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[Two Sessions]

WHEN: July 9, 1996 at 9:00 am, and
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Presidential Documents

Title 3—

The President

Proclamation 6905 of June 24, 1996

Centers for Disease Control and Prevention Day, 1996

By the President of the United States of America

A Proclamation

This year, the Centers for Disease Control and Prevention (CDC) celebrates 50 years of service to our Nation and to people around the world. Created from a small organization whose mission was to combat the spread of malaria among our troops during World War II, the CDC has become our first line of defense against disease, injury, and disability.

The CDC's history boasts a number of notable achievements, including its key role in the eradication of smallpox and the discovery of the causes of Legionnaire's disease and toxic shock syndrome. The agency has also led efforts to control and prevent polio and other vaccine-preventable diseases, breast and cervical cancer, lead poisoning, tuberculosis, and AIDS. Recently, the CDC has been a leader in the global efforts to fight emerging infectious illnesses by investigating and containing diseases such as the outbreak of plague in India and the Ebola outbreak in Africa.

The CDC's innovative programs also address our national challenges of chronic disease, workplace and environmental hazards, injuries, birth defects, disabilities, and new infectious threats. In addition, the agency gathers and analyzes scientific data to better monitor public health, provide a solid foundation for decision-making, and detect risk factors.

While technology and medical progress have worked wonders for many, such advances are not always available or practicable. The CDC's prevention efforts are essential if we are to ensure that all Americans can live in safe, healthy communities. By immunizing our children, exercising regularly, and making other healthy choices, each of us can join the CDC's efforts to build a brighter future and a stronger Nation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 1, 1996, as Centers for Disease Control and Prevention Day. I call upon all the people of the United States to join me in observing this tribute to the CDC, to recognize the need for preventive health measures, and to strive throughout the year to realize the CDC's vision: Healthy people in a healthy world—through prevention.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.

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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 251

RIN 3206–AG38

Agency Relationships With Organizations Representing Federal Employees and Other Organizations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations governing agency relations with managerial, supervisory, professional, and other organizations that are not labor organizations. These regulations are being issued as part of the implementation of the Federal Personnel Manual (FPM) sunset. The regulations incorporate certain provisions that existed in former FPM chapters 251 and 252.

EFFECTIVE DATE: July 26, 1996.

FOR FURTHER INFORMATION CONTACT: Hal Fibish, (202) 606–1170.

SUPPLEMENTARY INFORMATION: OPM published for comment in the Federal Register on October 2, 1995, at 60 FR 51371–51373, proposed regulations on agency relationships with organizations representing Federal employees and other organizations (hereinafter sometimes referred to as non-labor organizations). A total of 19 comments and/or suggestions were received: 7 from agencies, 2 from unions, 9 from various non-labor organizations, and 1 from an individual. With the exceptions noted below, the comments generally supported the proposed regulation.

One union was opposed to publication of the regulation to the extent that it applies to non-supervisors, because it believes it would be impossible for agency representatives to distinguish between the statutory duties the agency owes unions holding exclusive recognition regarding conditions of employment of unit employees and communications with non-labor organizations on other matters of interest to those organizations. OPM disagrees. The former FPM policies on relationships with non-labor organizations, which these regulations reinstate, were in effect for many years and OPM is unaware of any evidence that during that time agencies were unable to deal with non-labor organizations on matters of interest to them without compromising duties owed unions holding exclusive recognition.

Another union challenged OPM's authority to issue its proposed regulation, claiming that it went beyond the limitations of section 7 of Executive Order 11491 when it expressly referred to managerial employees in the discussion of the requirement that agencies establish consultative relationships with associations whose membership is primarily supervisory and/or managerial. OPM disagrees. It is clear from the Study Committee Report and Recommendations of August 1969 that former section 7(e) of Executive Order 11491, in requiring agencies to establish a system for intra-management communication and consultation with its supervisors or associations of supervisors in order to minimize the potential for friction and conflict within the ranks of management, was intended to encompass management officials as they, too, are part of the ranks of management. Moreover, the Study Committee also recommended that the Civil Service Commission authorize agencies to enter into dues withholding agreements with associations of managerial or supervisory employees, and this was reflected in former section 21(b) of Executive Order 11491 which referred to an ''association of *management officials or* supervisors'' (emphasis added). Finally, when sections 7(e) and 21(b) were subsequently deleted from Executive Order 11491, the basis for such a recommendation by the Federal Labor Relations Council (FLRC) in January 1975 was that the Civil Service Commission (CSC) had published guidance for establishing intramanagement communication and consultation systems required by section 7(e) of the Order and that FLRC believed it would be more appropriate that this requirement be dealt with outside the Order. The CSC guidance to which FLRC referred had been issued in 1971 and section 1–3.a of that guidance referred to ''[a]n association of supervisors (or other management officials, or both).''

Two agencies thought the proposed regulation too prescriptive in requiring agencies to establish communication systems with associations of management officials and/or supervisors and suggested the regulation be modified to give agencies discretion to establish and maintain such systems as they see fit. This suggestion is not being adopted. The requirement of section 251.201 that agencies establish and maintain a system for intra-management communication and consultation with their supervisors and managers and to establish consultative relationships with associations of management officials and/or supervisors do no more than reinstate the requirements of chapter 251 which, as noted above, were based on the requirements of section 7(e) of Executive Order 11491. Moreover, agencies have broad discretion in implementing these requirements. They can, for example, retain the systems they had in place while FPM chapter 251 was in effect, or they can modify aspects of those systems, such as membership requirements, in light of their experiences under the FPM program. Finally, it is to be emphasized that while agencies are required to communicate and consult with associations of supervisors and managers, dealings with other non-labor organizations representing Federal employees are discretionary. In order to highlight this distinction, we are adding a sentence to section 251.201(a) that states that dealings with non-labor organizations that are not associations of management officials and/or supervisors is discretionary.

The same agency recommended that the proposed regulations give agencies discretionary authority on the provision of the resources mentioned in section 251.202(b) This is unnecessary, as this section clearly states that agencies ''may'' provide such services to the extent consistent with GSA regulations. One non-labor organization suggested that the regulation prohibit agencies from refusing meeting space or any other support to an organization that is

provided to a comparable organization. OPM is not adopting this suggestion. The conditions under which various support services may be provided to various organizations are for the most part governed by laws and regulations that OPM does not administer. Apart from this, OPM stands by the view expressed in section 1–3.c(2) of former FPM chapter 252 that ''[t]here is no general requirement that agency-provided services, space, or other considerations be automatically given to an organization under this [regulation] simply because they have been given to a labor organization, or vice versa.''

One agency found insufficient the reminder, in section 251.101(d), that agency dealings with non-labor organizations may not take on the character of negotiations or consultations regarding the conditions of employment of unit employees exclusively represented by labor organizations. It expressed a concern that agencies, relying on the proposed regulation, may unintentionally violate the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101–7135 (1994), by bypassing exclusive representatives and failing to afford them an opportunity to be present at formal discussions. It suggested that the intent of section 251.101(d) would be enhanced if OPM added the following statement to that section: ''These regulations do not authorize any actions inconsistent with Chapter 71 of title 5 of the U.S. Code.''

As is noted above, the proposed regulation does little more than reinstate an FPM program that has successfully coexisted with the labor-management relations program for several years. Moreover, in devising consultation systems and/or revising systems that were in place under the FPM program, and in dealing with non-labor organizations, agencies can of course seek the views of their labor relations officials in order to minimize the risk of violating 5 U.S.C. 7101–7135. Notwithstanding these observations, OPM is adopting this agency's suggestion and is amending section 251.101(d) to include the suggested statement.

One agency asked why special treatment is accorded associations of management officials and/or supervisors. Two non-labor organizations objected to the distinction in treatment between associations of management officials and/or supervisors and other non-labor organizations. One non-labor organization suggested that the regulations require agencies to consult with organizations other than associations of management officials and/or supervisors.

The regulations, in mandating consultation with associations of management officials and/or supervisors but leaving to agency discretion consultation with other non-labor organizations, merely reflect a distinction that was made in FPM chapters 251 and 252 which, in turn, reflected the differences between sections 7(d) and 7(e) of Executive Order 11491. Moreover, OPM does not think it advisable to mandate consultations with non-labor organizations that are not associations of management officials and/or supervisors, partly because of the concerns expressed by the two labor organizations that commented on these regulations and by some agencies. An agency should have discretion in determining whether, and to what extent and under what conditions, it will consult with non-supervisory, non-managerial associations because, among other things, of the far greater likelihood that members of such organizations will also be members of bargaining units for which labor organizations hold exclusive recognition regarding their conditions of employment. Supervisors and management officials, on the other hand, are excluded from bargaining units by 5 U.S.C. 7112(b)(1) and consequently labor organizations, with the exception of the few units preserved by 5 U.S.C. 7135, may not be their exclusive representative regarding their conditions of employment.

Several agencies and organizations commented on section 251.101(f), which advised agency officials, in dealing with representatives of non-labor organizations, to consult with their designated agency ethics official for guidance regarding any conflicts of interest that may arise under 18 U.S.C. 205. Most noted that H.R. 782, a bill to amend 18 U.S.C. 205, passed the House and suggested that the regulations be amended should the bill become law. One agency suggested that the regulation contain a provision authorizing employees to represent non-labor organizations as part of their official duties. One organization, which disagreed with the Department of Justice's interpretation of 18 U.S.C. 205, took issue with the inclusion of section 251.101(f).

OPM is bound by the Department of Justice's interpretation of 18 U.S.C. 205 and it would be improper for the regulation to authorize employees to represent non-labor organizations as part of their official duties. Indeed, it was out of concern that some officials might misconstrue these regulations as authorizing dealings with employee representatives of non-labor organizations without regard to 18 U.S.C. 205 as interpreted by the Department of Justice that OPM included the cautionary note of section 251.101(f). Should a law be passed making the cautionary note unnecessary, OPM will modify its regulations.

One agency, two organizations, and one individual suggested that section 251.102(b)—which excludes from the coverage of this regulation organizations that discriminate in terms of membership or treatment because of race, color, religion, sex, national origin, age, or handicapping condition—include a reference to sexual orientation. OPM has not adopted this suggestion because regulations which it publishes with respect to Federal employees should be consistent with Federal anti-discrimination laws and, therefore, should be limited to prohibiting discrimination against those individuals or groups of individuals currently protected under Federal law, i.e., Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*) and the Age Discrimination Act of 1973, as amended (29 U.S.C. 791 and 794a).

One agency suggested that the introductory clause of section 251.202(a) more closely track the language of the 4th sentence of section 1–4b of former FPM chapter 252 in the interest of greater clarity. We agree, and have modified the opening of section 251.201(a) accordingly. The same agency recommended that the reference to 5 CFR 410 be rewritten to refer to funding constraints. In a similar vein, another agency suggested we cite the exact provisions of title 41 of the Code of Federal Regulations bearing on the examples of support services mentioned in section 251.202(b) and suggested that the regulations provide agencies with full and unilateral discretionary authority on provision of such resources. Neither suggestion is being adopted because the revised introductory language of section 251.202(b) clearly states that the provision of various support services is at the discretion of the agency, which perforce must be exercised in accordance with applicable laws and regulations.

One agency suggested that the reference to Chapter 71 of title 5 of the U.S. Code in sections 251.101(d), 251.103(b), and 251.103(c) be modified by adding ''or comparable provisions of other laws'' to accommodate Federal employees who are covered by other labor-management relations laws, such

as 22 U.S.C. 4101–4118. OPM agrees and is modifying those sections accordingly. The same agency caught a typographical error in the supplementary information section: the reference to section 251.203 at the end of the fourth paragraph should have been 251.202. The same agency also noted that the fourth paragraph in the supplementary information states that section 251.202 provides a framework for dealing with organizations that are ''not supervisory or managerial.'' However, the last sentence of that paragraph says that section 251.203 (which should have been 251.202) provides information on support that may be provided to organizations, thus suggesting that the support services alluded to in that paragraph do not apply to associations of management officials and/or supervisors. This was not, of course, the intent of that paragraph. The reference to ''organizations that are not supervisory or managerial'' in the third sentence of the fourth paragraph should have read ''non-labor organizations.'' This agency, noting that although section 251.103(d) defines ''association of management officials and/or supervisors,'' section 251.201 refers to ''associations of supervisors and management officials'' and ''association of supervisors or managers'' and suggested we use the expression ''association of management officials and/or supervisors'' throughout. OPM agrees and the regulation is being changed accordingly. OPM is also adopting this agency's suggestion that ''or attorneys'' be added after ''agents'' in the second sentence of section 251.101(f).

Two agencies suggested that the terms ''fiscal responsibility'' and ''democratic principles'' as used in section 251.102(a) be defined. This suggestion is not being adopted. The requirement that a non-labor organization subscribe to minimum standards of fiscal responsibility and employ democratic principles in the nomination and election of officers derives from section 1–5(4) or FPM chapter 252. These requirements have been in effect for several years and there is no evidence that agencies have had problems in applying these common sense notions. OPM also is not adopting one agency's suggestion that the parenthetical examples of organizations concerned with special social interest in section 251.103(a) also refer to credit unions, employee recreational and/or fitness associations, and child care associations. Given that it is in each agency's discretion to determine to what extent and under what conditions it will deal with organizations concerned with special social interests, we believe that the parenthetical examples are unnecessary and are therefore removing them from the final regulations.

One agency said that there are possible Federal Advisory Committee Act (FACA) concerns if discussions are held with non-labor organization members who are not Federal employees. FACA governs the relationship between agencies and Advisory Committees as defined under 5 U.S.C. app. 2, section 3(2)(C). OPM notes that under GSA regulations, 41 CFR Part 101–6, there are certain meetings and groups that include Federal and non-Federal members that are not subject to FACA requirements. Agencies are advised to consult with their Committee Management officers to determine whether FACA would apply in any given instance. OPM is adopting this agency's suggestion that the reference to ''strike'' at the end of the section 251.102 include reference to ''work stoppage or slowdown.'' We are also adopting this agency's suggestion that section 251.103(a) refer to groups representing minorities, women or persons with disabilities in connection with the agencies' EEO programs and action plans.

One non-labor organization suggested that section 251.201(a) drop the requirement that associations of management officials and/or supervisors have sufficient agency membership to assure a worthwhile dialogue with executive management. We are not adopting this suggestion because membership is a meaningful and objective indicator of employee interest in and support of an association. However, it is for each agency to determine what membership requirements it will establish as a condition for establishing consultative relationships.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will only affect Federal Government employees and non-labor organizations representing such employees.

List of Subjects in 5 CFR Part 251

Government employees.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is adding Part 251 as follows:

1. Part 251 is added to read as follows:

PART 251—AGENCY RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING FEDERAL EMPLOYEES AND OTHER ORGANIZATIONS

Subpart A—General Provisions

Sec.
251.101 Introduction.
251.102 Coverage.
251.103 Definitions.

Subpart B—Relationships With Organizations Representing Federal Employees and Other Organizations

251.201 Associations of management officials and/or supervisors.
251.202 Agency support to organizations representing Federal employees and other organizations.

Subpart C—Dues Withholding

251.301 Associations of management officials and/or supervisors.
251.302 All other organizations.

Authority: 5 U.S.C. 1104; 5 U.S.C. Chap 7; 5 U.S.C. 7135; 5 U.S.C. 7301; and E.O. 11491.

Subpart A—General Provisions

§ 251.101 Introduction.

(a) The regulations in this part apply to all Federal executive branch departments and agencies and their officers and employees.

(b) This part provides a framework for consulting and communicating with non-labor organizations representing Federal employees and with other organizations on matters related to agency operations and personnel management.

(c) The purposes of consultation and communication are: the improvement of agency operations, personnel management, and employee effectiveness; the exchange of information (e.g., ideas, opinions, and proposals); and the establishment of policies that best serve the public interest in accomplishing the mission of the agency.

(d) An agency's consultation and communication with organizations representing Federal employees and with other organizations under this part may not take on the character of negotiations or consultations regarding conditions of employment of bargaining unit employees, which is reserved exclusively to labor organizations as provided for in Chapter 71 of title 5 of the U.S. Code or comparable provisions of other laws. The regulations in this

part do not authorize any actions inconsistent with Chapter 71 of the U.S. Code or comparable provisions of other laws.

(e) The head of a Federal agency may determine that it is in the interest of the agency to consult, from time to time, with organizations other than labor organizations and associations of management officials and/or supervisors to the extent permitted by law. Under section 7(d)(2) and (3) of Executive Order 11491, as amended, recognition of a labor organization does not preclude an agency from consulting or dealing with a veterans organization, or with a religious, social, fraternal, professional, or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the organization or association or are of particular applicability to it or its members.

(f) Federal employees, including management officials and supervisors, may communicate with any Federal agency, officer, or other Federal entity on the employee's own behalf. However, Federal employees should be aware that 18 U.S.C. 205, in pertinent part, restricts Federal employees from acting, other than in the proper discharge of their official duties, as agents or attorneys for any person or organization other than a labor organization, before any Federal agency or other Federal entity in connection with any matter in which the United States is a party or has a direct and substantial interest. Agency officials and employees are therefore advised to consult with their designated agency ethics official for guidance regarding any conflicts of interest that may arise.

§ 251.102 Coverage.

To be covered by this part, an association or organization:

(a) Must be a lawful, nonprofit organization whose constitution and bylaws indicate that it subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of officers;

(b) Must not discriminate in terms of membership or treatment because of race, color, religion, sex, national origin, age, or handicapping condition;

(c) Must not assist or participate in a strike, work stoppage, or slowdown against the Government of the United States or any agency thereof or impose a duty or obligation to conduct, assist, or participate in such strike, work stoppage, or slowdown; and

(d) Must not advocate the overthrow of the constitutional form of Government of the United States.

§ 251.103 Definitions.

(a) *Organization representing Federal employees and other organizations* means an organization other than a labor organization that can provide information, views, and services which will contribute to improved agency operations, personnel management, and employee effectiveness. Such an organization may be an association of Federal management officials and/or supervisors, a group representing minorities, women or persons with disabilities in connection with the agencies' EEO programs and action plans, a professional association, a civic or consumer group, and organization concerned with special social interests, and the like.

(b) *Association of management officials and/or supervisors* means an association comprised primarily of Federal management officials and/or supervisors, which is not eligible for recognition under Chapter 71 of title 5 of the U.S. Code or comparable provisions of other laws, and which is not affiliated with a labor organization or federation of labor organizations.

(c) *Labor organization* means an organization as defined in 5 U.S.C. 7103(a)(4), which is in compliance with 5 U.S.C. 7120, or as defined in comparable provisions of other laws.

Subpart B—Relationships With Organizations Representing Federal Employees and Other Organizations

§ 251.201 Associations of management officials and/or supervisors.

(a) As part of agency management, supervisors and managers should be included in the decision-making process and notified of executive-level decisions on a timely basis. Each agency must establish and maintain a system for intra-management communication and consultation with its supervisors and managers. Agencies must also establish consultative relationships with associations whose membership is primarily composed of Federal supervisory and/or managerial personnel, provided that such associations are not affiliated with any labor organization and that they have sufficient agency membership to assure a worthwhile dialogue with executive management. Consultative relationships with other non-labor organizations representing Federal employees are discretionary.

(b) Consultations should have as their objectives the improvement of managerial effectiveness and the working conditions of supervisors and managers, as well as the identification and resolution of problems affecting agency operations and employees, including supervisors and managers.

(c) The system of communication and consultation should be designed so that individual supervisors and managers are able to participate if they are not affiliated with an association of management officials and/or supervisors. At the same time, the voluntary joining together of supervisory and management personnel in groups of associations shall not be precluded or discouraged.

§ 251.202 Agency support to organizations representing Federal employees and other organizations.

(a) An agency may provide support services to an organization when the agency determines that such action would benefit the agency's programs or would be warranted as a service to employees who are members of the organization and complies with applicable statutes and regulations. Examples of such support services are as follows:

(1) Permitting employees, in appropriate cases, to use agency equipment or administrative support services for preparing papers to be presented at conferences or symposia or published in journals;

(2) Using the authority under 5 U.S.C. 4109 and 4110, as implemented by 5 CFR part 410, to pay expenses of employees to attend professional organization meetings when such attendance is for the purpose of employee development or directly concerned with agency functions or activities and the agency can derive benefits from employee attendance at such meetings; and

(3) Following a liberal policy in authorizing excused absence for other employees who are willing to pay their own expenses to attend a meeting of a professional association or other organization from which an agency could derive some benefits.

(b) Agencies may provide Government resources support to organizations (such as space in Government facilities for meeting purposes and the use of agency bulletin boards, internal agency mail distribution systems, electronic bulletin boards and other means of informing agency employees about meetings and activities) in accordance with appropriate General Services Administration regulations contained in title 41 of the Code of Federal Regulations. The mere provision of such support to any organization is not to be construed as Federal sponsorship, sanction, or endorsement of the organization or its activities.

Subpart C—Dues Withholding

§ 251.301 Associations of management officials and/or supervisors.

Dues withholding for associations of management officials and/or supervisors is covered in 5 CFR 550.331.

§ 251.302 All other organizations.

