.

The American Association of State Highway and Transportation Officials (AASHTO) is an organization which represents the 52 State highway and transportation agencies (including the District of Columbia and Puerto Rico). Its members consist of the duly constituted heads and other chief officials of those 52 agencies. The Secretary of the United States Department of Transportation (DOT) is an ex officio member, and DOT officials participate in various AASHTO activities as non-voting representatives. Among other functions, the AASHTO develops and issues standards, specifications, policies, guides, and related materials for use by the States for highway projects. Many of the standards adopted by the FHWA and incorporated into 23 CFR Part 655 were developed and issued by the AASHTO or by organizations of which it is a major voting member. Revisions made to such documents by the AASHTO are independently reviewed and adopted by the FHWA before they are applied to street and highway projects.

The FHWA initiated a phased five-year plan to convert its activities and business operations to the metric system of weights and measures as required by the Metric Conversion Act of 1975 (Pub. L. 94–168, 89 Stat. 1007), as amended by sec. 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 102 Stat. 1107, 1451) (Metric Act). Section 3 of the Metric Act set a deadline date of September 30, 1992, for each Federal Government agency to begin using the International System of Units (SI) in procurements, grants, and other business-related activities, except to the extent that such use would be impractical or would likely cause significant inefficiencies or loss of markets to United States firms.

In order to comply with the Metric Act, the FHWA developed a list of required deadlines for converting to the metric system which was published as a notice in the Federal Register on June 11, 1992, at 57 FR 24843. This notice established that all newly authorized Federal-aid contracts were to use only metric units by September 30, 1996. The National Highway System Designation Act of 1995 (Pub. L. 104–59, 109 Stat. 568), however, made metric conversion optional until September 30, 2000. Although the FHWA will not require the expenditure of Federal or State funds to convert sign messages to metric units at this time, it will proceed with changing sign sizes and other dimensions to metric units. Many States have progressed in their conversion activities to a point that it is impractical not to continue the transition into full metric use.

Most States have indicated that they will continue with their conversion activities as planned. Many States are designing projects in metric and several projects are already being constructed in metric. It is the intent of this rulemaking to assure the States and other FHWA partners that the metric conversions used to formulate their plans are consistent nationwide. Accordingly, the AASHTO developed and published ''Traffic Engineering Metric Conversion Factors; Addendum to the Guide to Metric Conversion, 1993,'' listing the conversion values for nationwide uniformity. Through this document, the FHWA is adopting the metric conversion traffic engineering values established by the AASHTO in the publications entitled ''Guide to Metric Conversion,'' June 1993, and ''Traffic Engineering Metric Conversion Factors; Addendum to the Guide to Metric Conversion, 1993,'' October 1993. Included in the ''Guide to Metric Conversion,'' June 1993, are metric values for determining the metric sizes for signs and pavement markings.

It should be noted that the Manual on Uniform Traffic Control Devices, FHWA, 1988 (MUTCD) which has been incorporated by reference in 23 CFR Part 655, subpart F, includes, by reference, the ''Standard Alphabets for Highway Signs and Pavement Markings,'' FHWA, 1977 Edition, and ''Standard Highway Signs,'' FHWA, 1979 Edition. Both of these documents are metric editions.

Rreview Procedure

Based on an analysis of public comments received, the FHWA will reexamine its determination that the AASHTO publications adopted by this rule are acceptable as the basis for the design of signs and pavement markings for streets and highways open to public travel.

Rulemaking Analysis and Notices

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable,

unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(3)(B). For the reasons set forth below, the FHWA has determined that prior notice and opportunity for comment on this action are unnecessary and contrary to the public interest.