Under 5 CFR 550.311(b), an agency may permit an employee to make an allotment for any legal purpose deemed appropriate by the head of the agency. Agencies may provide for the allotment of dues for organizations representing Federal employees under that section.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. A0–214–A7; FV–93–981–1]

Almonds Grown in California; Order Amending the Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing order (order) for California almonds. The amendments change order provisions regarding: five existing definitions in the order; Almond Board of California (Board) nomination procedures, terms of office, qualification procedures, eligibility requirements, voting and tenure requirements; modifying creditable advertising provisions; revising volume control procedures; requiring handlers to maintain records in the State of California; authorizing interest or late payment charges on assessments paid late; providing for periodic continuance referenda; and making necessary conforming changes. These changes were favored by California almond producers in a mail referendum. The amendments will improve the administration, operation and functioning of the California almond marketing order program.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, D.C. 20090–6456, telephone: (202) 720–1509 or Fax (202) 720–5698; or Martin Engeler, Assistant Officer-in-Charge, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102–B, Fresno, California 93721; (209) 487–5901 or FAX (209) 487–5906.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on August 3, 1993, and published in the Federal Register on August 17, 1993 (58 FR 43565). Recommended Decision and Opportunity to File Written Exceptions issued on March 22, 1995, and published in the Federal Register on April 6, 1995 (60 FR 17466). Secretary's Decision and Referendum Order issued October 23, 1995, and published in the Federal Register on October 30, 1995 [60 FR 55213].

Preliminary Statement

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

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

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 to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The final rule was formulated on the record of a public hearing held in Modesto, California, on November 3, 4 and 5, 1993, to consider the proposed amendment of Marketing Order No. 981, regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' Notice of the Hearing was published in the August 17, 1993, issue of the Federal Register (58 FR 43565).

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the Act, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900). The Notice of Hearing contained several amendment proposals submitted by the Board, which is responsible for local administration of the program, and by five additional persons.

The Board's proposals pertained to: (1) Increasing its membership by two positions and changing Board nomination, selection, and operation procedures; (2) changing the term of office of its members from one to three years, and limiting the tenure of Board members; (3) changing the definitions of ''cooperative handler,'' ''to handle,'' ''settlement weight,'' ''crop year'' and ''trade demand''; (4) requiring handlers of California almonds to maintain program records in the State of California; (5) changing the advertising assessment credit program to allow credit for certain promotion costs incurred by handlers not previously authorized; (6) authorizing handlers to pay interest and/or late payment charges for past due assessments; (7) providing for continuance referenda every five years; (8) requiring handlers to submit grower lists to the Board; and (9) allowing multi-year contracting.

Five persons submitted additional proposals related to continuance referenda, Board composition and nomination procedures, organic almonds, regulatory provisions, advertising and promotion, assessments, compliance audits, the definition of grower, and research and reserve operations.

The Fruit and Vegetable Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), proposed making such changes as are necessary to the order so that all of its provisions conform with the proposed amendment. USDA also proposed that continuance referenda be conducted on a periodic basis consistent with USDA's policy guidelines.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on March 22, 1995, filed with the Hearing Clerk, Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by May 8, 1995. Four exceptions were filed.

A Secretary's Decision and Referendum Order was issued on

October 23, 1995, directing that a referendum be conducted during the period January 8 through February 2, 1996, among producers of California almonds to determine whether they favored the proposed amendments to the order. In the referendum, 19 of the amendment proposals were favored by more than two-thirds of the producers voting in the referendum by number and volume.

Four of the amendment proposals failed to receive the two-thirds majority required for approval. They are: (1) Increase the Board representation from 10 to 12 members, increase the quorum size to eight members and specify the number of votes required to pass actions based on the number of members present, increase the required number of votes needed to recommend saleable and reserve percentages to the Secretary from six to eight, and require 10 affirmative votes when voting by methods other than at assembled meetings; (2) authorize the Board, with the approval of the Secretary, to reapportion grower and/or handler member representation on the Board based on the proportionate amounts of almonds handled by different segments of the industry in the event industry structure changes in future years; (3) authorize the Board, with approval of the Secretary, to exempt certified organic almonds from assessments used for marketing promotion; and (4) exempt from reserve requirements, that part of the crop which is sold as ''certified organic almonds'' under standards established by the Organic Foods Production Act of 1990. Since these amendments failed to obtain the two-thirds requirement, they are not contained in this document.

In addition, USDA has made modifications to sections 981.32, 981.33 and 981.40 regarding committee nominations, tenure and voting by mail, telegram, fax or other electronic means. These modifications were necessary because the amendment to increase Board membership failed.

The amendment to stagger terms of office for Board members passed in the referendum. The amendatory language set forth staggered terms for a 12-member Board. However, the rationale for staggered terms was not specifically related to a 12-member Board. Modifications were made to §§ 981.32 and 981.33 to base staggered terms of office on a 10-member Board.

The amendment to authorize voting by mail, telegram, fax or other electronic means passed in the referendum and included a provision that at least 10 members must vote in favor of its passage or the proposition would be defeated. This number was based on a 12-member Board. The record evidence indicated that requiring unanimous favorable decisions to pass actions by these methods was burdensome to the Board and delays and disruptions could be avoided by alleviating this requirement. The USDA modification to § 981.40 addresses this concern by requiring eight affirmative votes to pass a Board action.

Finally, USDA has made an additional conforming change to section 981.73 of the order. This section pertains to reports filed by handlers and when they are due to the Board. The conforming change will change the last reporting date from July 15 to August 15 and change the report's ending date from June 30 to July 31. Since the crop year will be changed in this formal rulemaking proceeding from July 1 to August 1, the third reporting period specified in the order should pertain to the end of the crop year. There is no additional burden anticipated on handlers in making this change.

The amended marketing agreement was subsequently mailed to all California almond handlers in the production area for their approval. The marketing agreement was not approved by almond handlers representing 50 percent or more of the volume of almonds handled by all handlers during the representative period of July 1, 1994, through June 30, 1995.

Small Business Considerations

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. Small agricultural service firms, which include handlers regulated under this order, have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $5,000,000. Small agricultural producers are defined as those having annual receipts of less than $500,000.

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 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 the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendments to the order would have on small businesses.

During the 1993–94 crop year, approximately 115 handlers were regulated under Marketing Order No. 981. In addition, there are about 7,000 producers of almonds in the production area. The Act requires the application of uniform rules on regulated handlers.

The amendments to the order include changes to five definitions in the order. These definitions are cooperative handler, to handle, settlement weight, crop year, and trade demand. The changes to the definitions are intended to make them consistent with current industry practices. They are designed to enhance the administration and functioning of the marketing order to the benefit of the industry.

The change to the nomination procedures will require Board nominees to be nominated by January 20 rather than April 20 as currently provided. This will ensure that the new Board is seated prior to meetings where important decisions are made for the following year and will allow the Board to function more efficiently.

The change to the Board members' term of office from one year to three year staggered terms allows more continuity on the Board. This will allow the Board to focus more on long-term strategic goals and develop long-term approaches to problems in the industry.

The amendment to require those persons nominated to the Board to qualify prior to their selection to the Board is an administrative change. This change allows the selection process to take place in a more timely manner.

The amendment to add tenure requirements for Board members allows more persons the opportunity to serve as members on the Board. It will provide opportunity for new ideas and approaches to issues that the Board addresses each year.

The amendment to the creditable advertising provisions expands the promotional activities for which handlers may receive Credit-Back from their assessments. This will allow the Board to increase program flexibility for participating handlers.

The amendment to allow the settlement weight for unshelled almonds to be determined on the basis of representative samples will be more consistent with current industry practices.

The amendment to require handlers to maintain records in the State of California will improve the Board's administration of the program. It will also allow the Board to have the records available to them for compliance purposes. It is not expected that any

additional costs will be incurred by handlers to comply with this amendment.

The amendment to authorize interest and/or late payment charges on assessments paid late encourages handlers to pay their assessments on time. Assessments not paid promptly add an undue burden on the Board because the Board has ongoing projects and programs funded by assessments that are functioning throughout the year. This change is consistent with standard business practices and there will be no significant economic burden on small or large entities because the increase in prompt payments will economically benefit the Board and handlers.

The amendment to provide for periodic continuance referenda allows growers the opportunity to vote on whether to continue the operation of the almond marketing order.

The amendment to authorize handlers to transfer their reserve obligation to other handlers helps facilitate the operation of the reserve program by providing handlers more flexibility.

All these changes are designed to enhance the administration and functioning of the marketing order to the benefit of the industry. Accordingly, AMS has determined that the proposed revisions of the order will not have a significant economic impact on a substantial number of small entities.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), any reporting and recordkeeping requirements that may result from these amendments will be submitted to OMB for approval.

Order Further Amending the Order Regulating the Handling of Almonds Grown in California

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings and Determinations Upon the Basis of the Hearing Record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon the amendments to Marketing Order No. 981 (7 CFR part 981), regulating the handling of almonds grown in California.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, as hereby further amended, regulates the handling of almonds grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which a hearing has been held;

(3) The order, as amended, as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; and

(4) All handling of almonds grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make these order amendments effective one day after publication.

A later effective date would unnecessarily delay the implementation of the order amendments and the improvement in operation of the marketing order program. The Board, producers, and handlers need as much time as possible to make plans to implement the amended order and discuss any needed changes to the regulations and Board operating procedures.

In view of the foregoing, it is hereby found and determined that good cause exists for making these order amendments effective one day after publication, and that it would be contrary to the public interest to delay the effective date of these order amendments for 30 days after publication in the Federal Register (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended, as hereby further amended) who, during the period July 1, 1994, through June 30, 1995, handled 50 percent or more of the volume of such almonds covered by said order, as amended, and as hereby further amended, have not signed an amended marketing agreement;

(2) The issuance of this amendatory order, further amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of approval and who, during the period July 1, 1994, through June 30, 1995 (which has been deemed to be a representative period), have been engaged within the California production area in the production of such almonds for fresh market.

(3) In the absence of a signed marketing agreement, the issuance of this amendatory order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers of almonds in the production area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of almonds grown in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby further amended as follows:

The provisions of the proposed marketing order amendments further amending the order contained in the Recommended Decision issued by the Administrator on March 22, 1995, and published in the Federal Register on April 6, 1995 (60 FR 17466) and in the Secretary's Decision issued on October 23, 1995, and published in the Federal Register on October 30, 1995 (60 FR 55213), shall be and are the terms and provisions of this order further amending the order, and are set forth in full herein.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 981.14 is revised to read as follows:

§ 981.14 Cooperative handler.

Cooperative handler means any handler as defined in § 981.13 of this Subpart which qualifies for treatment as a nonprofit cooperative association as defined in Section 54001, *et seq.* of the California Food and Agricultural Code. The Board, with the approval of the Secretary, may modify this definition, if necessary.

3. Section 981.16 is revised to read as follows:

§ 981.16 To handle.

To handle means to use almonds commercially of own production or to sell, consign, transport, ship (except as a common carrier of almonds owned by another) or in any other way to put almonds grown in the area of production into any channel of trade for human consumption worldwide, either within the area of production or by transfer from the area of production to points outside or by receipt as first receiver at any point of entry in the United States or Puerto Rico of almonds grown in the area of production, exported therefrom and submitted for reentry or which are reentered free of duty. However, sales or deliveries by a grower to handlers, hullers or other processors within the area of production shall not, in itself, be considered as handling by a grower.

4. Section 981.18 is amended by removing the word ''and'' at the end of paragraph (b); removing the period and adding '', and'' at the end of paragraph (c); and adding a new paragraph (d) to read as follows:

§ 981.18 Settlement weight.

* * * * *

(d) For inedible kernels as defined in § 981.8.

5. Section 981.19 is revised to read as follows:

§ 981.19 Crop year.

Crop year means the twelve month period from August 1 to the following July 31, inclusive. Any new crop almonds harvested or received prior to August 1 will be applied to the next crop year for marketing order purposes. The first crop year after the implementation of this amendment shall be a 13-month period.

6. Section 981.21 is revised to read as follows:

§ 981.21 Trade demand.

Trade demand means the quantity of almonds (kernelweight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution worldwide.

7. Section 981.31 is revised to read as follows:

§ 981.31 Membership representation.

Membership of the Board will be determined in the following manner:

(a) Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a)(1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) Those growers who market their almonds through cooperative handlers; and

(2) Those growers who market their almonds through other than cooperative handlers.

(b) Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (b) (1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) Cooperative handlers; and

(2) All handlers, other than cooperative handlers.

(c) One member and an alternate shall be selected from nominees submitted by each of the following groups designated in paragraphs (c) (1) and (2) of this section, or from among other qualified persons belonging to such groups:

(1) The group of cooperative handlers or the group of handlers other than cooperative handlers, whichever received for their account more than 50 percent of the almonds delivered by all growers as determined by December 31 of the then current crop year; and

(2) Those growers whose almonds were marketed through the handler group identified in paragraph (c)(1) of this section.

8. Section 981.32 is amended by revising paragraph (a) and amending paragraph (b)(2) by removing the date ''March 31'' and adding in its place the date ''December 31'' to read as follows:

§ 981.32 Nominations.

(a) *Method.* (1) Each year the terms of office of three of the members elected pursuant to Section 981.31 (a) and (b) shall expire, except every third year when the term of office for two of those members shall expire. Nominees for each respective member and alternate member shall be chosen by ballot delivered to the Board. Nominees chosen by the Board in this manner shall be submitted by the Board to the Secretary on or before February 20 of each year together with such information as the Secretary may require. If a nomination for any Board member or alternate is not received by the Secretary on or before February 20, the Secretary may select such member or alternate from persons belonging to the group to be represented without nomination. The Board shall mail to all handlers and growers, other than the cooperative(s) of record, the required ballots with all necessary voting information including the names of incumbents willing to accept renomination, and, to such growers, the name of any person proposed for nomination in a petition signed by at least 15 such growers and filed with the Board on or before January 20. Distribution of ballots shall be announced by press release, furnishing pertinent information on balloting, issued by the Board through newspapers and other publications having general circulation in the almond producing areas.

(2) Nominees for the positions described in Section 981.31(c) shall be handled in the same manner as described in paragraph (a)(1) of this section except that those terms of office shall expire annually.

* * * * *

9. Section 981.33 is revised to read as follows:

§ 981.33 Selection and term of office.

(a) Members and their respective alternates for positions open on the Board shall be selected by the Secretary from persons nominated pursuant to § 981.32, or, at the discretion of the Secretary, from other qualified persons, for a term of office beginning March 1. Members and alternates shall continue to serve until their respective successors are selected and qualified.

(b) The term of office of members of the Board shall be for a period of three years beginning on March 1 of the years selected except where otherwise provided. However, for the initial eight members of the Board selected pursuant to this section and to paragraphs (a) and (b) of § 981.31, two members shall serve for a term of one year; three members shall serve for a term of two years; and three members shall serve for a term of three years. For the initial terms of office, at the time of nomination under § 981.32, the Board shall make this designation by lot. The term of office for the two members selected under paragraph (c) of § 981.31 shall always be for a period of one year.

(c) Board members may serve for a total of six consecutive years. Members who have served for six consecutive years must leave the Board for at least one year before becoming eligible to serve again. A person who has served

less than six consecutive years on the Board may not be nominated to a new three year term if his or her total consecutive years on the Board at the end of that new term would exceed six years. This limitation on tenure shall not include service on the Board prior to implementation of this amendment and shall not apply to alternate members.

10. Section 981.34 is revised to read as follows:

§ 981.34 Qualification and acceptance.

(a) Any person to be selected as a member or alternate of the Board shall, prior to such selection, qualify by providing such background information as necessary and by advising the Secretary that he/she agrees to serve in the position for which nominated. Grower members and alternates shall be growers or employees of growers, and handler members and alternates shall be handlers or employees of handlers. In the event any member or alternate ceases to be qualified for the position for which selected, that position shall be deemed vacant.

(b) The Board, with approval of the Secretary, may establish additional eligibility requirements for grower members on the Board.

11. Section 981.40 is amended by revising paragraph (c) to read as follows:

§ 981.40 Procedure.

* * * * *

(c) *Voting by mail, telegram, fax or other electronic means.* The Board may vote by mail, telegram, fax or other electronic means upon written notice to all members, or alternates acting in their place, including in the notice a statement of a reasonable time, not to exceed 10 days, in which a vote by mail, telegram, fax or other electronic means must be received by the Board for counting. Voting by mail, telegram, fax or other electronic means shall not be permitted at any assembled meeting of the Board. When a proposition is submitted for vote by mail, telegram, fax or other electronic means, at least eight members of the Board must vote in favor of its passage or the proposition shall be defeated.

* * * * *

§ 981.41 [Amended]

12. In section 981.41, paragraph (c) is amended by removing the colon and all text following the words ''15 percent'' in the last sentence and adding in its place a period.

§ 981.47 [Amended]

13. Section 981.47 is amended by removing the words ''either domestic or'' in the third sentence.

14. Section 981.49 is amended by removing ''; and'' in paragraph (e) and adding a period in its place, by adding ''and'' at the end of paragraph (d); by removing paragraph (f) and by revising paragraph (b) to read as follows:

§ 981.49 Board estimates and recommendations.

* * * * *

(b) The estimated handler carryover and the estimated reserve inventory as of July 31;

* * * * *

15. Section 981.55 is amended by designating existing undesignated text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 981.55 Interhandler transfers.

* * * * *

(b) When salable and reserve percentages are in effect, any handler may transfer reserve withholding obligation to other handlers. Terms and conditions implementing this provision must be recommended by the Board and approved by the Secretary.

16. Section 981.60 is amended by revising paragraph (b) to read as follows:

§ 981.60 Determination of kernel weight.

* * * * *

(b) *Almonds for which settlement is made on unshelled weight.* The settlement weight for unshelled almonds shall be determined on the basis of representative samples of unshelled almonds reduced to shelled weight.

17. Section 981.61 is amended by revising the last sentence to read as follows:

§ 981.61 Redetermination of kernel weight.

* * * Weights used in such computations for various classifications of almonds shall be:

(a) For unshelled almonds, the kernelweight based on representative samples reduced to shelled weight;

(b) For shelled almonds, the net weight; and

(c) For shelled almonds used in production of almond products, the net weight of such almonds.

§ 981.62 [Removed]

18. Section 981.62 is removed.

§ 981.66 [Amended]

19. Section 981.66 is amended by removing paragraphs (b) and (d), redesignating paragraph (c) as paragraph (b), redesignating paragraph (e) as paragraph (c), redesignating paragraphs (f) and (g) as paragraphs (d) and (e), and by amending newly designated paragraph (c) by removing all references to the date ''September 1'' everywhere it appears and adding in its place ''December 31''.

§ 981.67 [Amended]

20. Section 981.67 is amended by removing all references to the date ''September 1'' and adding in its place ''December 31''.

21. Section 981.70 is amended by revising the first sentence to read as follows:

§ 981.70 Records and verification.

Each handler shall keep records which will clearly show the details of his or her receipts of almonds, withholdings, sales, shipments, inventories, reserve disposition, advertising and promotion activities, as well as other pertinent information regarding his or her operation pursuant to the provisions of this part: *Provided*, that, such records shall be kept in the State of California. * * *

22. A new section 981.76 is added before the undesignated center heading ''Expenses and Assessments'' to read as follows:

§ 981.76 Handler List of Growers.

No later than December 31 of each crop year, each handler other than a cooperative handler (hereinafter, referred to as independent handler) governed by this Subpart shall, upon request, submit to the Board a complete list of growers who have delivered almonds to such independent handler during that crop year.

23. Section 981.81 is amended by adding a new paragraph (e) to read as follows:

§ 981.81 Assessment.

* * * * *

(e) Any assessment not paid by a handler within a period of time prescribed by the Board may be subject to an interest or late payment charge or both. The period of time, rate of interest and late payment charge shall be as recommended by the Board and approved by the Secretary. Subsequent to such approval, all assessments not paid within the prescribed period of time shall be subject to an interest or late payment charge or both.

24. Section 981.90 is amended by redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4) and by amending newly designated paragraph (b)(3) by removing the date ''June 1'' and adding in its place ''July 1'' and adding a new paragraph (b)(2) to read as follows:

§ 981.90 Effective time, suspension, or termination.

* * * * *

(b) * * *

(2) The Secretary shall conduct a referendum as soon as practical after the end of the fiscal year ending two years after implementation of this amendment, and at such time every fifth year thereafter, to ascertain whether continuation of the order is favored by growers who have been engaged in the production of almonds for market within the State of California during the current crop year.

* * * * *

§ 981.467 [Amended]

25. In section 981.467, paragraph (a) is amended by removing the date ''July 1'' and adding in its place ''August 1'' and by removing the words ''export or'' and ''or both,'' from the second sentence in paragraph (a).

§ 981.472 [Amended]

26. In section 981.472, paragraph (a) is amended by removing the dates ''July 1 to August 31'' and adding in its place ''August 1 to August 31.''

981.73 [Amended]

27. Section 981.73 is amended by removing the date ''July 15'' and adding in its place ''August 15'' and by removing the date ''June 30'' and adding in its place ''July 31''.

Dated: June 19, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16304 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 985

[Docket No. AO–79–2; FV95–985–4]

Spearmint Oil Produced in the Far West Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing order for spearmint oil produced in the Far West. The Department of Agriculture (Department) proposed this amendment, which was favored by spearmint oil producers in a referendum. Previously, the order included in the regulated production area the States of Washington, Idaho, Oregon, and portions of Utah, Nevada, Montana, and California. This amendment redefines the ''production area'' to remove the portions of the States of Montana and California. This amendment is designed to improve the administration, operation, and function of the Far West spearmint oil program.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2522–S, Washington, D.C. 20090–6456, telephone (202) 720–5127; or Robert Curry, Marketing Specialist, 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.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing was issued on October 4, 1995, and published in the Federal Register on October 11, 1995 (60 FR 52869). Notice of Public Hearing: Correction was issued on November 8, 1995, and published in the Federal Register on November 13, 1995 (60 FR 57144). A Notice of order filed on proposed rulemaking was issued on November 30, 1995, and published in the Federal Register December 5, 1995 (60 FR 62229). The Emergency Final Decision and Referendum Order was issued on February 13, 1996, and published in the Federal Register on February 20, 1996 (61 FR 6329).

This administrative action is governed by the provision of sections 556 and 557 of title 5 of the United States Code, and is therefore excluded from the requirements of Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule 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 Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601 *et seq.*) 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 a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Preliminary Statement

This final rule was formulated on the record of a public hearing held in Spokane, Washington, on November 14, 1995, to consider the proposed amendment of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West, hereinafter referred to as the ''order.'' The hearing was held pursuant to the provisions of the Act and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained an amendment proposal recommended by the Department.

The Department proposed this action to determine if portions of both the States of California and Montana should continue to be regulated under the order.

Upon the basis of evidence introduced at the hearing and the record thereof, the Assistant Secretary for Marketing and Regulatory Programs on February 13, 1996, filed with the Hearing Clerk, Department of Agriculture, an Emergency Final Decision and Referendum Order, directing that a referendum be conducted during the period March 2 through March 15, 1996, among all known producers of spearmint oil produced in the Far West. The proposed amendment was favored by more than the requisite two-thirds of spearmint oil producers voting in the referendum. Based upon the referendum and other available information the Department determined that the ''production area,'' the area regulated under the order, no longer include portions of the states of California and Montana.

There is no amended marketing agreement effective with this amendment of the order. The original order was published in the April 14, 1980, Federal Register (45 FR 25040), as a final rule. At that time, a marketing agreement was not approved by spearmint oil handlers representing 50 percent or more of the volume of spearmint oil handled by all handlers during the representative period.

The information collection requirements contained in the order and regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and have been assigned OMB numbers 0581–0065 for Far West spearmint oil.

This rule will have no impact on the reporting burden of approximately 8 handlers of spearmint oil as none of the handlers have a history of receiving commercial production from the portions of California or Montana removed from regulation under the order.

Small Business Consideration

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $500,000. Small agricultural service firms, which include handlers under this order, are defined as those with annual receipts of less than $5 million.

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 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 the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendment to the order would have on small businesses.

During the 1994–95 marketing year from June 1, 1994, through May 31, 1995, 8 handlers were regulated under the order. In addition, there are approximately 260 producers of spearmint oil in the regulated production area. The Act requires the application of uniform rules on regulated handlers. A minority of handlers and producers of Far West spearmint oil may be classified as small entities. The order itself is tailored to the size and nature of these small entities. Thus, both the RFA and the Act are compatible with respect to small entities.

This amendment removes from the regulated production area the portions of California and Montana currently regulated by the order. This amendment is designed to enhance the administration and functioning of the marketing order to the benefit of the industry.

Order Amending the Order Regulating the Handling of Spearmint Oil Produced in the Far West

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings and Determinations Upon the Basis of the Hearing Record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held upon the proposed amendment to Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as hereby amended, regulates the handling of spearmint oil grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; and

(4) All handling of spearmint oil grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make this order amendment effective upon publication in the Federal Register.

A later effective date would unnecessarily delay the implementation of the order amendment and the improvement in operation of the marketing order program. There has been uncertainty within the spearmint oil industry for some time with respect to the possible redefinition of the order's production area. Such uncertainty has the potential of hampering the ability of individual producers and handlers to make sound economic decisions concerning their operations. The amendment could affect planting, contracting, lending and other important economic decisions of those in the industry.

In view of the foregoing, it is hereby found and determined that good cause exists to making this amendatory order effective upon publication in the Federal Register, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after publication in the Federal Register (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distribution, or shipping the commodity covered by the said order, as hereby amended) who, during the period June 1, 1994, through May 31, 1995, handled not less than 50 percent of the volume of such spearmint oil covered by the said order, as hereby amended, have not signed a marketing agreement;

(2) The issuance of this amendatory order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval or produced for market at least two-thirds of the volume of such commodity represented in the referendum, all such producers, during the period June 1, 1994, through May 31, 1995 (which has been deemed to be a representative period), having been engaged within the production area in the production of such spearmint oil; and

(3) In the absence of signed marketing agreements, the issuance of this amendatory order is the only practical means pursuant to the declared policy of the Act of advancing the interest of producers of spearmint oil in the production area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of spearmint oil grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

The provisions of the proposed marketing order amending the order contained in the Emergency Final Decision issued by the Assistant Secretary on February 13, 1996, and

published in the Federal Register on February 20, 1996, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

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—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 985.5 is revised to read as follows:

§ 985.5 Production area.

Production area means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. State of Washington

(b) District 2. The State of Idaho and that portion of the States of Nevada and Utah included in the production area.

(c) District 3. The State of Oregon.

Dated: June 19, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16303 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

8 CFR PARTS 3 AND 242

[EOIR 102F]

RIN 1125–AA01

Executive Office for Immigration Review; Motions and Appeals in Immigration Proceedings; Correction

AGENCY: Department of Justice.

ACTION: Correction to final regulation.

SUMMARY: This document contains additional corrections to the final regulation published Monday, April 29, 1996 (61 FR 18900), relating to new motions and appeals procedures in immigration proceedings.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041, (703) 305–0470 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections streamlines the motions and appeals practice before the Board of Immigration Appeals and establishes a centralized procedure for filing notices of appeal, fees, fee waiver requests, and briefs directly with the Board. The new regulation also establishes time and number limitations on motions to reconsider and on motions to reopen and makes certain changes to appellate procedures to reflect the statutory directives of section 545 of the Immigration Act of 1990 (Pub. L. 101–649, 104 stat. at 4978).

Need for Correction

As published, the final regulation contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on April 29, 1996 of the final regulation (EOIR 102F), which was the subject of FR Doc. 96–10157 is corrected as follows:

§ 3.2(b) [Corrected]

1. On page 18904, in the third column, in § 3.2 paragraph (b), line 13, the word ''shall'' is corrected to read ''may'' and in line 17, the last sentence of the paragraph is corrected to read ''Such motion may be consolidated with, and considered by the Board in connection with the appeal to the Board.''

§ 246.7 [Corrected]

2. On page 18910, in the first column, § 246.7, line 4, the following language is removed: ''except that no appeal shall lie from an order of deportation entered in absentia''.

Rosemary Hart,

Federal Register Liaison Officer.

[FR Doc. 96–16270 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 102 and 134

Country of Origin Marking Exception for Textile Goods Assembled Abroad With Components Only Cut to Shape in the U.S.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General policy statement.

SUMMARY: This notice advises the public of a general country of origin marking exception that will be granted by Customs, commencing July 1, 1996, for imported textile goods assembled abroad with components which were only cut to shape in the United States.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Craig Walker, Special Classification and Marking Branch, Office of Regulations and Rulings (202–482–6980).

SUPPLEMENTARY INFORMATION:

Background

On September 5, 1995, Customs published in the Federal Register (60 FR 46188) a final rule document setting forth, in section 102.21, Customs Regulations (19 CFR 102.21), new rules of origin applicable to textile and apparel products. These rules, which become effective July 1, 1996, implement the provisions of section 334 of the Uruguay Round Agreements Act (''the Act'') (codified at 19 U.S.C. 3592).

One of the fundamental changes that will result from the new textile rules of origin is that cutting fabric to shape will no longer confer origin. Currently (prior to July 1, 1996), the cutting of foreign fabric to shape in the U.S. results in the components becoming products of the U.S. If these components are assembled abroad and returned, they are entitled to a duty allowance under subheading 9802.00.80, HTSUS, and pursuant to the regulations (19 CFR 10.22, which will be eliminated effective August 5, 1996), they may be marked ''Assembled in X country from U.S. components'' or a similar phrase. However, under the new textile rules, these fabric components will no longer be of U.S. origin. Therefore, while the Act provides that importers may continue to receive a duty allowance for components cut to shape in the U.S. from foreign fabric and assembled abroad, effective July 1, 1996, such assembled goods will no longer be considered properly marked when they are labeled ''Assembled in X country from 'U.S.' components.''

However, the marking statute and regulations allow for exceptions to the marking requirements under certain circumstances. One of these exceptions concerns articles which cannot be marked prior to, or after, importation except at an expense that would be economically prohibitive. See 19 U.S.C. 1304(a)(3) (C) and (K), and 19 CFR 134.32(c) and (o). In consideration of: (1) The fact that many labels for assembled goods were already printed prior to July 1, 1996, on the basis of the current textile origin rules; (2) the expectation that many individual requests will be received for marking exceptions on the ground of economic prohibitiveness; and (3) the importance of providing uniformity of Customs treatment for such goods, Headquarters has made a general finding that it would be economically prohibitive to properly mark goods (either before or after importation) with respect to which marking labels have already been pre-printed or/or sewn into goods based on the current origin rules. This action will allow importers to exhaust their inventory of pre-existing labels stating ''Assembled in X country from U.S. components'' or a similar phrase, for goods that were assembled from components that were only cut to shape in the U.S. (i.e., not woven in the U.S.). This general marking exception shall be granted for all imported goods marked as described above for a period not to exceed four (4) months from the effective date of the new textile rule of origin (i.e., no later than November 1, 1996) which Customs views as a reasonable period of time for the exhaustion of existing inventory of labels. Please note that, if information is obtained that the above labels were printed after July 1, 1996, this general marking exception will not apply.

Dated: June 21, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96–16278 Filed 6–25–96; 8:45 am]

BILLING CODE 4820–02–P

Drug Enforcement Administration

21 CFR Parts 1309 and 1310

[DEA–133F]

RIN 1117–AA29

Waiver of Requirements for the Distribution of Prescription Drug Products Drug Products That Contain List I Chemicals

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: DEA is amending its regulations to waive the registration requirement for persons who distribute prescription drug products that are subject to regulation on List I chemicals and to allow that the records required to be maintained pursuant to the Federal Food and Drug Administration (FDA) regulations for prescription drug products shall be deemed adequate for satisfying DEA's recordkeeping requirements with respect to distribution. In response from industry, DEA has conducted a review and determined that such prescription drug products are already subject to extensive regulatory controls regarding their distribution and there is no evidence that the products are being diverted at this time. This action will relieve distributors and manufacturers of regulated prescription drug products containing List I chemicals from the chemical control requirements in circumstances where compliance would be unnecessary for enforcement of the law.

EFFECTIVE DATE: July 26, 1996.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: On September 26, 1995, DEA published a notice in the Federal Register (60 FR 49527) proposing to amend Title 21, Code of Federal Regulations (CFR), parts 1309 and 1310, to waive the requirement of registration for persons distributing prescription drug products that are regulated as List I chemicals and to allow that the records required to be maintained pursuant to the FDA regulations for prescription drug products shall be deemed adequate for satisfying DEA's recordkeeping requirements with respect to distribution. This rule responds industry's requests for relief based on existing regulatory controls and the lack of evidence of diversion of the products.

One comments was submitted in response to the proposed rulemaking. That comment, while supporting the proposed amendments, requested that DEA include in the regulations a provision that the FDA record retention requirement of two years, rather that the four year retention period required under the Controlled Substances Act (CSA), would apply to records of distributions of regulated prescription drug products. DEA is aware of the discrepancy between the record retention requirements between the FDA and DEA for these products; however, DEA does not have flexibility regarding the recordkeeping retention period for List I chemicals since 21 U.S.C. 830(a)(1)(A) of the CSA mandates that records of transactions involving List I chemicals shall be maintained for four years. There is no provision in the CSA allowing DEA the discretion to waive or modify that requirement. Only the Congress could amend the statute as proposed by the commentor. Until that requirement of the law is amended, records of regulated transactions involving List I chemicals must be maintained for the required four year period.

The Deputy Administrator of the Drug Enforcement Administration hereby certifies that this rulemaking will not have a significant impact on a large number of entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This rulemaking grants those persons who distribute regulated prescription drug products relief from DEA's chemical registration requirement and allows for the use of records already maintained pursuant to FDA regulations in lieu of requiring that separate records be maintained. These amendments could potentially ease the regulatory burden for 1,200 or more distributors and manufacturers of regulated prescription drug products.

This rule has been drafted and reviewed in accordance with Executive Order 12866. DEA has determined that this is not a significant regulatory action under the provisions of Executive Order 12866, section 3(f) and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule will eliminate unnecessary regulatory requirements for distributors of regulated prescription drug products.

This action has been analyzed in accordance with the principles an criteria in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism

implications to warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1309

Administrative practice and procedure, Drug traffic control, List I and List II chemicals, Security measures.

21 CFR Part 1310

Drug traffic control, List I and List II chemicals, Reporting and recordkeeping requirements.

For reasons set out above, 21 CFR parts 1309, and 1310 are amended as follows:

PART 1309—[AMENDED]

1. The authority citation for part 1309 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 830, 871(b), 875, 877, 958

2. Section 1309.21 is revised to read as follows:

§ 1309.21 Persons required to register.

(a) Every person who distributes, imports, or exports any List I chemical, other than those List I chemicals contained in a product exempted under Section 1310.01(f)(1)(iv) of this chapter, or who proposes to engage in the distribution, importation, or exportation of any List I chemical, shall obtain annually a registration specific to the List I chemicals to be handled, unless exempted by law or pursuant to §§ 1309.24 through 1309.28 of this part. Only persons actually engaged in such activities are required to obtain a registration; related or affiliated persons who are not engaged in such activities are not required to be registered. (For example, a stockholder or parent corporation of a corporation distributing List I chemicals is not required to obtain a registration.)

(b) Every person who distributes or exports a List I chemical they have manufactured, other than a List I chemical contained in a product exempted under § 1310.01(f)(1)(iv) of this chapter, or proposes to distribute or export a List I chemical they have manufactured, shall obtain annually a registration specific to the List I chemicals to be handled, unless exempted by law or pursuant to §§ 1309.24 through 1309.28 of this part.

3. Section 1309.22 is amended by revising paragraph (b) to read as follows:

§ 1309.22 Separate registration for independent activities.

* * * * *

(b) Every person who engages in more than one group of independent activities shall obtain a separate registration for each group of activities, unless otherwise exempted by the Act or Sections 1309.24 through 1309.28 of this part, except that a person registered to import any List I chemical shall be authorized to distribute that List I chemical after importation, but no other chemical that the person is not registered to import.

4. Section 1309.28 is added to read as follows:

§ 1309.28 Exemption of distributors of regulated prescription drug products.

(a) The requirement of registration is waived for any person who distributes a prescription drug product containing a List I chemical that is regulated pursuant to § 1310.01(f)(1)(iv) of this chapter.

(b) If any person exempted by this section also engages in the distribution, importation or exportation of a List I chemical, other than as described in paragraph (a) of this section, the person shall obtain a registration for such activities, as required by § 1309.21 of this part.

(c) The Administrator may, upon finding that continuation of the waiver granted in paragraph (a) of this section would not be in the public interest, suspend or revoke a person's waiver pursuant to the procedures set forth in § § 1309.43 through 1309.46 and 1309.51 through 1309.57 of this part.

PART 1310—[AMENDED]

5. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b)

6. Section 1310.06 is amended by revising paragraph (b) to read as follows:

§ 1310.06 Content of records and reports.

* * * * *

(b) For purposes of this section, normal business records shall be considered adequate if they contain the information listed in paragraph (a) of this section and are readily retrievable from other business records of the regulated person. For prescription drug products, prescription and hospital records kept in the normal course of medical treatment shall be considered adequate for satisfying the requirements of paragraph (a) of this section with respect to dispensing to patients, and records required to be maintained pursuant to the Federal Food and Drug Administration regulations relating to the distribution of prescription drugs, as set forth in 21 CFR part 205, shall be considered adequate for satisfying the requirements of paragraph (a) of this section with respect to distributions.

* * * * *

Dated: May 28, 1996.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 96–16299 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8675]

RIN 1545–AR04

Modifications of Debt Instruments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the modification of debt instruments. The regulations govern when a modification is treated as an exchange of the original debt instrument for a modified instrument. The regulations provide needed guidance to issuers and holders of debt instruments.

DATES: These regulations are effective September 24, 1996.

For dates of applicability of these regulations, see § 1.1001–3(h).

FOR FURTHER INFORMATION CONTACT: Thomas J. Kelly, (202) 622–3930 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1992, proposed amendments to 26 CFR part 1 were published in the Federal Register (57 FR 57034) to provide guidance under § 1.1001–3. The proposed regulations relate to the modification of debt instruments. On February 17, 1993, the IRS held a public hearing on the proposed regulations. In addition, the IRS received numerous written comments on the proposed regulations. The proposed regulations, with certain changes made in response to comments, are adopted in this Treasury decision as final regulations. The principal changes to the regulations, as well as the major comments and suggestions, are discussed below.

Explanation of Provisions

A. General

The preamble to the proposed regulations states that the proposed

regulations are intended to address the uncertainty concerning when the modification of a debt instrument results in a deemed exchange of the old debt instrument for a new instrument. Some of this uncertainty resulted from the possible impact of the decision of the Supreme Court in *Cottage Savings Ass'n* v. *Commissioner,* 499 U.S. 554 (1991). The preamble invites comments with respect to whether it is desirable to provide rules for the modification of debt instruments as well as comments with respect to what those rules should be.

Although the IRS received many comments on the proposed regulations, relatively few commentators addressed the question of whether regulations on the modification of debt instruments are desirable. A few commentators argued against the promulgation of regulations on this subject. A number of other commentators were supportive of the attempt to provide certainty through a series of specific rules. Some commentators suggested that the regulations adopt a facts and circumstances approach with safe harbors under which certain modifications would not be treated as exchanges. In contrast, other commentators suggested using additional bright-line rules to provide more certainty with respect to when a modification is, and is not, treated as an exchange of the old debt instrument for a new instrument. Most commentators, however, limited their comments to the specific rules of the proposed regulations.

The IRS and Treasury considered adopting a single, general rule instead of several detailed rules. That approach, while providing less guidance, would have the advantage of reducing complexity and avoiding anomalies that can result from bright-line rules (for example, different results for economically similar transactions). Nevertheless, after considering that approach the IRS and Treasury concluded that both taxpayers and the IRS would benefit from regulations specifically addressing the treatment of certain modifications. A debt modification that results in an exchange may have a variety of consequences, and parties contemplating a change to a debt instrument should be able to determine whether that change will result in an exchange.

Accordingly, the final regulations retain the basic structure of the proposed regulations. Thus, an alteration of the terms of a debt instrument is first tested to determine whether the alteration is a ''modification.'' If there is a modification, the modification is then tested to determine whether it is a ''significant modification.'' A significant modification results in an exchange of the original debt instrument for a modified instrument that differs materially either in kind or in extent within the meaning of § 1.1001–1(a).

Although the final regulations generally follow the approach of the proposed regulations, certain rules have been added or modified to address a number of issues noted by commentators. For example, in one instance the final regulations provide a general rule with respect to a particular type of modification together with a safe harbor for certain changes that will not result in exchanges. In other instances, the final regulations retain the bright-line approach of the proposed regulations. The IRS and Treasury invite comments on the operation of the final regulations and will consider providing additional guidance as appropriate.

B. Other Instruments

In the preamble to the proposed regulations, the IRS invites comments with respect to whether the regulations should be expanded to address modifications of financial instruments other than debt instruments. In response, several commentators argued that a dealer's assignment of its position in an interest rate swap contract or other notional principal contract should not result in an exchange under section 1001 for the nonassigning counterparty. In response to these comments, the IRS and Treasury are issuing proposed and temporary regulations that provide a special rule for dealer assignments of notional principal contracts. However, those temporary and proposed regulations and these final regulations do not address whether particular instruments are debt instruments for Federal income tax purposes.

With the exception of those temporary and proposed regulations, the final regulations have not been expanded to cover the modification of financial instruments other than debt instruments. The modification of other instruments is less common than the modification of debt instruments, and the rules for modifications of debt instruments would not necessarily work well or be appropriate in determining whether modifications of other instruments result in exchanges under section 1001. For equity instruments in particular, the IRS and Treasury believe that the application of certain rules in these regulations would be inappropriate. Similarly, for contracts that are not debt instruments, the final regulations do not limit or otherwise affect the application of the ''fundamental change'' concept articulated in Rev. Rul. 90–109 (1990–2 C.B. 191), in which the IRS concluded that the exercise by a life insurance policyholder of an option to change the insured under the policy changed ''the fundamental substance'' of the contract, and thus was a disposition under section 1001.

C. Modifications

The final regulations retain the general rule of the proposed regulations that a modification includes any alteration of a legal right or obligation of the issuer or holder. The final regulations, however, do not adopt the rule of the proposed regulations that a unilateral waiver of a right that does not rise to the level of a settlement of terms between the parties is not a modification of the original instrument. Commentators noted that it often is impossible to distinguish between a unilateral waiver of a right and a workout agreed to by the parties in which only the holder of the instrument makes meaningful concessions. Moreover, in the case of a prepayable debt instrument, the holder's waiver of rights may be an inducement to the obligor not to terminate the debt instrument.