The FHWA has determined that prior notice and opportunity for comment are unnecessary because the AASHTO interim metric values documents being adopted in this rulemaking are functionally equivalent to and mirror, to the extent possible, the English measurements already adopted by the FHWA pursuant to notice and comment rulemaking and contained in the MUTCD, including Revision No. 1 dated January 17, 1990, Revision No. 2 dated March 17, 1992, Revision No. 3 dated September 3, 1993, Revision No. 4 dated January 4, 1995, and Errata No. 1 to the 1988 MUTCD, Revision 3, dated November, 1994. If the exact equivalents of the design standards had been used, the metric measurements would have had to be carried out to as many as six decimal places. Otherwise, the design standards themselves would have had to be significantly raised or lowered in order to accommodate ''round'' metric measurements. Instead, in drafting its metric document, the AASHTO ''rounded off'' the English measurements in order to allow easier conversions to metric measurements, and to assure that traffic control devices that meet current design standards will also meet the proposed metric unit standards.

We expect these particular metric values to be used on an interim basis only until the MUTCD, with design values converted to the metric system, is adopted and published. This future MUTCD, expected to be published in 1998, will constitute the FHWA's policy on the design for traffic control signs and pavement markings for use on all streets and highways open to public travel.

The FHWA has also determined that publication of a notice of proposed rulemaking would be contrary to the public interest. The FHWA's Metric Conversion Policy, published in the Federal Register on June 11, 1992 (57 FR 24843), provides that newly authorized Federal Lands Highway and Federal-aid construction contracts must be in metric units by September 30, 1996. The National Highway System Designation Act of 1995 made metric conversion activities optional until September 30, 2000. Planning for metric projects is underway, and metric projects are already being constructed. To this end, the States and other FHWA partners need to know now that the metric conversions used to formulate their plans will match the FHWA's conversions.

Moreover, prior notice and opportunity for comment are not required under the Department of Transportation's Regulatory Policies and Procedures because it is not anticipated that such action will result in the receipt of useful information. The FHWA has determined that the AASHTO interim metric values come as close as possible to retaining the English measurements already adopted by the FHWA pursuant to notice and comment rulemaking, and express adoption of these metric values now provides necessary certainty and continuity for States and other FHWA partners, including highway construction contractors.

The APA also allows agencies, upon a finding of good cause, to make a rule effective immediately and avoid the 30-day delayed effective date requirement. 5 U.S.C. 553(d)(3). The FHWA has determined that good cause exists to make this rule effective upon publication because the rule provides information to States for their use in contracting with private contractors for the construction of highways. Most of the States have indicated they will be using metric by September 30, 1996. Making this rule effective upon publication will enable States to begin incorporating metric units now. No good purpose would be served by delaying the effective date of this rule. Nevertheless, public comment is solicited on this action. Comments received will be carefully considered in evaluating whether any change to this action is needed.

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

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. As stated previously, the FHWA has determined that the interim metric values selected by the AASHTO documents are functionally equivalent to English system measurements previously adopted by notice and comment rulemaking. It is anticipated that the economic impact of the rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the FHWA made this determination based on the fact that the interim metric values selected are functionally equivalent to the English system values they replace.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a separate federalism assessment. This rule does not impose additional costs or burdens on the States, including the likely source of funding for the States, nor does it affect the ability of the States to discharge traditional State government functions. This document assists the States in their continuing efforts to come into compliance with the requirements of the Metric Act within the established deadline.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

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

National Environmental Policy Act

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

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be

used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 655

Design Standards, Grant Programs—transportation, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, the FHWA amends Chapter I of Title 23, Code of Federal Regulations, Part 655 as set forth below.

Issued on: May 28, 1996.

Rodney E. Slater,

Federal Highway Administrator.

The FHWA hereby amends 23 CFR Part 655 as follows:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for Part 655 is revised to read as follows:

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Subpart F—[Amended]

2. Section 655.601 is amended by revising paragraphs (c) and (d) revised to read as follows:

§ 655.601 Purpose.

* * * * *

(c) Guide to Metric Conversion, AASHTO, 1993. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This document is available for inspection as provided in 49 CFR part 7, appendix D. It may be purchased from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, DC 20001.

(d) Traffic Engineering Metric Conversion Factors; Addendum to the Guide to Metric Conversion, AASHTO, October 1993. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This document is available for inspection as provided in 49 CFR part 7, appendix D. It may be purchased from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, DC 20001.