In defining when an alteration is a modification, the final regulations also generally retain the rule that a change in a term of a debt instrument that occurs by operation of the terms of a debt instrument is not a modification. A change may occur by operation of the terms of an instrument at a specified time, as a result of a contingency specified in the instrument, or upon the exercise of an option provided for in the instrument to change a term.

The final regulations limit the application of the rule for changes that occur by operation of the terms of a debt instrument in three respects. First, the final regulations retain the rule of the proposed regulations that any alteration that results in an instrument or property right that is not debt for federal income tax purposes is a modification, even if the alteration occurs by operation of the terms of the instrument (unless the alteration occurs pursuant to a holder's option under the terms of the instrument to convert the instrument into equity of the issuer). Second, the final regulations also provide that any alteration that results in a substitution of a new obligor, the addition or deletion of a co-obligor, or a change in the recourse nature of an instrument is a modification. The IRS and Treasury believe that these changes may be so fundamental that they should be

considered modifications even if they occur by operation of the terms of an instrument. Thus, these modifications always must be tested for significance to determine whether they result in exchanges.

Third, the final regulations provide that alterations resulting from the exercise of either of two categories of options are modifications. These two categories of options are (i) those that are not unilateral (defined essentially in the same manner as in the proposed regulations) and (ii) holder options the exercise of which results in a deferral or a reduction in any scheduled payment of interest or principal. Because alterations resulting from the exercise of such options typically involve either negotiations between an issuer and holder or a workout, the IRS and Treasury believe it is appropriate to treat them as modifications and test for significance. In this regard, the rule for holder options resulting in deferrals or reductions of payments addresses more specifically the concerns underlying the proposed regulations' rule discussed above regarding unilateral waivers that rise to the level of a settlement of the terms.

Many commentators argued that the proposed regulations are overly restrictive in recognizing only temporary nonperformance by the issuer and temporary waivers of default rights by holders as not being modifications. In particular, commentators expressed concern about an example in the proposed regulations that illustrates the temporary waiver rule with a situation in which the waiver is only for a 3-month period. The IRS and Treasury recognize that parties may need a period of time to modify the terms of a debt instrument following an issuer's default and that a holder's waiver or nonenforcement of default rights may not itself evidence an agreement with respect to new terms.

The final regulations respond to these comments in two respects. First, the regulations provide that nonperformance by the issuer is not, in and of itself, a modification. Second, the regulations provide a limited exception to the rule that a waiver of rights is a modification. Under this exception, absent an actual written or oral agreement by the issuer and the holder to alter other terms of the instrument, an agreement by the holder to stay collection or temporarily waive an acceleration clause or similar default right is not a modification for a period of two years following the issuer's nonperformance, or for a longer period (after the initial two-year period) during which the parties conduct good faith negotiations or during the pendency of bankruptcy proceedings. Once the parties agree to new terms, however, there is a modification of the instrument.

As under the proposed regulations, a modification is tested when the parties agree to a change even if the change is not immediately effective, but the final regulations add exceptions for a change in a term that is agreed to by the parties but is subject to reasonable closing conditions or that occurs as a result of bankruptcy proceedings. In these cases, a modification occurs on the date the change in the term becomes effective. Thus, if the conditions do not occur (and the change in the term does not become effective), a modification does not occur.

D. Significant Modifications

The final regulations retain the structure of the proposed regulations for determining whether a modification is significant, but change a number of the specific rules for particular types of modifications. The final regulations also add a new general rule for types of modifications for which specific rules are not provided. Under this general rule (the general significance rule), a modification is significant if, based on all the facts and circumstances, the legal rights or obligations being changed and the degree to which they are being changed are economically significant.

The general significance rule also applies to a type of modification for which specific rules are provided if the modification is effective upon the occurrence of a substantial contingency. Moreover, the general significance rule will apply for certain types of modifications that are effective on a substantially deferred basis. When testing a modification under the general significance rule, all modifications made to the instrument (other than those for which specific bright-line rules are provided) are considered collectively. Thus, a series of related modifications, each of which independently is not significant under the general significance rule, may together constitute a significant modification.

With the addition of the general significance rule, certain specific rules of the proposed regulations have not been included in the final regulations. For example, under the proposed regulations, whether the addition or deletion of a put or call right is a significant modification depends on the value of the put or call. The significance of an alteration of a put or call right depends on whether the alteration significantly affects the value of the right. The proposed regulations provide similar rules for the addition, deletion, or alteration of a conversion or exchange right. Under the proposed regulations, certain changes in the types of payments under a debt instrument (for example, a change from a fixed rate debt instrument to a variable rate or contingent payment debt instrument) are significant modifications. These rules have not been included in the final regulations because the general significance rule provides adequate guidance.

For changes in the yield of a debt instrument, the final regulations provide that a change in yield is significant if the change exceeds the greater of 25 basis points or five percent of the original yield on the instrument. This rule was modified in response to comments that a change of more than 25 basis points should be permitted in the case of debt instruments issued with high interest rates. The final regulations also limit this change-of-yield bright-line rule to fixed rate and variable rate debt instruments. Because of the difficulties in developing appropriate mechanisms for measuring changes in the yield of other debt instruments (for example, contingent payment debt instruments), the final regulations provide that the significance of changes in the yield of those other instruments is determined under the general significance rule. The final regulations also incorporate other technical changes to clarify the application of the change-in-yield rules.

The final regulations do not adopt the suggestion of some commentators that a reduction in the principal amount of a debt instrument should not be considered a modification. As under the proposed regulations, for purposes of determining if there is a significant modification, the yield on the modified instrument is computed by reference to the adjusted issue price immediately before the modification. A reduction in principal reduces the total payments on the modified instrument and often results in a significantly reduced yield on the instrument. Thus, these rules give the same weight to changes in the principal amount as to changes in the interest payments. The IRS and Treasury believe that the tax consequences of a change in the yield that results from a change in the amounts payable should not differ because of the characterization of the payments that are reduced as principal rather than interest.

For changes in the timing of payments (including any resulting change in the amount of payments), the proposed regulations contain a rule that an extension of the final maturity of an instrument for the lesser of five years or

50 percent of the original term of the instrument is not a significant modification. Any other change in the timing of payments is subject to two rules. Under the first rule, any material deferral of payments is a significant modification. Under the second rule, any change in terms designed to avoid the application of the rules for original issue discount is a significant modification. Commentators objected to both of these rules because they do not provide bright-line rules for determining whether a modification is significant. In addition, the commentators argued that an example in the proposed regulations that concerns the deferral of interim payments is inconsistent with the rule for an extension of final maturity.

The final regulations combine the rules for extensions of final maturity and other changes in the timing and/or amounts of payments. While adopting the material deferral rule generally, the final regulations also allow the deferral of payments within a safe-harbor period (the lesser of five years or 50 percent of the original term of the instrument) if the deferred amounts are unconditionally payable at the end of that period. The final regulations do not contain the rule that the Commissioner may treat any deferral of payments made with a principal purpose of avoiding the time value of money rules, including the rules for original issue discount, as a significant modification. The concerns addressed by this rule in the proposed regulations have been resolved in final regulations recently issued under section 1275. See § 1.1275–2(j).

For a change in the obligor on an instrument, the final regulations retain the general rule in the proposed regulations that changing the obligor on a recourse debt instrument is significant. In addition to the exception for section 381(a) transactions in the proposed regulations, the final regulations include an exception for transactions in which the new obligor acquires substantially all of the assets of the original obligor. Each exception must meet two requirements. First, other than the substitution of a new obligor, the transaction must not result in any alteration that would be a significant modification but for the fact that it occurs by operation of the terms of the instrument. Second, the transaction must not result in a change in payment expectations. The final regulations also provide that the substitution of a new obligor on a tax-exempt bond is not a significant modification if the new obligor is a related entity to the original obligor and the collateral securing the instrument continues to include the original collateral.

A change in payment expectations occurs if there is a substantial enhancement or impairment of the obligor's capacity to meet its payment obligations under the instrument and the enhancement or impairment results in a change to an adequate capacity from a speculative capacity or vice versa. There is no change in payment expectations, however, if the obligor has at least an adequate capacity to meet its payment obligations both before and after the modification.

The final regulations also apply the payment expectations test to determine whether the addition or deletion of a co-obligor is a significant modification. Similarly, the final regulations provide that whether certain other modifications are significant is determined by reference to whether the modifications result in a change in payment expectations. Those modifications include (i) the release, substitution, or addition of collateral as security for a recourse debt, (ii) the addition, deletion, or alteration of a guarantee or other credit enhancement, and (iii) a change in the priority of a debt instrument. As under the proposed regulations, a modification that releases, substitutes, or adds a substantial amount of collateral as security for a nonrecourse debt instrument is a significant modification.

A number of commentators raised questions regarding the circumstances under which the modification of a debt instrument will require a determination of whether the modified instrument is debt or equity. Many expressed concern that a deterioration in the financial condition of the issuer between the date of original issuance and the date of the modification could lead to a determination that the modified instrument is not debt for tax purposes. The final regulations address this concern by providing a rule that for purposes of this regulation, unless there is a substitution of a new obligor, any deterioration in the financial condition of the issuer is not considered in determining whether the modified instrument is properly characterized as debt.

The final regulations also modify the rules pertaining to the significance of changes in the method under which payments are calculated. The proposed regulations provide that a modification is significant if it results in a change between the categories of fixed rate, variable rate, and contingent payment instruments or if it changes the currency in which payment under the debt instrument is made. The Treasury and the IRS determined that such an approach was both too broad and too narrow (i.e., certain changes involving economically insignificant adjustments would be characterized as significant, while other more economically dramatic changes would not be characterized as significant). Accordingly, the final regulations do not provide any bright-line rules so that the significance of any change in the method under which payments are calculated is determined under the general significance rule.

The final regulations adopt the rule of the proposed regulations that a change in the recourse nature of an instrument is a significant modification, but limit this specific rule to changes from substantially all recourse to substantially all nonrecourse, or vice versa. If an instrument is not substantially all recourse or not substantially all nonrecourse either before or after a modification, the significance of the modification is determined under the general significance rule. The final regulations also provide two exceptions. First, a modification that changes a recourse debt instrument to a nonrecourse debt instrument is not a significant modification if the instrument continues to be secured only by the original collateral and the modification does not result in a change in payment expectations. Second, a defeasance of a tax-exempt bond permitted by the terms of the instrument generally is not a significant modification.

E. Rules of Application

The rules of application in the final regulations are similar to those in the proposed regulations. In general, the final regulations treat a series of changes of an instrument over time as a single change. To avoid the need to retain information for all modifications that affect yield over the life of the debt instrument, however, the final regulations add a rule that, for changes in the yield, modifications occurring more than five years earlier are disregarded.

The final regulations do not adopt the suggestion of commentators that the rules in § 1.1001–3 should not apply to tax- exempt bonds. These commentators stated that, as a result of an intervening change in the Internal Revenue Code (Code) or regulations, a significant modification could result in bonds that were tax-exempt when issued ceasing to be tax-exempt bonds. Because many changes in the Code and regulations have been made applicable to refunding bonds, it is appropriate that changes to outstanding tax-exempt bonds that are, in substance, the equivalent of

refundings be treated as such. The IRS and Treasury believe that the standards used under § 1.1001–3 generally are appropriate for this purpose.

In response to other comments, a number of changes have been made to better coordinate the final regulations with municipal financing practices. The regulations clarify that state and local bonds (other than those financing conduit loans) are treated as recourse obligations for purposes of determining whether a modification is significant. State and local bonds financing conduit loans are nonrecourse only if there is no recourse to either the actual issuer or the conduit borrower. In the case of bonds financing conduit loans, the final regulations clarify that the obligor of a tax-exempt bond is the entity that issues the bond and not the conduit borrower. The regulations note, however, that a transaction between a holder of a tax-exempt bond and a conduit borrower may result in an indirect modification of the tax-exempt bond.

F. Other Matters

The preamble to the proposed regulations indicates that Notice 88–130 (1988–2 C.B. 543), which provides special rules for qualified tender bonds, will continue to apply. The final regulations continue this approach, and thus do not apply for purposes of determining whether tax-exempt bonds that are qualified tender bonds are reissued for purposes of sections 103 and 141 through 150. The IRS and Treasury are reviewing the rules of Notice 88–130 and intend to issue proposed regulations on this subject under section 150. When the final regulations are issued under section 150, the exclusion for qualified tender bonds in § 1.1001–3 will be revised or eliminated as appropriate.

Also, as noted in the preamble to the proposed regulations, a modification of a debt instrument that results in an exchange under section 1001 does not determine if there has been an exchange or other disposition of an installment obligation under section 453B. Whether or not there has been an exchange or other disposition of an installment obligation is determined under the cases and rulings applicable to section 453B. Similarly, the fact that an alteration does not constitute a modification or a significant modification does not preclude other tax consequences.

Simultaneously with the issuance of these final regulations, the IRS and Treasury are issuing temporary and proposed regulations under section 166. Those regulations allow taxpayers, in certain limited situations, to claim a deduction for a partially worthless debt when the terms of a debt instrument are modified. Commentators on the proposed regulations noted that section 166 permits a deduction for a partially worthless debt only in the year that the taxpayer makes a partial charge-off for book accounting purposes. A significant modification of a debt instrument that has been partially charged off may result in the recognition of gain and an increased tax basis in the instrument. Because the book charge-off is not reversed, however, the taxpayer cannot take another charge-off, and thus the taxpayer cannot meet the requirement for a deduction for a partially worthless debt under section 166. In this situation, the temporary and proposed regulations deem the charge-off to have occurred at the time of the significant modification if certain requirements are met.

Effective Dates

The final regulation applies to alterations of the terms of a debt instrument on or after September 24, 1996. Taxpayers, however, may rely on this section for alterations of the terms of a debt instrument after December 2, 1992, and before September 24, 1996.

Special Analyses

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

Drafting Information The principal author of these regulations is Thomas J. Kelly, Office of Assistant Chief Counsel (Financial Institutions & Products), IRS. However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.1001–3 is added to read as follows:

§ 1.1001–3 Modifications of debt instruments.

(a) *Scope*—(1) *In general.* This section provides rules for determining whether a modification of the terms of a debt instrument results in an exchange for purposes of § 1.1001–1(a). This section applies to any modification of a debt instrument, regardless of the form of the modification. For example, this section applies to an exchange of a new instrument for an existing debt instrument, or to an amendment of an existing debt instrument. This section also applies to a modification of a debt instrument that the issuer and holder accomplish indirectly through one or more transactions with third parties. This section, however, does not apply to exchanges of debt instruments between holders.

(2) *Qualified tender bonds.* This section does not apply for purposes of determining whether tax-exempt bonds that are qualified tender bonds are reissued for purposes of sections 103 and 141 through 150.

(b) *General rule.* For purposes of § 1.1001–1(a), a significant modification of a debt instrument, within the meaning of this section, results in an exchange of the original debt instrument for a modified instrument that differs materially either in kind or in extent. A modification that is not a significant modification is not an exchange for purposes of § 1.1001–1(a). Paragraphs (c) and (d) of this section define the term *modification* and contain examples illustrating the application of the rule. Paragraphs (e) and (f) of this section provide rules for determining when a modification is a significant modification. Paragraph (g) of this section contains examples illustrating the application of the rules in paragraphs (e) and (f) of this section.

(c) *Modification defined*—(1) *In general*—(i) *Alteration of terms.* A *modification* means any alteration, including any deletion or addition, in whole or in part, of a legal right or obligation of the issuer or a holder of a debt instrument, whether the alteration is evidenced by an express agreement (oral or written), conduct of the parties, or otherwise.

(ii) *Alterations occurring by operation of the terms of a debt instrument.* Except as provided in paragraph (c)(2) of this section, an alteration of a legal right or

obligation that occurs by operation of the terms of a debt instrument is not a modification. An alteration that occurs by operation of the terms may occur automatically (for example, an annual resetting of the interest rate based on the value of an index or a specified increase in the interest rate if the value of the collateral declines from a specified level) or may occur as a result of the exercise of an option provided to an issuer or a holder to change a term of a debt instrument.

(2) *Exceptions.* The alterations described in this paragraph (c)(2) are modifications, even if the alterations occur by operation of the terms of a debt instrument.

(i) *Change in obligor or nature of instrument.* An alteration that results in the substitution of a new obligor, the addition or deletion of a co-obligor, or a change (in whole or in part) in the recourse nature of the instrument (from recourse to nonrecourse or from nonrecourse to recourse) is a modification.

(ii) *Property that is not debt.* An alteration that results in an instrument or property right that is not debt for federal income tax purposes is a modification unless the alteration occurs pursuant to a holder's option under the terms of the instrument to convert the instrument into equity of the issuer (notwithstanding paragraph (c)(2)(iii) of this section).

(iii) *Certain alterations resulting from the exercise of an option.* An alteration that results from the exercise of an option provided to an issuer or a holder to change a term of a debt instrument is a modification unless—

(A) The option is unilateral (as defined in paragraph (c)(3) of this section); and

(B) In the case of an option exercisable by a holder, the exercise of the option does not result in (or, in the case of a variable or contingent payment, is not reasonably expected to result in) a deferral of, or a reduction in, any scheduled payment of interest or principal.

(3) *Unilateral option.* For purposes of this section, an option is unilateral only if, under the terms of an instrument or under applicable law—

(i) There does not exist at the time the option is exercised, or as a result of the exercise, a right of the other party to alter or terminate the instrument or put the instrument to a person who is related (within the meaning of section 267(b) or section 707(b)(1)) to the issuer;

(ii) The exercise of the option does not require the consent or approval of—

(A) The other party;

(B) A person who is related to that party (within the meaning of section 267(b) or section 707(b)(1)), whether or not that person is a party to the instrument; or

(C) A court or arbitrator; and

(iii) The exercise of the option does not require consideration (other than incidental costs and expenses relating to the exercise of the option), unless, on the issue date of the instrument, the consideration is a de minimis amount, a specified amount, or an amount that is based on a formula that uses objective financial information (as defined in § 1.446–3(c)(4)(ii)).

(4) *Failure to perform*—(i) *In general.* The failure of an issuer to perform its obligations under a debt instrument is not itself an alteration of a legal right or obligation and is not a modification.

(ii) *Holder's temporary forbearance.* Notwithstanding paragraph (c)(1) of this section, absent a written or oral agreement to alter other terms of the debt instrument, an agreement by the holder to stay collection or temporarily waive an acceleration clause or similar default right (including such a waiver following the exercise of a right to demand payment in full) is not a modification unless and until the forbearance remains in effect for a period that exceeds—

(A) Two years following the issuer's initial failure to perform; and

(B) Any additional period during which the parties conduct good faith negotiations or during which the issuer is in a title 11 or similar case (as defined in section 368(a)(3)(A)).

(5) *Failure to exercise an option.* If a party to a debt instrument has an option to change a term of an instrument, the failure of the party to exercise that option is not a modification.

(6) *Time of modification*—(i) *In general.* Except as provided in this paragraph (c)(6), an agreement to change a term of a debt instrument is a modification at the time the issuer and holder enter into the agreement, even if the change in the term is not immediately effective.

(ii) *Closing conditions.* If the parties condition a change in a term of a debt instrument on reasonable closing conditions (for example, shareholder, regulatory, or senior creditor approval, or additional financing), a modification occurs on the closing date of the agreement. Thus, if the reasonable closing conditions do not occur so that the change in the term does not become effective, a modification does not occur.

(iii) *Bankruptcy proceedings.* If a change in a term of a debt instrument occurs pursuant to a plan of reorganization in a title 11 or similar case (within the meaning of section 368(a)(3)(A)), a modification occurs upon the effective date of the plan. Thus, unless the plan becomes effective, a modification does not occur.

(d) *Examples.* The following examples illustrate the provisions of paragraph (c) of this section:

Example 1. Reset bond. A bond provides for the interest rate to be reset every 49 days through an auction by a remarketing agent. The reset of the interest rate occurs by operation of the terms of the bond and is not an alteration described in paragraph (c)(2) of this section. Thus, the reset of the interest rate is not a modification.

Example 2. Obligation to maintain collateral. The original terms of a bond provide that the bond must be secured by a certain type of collateral having a specified value. The terms also require the issuer to substitute collateral if the value of the original collateral decreases. Any substitution of collateral that is required to maintain the value of the collateral occurs by operation of the terms of the bond and is not an alteration described in paragraph (c)(2) of this section. Thus, such a substitution of collateral is not a modification.

Example 3. Alteration contingent on an act of a party. The original terms of a bond provide that the interest rate is 9 percent. The terms also provide that, if the issuer files an effective registration statement covering the bonds with the Securities and Exchange Commission, the interest rate will decrease to 8 percent. If the issuer registers the bond, the resulting decrease in the interest rate occurs by operation of the terms of the bond and is not an alteration described in paragraph (c)(2) of this section. Thus, such a decrease in the interest rate is not a modification.

Example 4. Substitution of a new obligor occurring by operation of the terms of the debt instrument. Under the original terms of a bond issued by a corporation, an acquirer of substantially all of the corporation's assets may assume the corporation's obligations under the bond. Substantially all of the corporation's assets are acquired by another corporation and the acquiring corporation becomes the new obligor on the bond. Under paragraph (c)(2)(i) of this section, the substitution of a new obligor, even though it occurs by operation of the terms of the bond, is a modification.

Example 5. Defeasance with release of covenants. (i) A corporation issues a 30-year, recourse bond. Under the terms of the bond, the corporation may secure a release of the financial and restrictive covenants by placing in trust government securities as collateral that will provide interest and principal payments sufficient to satisfy all scheduled payments on the bond. The corporation remains obligated for all payments, including the contribution of additional securities to the trust if necessary to provide sufficient amounts to satisfy the payment obligations. Under paragraph (c)(3) of this section, the option to defease the bond is a unilateral option.

(ii) The alterations occur by operation of the terms of the debt instrument and are not described in paragraph (c)(2) of this section.

Thus, such a release of the covenants is not a modification.

Example 6. Legal defeasance. Under the terms of a recourse bond, the issuer may secure a release of the financial and restrictive covenants by placing in trust government securities that will provide interest and principal payments sufficient to satisfy all scheduled payments on the bond. Upon the creation of the trust, the issuer is released from any recourse liability on the bond and has no obligation to contribute additional securities to the trust if the trust funds are not sufficient to satisfy the scheduled payments on the bond. The release of the issuer is an alteration described in paragraph (c)(2)(i) of this section, and thus is a modification.

Example 7. Exercise of an option by a holder that reduces amounts payable. (i) A financial institution holds a residential mortgage. Under the original terms of the mortgage, the financial institution has an option to decrease the interest rate. The financial institution anticipates that, if market interest rates decline, it may exercise this option in lieu of the mortgagor refinancing with another lender.

(ii) The financial institution exercises the option to reduce the interest rate. The exercise of the option results in a reduction in scheduled payments and is an alteration described in paragraph (c)(2)(iii) of this section. Thus, the change in interest rate is a modification.

Example 8. Conversion of adjustable rate to fixed rate mortgage. (i) The original terms of a mortgage provide for a variable interest rate, reset annually based on the value of an objective index. Under the terms of the mortgage, the mortgagor may, upon the payment of a fee equal to a specified percentage of the outstanding principal amount of the mortgage, convert to a fixed rate of interest as determined based on the value of a second objective index. The exercise of the option does not require the consent or approval of any person or create a right of the holder to alter the terms of, or to put, the instrument.

(ii) Because the required consideration to exercise the option is a specified amount fixed on the issue date, the exercise of the option is unilateral as defined in paragraph (c)(3) of this section. The conversion to a fixed rate of interest is not an alteration described in paragraph (c)(2) of this section. Thus, the change in the type of interest rate occurs by operation of the terms of the instrument and is not a modification.

Example 9. Holder's option to increase interest rate. (i) A corporation issues an 8-year note to a bank in exchange for cash. Under the terms of the note, the bank has the option to increase the rate of interest by a specified amount upon a certain decline in the corporation's credit rating. The bank's right to increase the interest rate is a unilateral option as described in paragraph (c)(3) of this section.

(ii) The credit rating of the corporation declines below the specified level. The bank exercises its option to increase the rate of interest. The increase in the rate of interest occurs by operation of the terms of the note and does not result in a deferral or a reduction in the scheduled payments or any other alteration described in paragraph (c)(2) of this section. Thus, the change in interest rate is not a modification.

Example 10. Issuer's right to defer payment of interest. A corporation issues a 5-year note. Under the terms of the note, interest is payable annually at the rate of 10 percent. The corporation, however, has an option to defer any payment of interest until maturity. For any payments that are deferred, interest will compound at a rate of 12 percent. The exercise of the option, which results in the deferral of payments, does not result from the exercise of an option by the holder. The exercise of the option occurs by operation of the terms of the debt instrument and is not a modification.

Example 11. Holder's option to grant deferral of payment. (i) A corporation issues a 10-year note to a bank in exchange for cash. Interest on the note is payable semi-annually. Under the terms of the note, the bank may grant the corporation the right to defer all or part of the interest payments. For any payments that are deferred, interest will compound at a rate 150 basis points greater than the stated rate of interest.

(ii) The corporation encounters financial difficulty and is unable to satisfy its obligations under the note. The bank exercises its option under the note and grants the corporation the right to defer payments. The exercise of the option results in a right of the corporation to defer scheduled payments and, under paragraph (c)(3)(i) of this section, is not a unilateral option. Thus, the alteration is described in paragraph (c)(2)(iii) of this section and is a modification.

Example 12. Alteration requiring consent. The original terms of a bond include a provision that the issuer may extend the maturity of the bond with the consent of the holder. Because any extension pursuant to this term requires the consent of both parties, such an extension does not occur by the exercise of a unilateral option (as defined in paragraph (c)(3) of this section) and is a modification.

Example 13. Waiver of an acceleration clause. Under the terms of a bond, if the issuer fails to make a scheduled payment, the full principal amount of the bond is due and payable immediately. Following the issuer's failure to make a scheduled payment, the holder temporarily waives its right to receive the full principal for a period ending one year from the date of the issuer's default to allow the issuer to obtain additional financial resources. Under paragraph (c)(4)(ii) of this section, the temporary waiver in this situation is not a modification. The result would be the same if the terms provided the holder with the right to demand the full principal amount upon the failure of the issuer to make a scheduled payment and, upon such a failure, the holder exercised that right and then waived the right to receive the payment for one year.

(e) *Significant modifications.* Whether the modification of a debt instrument is a significant modification is determined under the rules of this paragraph (e). Paragraph (e)(1) of this section provides a general rule for determining the significance of modifications not otherwise addressed in this paragraph (e). Paragraphs (e) (2) through (6) of this section provide specific rules for determining the significance of certain types of modifications. Paragraph (f) of this section provides rules of application, including rules for modifications that are effective on a deferred basis or upon the occurrence of a contingency.

(1) *General rule.* Except as otherwise provided in paragraphs (e)(2) through (e)(6) of this section, a modification is a significant modification only if, based on all facts and circumstances, the legal rights or obligations that are altered and the degree to which they are altered are economically significant. In making a determination under this paragraph (e)(1), all modifications to the debt instrument (other than modifications subject to paragraphs (e) (2) through (6) of this section) are considered collectively, so that a series of such modifications may be significant when considered together although each modification, if considered alone, would not be significant.

(2) *Change in yield*—(i) *Scope of rule.* This paragraph (e)(2) applies to debt instruments that provide for only fixed payments, debt instruments with alternative payment schedules subject to § 1.1272–1(c), debt instruments that provide for a fixed yield subject to § 1.1272–1(d) (such as certain demand loans), and variable rate debt instruments. Whether a change in the yield of other debt instruments (for example, a contingent payment debt instrument) is a significant modification is determined under paragraph (e)(1) of this section.

(ii) *In general.* A change in the yield of a debt instrument is a significant modification if the yield computed under paragraph (e)(2)(iii) of this section varies from the annual yield on the unmodified instrument (determined as of the date of the modification) by more than the greater of—

(A) ¼ of one percent (25 basis points); or

(B) 5 percent of the annual yield of the unmodified instrument (.05 × annual yield).

(iii) *Yield of the modified instrument*—(A) *In general.* The yield computed under this paragraph (e)(2)(iii) is the annual yield of a debt instrument with—

(*1*) an issue price equal to the adjusted issue price of the unmodified instrument on the date of the modification (increased by any accrued but unpaid interest and decreased by any accrued bond issuance premium not

yet taken into account, and increased or decreased, respectively, to reflect payments made to the issuer or to the holder as consideration for the modification); and

(*2*) payments equal to the payments on the modified debt instrument from the date of the modification.

(B) *Prepayment penalty.* For purposes of this paragraph (e)(2)(iii), a commercially reasonable prepayment penalty for a pro rata prepayment (as defined in § 1.1275–2(f)) is not consideration for a modification of a debt instrument and is not taken into account in determining the yield of the modified instrument.

(iv) *Variable rate debt instruments.* For purposes of this paragraph (e)(2), the annual yield of a variable rate debt instrument is the annual yield of the equivalent fixed rate debt instrument (as defined in § 1.1275–5(e)) which is constructed based on the terms of the instrument (either modified or unmodified, whichever is applicable) as of the date of the modification.

(3) *Changes in timing of payments*—(i) *In general.* A modification that changes the timing of payments (including any resulting change in the amount of payments) due under a debt instrument is a significant modification if it results in the material deferral of scheduled payments. The deferral may occur either through an extension of the final maturity date of an instrument or through a deferral of payments due prior to maturity. The materiality of the deferral depends on all the facts and circumstances, including the length of the deferral, the original term of the instrument, the amounts of the payments that are deferred, and the time period between the modification and the actual deferral of payments.

(ii) *Safe-harbor period.* The deferral of one or more scheduled payments within the safe-harbor period is not a material deferral if the deferred payments are unconditionally payable no later than at the end of the safe-harbor period. The safe-harbor period begins on the original due date of the first scheduled payment that is deferred and extends for a period equal to the lesser of five years or 50 percent of the original term of the instrument. For purposes of this paragraph (e)(3)(ii), the term of an instrument is determined without regard to any option to extend the original maturity and deferrals of de minimis payments are ignored. If the period during which payments are deferred is less than the full safe-harbor period, the unused portion of the period remains a safe-harbor period for any subsequent deferral of payments on the instrument.

(4) *Change in obligor or security*—(i) *Substitution of a new obligor on recourse debt instruments*—(A) *In general.* Except as provided in paragraph (e)(4)(i) (B), (C), or (D) of this section, the substitution of a new obligor on a recourse debt instrument is a significant modification.

(B) *Section 381(a) transaction.* The substitution of a new obligor is not a significant modification if the acquiring corporation (within the meaning of section 381) becomes the new obligor pursuant to a transaction to which section 381(a) applies, the transaction does not result in a change in payment expectations, and the transaction (other than a reorganization within the meaning of section 368(a)(1)(F)) does not result in a significant alteration.

(C) *Certain asset acquisitions.* The substitution of a new obligor is not a significant modification if the new obligor acquires substantially all of the assets of the original obligor, the transaction does not result in a change in payment expectations, and the transaction does not result in a significant alteration.

(D) *Tax-exempt bonds.* The substitution of a new obligor on a tax-exempt bond is not a significant modification if the new obligor is a related entity to the original obligor as defined in section 168(h)(4)(A) and the collateral securing the instrument continues to include the original collateral.

(E) *Significant alteration.* For purposes of this paragraph (e)(4), a significant alteration is an alteration that would be a significant modification but for the fact that the alteration occurs by operation of the terms of the instrument.

(F) *Section 338 election.* For purposes of this section, an election under section 338 following a qualified stock purchase of an issuer's stock does not result in the substitution of a new obligor.

(G) *Bankruptcy proceedings.* For purposes of this section, the filing of a petition in a title 11 or similar case (as defined in section 368(a)(3)(A)) by itself does not result in the substitution of a new obligor.

(ii) *Substitution of a new obligor on nonrecourse debt instruments.* The substitution of a new obligor on a nonrecourse debt instrument is not a significant modification.

(iii) *Addition or deletion of co-obligor.* The addition or deletion of a co-obligor on a debt instrument is a significant modification if the addition or deletion of the co-obligor results in a change in payment expectations. If the addition or deletion of a co-obligor is part of a transaction or series of related transactions that results in the substitution of a new obligor, however, the transaction is treated as a substitution of a new obligor (and is tested under paragraph (e)(4)(i)) of this section rather than as an addition or deletion of a co-obligor.

(iv) *Change in security or credit enhancement*—(A) *Recourse debt instruments.* A modification that releases, substitutes, adds or otherwise alters the collateral for, a guarantee on, or other form of credit enhancement for a recourse debt instrument is a significant modification if the modification results in a change in payment expectations.

(B) *Nonrecourse debt instruments.* A modification that releases, substitutes, adds or otherwise alters a substantial amount of the collateral for, a guarantee on, or other form of credit enhancement for a nonrecourse debt instrument is a significant modification. A substitution of collateral is not a significant modification, however, if the collateral is fungible or otherwise of a type where the particular units pledged are unimportant (for example, government securities or financial instruments of a particular type and rating). In addition, the substitution of a similar commercially available credit enhancement contract is not a significant modification, and an improvement to the property securing a nonrecourse debt instrument does not result in a significant modification.

(v) *Change in priority of debt.* A change in the priority of a debt instrument relative to other debt of the issuer is a significant modification if it results in a change in payment expectations.

(vi) *Change in payment expectations*—(A) *In general.* For purposes of this section, a change in payment expectations occurs if, as a result of a transaction—

(*1*) There is a substantial enhancement of the obligor's capacity to meet the payment obligations under a debt instrument and that capacity was primarily speculative prior to the modification and is adequate after the modification; or

(*2*) There is a substantial impairment of the obligor's capacity to meet the payment obligations under a debt instrument and that capacity was adequate prior to the modification and is primarily speculative after the modification.

(B) *Obligor's capacity.* The obligor's capacity includes any source for payment, including collateral, guarantees, or other credit enhancement.

(5) *Changes in the nature of a debt instrument*—(i) *Property that is not*

debt. A modification of a debt instrument that results in an instrument or property right that is not debt for federal income tax purposes is a significant modification. For purposes of this paragraph (e)(5)(i), any deterioration in the financial condition of the obligor between the issue date of the unmodified instrument and the date of modification (as it relates to the obligor's ability to repay the debt) is not taken into account unless, in connection with the modification, there is a substitution of a new obligor or the addition or deletion of a co-obligor.

(ii) *Change in recourse nature*—(A) *In general.* Except as provided in paragraph (e)(5)(ii)(B) of this section, a change in the nature of a debt instrument from recourse (or substantially all recourse) to nonrecourse (or substantially all nonrecourse) is a significant modification. Thus, for example, a legal defeasance of a debt instrument in which the issuer is released from all liability to make payments on the debt instrument (including an obligation to contribute additional securities to a trust if necessary to provide sufficient funds to meet all scheduled payments on the instrument) is a significant modification. Similarly, a change in the nature of the debt instrument from nonrecourse (or substantially all nonrecourse) to recourse (or substantially all recourse) is a significant modification. If an instrument is not substantially all recourse or not substantially all nonrecourse either before or after a modification, the significance of the modification is determined under paragraph (e)(1) of this section.

(B) *Exceptions*—(*1*) *Defeasance of tax-exempt bonds.* A defeasance of a tax-exempt bond is not a significant modification even if the issuer is released from any liability to make payments under the instrument if the defeasance occurs by operation of the terms of the original bond and the issuer places in trust government securities or tax-exempt government bonds that are reasonably expected to provide interest and principal payments sufficient to satisfy the payment obligations under the bond.

(*2*) *Original collateral.* A modification that changes a recourse debt instrument to a nonrecourse debt instrument is not a significant modification if the instrument continues to be secured only by the original collateral and the modification does not result in a change in payment expectations. For this purpose, if the original collateral is fungible or otherwise of a type where the particular units pledged are unimportant (for example, government securities or financial instruments of a particular type and rating), replacement of some or all units of the original collateral with other units of the same or similar type and aggregate value is not considered a change in the original collateral.

(6) *Accounting or financial covenants.* A modification that adds, deletes, or alters customary accounting or financial covenants is not a significant modification.

(f) *Rules of application*—(1) *Testing for significance*—(i) *In general.* Whether a modification of any term is a significant modification is determined under each applicable rule in paragraphs (e)(2) through (6) of this section and, if not specifically addressed in those rules, under the general rule in paragraph (e)(1) of this section. For example, a deferral of payments that changes the yield of a fixed rate debt instrument must be tested under both paragraphs (e)(2) and (3) of this section.

(ii) *Contingent modifications.* If a modification described in paragraphs (e)(2) through (5) of this section is effective only upon the occurrence of a substantial contingency, whether or not the change is a significant modification is determined under paragraph (e)(1) of this section rather than under paragraphs (e)(2) through (5) of this section.

(iii) *Deferred modifications.* If a modification described in paragraphs (e)(4) and (5) of this section is effective on a substantially deferred basis, whether or not the change is a significant modification is determined under paragraph (e)(1) of this section rather than under paragraphs (e) (4) and (5) of this section.

(2) *Modifications that are not significant.* If a rule in paragraphs (e) (2) through (4) of this section prescribes a degree of change in a term of a debt instrument that is a significant modification, a change of the same type but of a lesser degree is not a significant modification under that rule. For example, a 20 basis point change in the yield of a fixed rate debt instrument is not a significant modification under paragraph (e)(2) of this section. Likewise, if a rule in paragraph (e)(4) of this section requires a change in payment expectations for a modification to be significant, a modification of the same type that does not result in a change in payment expectations is not a significant modification under that rule.

(3) *Cumulative effect of modifications.* Two or more modifications of a debt instrument over any period of time constitute a significant modification if, had they been done as a single change, the change would have resulted in a significant modification under paragraph (e) of this section. Thus, for example, a series of changes in the maturity of a debt instrument constitutes a significant modification if, combined as a single change, the change would have resulted in a significant modification. The significant modification occurs at the time that the cumulative modification would be significant under paragraph (e) of this section. In testing for a change of yield under paragraph (e)(2) of this section, however, any prior modification occurring more than 5 years before the date of the modification being tested is disregarded.

(4) *Modifications of different terms.* Modifications of different terms of a debt instrument, none of which separately would be a significant modification under paragraphs (e)(2) through (6) of this section, do not collectively constitute a significant modification. For example, a change in yield that is not a significant modification under paragraph (e)(2) of this section and a substitution of collateral that is not a significant modification under paragraph (e)(4)(iv) of this section do not together result in a significant modification. Although the significance of each modification is determined independently, in testing a particular modification it is assumed that all other simultaneous modifications have already occurred.

(5) *Definitions.* For purposes of this section:

(i) *Issuer* and *obligor* are used interchangeably and mean the issuer of a debt instrument or a successor obligor.

(ii) *Variable rate debt instrument* and *contingent payment debt instrument* have the meanings given those terms in section 1275 and the regulations thereunder.

(iii) *Tax-exempt bond* means a state or local bond that satisfies the requirements of section 103(a).

(iv) *Conduit loan* and *conduit borrower* have the same meanings as in § 1.150–1(b).

(6) *Certain rules for tax-exempt bonds*—(i) *Conduit loans.* For purposes of this section, the obligor of a tax-exempt bond is the entity that actually issues the bond and not a conduit borrower of bond proceeds. In determining whether there is a significant modification of a tax-exempt bond, however, transactions between holders of the tax-exempt bond and a borrower of a conduit loan may be an indirect modification under paragraph (a)(1) of this section. For example, a

payment by the holder of a tax-exempt bond to a conduit borrower to waive a call right may result in an indirect modification of the tax-exempt bond by changing the yield on that bond.

(ii) *Recourse nature*—(A) *In general.* For purposes of this section, a tax-exempt bond that does not finance a conduit loan is a recourse debt instrument.

(B) *Proceeds used for conduit loans.* For purposes of this section, a tax-exempt bond that finances a conduit loan is a recourse debt instrument unless both the bond and the conduit loan are nonrecourse instruments.

(C) *Government securities as collateral.* Notwithstanding paragraphs (f)(6)(ii) (A) and (B) of this section, for purposes of this section a tax-exempt bond that is secured only by a trust holding government securities or tax-exempt government bonds that are reasonably expected to provide interest and principal payments sufficient to satisfy the payment obligations under the bond is a nonrecourse instrument.

(g) *Examples.* The following examples illustrate the provisions of paragraphs (e) and (f) of this section:

Example 1. Modification of call right. (i) Under the terms of a 30-year, fixed-rate bond, the issuer can call the bond for 102 percent of par at the end of ten years or for 101 percent of par at the end of 20 years. At the end of the eighth year, the holder of the bond pays the issuer to waive the issuer's right to call the bond at the end of the tenth year. On the date of the modification, the issuer's credit rating is approximately the same as when the bond was issued, but market rates of interest have declined from that date.

(ii) The holder's payment to the issuer changes the yield on the bond. Whether the change in yield is a significant modification depends on whether the yield on the modified bond varies from the yield on the original bond by more than the change in yield as described in paragraph (e)(2)(ii) of this section.

(iii) If the change in yield is not a significant modification, the elimination of the issuer's call right must also be tested for significance. Because the specific rules of paragraphs (e)(2) through (e)(6) of this section do not address this modification, the significance of the modification must be determined under the general rule of paragraph (e)(1) of this section.

Example 2. Extension of maturity and change in yield. (i) A zero-coupon bond has an original maturity of ten years. At the end of the fifth year, the parties agree to extend the maturity for a period of two years without increasing the stated redemption price at maturity (i.e., there are no additional payments due between the original and extended maturity dates, and the amount due at the extended maturity date is equal to the amount due at the original maturity date).

(ii) The deferral of the scheduled payment at maturity is tested under paragraph (e)(3) of this section. The safe-harbor period under paragraph (e)(3)(ii) of this section starts with the date the payment that is being deferred is due. For this modification, the safe-harbor period starts on the original maturity date, and ends five years from this date. All payments deferred within this period are unconditionally payable before the end of the safe-harbor period. Thus, the deferral of the payment at maturity for a period of two years is not a material deferral under the safe-harbor rule of paragraph (e)(3)(ii) of this section and thus is not a significant modification.

(iii) Even though the extension of maturity is not a significant modification under paragraph (e)(3)(ii) of this section, the modification also decreases the yield of the bond. The change in yield must be tested under paragraph (e)(2) of this section.

Example 3. Change in yield resulting from reduction of principal. (i) A debt instrument issued at par has an original maturity of ten years and provides for the payment of $100,000 at maturity with interest payments at the rate of 10 percent payable at the end of each year. At the end of the fifth year, and after the annual payment of interest, the issuer and holder agree to reduce the amount payable at maturity to $80,000. The annual interest rate remains at 10 percent but is payable on the reduced principal.