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[FR Doc. 96–14613 Filed 6–10–96; 8:45 am]

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Federal Register

Tuesday
June 11, 1996

Part V

Department of Commerce

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 230

Whaling Provisions; Consolidation and Revision of Regulations; Collection-of-Information Approval; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 230

[Docket No. 960312069–6153–02; I.D. 022796F]

RIN 0648–AI81

Whaling Provisions; Consolidation and Revision of Regulations; Collection-of-Information Approval

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

ACTION: Final rule.

SUMMARY: NMFS revises and updates regulations pertaining to aboriginal subsistence whaling by removing outdated provisions, codifying current practice, incorporating current term usage, and reorganizing the remaining provisions to make the whaling regulations more concise, better organized and, therefore, easier for the public to use. In addition, the regulations broaden the current mechanism for regulating International Whaling Commission (IWC) authorized whaling by the Alaska Eskimo Whaling Commission (AEWC) and other Native American groups. This rule also adds a reference to an approved collection-of-information under the Paperwork Reduction Act (PRA).

EFFECTIVE DATE: July 11, 1996.

ADDRESSES: Copies of the environmental assessment (EA) prepared for this action are available from: Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Dr. Kevin Chu, (301) 713–2276.

SUPPLEMENTARY INFORMATION:

Background

Consistent with the President's Regulatory Reinvention Initiative, NMFS published a proposed rule on April 9, 1996 (61 FR 15754) to carry out the President's directive with respect to the regulations implementing the Whaling Convention Act of 1949 (16 U.S.C. 916 *et seq*.). This final rule updates the whaling regulations to be consistent with current authorities and usage of terms, eliminates duplicative or unnecessary text, and reorganizes the regulations to make the regulations easier for the public to use and to reduce the volume and publication costs of the regulations.

This final rule also replaces outdated language in the regulations with a description of current practice (i.e., joint monitoring and enforcement of harvests authorized by the IWC) through a cooperative agreement between NOAA and a Native American whaling organization. Government monitoring, and especially enforcement, has not been feasible or desirable in the remote areas in which whaling takes place. The procedures currently practiced, which are codified through this final rule, are considered more reliable and more cost effective than the outdated procedures they replace in the regulations.

This final rule also provides a mechanism for a cooperative agreement with the Makah Tribe of northwest Washington State, which has a long tradition of whaling, for monitoring and enforcing any IWC-authorized whaling. This mechanism is similar to the successful practice with the AEWC.

Additional background and rationale for these measures may be found in the preamble to the proposed rule.

Comments and Responses

Three sets of written comments were received regarding the proposed rule. All were opposed to its adoption. Specific comments and responses are given below:

Comment: All three organizations making comments opposed allowing the Makah Tribe to initiate a harvest of gray whales.

Response: The rule does not in itself authorize whaling by the Makah Tribe or by any other Native American whaling organization. It sets up a mechanism through which any aboriginal subsistence whaling would be managed, provided that the International Whaling Commission (IWC) approves a quota for such use. At its 1996 Annual Meeting, the IWC will review the questions raised by commenters, among others, as to the appropriateness of the Makah request for a quota of five gray whales. Because the rule does not authorize whaling outside the IWC, and does not reflect on the appropriateness of any whaling proposal or practice, specific comments on possible future whaling by the Makah Tribe are not addressed in this notice, except where comments addressed the points in the EA that accompanied the proposed rule. Likewise, NMFS took note of comments that were assertions of differing viewpoints or conclusions than reflected in the EA but that did not provide data to back up the assertion, but no response is provided here.

Comment: Two organizations objected to the provision allowing the sale of native handicrafts from whale products (§ 230.4(f)).

Response: Under the Marine Mammal Protection Act (MMPA), Alaska Natives are allowed to take whales for the purpose of creating and selling authentic native articles of handicrafts. The United States has informed the IWC of this provision; the IWC has never declared this practice to be contrary to the concept of aboriginal subsistence use. NOAA has provided a letter to the AEWC acknowledging that the sale of handicrafts is allowed.