(ii) In applying the change in yield rule of paragraph (e)(2) of this section, the yield of the instrument after the modification (measured from the date that the parties agree to the modification to its final maturity date) is computed using the adjusted issue price of $100,000. With four annual payments of $8,000, and a payment of $88,000 at maturity, the yield on the instrument after the modification for purposes of determining if there has been a significant modification under paragraph (e)(2)(i) of this section is 4.332 percent. Thus, the reduction in principal is a significant modification.

Example 4. Deferral of scheduled interest payments. (i) A 20-year debt instrument issued at par provides for the payment of $100,000 at maturity with annual interest payments at the rate of 10 percent. At the beginning of the eleventh year, the issuer and holder agree to defer all remaining interest payments until maturity with compounding. The yield of the modified instrument remains at 10 percent.

(ii) The safe-harbor period of paragraph (e)(3)(ii) of this section begins at the end of the eleventh year, when the interest payment for that year is deferred, and ends at the end of the sixteenth year. However, the payments deferred during this period are not unconditionally payable by the end of that 5-year period. Thus, the deferral of the interest payments is not within the safe-harbor period.

(iii) This modification materially defers the payments due under the instrument and is a significant modification under paragraph (e)(3)(i) of this section.

Example 5. Assumption of mortgage with increase in interest rate. (i) A recourse debt instrument with a 9 percent annual yield is secured by an office building. Under the terms of the instrument, a purchaser of the building may assume the debt and be substituted for the original obligor if the purchaser has a specified credit rating and if the interest rate on the instrument is increased by one-half percent (50 basis points). The building is sold, the purchaser assumes the debt, and the interest rate increases by 50 basis points.

(ii) If the purchaser's acquisition of the building does not satisfy the requirements of paragraphs (e)(4)(i) (B) or (C) of this section, the substitution of the purchaser as the obligor is a significant modification under paragraph (e)(4)(i)(A) of this section.

(iii) If the purchaser acquires substantially all of the assets of the original obligor, the assumption of the debt instrument will not result in a significant modification if there is not a change in payment expectations and the assumption does not result in a significant alteration.

(iv) The change in the interest rate, if tested under the rules of paragraph (e)(2) of this section, would result in a significant modification. The change in interest rate that results from the transaction is a significant alteration. Thus, the transaction does not meet the requirements of paragraph (e)(4)(i)(E) of this section and is a significant modification under paragraph (e)(4)(i)(A) of this section.

Example 6. Assumption of mortgage. (i) A recourse debt instrument is secured by a building. In connection with the sale of the building, the purchaser of the building assumes the debt and is substituted as the new obligor on the debt instrument. The purchaser does not acquire substantially all of the assets of the original obligor.

(ii) The transaction does not satisfy any of the exceptions set forth in paragraph (e)(4)(i) (B) or (C) of this section. Thus, the substitution of the purchaser as the obligor is a significant modification under paragraph (e)(4)(i)(A) of this section.

(iii) Section 1274(c)(4), however, provides that if a debt instrument is assumed in connection with the sale or exchange of property, the assumption is not taken into account in determining if section 1274 applies to the debt instrument unless the terms and conditions of the debt instrument are modified in connection with the sale or exchange. Because the purchaser assumed the debt instrument in connection with the sale of property and the debt instrument was not otherwise modified, the debt instrument is not retested to determine whether it provides for adequate stated interest.

Example 7. Substitution of a new obligor in section 381(a) transaction. (i) The interest rate on a 30-year debt instrument issued by a corporation provides for a variable rate of interest that is reset annually on June 1st based on an objective index.

(ii) In the tenth year, the issuer merges (in a transaction to which section 381(a) applies) into another corporation that becomes the new obligor on the debt instrument. The merger occurs on June 1st, at which time the interest rate is also reset by operation of the terms of the instrument. The new interest rate varies from the previous interest rate by more than the greater of 25 basis points and 5 percent of the annual yield of the unmodified instrument. The substitution of a new obligor does not result in a change in payment expectations.

(iii) The substitution of the new obligor occurs in a section 381(a) transaction and does not result in a change in payment expectations. Although the interest rate changed by more than the greater of 25 basis points and 5 percent of the annual yield of the unmodified instrument, this alteration did not occur as a result of the transaction and is not a significant alteration under paragraph (e)(4)(i)(E) of this section. Thus, the substitution meets the requirements of paragraph (e)(4)(i)(B) of this section and is not a significant modification.

Example 8. Substitution of credit enhancement contract. (i) Under the terms of a recourse debt instrument, the issuer's obligations are secured by a letter of credit from a specified bank. The debt instrument does not contain any provision allowing a substitution of a letter of credit from a different bank. The specified bank, however, encounters financial difficulty and rating agencies lower its credit rating. The issuer and holder agree that the issuer will substitute a letter of credit from another bank with a higher credit rating.

(ii) Under paragraph (e)(4)(iv)(A) of this section, the substitution of a different credit enhancement contract is not a significant modification of a recourse debt instrument unless the substitution results in a change in payment expectations. While the substitution of a new letter of credit by a bank with a higher credit rating does not itself result in a change in payment expectations, such a substitution may result in a change in payment expectations under certain circumstances (for example, if the obligor's capacity to meet payment obligations is dependent on the letter of credit and the substitution substantially enhances that capacity from primarily speculative to adequate).

Example 9. Improvement to collateral securing nonrecourse debt. A parcel of land and its improvements, a shopping center, secure a nonrecourse debt instrument. The obligor expands the shopping center with the construction of an additional building on the same parcel of land. After the construction, the improvements that secure the nonrecourse debt include the new building. The building is an improvement to the property securing the nonrecourse debt instrument and its inclusion in the collateral securing the debt is not a significant modification under paragraph (e)(4)(iv)(B) of this section.

(h) *Effective date.* This section applies to alterations of the terms of a debt instrument on or after September 24, 1996. Taxpayers, however, may rely on this section for alterations of the terms of a debt instrument after December 2, 1992, and before September 24, 1996.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Approved: May 31, 1996.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 96–15830 Filed 6–25–96; 8:45 am]

BILLING CODE 4830–01–U

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels

AGENCY: Office of Foreign Assets Control, Treasury

ACTION: Final rule; amendments.

SUMMARY: The Office of Foreign Assets Control is creating consolidated appendices that contain lists of all blocked persons, specially designated nationals, specially designated terrorists, specially designated narcotics traffickers and blocked vessels under the various sanctions programs administered by the Treasury Department's Office of Foreign Assets Control as of June 26, 1996 in order to enhance public awareness of these persons and vessels and to facilitate compliance with the applicable prohibitions on dealing in property in which these persons have an interest.

EFFECTIVE DATE: June 26, 1996.

FOR FURTHER INFORMATION CONTACT: Chief, International Programs, tel.: 202/622–2420, or Chief Counsel, tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

The Office of Foreign Assets Control (''OFAC'') is creating three new appendices (the ''Appendices'') to 31 CFR chapter V that contain lists of individuals and entities that the Director of OFAC has determined to be either blocked persons, specially designated nationals (''SDNs''), specially designated terrorists (''SDTs''), or specially designated narcotics traffickers (''SDNTs''), as well as vessels that have been determined to be the property of a blocked person or SDN (''blocked vessels''). This final rule supersedes the comprehensive list published as a Notice in the Federal Register on November 17, 1994, (59 FR 59460) (as amended in 59 FR 61656, December 1, 1994) and removes appendices now contained in the Libyan Sanctions Regulations (31 CFR part 550) and the Iraqi Sanctions Regulations (31 CFR part 575) and consolidates them with additional information concerning other sanctions programs administered by OFAC in three new Appendices located at the end of 31 CFR chapter V. References to the Appendices are added to existing regulatory sections in chapter V to which they apply.

Appendix A to 31 CFR chapter V contains blocked persons, SDNs, SDTs and SDNTs, arranged alphabetically. Appendix B to 31 CFR chapter V contains blocked persons, SDNs, SDTs and SDNTs arranged alphabetically by country of location, where their location is known, and alphabetically where no location is known. Appendix C to 31 CFR chapter V contains blocked vessels arranged alphabetically.

Appendices A and B contain the names of blocked persons and SDNs that the Director of OFAC has determined, as of June 25, 1996, to be (1) organized or located in a country subject to economic sanctions, (2) owned and controlled by entities that are organized or located in a country subject to economic sanctions, or (3) owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the government or the *de facto regime* of a country subject to economic sanctions. The listed specially designated nationals and blocked persons relate to sanctions imposed against Cuba, the Bosnian Serbs, the Federal Republic of Yugoslavia (Serbia

and Montenegro) (the ''FRY (S&M)''), Iraq, Libya, North Korea, designated Middle East terrorists and designated narcotics traffickers centered in Colombia. Appendix C contains the names of vessels determined to be property of blocked persons or SDNs.

Specially designated nationals and blocked persons relating to sanctions imposed against the Bosnian Serbs and the FRY (S&M), however, appear in a separate alphabetized list at the end of Appendix A, since sanctions against the FRY (S&M) were suspended on January 16, 1996 (61 FR 1282, January 19, 1996), and sanctions against the Bosnian Serbs were suspended on May 10, 1996 (61 FR 24696, May 16, 1996). Property and interests in property previously blocked remain blocked until provision is made to address claims or encumbrances with respect to such property and interests in property, including the claims of the successor states of the former Yugoslavia. Certain funds transfers interdicted during the period that sanctions were in effect against the FRY (S&M), however, may be returned to nonblocked remitters.

Appendices A and B also contain the names of persons determined to be SDTs pursuant to Executive Order 12947, issued January 23, 1995 (the ''SDT Order'') and of persons determined to be SDNTs pursuant to Executive Order 12978 issued October 21, 1995 (the ''SDNT Order''). The SDT Order relating to the Middle East imposes sanctions on terrorists who threaten the Middle East peace process. That order authorizes the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, to designate individuals or entities who are found (1) to have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the SDT Order authorizes the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to designate individuals or entities who are owned or controlled by, or act for or on behalf of, any other individual or entity described above.

The SDNT Order relating to narcotics traffickers centered in Colombia blocks all property subject to U.S. jurisdiction in which there is any interest of four principal figures in the Cali drug cartel who are listed in the annex to the SDNT Order. In addition, that order blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) to materially assist in or provide financial or technological support for, or goods or services in support of, persons designated in or pursuant to the SDNT Order. In addition, the SDNT Order blocks all property and interests in property subject to U.S. jurisdiction of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the SDNT Order.

The entities and individuals included in the Appendices with respect to sanctions imposed on countries or governments are subject to the same prohibitions as the government or *de facto* regime of the country subject to economic sanctions with which they are associated. ''Persons subject to U.S. jurisdiction,'' or ''U.S. persons,'' depending on the sanctions program, are prohibited from engaging in transactions involving property in which any of these entities and individuals has an interest unless the transactions are exempt by statute or licensed by OFAC. Additionally, all assets within U.S. jurisdiction owned or controlled by these entities and individuals are blocked. Persons subject to U.S. jurisdiction, or U.S. persons, are not prohibited, however, from paying funds owed to any of these entities and individuals into a blocked account held in the name of the blocked entity or individual in a domestic U.S. financial institution. Such payments must be reported to OFAC's Compliance Programs Division.

Determinations that persons are blocked or specially designated nationals, terrorists or narcotics traffickers under a particular sanctions program are effective upon the date of determination by the Director of OFAC, acting under authority delegated by the Secretary of the Treasury. Public notice of a blocking or designation is effective upon the date of publication in the Federal Register or upon prior actual notice. These lists are not definitive or all–inclusive, and new Federal Register documents with regard to blocked persons and SDNs, SDTs or SDNTs may be published at any time. The absence of any particular person or vessel from Appendices A, B and C is not to be construed as evidence that the person is not subject to OFAC–administered economic sanctions or organized or located in a country subject to economic sanctions, owned or controlled by a person organized or located in a country subject to economic sanctions, or acting for or on behalf of the government or the de facto regime of a country subject to economic sanctions. The Treasury Department regards it as incumbent upon all U.S. persons or persons subject to U.S. jurisdiction, depending upon the sanctions program, to take reasonable steps to ascertain for themselves whether persons with whom they enter into transactions fall into one of these categories.

Names of entities, individuals or vessels previously included on lists issued by OFAC, however, which do not appear in the following Appendices, have been determined to no longer come within the scope of the relevant sanctions program. All transactions with such entities, individuals and vessels previously prohibited by regulations administered by OFAC are now authorized.

In addition to the comprehensive list published as a notice in the Federal Register on November 17, 1994, and December 1, 1994, (59 FR 59460 and 59 FR 61656, respectively), the Appendices incorporate notices and rules issued through June 25, 1996. These include notices published at 60 FR 5084 (January 25, 1995) and 60 FR 44932 (August 29, 1995), issued under the SDT Order; 60 FR 6376 (February 1, 1995), issued under the Iraqi sanctions program; 60 FR 8300 (February 14, 1995) and 60 FR 41153 (August 11, 1995), issued under the Libyan sanctions program; 60 FR 19447 (April 18, 1995) and 60 FR 33029 (June 26, 1995), issued under the Cuban sanctions program; 60 FR 19448 (April 18, 1995), issued under the Federal Republic of Yugoslavia (Serbia and Montenegro) sanctions program and containing the names of Bosnian Serb civilian and military authorities; and 60 FR 54582 (October 24, 1995), 60 FR 61288 (November 29, 1995) and 61 FR 9523 (March 8, 1996), issued under the SDNT Order. Users are advised to check routinely the Federal Register and the information services noted in Electronic and Facsimile Availability above for additional names or other changes to the listings. Entities and individuals on the list are occasionally licensed by OFAC to transact business with U.S. persons or persons subject to U.S. jurisdiction in anticipation of removal from the list or because of foreign policy considerations in unique circumstances. Current information on licenses issued with regard to blocked persons or specially designated nationals may be obtained by

calling OFAC's Licensing Division (202/622–2480).

Because these Appendices involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601–612, does not apply.

List of Subjects

31 CFR Part 500

Administrative practice and procedure, Banks, banking, Blocking of assets, Cambodia, Exports, Fines and penalties, Finance, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, International organizations, North Korea, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Travel restrictions, Trusts and estates, Vietnam.

31 CFR Part 515

Administrative practice and procedure, Air carriers, Banks, banking, Blocking of assets, Cuba, Currency, Estates, Exports, Fines and penalties, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, Publications, Reporting and recordkeeping requirements, Securities, Shipping, Specially designated nationals, Travel restrictions, Trusts and trustees, Vessels.

31 CFR Part 550

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign investment in the United States, Foreign trade, Government of Libya, Imports, Libya, Loans, Penalties, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Travel restrictions.

31 CFR Part 575

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Imports, Iraq, Loans, Penalties, Reporting and recordkeeping requirements, Securities, Specially designated nationals, Travel restrictions.

31 CFR Part 585

Administrative practice and procedure, Banks, banking, Blocking of assets, Bosnia and Herzegovina, Foreign investment in the United States, Foreign trade, Penalties, Reporting and recordkeeping requirements, Securities, Specially designated nationals, Transportation, Vessels, Yugoslavia.

31 CFR Part 595

Administrative practice and procedure, Banking and finance, Blocking of assets, Fines and penalties, Reporting and recordkeeping requirements, Specially designated terrorists, Terrorism, Transfer of assets.

For the reasons set forth in the preamble, 31 CFR chapter V is amended as set forth below:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. Part 500 is amended by adding the following note to the end of § 500.306 to read as follows:

§ 500.306 Specially designated national.

* * * * *

Note to § 500.306: Please refer to the appendices at the end of this chapter for listings of persons designated pursuant to this part.

PART 515—CUBAN ASSETS CONTROL REGULATIONS

1. Part 515 is amended by adding the following note to the end of § 515.306 to read as follows:

§ 515.306 Specially designated national.

* * * * *

Note to § 515.306: Please refer to the appendices at the end of this chapter for listings of persons designated pursuant to this part.

PART 550—LIBYAN SANCTIONS REGULATIONS

1. The authority citation for Part 550 continues to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; 49 U.S.C. App. 1514; 22 U.S.C. 2349aa–8 and 2349aa–9; 3 U.S.C. 301; E.O. 12543, 51 FR 875, 3 CFR, 1986 Comp., p. 181; E.O. 12544, 51 FR 1235, 3 CFR, 1986 Comp., p. 183; E.O. 12801, 57 FR 14319, 3 CFR, 1992 Comp., p. 294.

2. Appendices A and B to part 550 are removed.

3. Section 550.304 of Part 550 is amended by adding the following note to the end thereof to read as follows:

§ 550.304 Government of Libya.

* * * * *

Note to § 550.304: Please refer to the appendices at the end of this chapter for listings of persons determined to fall within this definition who have been designated pursuant to this part.

PART 575—IRAQI SANCTIONS REGULATIONS

1. The authority citation for Part 575 continues to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; Public Law 101–513, 104 Stat. 2047–55; 3 U.S.C. 301; E.O. 12722, 55 FR 31803, 3 CFR, 1990 Comp., p. 294; E.O. 12724, 55 FR 33089, 3 CFR, 1992 Comp., p. 317.

2. Appendices A and B to part 575 are removed.

3. Section 575.306 of Part 575 is amended by adding the following note to the end thereof to read as follows:

§ 575.306 Government of Iraq.

* * * * *

Note to § 575.306: Please refer to the appendices at the end of this chapter for listings of persons determined to fall within this definition that have been designated pursuant to this part.

PART 585—FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA & MONTENEGRO) AND THE BOSNIAN SERB–CONTROLLED AREAS OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA SANCTIONS REGULATIONS

1. In part 585, § 585.201(c) is amended by adding the following note to the end thereof to read as follows:

§ 585.201 Prohibited transactions involving blocked property; transactions with respect to securities.

* * * * *

(c)* * *

Note to § 585.201(c): Please refer to the appendices at the end of this chapter for listings of persons designated pursuant to this section.

* * * * *

2. In Part 585, § 585.311 is amended by revising the Note at the end of the section to read as follows:

§ 585.311 Government of the FRY (S&M).

* * * * *

Note to § 585.311: Please refer to the appendices at the end of this chapter for listings of persons designated pursuant to this part, and pursuant to § 585.201(c) with respect to the Bosnian Serbs.

PART 595—TERRORISM SANCTIONS REGULATIONS

1. Part 595 is amended by adding the following note to the end of § 595.311 to read as follows:

§ 595.311 Specially designated terrorist.

* * * * *

Note to § 595.311: Please refer to the appendices at the end of this chapter for

listings of persons designated pursuant to this part.

APPENDICES TO CHAPTER V

1. Appendices A, B, and C to Chapter V are added to read as follows:

Appendix A to Chapter V—Alphabetical Listing of All Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, and Specially Designated Narcotics Traffickers

Appendix B to Chapter V—Alphabetical Listing by Location of Blocked Persons, Specially Designated National, Specially Designated Terrorists and Specially Designated Narcotics Traffickers

Appendix C to Chapter V—Alphabetical Listing of Vessels that are the Property of Blocked Persons, or Specially Designated Nationals

Note: 1. The alphabetical lists below provide the following information (to the extent known) concerning blocked persons, specially designated nationals, specially designated terrorists, specially designated narcotics traffickers and blocked vessels.

2. For blocked individuals: name and title (known aliases), address, date of birth, (the notation ''individual''), (sanctions program under which the individual is blocked).

3. For blocked entities: name (known former or alternate names), address, (sanctions program under which the entity is blocked).

4. For blocked vessels: name, sanctions program under which the vessel is blocked, flag, type, size, call sign, vessel owner, alternate names

5. Abbreviations: ''a.k.a.'' means ''also known as''; ''f.k.a.'' means ''formerly known as''; ''n.k.a.'' means ''now known as''; ''DOB'' means ''date of birth''; ''FRY (S&M)'' means ''Federal Republic of Yugoslavia (Serbia and Montenegro)''.

Appendix A to Chapter V—Alphabetical Listing of All Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, and Specially Designated Narcotics Traffickers

7th APRIL CARD BOARD FACTORY, Tajoura, Libya [LIBYA]

A. BORTOLOTTI & CO. S.P.A. (a.k.a. BORTOLOTTI), Cremona, Italy [LIBYA]

A. BORTOLOTTI & CO. S.P.A. (a.k.a. BORTOLOTTI), Via Predore, 59, 24067 Sarnico, Bergamo, Italy [LIBYA]

A.T.E. INTERNATIONAL LTD. (f.k.a. RWR INTERNATIONAL COMMODITIES), 3 Mandeville Place, London, England [IRAQ]

A.W.A. ENGINEERING LIMITED, 3 Mandeville Place, London, England [IRAQ]

ABASTECEADORA NAVAL Y INDUSTRIAL, S.A. (a.k.a. ANAINSA), Panama [CUBA]

ABBAS, Abdul Hussein, Italy (individual) [IRAQ]

ABBAS, Abu (a.k.a. ZAYDAN, Muhammad), Director of PALESTINE LIBERATION FRONT – ABU ABBAS FACTION (DOB 10 December 1948) (individual) [SDT]

ABBAS, Kassim, Italy (individual) [IRAQ]

ABBOTT, John G., 34 Grosvenor Street, London W1X 9FG, England (individual) [LIBYA]

ABD AL–GHAFUR, Humam Abd al–Khaliq (a.k.a. GHAFUR, Humam Abdel Khaleq Abdel), Minister of Higher Education and Scientific Research, Iraq (DOB 1945) (individual) [IRAQ]

ABDALLAH, Ramadan (a.k.a. ABDULLAH, Dr. Ramadan; a.k.a. SHALLAH, Dr. Ramadan Abdullah; a.k.a. SHALLAH, Ramadan Abdalla Mohamed), Secretary General of the PALESTINIAN ISLAMIC JIHAD, Damascus, Syria (DOB 1 January 1958; POB Gaza City, Gaza Strip; SSN 589–17–6824 (U.S.A.); Passport No. 265 216 (Egypt).) (individual) [SDT]

ABDELMULLA, Yousef Abd–El–Razegh (a.k.a. ABDULMOLA, Yousef Abd–El–Razegh), P.O. Box 4538, Maidan Masif El Baladi, Tripoli, Libya (individual) [LIBYA]

ABDELNUR, Nury de Jesus, Panama (individual) [CUBA]

ABDUL JAWAD, Mohammed (a.k.a. ABDULJAWAD, Muhammed I.), Tripoli, Libya (individual) [LIBYA]

ABRAHAM, Trevor, England (individual) [IRAQ]

ABU MARZOOK, Mousa Mohammed (a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZOOK, Mousa Mohamed Abou; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 9 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

ABU NIDAL ORGANIZATION (a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ACE INDIC NAVIGATION CO. LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]

ACECHILLY NAVIGATION CO. LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]

ACEFROSTY SHIPPING CO., LTD., 171 Old Bakery Street, Valletta, Malta [CUBA]

ACEVEDO P., Francisco Luis, Carrera 1 No. 18–52, Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 71660070 (Colombia)) (individual) [SDNT]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 15977, Casablanca, Morocco [LIBYA]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 17459, Misurata, Libya [LIBYA]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 20108, Sebha, Libya [LIBYA]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 321, Benghazi, Libya [LIBYA]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 547, Valletta, Malta [LIBYA]

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 959, Tripoli, Libya [LIBYA]

ADMINCHECK LIMITED, 1 Old Burlington Street, London, England [IRAQ]

ADVANCED ELECTRONICS DEVELOPMENT, LTD., 3 Mandeville Place, London, England [IRAQ]

AEROCARIBBEAN AIRLINES (a.k.a. AERO–CARIBBEAN), Havana, Cuba [CUBA]

AEROTAXI EJECUTIVO, S.A., Managua, Nicaragua [CUBA]

AGENCIA DE VIAJES GUAMA (a.k.a. GUAMA TOUR; a.k.a. GUAMATUR, S.A.; a.k.a. VIAJES GUAMA TOURS), Bal Harbour Shopping Center, Via Italia, Panama City, Panama [CUBA]

AGHIL, Yousef I., Libya (individual) [LIBYA]

AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY (a.k.a. AGIP (N.A.M.E.) LIMITED), Adahr, P.O. Box 346, Sciara Giakarta, Tripoli, Libya [LIBYA]

AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY (a.k.a. AGIP (N.A.M.E.) LIMITED), Benghazi Office, P.O. Box 4120, Benghazi, Libya (Designation applies only to joint venture located in Libya) [LIBYA]

AGRICOLA HUMYAMI LTDA., Apartado Aereo 30352, Cali, Colombia [SDNT]

AGRICULTURAL CO–OPERATIVE BANK, Rashid Street, Baghdad, Iraq [IRAQ]

AGRICULTURAL ENGINEERING COMPANY, Libya [LIBYA]

AGROPECUARIA BETANIA LTDA., Calle 70N No. 14–31, Cali, Colombia; Carrera 61 No. 11–58, Cali, Colombia [SDNT]

AGROPECUARIA Y REFRESTADORA HERREBE LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

AGUADO ORTIZ, Luis Jamerson, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 2935839 (Colombia)) (individual) [SDNT]

AGUIAR, Raul, Director, Banco Nacional de Cuba, Avenida de Concha, Espina 8, E–28036, Madrid, Spain (individual) [CUBA]

AGUILERA QUIJANO, Harold, c/o ASESORIAS COSMOS LTDA., Cali, Colombia (Cedula No. 16594227 (Colombia)) (individual) [SDNT]

AHLYA BUILDING MATERIALS CO., P.O. Box 1351, Benghazi, Libya; P.O. Box 8545, Jumhouriya Street, Tripoli, Libya [LIBYA]

AHMAD QASSEM AND SONS CO., Libya [LIBYA]

AHMAD, Rasem, P.O. Box 1318, Amman, Jordan (individual) [IRAQ]

AHMAD, Wallid Issa, Iraq (individual) [IRAQ]

AIRMORES SHIPPING CO. LTD. (a.k.a. AIMOROS SHIPPING CO. LTD.), c/o MELFI MARINE CORPORATION S.A., Oficina 7, Edificio Senorial, Calle 50, Apartado 31, Panama City 5, Panama [CUBA]

AL ABIAR FODDER PLANT, Libya [LIBYA]

AL–AGELI, Dr. Muktar Ali (a.k.a. EL–AGELI, Dr. Mukhtar Ali; a.k.a. EL–AGELI, Dr. Muktar Ali), Apartment 10, Maida Vale, Little Venice, London, England; 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England (DOB 23 July 1944) (individual) [LIBYA]

AL AHLIYA CO. FOR TRADING AND MANUFACTURE OF CLOTHING, P.O. Box 4152, Benghazi, Libya; P.O. Box 15182, Tripoli, Libya [LIBYA]

AL–AHMAD, Mahmoud Diab (a.k.a. AL–AHMAD, Mahmud Dhiyab), Minister of Housing and Reconstruction, Iraq (individual) [IRAQ]

AL AMAL CO. FOR TRADING AND MANUFACTURING OF CLOTHING, Libya [LIBYA]

AL–AMIRI, Adnan Talib Hassim, 43 Palace Mansions, Hammersmith, London, England (individual) [IRAQ]

AL–ARABI TRADING COMPANY LIMITED, Lane 11, Hai Babil, Baghdad District 929, Iraq [IRAQ]

AL–ATRUSH, Abd al–Wahhab Umar Mirza (a.k.a. AL–ATRUSHI, Abdel Wahab), a minister of state, Iraq (DOB 1936) (individual) [IRAQ]

AL–AZAWI, Dafir, Iraq (individual) [IRAQ]

AL–BAZZAZ, Hikmet Abdallah (a.k.a. AL–BAZAZ, Hikmet Abdullah), Minister of Education, Iraq (individual) [IRAQ]

AL–DAJANI, Leila N.S., P.O. Box 1318, Amman, Jordan (individual) [IRAQ]

AL–DAJANI, Nadim S., P.O. Box 1318, Amman, Jordan (individual) [IRAQ]

AL–DAJANI, Sa'ad, P.O. Box 1318, Amman, Jordan (individual) [IRAQ]

AL–DULAIMI, Khalaf M. M., Baghdad, Iraq (individual) [IRAQ]

AL–GAMA'A AL–ISLAMIYYA (a.k.a. GAMA'AT; a.k.a. GAMA'AT AL–ISLAMIYYA; a.k.a. ISLAMIC GAMA'AT; a.k.a. ISLAMIC GROUP, THE), Egypt [SDT]

AL GAZEERA BENGHAZI, P.O. Box 2456, Benghazi, Libya [LIBYA]

AL–HABOBI, Dr. Safa Haji J. (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 1 July 1946) (individual) [IRAQ]

AL HAMBRA HOLDING COMPANY, Madrid, Spain [LIBYA]

AL–HAMMADI, Hamid Yusif (a.k.a. HAMADI, Hamed Yussef), Minister of Culture and Information, Iraq (individual) [IRAQ]

AL–HASSAN, Anas Malik Dohan (a.k.a. AL–HASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Baghdad, Iraq (individual) [IRAQ]

AL–HASSAN, Anas Malik Dohan (a.k.a. AL–HASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Jordan (individual) [IRAQ]

AL–HASSAN, Watban Ibrahim (a.k.a. AL–TAKRITI, Watban; a.k.a. AL–TIKRITI, Watban Ibrahim al–Hasan), Minister of the Interior, Baghdad, Iraq (DOB 1952) (individual) [IRAQ]

AL–HIJAZI, Mahmud, Secretary of Justice and Public Security of the Government of Libya, Libya (DOB 1944, POB Batta, Libya) (individual) [LIBYA]

AL–HINSHIRI, Izz Al–Din Al–Muhammad, Secretary of Communications and Transport of the Government of Libya, Libya (DOB 6 October 1951) (individual) [LIBYA]

AL–HUWAYSH, Isam Rashid, Governor of the Central Bank, Iraq (individual) [IRAQ]

AL–JABBURI, Sadi Tuma Abbas, Adviser to the President for Military Affairs, Iraq (DOB 1939) (individual) [IRAQ]

AL JAMAL TRADING EST. (BENGHAZI), Benghazi, Libya [LIBYA]

AL–JIHIMI, Tahir, Secretary of Economy and Trade of the Government of Libya, Libya (individual) [LIBYA]

AL KABIR, 1 Giaddet Omar Mokhtar, P.O. Box 685, Tripoli, Libya (individual) [LIBYA]

AL–KAFI, Isa Abd, Secretary of Agrarian Reform, Land Reclamation, and Animal Resources of the Government of Libya, Libya (individual) [LIBYA]

AL–KHAFAJI, Sabah, 254 Rue Adolphe Pajeaud, 92160 Antony, France (individual) [IRAQ]

AL–KHODAIR, Ahmad Hussein (a.k.a. SAMARRAI, Ahmad Husayn Khudayir), Minister of Finance, Iraq (DOB 1941) (individual) [IRAQ]

AL–MAHMUDI, Baghdadi, Secretary of Health and Social Security of the Government of Libya, Libya (individual) [LIBYA]

AL–MAJID, General Ali Hassan (a.k.a. AL–MAJID, General Ali Hasan), Minister of Defense, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]

AL–MAJID, Hussein Kamel Hassan (a.k.a. AL–MAJID, Husayn Kamil Hasan), Minister of Industry and Minerals and Advisor to the President, Baghdad, Iraq (DOB 1955) (individual) [IRAQ]

AL–MAL, Muhammad Bayt, Secretary of Planning and Finance of the Government of Libya, Libya (individual) [LIBYA]

AL–MALIKI, Shabib Lazem (a.k.a. AL–MALEKI, Shebib Lazim), Minister of Justice, Iraq (DOB 1936) (individual) [IRAQ]

AL–MUNTASIR, Umar Mustafa, Secretary of People's External Liaison and International Cooperation Bureau of the Government of Libya, Libya (DOB 1939, POB Misurata, Libya) (individual) [LIBYA]

AL–OGAILY, Akram H., Flat 2, St. Ronons Court, 63 Putney Hill, London, England (individual) [IRAQ]

AL–QA'UD, Abd Al Majid, Secretary of Libya's General People's Committee, Libya (DOB 1943, POB Ghariar, Libya) (individual) [LIBYA]

AL–QADHAFI, Muammar Abu Minyar, head of the Libyan Government and de facto Chief of State, Libya (DOB 1942, POB Sirte, Libya) (individual) [LIBYA]

AL–QASIR, Nazar Jumah Ali (a.k.a. AL–QASSIR, Nizar Jomaa Ali), Minister of Irrigation, Iraq (individual) [IRAQ]

AL–RAFIDAIN SHIPPING COMPANY, Bombay, India [IRAQ]

AL RAHMAN, Shaykh Umar Abd, Chief Ideological Figure of ISLAMIC GAMA'AT (DOB 3 May 1938, POB Egypt) (individual) [SDT]

AL–RIDA, Karim Hasan (a.k.a. RIDA, Karim Hassan), Minister of Agriculture, Iraq (DOB 1944) (individual) [IRAQ]

AL–RUBA, Dr. Khadim, Managing Director of REAL ESTATE BANK, Iraq (individual) [IRAQ]

AL–SAHHAF, Muhammad Said Kazim (a.k.a. AL–SAHAF, Mohammed Said), Minister of Foreign Affairs, Iraq (DOB 1940) (individual) [IRAQ]

AL–SALIH, Muhammad Mahdi (a.k.a. SALEH, Mohammed Mahdi), Minister of Trade (DOB 1947) (individual) [IRAQ]

AL–SHAMIKH, Mubarak, Secretary of Housing and Utilities of the Government of Libya, Libya (DOB 1950) (individual) [LIBYA]

AL–TAKRITI, Barzan Ibrahim Hassan (a.k.a. AL–TIKRITI, Barzan Ibrahim Hasan), Advisor to the President, Iraq; Geneva, Switzerland (DOB 17 February 1951) (individual) [IRAQ]

AL–TAKRITI, Sabawi Ibrahim Hassan, Baghdad, Iraq (individual) [IRAQ]

AL–ZANATI, Muhammad, Secretary of the General People's Congress of Libya, Libya (individual) [LIBYA]

AL ZAWAHIRI, Dr. Ayman, Operational and Military Leader of JIHAD GROUP (DOB 19 June 1951, POB Giza, Egypt, Passport No. 1084010 (Egypt)) (individual) [SDT]

AL–ZIBARI, Arshad Muhammad Ahmad Muhammad, a minister of state, Iraq (DOB 1942) (individual) [IRAQ]

AL–ZUBAYDI, Muhammad Hamsa (a.k.a. AL–ZUBAIDI, Mohammed Hamza), Deputy Prime Minister, Iraq (DOB 1938) (individual) [IRAQ]

AL–ZUMAR, Abbud (a.k.a. ZUMAR, Colonel Abbud), Factional Leader of JIHAD GROUP, Egypt (POB Egypt) (individual) [SDT]

ALAVAREZ GAVIRIA, Jaime Antonio, c/o EXPORT CAFE LTDA., Cali, Colombia (Cedula No. 10060853 (Colombia)) (individual) [SDNT]

ALAWI, Abdel–Salam Abdel–Rahman (a.k.a. ALLAWI, Salam), General Manager of INDUSTRIAL BANK OF IRAQ, Iraq (individual) [IRAQ]

ALFA PHARMA S.A., Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT]
ALI, Ali Abdul Mutalib, Germany (individual) [IRAQ]
ALKHAYOUN, Dhiah H., Chairman and General Manager of RASHEED BANK, Iraq (individual) [IRAQ]
ALLEN, Peter Francis, ≥Greys≥, 36 Stoughton Lane, Stoughton, Leicestershire, England (individual) [IRAQ]
ALOARDI, Carlo Giovanni, Milan, Italy (individual) [CUBA]
ALUBAF ARAB INTERNATIONAL BANK E.C. (a.k.a. ALUBAF), UGB Tower, Diplomatic Area, P.O. Box 12529, Manama, Bahrain [LIBYA]
ALUBAF INTERNATIONAL BANK – TUNIS (a.k.a. ALUBAF – TUNIS), 90–92 Avenue Hedi Chaker, P.O. Box 51, 1002 Tunis Belvedere, Tunisia [LIBYA]
ALVAREZ, Manuel (AGUIRRE), Panama (individual) [CUBA]
ALWAN, Allaidin Hussain (a.k.a. ALWAN, Alla Idin Hussain), Baghdad, Iraq (individual) [IRAQ]
AMAN CO. FOR TYRES AND BATTERIES, P.O. Box 2394, Benghazi, Libya; P.O. Box 17757, Misurata, Libya; Sabha, Libya; Tajura Km. 19, P.O. Box 30737, Tripoli, Libya; Tripoli, Libya [LIBYA]
AMARO, Joaquim Ferreira, Praca Pio X, 54–10o Andar CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]
AMAYA OROZCO, Luis Alberto, Calle 18N No. 9–46, Cali, Colombia; c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia (Cedula No. 4882167 (Colombia)) (individual) [SDNT]
AMD CO. LTD AGENCY, Al–Tahrir Car Parking Building, Tahrir Sq., Floor 3, Office 33, P.O. Box 8044, Baghdad, Iraq [IRAQ]
AMERICAN AIR WAYS CHARTERS, INC., 1840 West 49th Street, Hialeah, Florida, U.S.A. [CUBA]
AMEZQUITA MENESES, Salustio, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 14943885 (Colombia)) (individual) [SDNT]
AMPARO RODRIGUEZ DE GIL Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia [SDNT]
ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia [SDNT]
ANDRADE QUINTERO, Ancizar, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIAS LTDA., Cali, Colombia (Cedula No. 16672464 (Colombia)) (individual) [SDNT]
ANGELINI, Alejandro Abood, Panama (individual) [CUBA]
ANGLO–CARIBBEAN CO., LTD. (a.k.a. AVIA IMPORT), Ibex House, The Minories, London EC3N 1DY, England [CUBA]
ANGULO OROBIO, Jose Francisco, Avenida 4N No. 17–43 apt. 801, Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16706561 (Colombia)) (individual) [SDNT]
ANTILLANA SALVAGE CO. LTD., c/o EMPRESA ANTILLANA DE SALVAMENTO, 4th Floor, Lonja del Comercio, Havana Vieja, Havana, Cuba [CUBA]
AQUITAINE LIBYE, Omar El Mokhtar Street, P.O. Box 282, Tripoli, Libya (Designation applies only to joint venture located in Libya) [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Al Masood Building, Khalifa Street, P.O. Box 7588, Abu Dhabi, U.A.E. [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), ARBIFT Tower, Baniyas Street, P.O. Box 5549, Deira, Dubai, United Arab Emirates [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Head Office, ARBIFT Building, Sheikh Hamdan Street, P.O. Box 2484, Abu Dhabi, U.A.E. [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Khalfan Bin Rakan Building, Khalifa Street, P.O. Box 16003, Al Ain, U.A.E. [LIBYA]
ARAB CO. FOR IMPORTATION AND MANUFACTURE OF CLOTHING AND TEXTILES, Libya [LIBYA]
ARAB COMMERCIAL INSURANCE COMPANY, Channel Islands [LIBYA]
ARAB HELLENIC BANK, S.A. (a.k.a. APABO), 43 Penepistimiou Street, GR–105 64, Athens, Greece; 80–88 Syngrou Avenue, GR–117 41, Athens, Greece; P.O. Box 19126, GR–117 10, Athens, Greece [LIBYA]
ARAB LIBYAN SYRIAN INDUSTRIAL & AGRICULTURAL INVESTMENT COMPANY (a.k.a. SYLICO; a.k.a. SYRIAN LIBYAN COMPANY – INDUSTRIAL & AGRICULTURAL INVESTMENTS), 9 Mazze, Autostrade, Damascus, Syria [LIBYA]
ARAB PETROLEUM ENGINEERING COMPANY LTD., Amman, Jordan [IRAQ]
ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 1318, Amman, Jordan [IRAQ]
ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 1972, Riyadh, Saudi Arabia [IRAQ]
ARAB PROJECTS COMPANY S.A. LTD., P.O. Box 7939, Beirut, Lebanon [IRAQ]
ARAB REAL ESTATE COMPANY (a.k.a. ARESCO), Beirut, Lebanon [LIBYA]
ARAB UNION CONTRACTING CO., P.O. Box 3475, Tripoli, Libya [LIBYA]
ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), P.O. Box 263, Al Kish, Benghazi, Libya [LIBYA]
ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), P.O. Box 693–325, Ben Ashour Street, Tripoli, Libya [LIBYA]
ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), Sarir Field, Libya [LIBYA]
ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), Windsor House, 42–50 Victoria Street, London SW1H 0NW, England [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), Gaziosmanpasa Bulvari No. 10/1, 35210 Alsancak, Izmir, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), Havuzlu Sok. No. 3, 06540 Asagi Ayranci, Ankara, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), P.O. Box 11, 01321 Adana, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), P.O. Box 38, 06552 Cankaya, Ankara, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), P.O. Box 380, 80223 Sisli, Istanbul, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), P.O. Box 52, 35212 Pasaport, Izmir, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey [LIBYA]
ARAP TURK BANKASI A.S. (a.k.a. ARAB TURKISH BANK; a.k.a. ATB), Ziyapasa Bulvari No. 14/A, 01130 Adana, Turkey [LIBYA]
ARBELAEZ ALZATE, Rafael, c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (individual) [SDNT]
ARBELAEZ GALLON, Gladys, c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 31858038 (Colombia)) (individual) [SDNT]
ARBELAEZ PARDO, Amparo, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 9 November 1950; alt. DOB 9 August 1950; Passpots AC 568973 (Colombia), PE001850 (Colombia); Cedula No. 31218903 or 31151067 (Colombia)) (individual) [SDNT]
ARBOLEDA A., Pedro Nicholas (Nicolas), c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 16602372 (Colombia)) (individual) [SDNT]
ARBOLEDA, Julio, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16205508 (Colombia)) (individual) [SDNT]
ARCHI CENTRE I.C.E. LIMITED, 3 Mandeville Place, London, England [IRAQ]
ARCHICONSULT LIMITED, 128 Buckingham Place, London 5, England [IRAQ]
ARIFI, Dr. Najmeddine Abdalla (a.k.a. ARIFI, Dr. Nagmeddin Abdalla), P.O. Box 2134, Tripoli, Libya (DOB 21 November 1947) (individual) [LIBYA]
ARION SHIPPING CO., LTD., 60 South Street, Valletta, Malta [CUBA]
ARISTIZABAL ATEHORTUA, Jaime Alberto, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (Cedula No. 16756325 (Colombia)) (individual) [SDNT]

ARJONA ALVARADO, Rafael, c/o ALPHA PHARMA S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR, Bogota, Colombia (Cedula No. 19442698 (Colombia)) (individual) [SDNT]