Under the Treaty of Neah Bay, the Makah Tribe would be allowed to sell handicrafts made from non-edible whale parts. This rule thus recognizes the right of both Native American groups to sell handicrafts.

Comment: All three commenters felt that the rule should specify the number of whales that may be struck.

Response: The IWC does not normally allocate quotas of whales that may be struck. The only IWC quota expressed in terms of strike limits is the U.S. Alaska bowhead hunt, where ice conditions substantially increase the chances of losing a harpooned whale. Any strike limit allocated by the IWC would be incorporated into the cooperative agreement, as is currently the case with the cooperative agreement between NOAA and the Alaska Eskimo Whaling Commission. A cooperative agreement could also incorporate strike limits, even if none was set by the IWC.

Comment: There should be no provision for a cooperative agreement with Native American whaling organizations, especially with the Makah Tribe or any tribe within the contiguous United States. Commenters noted that the current part 230 of title 50 of the Code of Federal Regulations (CFR) requires that Commerce monitor all aboriginal whaling and to collect all information directly. These organizations felt that the proximity and relatively localized whaling that might be conducted by the Makah Tribe would allow for direct oversight by the U.S. Government.

Response: The cooperative agreement with the Makah Tribe specifies that U.S. Government personnel will monitor the hunt.

Nothing in any cooperative agreement for the co-management of whaling operations relieves the Department of Commerce of its obligations under the WCA, the MMPA, the Endangered Species Act (ESA) or any other statute.

Comment: One organization felt that arguments supporting replacement of the current regulations were based on insufficient support and questionable assumptions, especially regarding the statement that Government oversight would either be unreliable or excessively expensive. This organization also expressed concern over the accuracy of reporting and success in enforcement of harvests under joint management with Native American tribes.

Response: In Alaska, a minimum requirement of reliable Government oversight would be placing an enforcement agent in each of the ten whaling villages during the whaling seasons, approximately four months a year. This level of enforcement would detract substantially from other enforcement efforts in Alaska, and could not guarantee accurate information. Whaling camps are often miles away from the villages, and whaling could still take place without the knowledge of town-based agents. The only way to guarantee accurate information would be to have an enforcement agent at each whaling camp. This would require the use of up to 40 enforcement personnel and would entail large costs for equipment and supplies as well.

The commenter is correct that there has been no study which has examined the accuracy of tribal whaling reporting or success in enforcement. It would be difficult to conduct any definitive study on this matter, since the presence of outside observers needed to confirm catch statistics would automatically change the reporting situation. NMFS considers it unlikely that whaling would be able to occur in Neah Bay without the knowledge of NMFS officials stationed there (when present) or other non-Native persons.

Comment: One organization objected that quotas were not specified in the rule.

Response: The rule does not set quotas or authorize whaling outside of action by the IWC. If the IWC authorizes an aboriginal subsistence hunt, the quota will be specified in the cooperative agreement, as will any limits on strikes.

Comment: The revised definition of whaling does not include ''harassment,'' as it does in the earlier version of 50 CFR part 230.

Response: Regulations concerning ''harassment'' of whales are covered elsewhere in the Code of Federal Regulations, as noted in § 230.1.

Comment: One commenter expressed concern that sections previously in 50 CFR part 230 under ''Records and Reports,'' ''Prohibited Acts,'' ''Reporting by Whaling Captains,'' ''Records'' and ''Inspection and Enforcement'' are omitted in the new rule. The commenter specifically recommended that a more thorough examination and consideration of these sections be made (possibly by a task force) and evaluated prior to excluding them from the new rule.

Response: The above sections and others that are eliminated from the previous version of 50 CFR part 230 referred only to commercial whaling. Many sections had not been amended for 25 years. Commercial whaling is not allowed in the United States so there is no need to keep these archaic regulations on the books.

Comment: The definition of ''calf'' should be any offspring still dependent on behavior and nutrition and in the physical dependence of a parent female.

Response: The proposed definition of ''calf,'' i.e., any whale less than 1 year old, allows for an objective measurement of whether an infraction has occurred when a carcass is being examined. While behavioral aspects and the presence of a parent female define a calf from a biological point of view, these characteristics cannot be used after the fact to determine whether a calf was taken. An exception to this is the presence of milk in the stomach as an indicator of nursing. Therefore, the definition of ''calf'' is amended to read ''any whale less than 1 year old or having milk in its stomach.''

Comment: One organization requested that the term ''person'' be defined using IWC criteria of cultural and subsistence need. The organization specifically felt that it was not appropriate for U.S. regulations to allow commercial vessels and crew to whale on behalf of aboriginals.

Response: Commercial whaling is prohibited in the United States. While it seems unlikely that commercial whaling vessels or crew would offer to whale on behalf of U.S. aboriginals or that Native American whaling organizations would welcome such an offer, the definitions in the rule of ''whaling captain'' and ''whaling crew'' can be amended to clarify that whaling is only allowed by Native Americans. The revised definitions are as follows:

''*Whaling captain* or *captain* means any Native American who is authorized by a Native American whaling organization to be in charge of a vessel and whaling crew.''

''*Whaling crew* means those Native Americans under the control of a captain.''

Comment: The term ''wasteful manner'' should include the use and waste of whale products after landing.

Response: NMFS agrees. The term has the same meaning as the definition at § 216.3: ''*Wasteful manner* means any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes, without limitation, the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.''

Comment: Whaling villages should be specifically listed, as they are in current regulations.

Response: The list of U.S. whaling villages for which the IWC quota is authorized is available from NMFS.

Comment: The definition of ''whaling village'' should be changed to read ''***any U.S. village ***having a cultural and subsistence need for whaling'' instead of ''having a cultural and/or subsistence need for whaling''.

Response: NMFS believes that the current language more accurately reflects the interpretation of the IWC of the requirements for aboriginal whaling.

Comment: The prohibition on sale should be amended to include prohibitions on barter, give for free, and trade, in order to recognize non-currency exchanges of value that may escape being subject to violations of the Convention.

Response: The above practices, particularly ''give for free,'' are essential to the cultural value of whaling. A whaling crew cannot consume an entire whale, at least not without significant waste. The gifting of whale meat and muktuk between families and villages is a central ritual of whaling in Alaska. Likewise, the Makah tradition of potlatch is still a key part of the Tribe's social fabric. Prohibiting such practices would be counter to the concept of aboriginal whaling.

Comment: Penalties for violations should be listed in the rule.

Response: The absence of specific penalties does not imply that there are no penalties for violations of the rule. The WCA and the MMPA both contain specific penalties in terms of fines, imprisonment or other sanctions for violation of their provisions. Penalties are not listed in this rule because the

cooperative agreements may delegate some enforcement functions to the Native American whaling organizations. Nevertheless, the Department of Commerce has specific responsibilities under the law. If the cooperative agreement is not succeeding in fulfilling those responsibilities, the Department will, after consultation with the relevant Native American whaling organization, assert its federal management and enforcement authority.

Comment: In § 230.4(g)(1), the word ''quota'' should be preceded by the words ''struck or landed''.

Response: In this context, ''quota'' means either the quota of strikes or quota of landed whales, or both.

Comment: In § 230.4(h), the words ''or crew'' should be inserted after the word ''captain''.

Response: This suggestion does not appear to improve the management of whaling. It only adds an additional requirement without gaining any substantive improvement in monitoring or controlling the hunt. Therefore, the suggestion is rejected.

Comment: In § 230.5(a), the phrase ''after written concurrence from the Assistant Administrator'' (AA) should be inserted after ''whaling captains''.

Response: This provision constitutes the granting of a license by NOAA; an additional endorsement by the AA would not gain any substantive improvement in monitoring or controlling the hunt. Therefore, the suggestion is rejected.

Comment: Tallies of struck and landed whales should be in real time, with daily reporting to prevent over-harvesting.

Response: In current practice, the AEWC reports in nearly real time, reporting every few days and sometimes daily during the whaling seasons. Toward the end of the season, each whale catch is reported as it is logged in by the AEWC. The quota has never been exceeded.

Comment: If the Native American whaling organization fails to close the whaling season after the quota has been reached, the rule should require the Assistant Administrator to close it by filing a notice in the Federal Register. The Assistant Administrator should be required to notify the whaling organization within one business day that the season has been closed.

Response: The current wording of the rule allows some discretion for unusual circumstances (such as an ambiguity about whether a quota has been met), but clearly gives the Assistant Administrator the authority to close a season after a quota has been reached.

Comment: The names and villages of members of the whaling crew should be required.

Response: This requirement would add a regulatory burden without obviously improving the management of whaling.

Comment: Please clarify the statement in the Environmental Assessment asserting that past aboriginal whaling levels were higher than they are today.

Response: The Soviet Union took approximately 169 gray whales a year from the 1970s until 1990. Alaska Eskimos occasionally took a few gray whales (fewer than 10) during that time as well. The current quota for gray whales is 140 animals.

Comment: The whale-watching industry could be affected by consumer boycotts in Washington State or by changes in behavior of whales due to hunting. Therefore, the economic impacts described in the Environmental Assessment have a potential negative side.

Response: Any possibility of a consumer boycott of whale watch industries in Washington State is highly speculative.

It is possible that a resumption of whaling by the Makah Tribe would affect the behavior of gray whales around boats in general. It may prove difficult to demonstrate that whales change their behavior in response to whaling, even if observers believe that such a change does occur. Furthermore, if changes in behavior can be demonstrated, it would be difficult to attribute them to any particular cause, since whale behavior is not well understood. Nevertheless, NMFS will initiate research this summer on gray whales in the Makah area and in Puget Sound. This research is intended to help differentiate resident whales which may swim near Seattle and other local whale watching areas, from whales that are migrating past Neah Bay. It may provide information on effects of whaling, if it resumes, on whale behavior.

Comment: One organization disagreed with the Environmental Assessment's conclusion that there would be no economic or social impacts from this revision to the whaling regulations. Therefore, it called for a Supplemental Environmental Impact Statement to address issues raised in its testimony.

Response: Because these regulations do not directly alter the status quo, NMFS does not see a need for an Environmental Impact Statement. It will, however, take note of the issues raised, particularly of the possible impact of whaling on whale watch operations. If the IWC authorizes whaling by the Makah Tribe, NMFS will re-assess its obligations under the National Environmental Policy Act.

Comment: The Finding of No Significant Impact in the EA ignores the cumulative effect of a possible resumption of whaling by other Native groups if the Makah Tribe is allowed to hunt for whales.

Response: The Makah proposal must be judged on its own merits. We have no information that other American Native groups are interested in resuming whaling.

Changes from the Proposed Rule

The definition of ''calf'' is amended to read ''any whale less than one year old or having milk in its stomach.

The definitions of ''Whaling captain'' and ''Whaling crew'' are amended to clarify that whaling is only allowed by Native Americans by replacing the word ''person'' with the words ''Native American''.

Section 3506(c)(B)(i) of the PRA requires that agencies inventory and display a current control assigned by the Director of OMB for each agency information collection.

15 CFR 902.1(b) identifies the location of NOAA regulations for which OMB approval numbers have been issued. This final rule adds the OMB approval number for an approved collection-of-information requirement to the table in 15 CFR 902.1(b).

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has

delegated authority to sign material for publication in the Federal Register to the Assistant Administrator for Fisheries, NOAA.

Classification

NMFS prepared an EA for this action and the AA concluded that there will be no significant impact on the human environment as a result of this rule. This revision of the whaling regulations will have no impact on the status of any endangered species, as these revisions have no affect on the quotas for aboriginal subsistence whaling authorized by the IWC. A copy of the EA is available from NMFS (see **ADDRESSES**).

This final 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 rule will not have a significant economic impact on a substantial number of small entities. This final rule

does not change the regulations that allow whaling only for subsistence and cultural use. Only two Native American groups have expressed an interest in whaling; this rule broadens, rather than restricts, the opportunities for Native American groups to renew whaling traditions if the IWC grants the U.S. request for a quota. As a result, a regulatory flexibility analysis was not prepared. If the IWC authorizes whaling by the Makah Tribe, NMFS will re-assess its obligations under the National Environmental Policy Act.

This rule contains collection-of-information requirements subject to the PRA that have been approved by OMB under OMB control number 0648-0311. The average burden for these collections is estimated to be approximately 0.5 hours per response for whaling captains' reports and 5 hours per response for Native American whaling organizations to report whaling activity to NMFS. These estimates 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 these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a 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 AA determined that this final rule will not affect any endangered or threatened species or critical habitat under the ESA and that whaling activities conducted under this rule will have no adverse effects on marine mammals, beyond what is authorized by the IWC.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 230

Fisheries, Indians, Marine mammals, Reporting and recordkeeping requirements.

Dated: June 4, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter II are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b), the table is amended by adding in the left column, under 50 CFR, in numerical order, the entry ''230.8'', and in the right column, in the corresponding position, the control number ''-0311''.

50 CFR Chapter II

3. Part 230 is revised to read as follows:

PART 230—WHALING PROVISIONS

Sec.

Authority: 16 U.S.C. 916 *et seq.*

§ 230.1 Purpose and scope.

The purpose of the regulations in this part is to implement the Whaling Convention Act (16 U.S.C. 916 *et seq.*) by prohibiting whaling except for aboriginal subsistence whaling allowed by the International Whaling Commission. Provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) also pertain to human interactions with whales. Rules elsewhere in this chapter govern such topics as scientific research permits, and incidental take and harassment of marine mammals.

§ 230.2 Definitions.

Aboriginal subsistence whaling means whaling authorized by paragraph 13 of the Schedule annexed to and constituting a part of the Convention.

Assistant Administrator means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(2) Any special agent or enforcement officer of the National Marine Fisheries Service;

(3) Any officer designated by the head of a Federal or state agency that has entered into an agreement with the Secretary of Commerce or the Commandant of the Coast Guard to enforce the provisions of the Whaling Convention Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

Calf means any whale less than 1 year old or having milk in its stomach.

Commission means the International Whaling Commission established by article III of the Convention.

Convention means the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946.

Cooperative agreement means a written agreement between the National Oceanic and Atmospheric Administration and a Native American whaling organization for the cooperative management of aboriginal subsistence whaling operations.

Landing means bringing a whale or any parts thereof onto the ice or land in the course of whaling operations.

Native American whaling organization means an entity recognized by the National Oceanic and Atmospheric Administration as representing and governing Native American whalers for the purposes of cooperative management of aboriginal subsistence whaling.

Regulations of the Commission means the regulations in the Schedule annexed to and constituting a part of the Convention, as modified, revised, or amended by the Commission from time to time.

Stinker means a dead, unclaimed whale found upon a beach, stranded in shallow water, or floating at sea.

Strike means hitting a whale with a harpoon, lance, or explosive device.

Wasteful manner means a method of whaling that is not likely to result in the landing of a struck whale or that does not include all reasonable efforts to retrieve the whale.

Whale products means any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

Whaling means the scouting for, hunting, striking, killing, flensing, or landing of a whale, and the processing of whales or whale products.

Whaling captain or *captain* means any Native American who is authorized by a Native American whaling organization to be in charge of a vessel and whaling crew.

Whaling crew means those Native Americans under the control of a captain.

Whaling village means any U.S. village recognized by the Commission as

having a cultural and/or subsistence need for whaling.

§ 230.3 General prohibitions.

(a) No person shall engage in whaling in a manner that violates the Convention, any regulation of the Commission, or this part.

(b) No person shall engage in whaling without first having obtained a license or scientific research permit issued by the Assistant Administrator.

(c) No person shall ship, transport, purchase, sell, offer for sale, import, export, or possess any whale or whale products taken or processed in violation of the Convention, any regulation of the Commission, or this part, except as specified in § 230.4(f).

(d) No person shall fail to make, keep, submit, or furnish any record or report required of him/her by the Convention, any regulation of the Commission, or this part.

(e) No person shall refuse to permit any authorized officer to enforce the Convention, any regulation of the Commission, or this part.

§ 230.4 Aboriginal subsistence whaling.

(a) No person shall engage in aboriginal subsistence whaling, except a whaling captain licensed pursuant to § 230.5 or a member of a whaling crew under the control of a licensed captain.

(b) No whaling captain shall engage in whaling that is not in accordance with the regulations of the Commission, this part, and the relevant cooperative agreement.

(c) No whaling captain shall engage in whaling for any calf or any whale accompanied by a calf.

(d) No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.

(e) No person may receive money for participation in aboriginal subsistence whaling.

(f) No person may sell or offer for sale whale products from whales taken in an aboriginal subsistence hunt, except that authentic articles of Native handicrafts may be sold or offered for sale.

(g) No whaling captain shall continue to whale after:

(1) The quota set for his/her village by the relevant Native American whaling organization is reached;

(2) The license under which he/she is whaling is suspended as provided in § 230.5(b); or

(3) The whaling season for that species has been closed pursuant to § 230.6.

(h) No whaling captain shall claim domicile in more than one whaling village.

(i) No person may salvage a stinker without complying with the provisions of § 230.7.

(j) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart that does not bear a permanent distinctive mark identifying the captain as the owner thereof.

(k) No whaling captain shall engage in whaling in a wasteful manner.

§ 230.5 Licenses for aboriginal subsistence whaling.

(a) A license is hereby issued to whaling captains identified by the relevant Native American whaling organization.

(b) The Assistant Administrator may suspend the license of any whaling captain who fails to comply with the regulations in this part.

§ 230.6 Quotas and other restrictions.

(a) Quotas for aboriginal subsistence whaling shall be set in accordance with the regulations of the Commission. Quotas shall be allocated to each whaling village or captain by the appropriate Native American whaling organization. The Assistant Administrator shall publish in the Federal Register, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the Commission. These quotas and restrictions shall also be incorporated in the relevant cooperative agreements.

(b) The relevant Native American whaling organization shall monitor the whale hunt and keep tally of the number of whales landed and struck. When a quota is reached, the organization shall declare the whaling season closed, and there shall be no further whaling under that quota during the calendar year. If the organization fails to close the whaling season after the quota has been reached, the Assistant Administrator may close it by filing notification in the Federal Register.

§ 230.7 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He/she shall provide promptly to the Assistant Administrator or his/her representative each harpoon, lance, or explosive dart found in or attached to the stinker. The device shall be returned to the owner thereof promptly, unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance, or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

§ 230.8 Reporting by whaling captains.

(a) The relevant Native American whaling organization shall require each whaling captain licensed pursuant to § 230.5 to provide a written statement of his/her name and village of domicile and a description of the distinctive marking to be placed on each harpoon, lance, and explosive dart.

(b) Each whaling captain shall provide to the relevant Native American whaling organization an oral or written report of whaling activities including but not limited to the striking, attempted striking, or landing of a whale and, where possible, specimens from landed whales. The Assistant Administrator is authorized to provide technological assistance to facilitate prompt reporting and collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. The report shall include at least the following information:

(1) The number, dates, and locations of each strike, attempted strike, or landing.

(2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed.

(3) The length and sex of a fetus, if present in a landed whale.

(4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

(c) If the relevant Native American whaling organization fails to provide the National Marine Fisheries Service the required reports, the Assistant Administrator may require the reports to be submitted by the whaling captains directly to the National Marine Fisheries Service.

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