ARLONE FACELLI, Roberto, c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia (Cedula No. 16632415 (Colombia)) (individual) [SDNT]

ARMANI, Dino, Via Abruzzi 94, Milan, Italy; Via San Francesco d'Assisi 10, Milan, Italy; Viale Abbruzzi 24, Milan, Italy (DOB 20 September 1920) (individual) [LIBYA]

ARMANI, Giampiero, Viale Abruzzi 94, Milan, Italy (DOB 15 September 1932) (individual) [LIBYA]

ASESORIAS COSMOS LTDA., Carrera 40 No. 6–50 apt. 13–01, Cali, Colombia [SDNT]

ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia [SDNT]

ASSOCIATED ENGINEERS, England [IRAQ]

ASTERIS S.A. INDUSTRIAL & COMMERCIAL CORPORATION, Athens, Greece [LIBYA]

ATAMALLO SHIPPING CO. LTD. (a.k.a. ANTAMALLO SHIPPING CO. LTD.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

ATIA, Hachim K., 2 Stratford Place, London W1N 9AE, England (individual) [IRAQ]

ATIA, Hachim K., Hay Al–Adil, Mahala–645, Zukak–8, No.–39, Baghdad, Iraq (individual) [IRAQ]

ATIA, Hachim K., Lane 15, Area 902, Hai Al–Wahda, Baghdad, Iraq (individual) [IRAQ]

ATLAS AIR CONDITIONING COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England [IRAQ]

ATLAS EQUIPMENT COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England [IRAQ]

AUREAL INMOBILIARIA LTDA., Avenida 7 No. 112–38 of. 104, Bogota, Colombia [SDNT]

AUTO BATTERY PLANT, Libya [LIBYA]

AVALON, S.A., Colon Free Zone, Panama [CUBA]

AVENDANO GUTIERREZ, Francisco Eduardo, Carrera 8 No. 66–21 apt. 204, Bogota, Colombia; Transversal 1A No. 69–54 apt. 502, Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 16645182 (Colombia)) (individual) [SDNT]

AVILA DE MONDRAGON, Ana Dolores, c/o COMPAX LTDA., Cali, Colombia (Cedula No. 29183223 (Colombia)) (individual) [SDNT]

AWDA, Abd Al Aziz, Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD – SHIQAQI (DOB 1946) (individual) [SDT]

AZIZ, Fouad Hamza, Praca Pio X, 54–10o Andar, CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]

AZIZ, Tariq Mikhail, Deputy Prime Minister, Iraq (DOB 1936) (individual) [IRAQ]

AZIZIA BOTTLE PLANT, Libya [LIBYA]

AZRAK S.A., Panama [CUBA]

AZZAWIYA OIL REFINING COMPANY, Benghazi Asphalt Plant Office, Benghazi, Libya [LIBYA]

AZZAWIYA OIL REFINING COMPANY, P.O. Box 6451, Tripoli, Libya [LIBYA]

BABIL INTERNATIONAL, Aeroport D'Orly, 94390 Orly Aerogare, France [IRAQ]

BADI, Mahmud, Secretary of People's Control and Follow–up of the Government of Libya, Libya (individual) [LIBYA]

BAEZA MOLINA, Carlos Alberto, c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia (Cedula No. 16621765 (Colombia)) (individual) [SDNT]

BANCO BRASILEIRO–IRAQUIANO S.A., Praca Pio X, 54–10o Andar CEP 20091, Rio de Janeiro, Brazil (Head office and city branch) [IRAQ]

BANCO NACIONAL DE CUBA (a.k.a. BNC; a.k.a. NATIONAL BANK OF CUBA), Avenida de Concha Espina 8, E–28036 Madrid, Spain [CUBA]

BANCO NACIONAL DE CUBA (a.k.a. BNC; a.k.a. NATIONAL BANK OF CUBA), Dai–Ichi Bldg. 6th Floor, 10–2 Nihombashi, 2–chome, Chuo–ku, Tokyo 103, Japan [CUBA]

BANCO NACIONAL DE CUBA (a.k.a. BNC; a.k.a. NATIONAL BANK OF CUBA), Federico Boyd Avenue & 51 Street, Panama City, Panama [CUBA]

BANCO NACIONAL DE CUBA (a.k.a. BNC; a.k.a. NATIONAL BANK OF CUBA), Zweierstrasse 35, CH–8022 Zurich, Switzerland [CUBA]

BANQUE ARABE DU NORD–BAAN (a.k.a. BANQUE ARABE D'AFRIQUE DU NORD [BAAN]; a.k.a. N.A.I.B.; a.k.a. NORTH AFRICA INTERNATIONAL BANK; a.k.a. NORTH AFRICAN INTERNATIONAL BANK), 25 Avenue Khereddine Pacha, Tunis, Tunisia [LIBYA]

BANQUE ARABE DU NORD–BAAN (a.k.a. BANQUE ARABE D'AFRIQUE DU NORD [BAAN]; a.k.a. N.A.I.B.; a.k.a. NORTH AFRICA INTERNATIONAL BANK; a.k.a. NORTH AFRICAN INTERNATIONAL BANK), P.O. Box 102, Le Belvedere, 1002 Tunis, Tunisia [LIBYA]

BANQUE ARABE DU NORD–BAAN (a.k.a. BANQUE ARABE D'AFRIQUE DU NORD [BAAN]; a.k.a. N.A.I.B.; a.k.a. NORTH AFRICA INTERNATIONAL BANK; a.k.a. NORTH AFRICAN INTERNATIONAL BANK), Avenue Kheireddine Pacha 25, Tunis, Tunisia [LIBYA]

BANQUE ARABE DU NORD–BAAN (a.k.a. BANQUE ARABE D'AFRIQUE DU NORD [BAAN]; a.k.a. N.A.I.B.; a.k.a. NORTH AFRICA INTERNATIONAL BANK; a.k.a. NORTH AFRICAN INTERNATIONAL BANK), P.O. Box 485, 1080 Tunis Cedex, Tunisia [LIBYA]

BANQUE ARABE LIBYENNE BURKINABE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT, 1336 Avenue Nelson Mandela, Ouagadougou, Burkina Faso [LIBYA]

BANQUE ARABE LIBYENNE MALIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALIMA; a.k.a. BANQUE COMMERCIALE DU SAHEL; a.k.a. CHINGUETTY BANK), P.O. Box 2372, Bamako, Mali [LIBYA]

BANQUE ARABE LIBYENNE MAURITANIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALM), Jamal Abdulnasser Street, P.O. Box 262, Nouakchott, Mauritania [LIBYA]

BANQUE ARABE LIBYENNE NIGERIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALINEX; a.k.a. BANQUE COMMERCIALE DU NIGER; a.k.a. BCN), P.O. Box 11363, Niamey, Niger [LIBYA]

BANQUE ARABE LIBYENNE TOGOLAISE DU COMMERCE EXTERIEUR (a.k.a. BALTEX; a.k.a. SOCIETE INTERAFFRICAINE DU BANQUE), P.O. Box 4874, Lome, Togo [LIBYA]

BANQUE ARABE TUNISO–LIBYENNE DE DEVELOPPEMENT ET DE COMMERCE EXTERIEUR (a.k.a. B.T.L.), 25 Avenue Kheireddine Pacha, P.O. Box 102, 1002 Le Belvedere, Tunis, Tunisia [LIBYA]

BANQUE INTERCONTINENTALE ARABE, 67, Avenue Franklin Roosevelt, 75008 Paris, France [LIBYA]

BANQUE TCHADO ARABE LIBYENNE, P.O. Box 104, N'Djamena, Chad [LIBYA]

BARON, Carlos, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 49994 (Colombia).) (individual) [SDNT]

BAROON SHIPPING COMPANY LIMITED, Haven Court, 5 Library Ramp, Gibraltar [IRAQ]

BATISTA, Miguel, Panama (individual) [CUBA]

BAY INDUSTRIES, INC., 10100 Santa Monica Boulevard, Santa Monica, California, U.S.A. [IRAQ]

BECHARA SIMANCA, Salim, c/o SOCOVALLE, Cali, Colombia (DOB 26 July 1950; Cedula No. 19163957 (Colombia)) (individual) [SDNT]

BELMEX IMPORT EXPORT CO., LTD., 24 Corner Regent and Kings Streets, Belize City, Belize [CUBA]

BENGHAZI CEMENT PLANT, Libya [LIBYA]

BENGHAZI EST. FOR BUILDING AND CONSTRUCTION, P.O. Box 2118, Benghazi, Libya [LIBYA]

BENGHAZI LIME PLANT, Libya [LIBYA]

BENGHAZI PAPER BAGS PLANT, Libya [LIBYA]

BENGHAZI TANNERY, Libya [LIBYA]

BENITEZ CASTELLANOS, Cesar Tulio, c/o DROGAS LA REBAJA, Cali, Colombia; c/o RIONAP COMERCIOS Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

BERRUIEN, Dr. Nuri Abdalla, c/o ARABIAN GULF OIL COMPANY, P.O. Box 263, Benghazi, Libya (DOB 18 March 1946) (individual) [LIBYA]

BETTINA SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

BEWELL CORPORATION, INC., Panama [CUBA]

BOILEAU, Pierre, 1078 Rue Champigny, Duvernay, Quebec, Canada (individual) [CUBA]
BORRERO Q., Hector Fabio, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]
BOUTIQUE LA MAISON, 42 Via Brasil, Panama City, Panama [CUBA]
BRADFIELD MARITIME CORPORATION INC., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
BREGA INTERNATIONAL MARKETING COMPANY, Al Nassar Street, P.O. Box 4768, Tripoli, Libya [LIBYA]
BREGA PETROLEUM MARKETING COMPANY, Alnaser Street, P.O. Box 402, Tripoli, Libya [LIBYA]
BREGA PETROLEUM MARKETING COMPANY, Azzawiya Km. 50, P.O. Box 402, Tripoli, Libya [LIBYA]
BREGA PETROLEUM MARKETING COMPANY, P.O. Box 1278, Benghazi, Libya [LIBYA]
BREGA PETROLEUM MARKETING COMPANY, Sayedi Street, P.O. Box 402, Tripoli, Libya [LIBYA]
BUHLER, Bruno, 57 Rue du Rhone, CH–1204 Geneva, Switzerland (individual) [IRAQ]
BUITRAGO DE HERRERA, Luz Mery, c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o SOCOVALLE, Cali, Colombia (Cedula No. 29641219 (Colombia)) (individual) [SDNT]
BUITRAGO MARIN, Adiela, c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 31137617 (Colombia)) (individual) [SDNT]
BUITRAGO MARIN, Nubia, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 31132922 (Colombia)) (individual) [SDNT]
BURGAN INTERNATIONAL, Kuwait [CUBA]
BUSENTI, Marcantonio or Marcello, Via Alatri 14, Rome, Italy (DOB 30 May 1938) (individual) [LIBYA]
BUSHWESHA, Abdullah (individual) [LIBYA]
CABALLERO, Roger Montanes (a.k.a. DOOLEY, Roger Edward; a.k.a. MONTANES, Roger), Panama (individual) [CUBA]
CALDERON RODRIGUEZ, Solange, c/o INMOBILIARIA AURORA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]
CANIPEL S.A. (a.k.a. CANAPEL S.A.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
CARBONICA, S.A., Panama [CUBA]
CARDONA OCHOA, Carlos Julio, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o GRUPO SANTA LTDA., Cali, Colombia (Cedula No. 7524996 (Colombia)) (individual) [SDNT]
CARIBBEAN HAPPY LINES (a.k.a. CARIBBEAN HAPPY LINES CO.), Panama [CUBA]
CARIBBEAN HAPPY LINES CO. (a.k.a. CARIBBEAN HAPPY LINES), Panama [CUBA]
CARIBBEAN PRINCESS SHIPPING LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
CARIBBEAN QUEEN SHIPPING LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
CARIBERIA, S.A., Spain [CUBA]
CARIBSUGAR INTERNATIONAL TRADERS, S.A., 125–133 Camden High Street, London, NW1 7JR, England [CUBA]
CARIBSUGAR, S.A., Panama [CUBA]
CARISUB, S.A., Panama [CUBA]
CARMONA, Juan Manuel, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]
CARRILLO SILVA, Armando, c/o DROGAS LA REBAJA, Cali, Colombia; c/o INVERSIONES CAMINO REAL S.A., Cali, Colombia (Cedula No. 16242828 (Colombia)) (individual) [SDNT]
CARS & CARS LTDA. (a.k.a. CENTRO COMERCIAL DEL AUTOMOVIL; a.k.a. COMERCIALIZADORA INTEGRAL LTDA.; a.k.a. PROYECTO CARS & CARS), Avenida Roosevelt entre carreras 38 y 38A esquinas, Cali, Colombia [SDNT]
CASA DE CUBA, Mexico; Spain [CUBA]
CASA DEL REPUESTO, Panama City, Panama [CUBA]
CASQUETE VARGAS, Orlando, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 19270159 (Colombia)) (individual) [SDNT]
CASTANO ARANGO, Fernando, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 14953602 (Colombia)) (individual) [SDNT]
CASTELL, Osvaldo Antonio (VALDEZ), Panama (individual) [CUBA]
CASTRO DE SANTACRUZ, Amparo, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia (DOB 13 January 1948; alt. DOBs 13 January 1946, 14 April 1959; Passports PE027370 (Colombia), AA429676 (Colombia); Cedula No. 38983611 (Colombia)) (individual) [SDNT]
CAVIEDES CRUZ, Leonardo, c/o INVERSIONES SANTA LTDA., Cali, Colombia (DOB 23 Nov 52; Passports AB151486 (Colombia), AC444270 (Colombia), OC444290 (Colombia); Cedula No. 16593470 (Colombia)) (individual) [SDNT]
CECOEX, S.A., Panama City, Panama [CUBA]
CENTRAL BANK OF LIBYA, Al–Fatah Street, P.O. Box 1103, Tripoli, Libya [LIBYA]
CENTRAL BANK OF LIBYA, Benghazi, Libya [LIBYA]
CENTRAL BANK OF LIBYA, Sebha, Libya [LIBYA]
CHAMET IMPORT, S.A., Panama [CUBA]
CHANG BARRERO, Pedro Antonio, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 14960909 (Colombia)) (individual) [SDNT]
CHAO, Lazaro R., Executive Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]
CHARALAMBIDES, Kypros, Cyprus (individual) [LIBYA]
CHEMPETROL INTERNATIONAL (a.k.a. CHEMPETROL), 145, Flat 9, Tower Road, Sliema, Malta [LIBYA]
CHEMPETROL INTERNATIONAL LTD., 28 Lincoln's Inn Fields, London WC2A 3HH, England [LIBYA]
CHEMPETROL INTERNATIONAL LTD., 5th Floor, Quality Court, Chancery Lane, London WC2A 1HP, England [LIBYA]
CHOSUNBOHOM (a.k.a. KOREA FOREIGN INSURANCE COMPANY), 1080 Berlin Glinkastrasse 5, Germany [NKOREA]
CHOSUNBOHOM (a.k.a. KOREA FOREIGN INSURANCE COMPANY), 123, Rue des Tennerolles, 92210 Saint–Cloud, Paris, France [NKOREA]
CHOSUNBOHOM (a.k.a. KOREA FOREIGN INSURANCE COMPANY), Unt. Batterieweg 35, CH–4008 Basel, Switzerland [NKOREA]
CIMECO, SRL, Milan, Italy [CUBA]
CIMEX IBERICA, Spain [CUBA]
CIMEX, Emerson No. 148 Piso 7, 11570 Mexico, D.F., Mexico [CUBA]
CIMEX, S.A., Panama [CUBA]
CIVIL AVIATION AUTHORITY, Sharia El Saidi, Tripoli, Libya [LIBYA]
COBALT REFINERY CO. INC., Fort Saskatchewan, AB, Canada [CUBA]
COLL, Gabriel (PRADO), Panama (individual) [CUBA]
COLLOMBEY REFINERY (a.k.a. RAFFINERIE DU SUD–OUEST; a.k.a. RSO), Collombey, Valais, Switzerland [LIBYA]
COLON, Eduardo (BETANCOURT), Panama (individual) [CUBA]
COLONY TRADING, S.A., Panama [CUBA]
COLOR 89.5 FM STEREO, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29, Cali, Colombia [SDNT]
COMERCIAL CIMEX, S.A., Panama [CUBA]
COMERCIAL DE RODAJES Y MAQUINARIA, S.A. (a.k.a. CRYMSA), Jose Lazaro Galdeano 6–6, 28016 Madrid, Spain [CUBA]
COMERCIAL IBEROAMERICANA, S.A. (a.k.a. COIBA), Spain [CUBA]

COMERCIAL MURALLA, S.A. (a.k.a. MURALLA, S.A.), Panama City, Panama [CUBA]
COMERCIALIZACION DE PRODUCTOS VARIOS (a.k.a. COPROVA; a.k.a. COPROVA SARL), Paris, France [CUBA]
COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Calle 25 No. 8–54, Cali, Colombia [SDNT]
COMERCIALIZADORA OROBANCA (a.k.a. SOCIR S.A.) (a.k.a. Soucir, S.A.), Calle 36A No. 3GN–07 of. 302, Edificio El Parque, Cali, Colombia; Calle 22N No. 5A–75 of. 702, Edificio Via Veneto, Cali, Colombia [SDNT]
COMPAGNIE ALGERO–LIBYENNE DE TRANSPORT MARITIME (a.k.a. CALTRAM), 21 Rue des Freres Bouadou, Birmandreis, Algiers, Algeria [LIBYA]
COMPANIA DE COALICION DEL COMERCIO DE COREA, S.A., Panama [NKOREA]
COMPANIA DE IMPORTACION Y EXPORTACION IBERIA (a.k.a. CIMEX), Spain [CUBA]
COMPANIA FENIX INTERNACIONAL, S.A., Caracas, Venezuela [CUBA]
COMPANIA PESQUERA INTERNACIONAL, S.A., Panama [CUBA]
COMPRESSED LEATHER BOARD FIBRE PLANT, Tajoura, Libya [LIBYA]
CONCRETOS CALI S.A., Calle 7 No. 82–65, Cali, Colombia [SDNT]
CONSTRUCTORA DIMISA LTDA., Calle 70N No. 14–31, Cali, Colombia [SDNT]
CONSTRUCTORA GOPEVA LTDA., Avenida 3A No. 51–15, Cali, Colombia [SDNT]
CONSTRUCTORA TREMI LTDA., Carrera 1A Oeste No. 68–75, Cali, Colombia [SDNT]
CONSTRUEXITO S.A. (a.k.a. CONE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]
CONTEX, S.A., Panama [CUBA]
COOBAR, Hadi N., Manama, Bahrain (individual) [LIBYA]
COOBAR, Hadi N., Tripoli, Libya (individual) [LIBYA]
CORINTHIA GROUP OF COMPANIES, Head Office, 22, Europa Centre, Floriana, Malta [LIBYA]
CORINTHIA PALACE HOTEL COMPANY LIMITED, De Paula Avenue, Attard, Malta [LIBYA]
CORPORACION ARGENTINA DE INGENIERIA Y ARQUITECTURA, S.A. (a.k.a. COPIA, S.A.), San Martin 323, 4th Floor, Buenos Aires, Argentina [CUBA]
CORPORACION CIMEX, S.A., Panama [CUBA]
CORPORACION IBEROAMERICANA DEL COMERCIO (a.k.a. CIDECO), Spain [CUBA]
CORTEZ, Oliverio Abril, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 3002003 (Colombia)) (individual) [SDNT]
COTEI, Milan, Italy [CUBA]
CREACIONES DEPORTIVAS WILLINGTON LTDA., Cosmocentro, Local 130, Cali, Colombia; Calle 5 No. 25–65, Cali, Colombia [SDNT]
CRUZ, Antonio Pedro (REYES), Milan, Italy (individual) [CUBA]
CRUZ, Juan M. de la, Director, Banco Nacional de Cuba, Dai–Ichi Bldg. 6th Floor, 10–2 Nihombashi, 2–chome, Chuo–ku, Tokyo 103, Japan (individual) [CUBA]
CRYMSA – ARGENTINA, S.A., Buenos Aires, Argentina [CUBA]
CUARTES MORALES, Juan Carlos, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16757375 (Colombia)) (individual) [SDNT]
CUBACANCUN CIGARS AND GIFT SHOPS, Cancun, Mexico [CUBA]
CUBAEXPORT, Spain [CUBA]
CUBAFRUTAS, Spain [CUBA]
CUBAN CIGARS TRADE, Italy [CUBA]
CUBANATUR, Baja California 255, Edificio B. Oficina 103, Condesa 06500, Mexico, D.F., Mexico [CUBA]
CUBATABACO, Spain [CUBA]
CUENCA, Ramon Cesar, Panama [CUBA]
CUMEXINT, S.A., 1649 Adolfo Prieto, Colonia del Valle, Mexico City, Mexico [CUBA]
CUREF METAL PROCESSING BV, Boezembolcht 23, Rotterdam, Netherlands [CUBA]
DAGHIR, Ali Ashour, 2 Western Road, Western Green, Thames Ditton, Surrey, England (individual) [IRAQ]
DAHAIM, Ayad S., Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]
DAZA QUIROGA, Hugo Carlos, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19236485 (Colombia)) (individual) [SDNT]
DAZA RIVERA, Pablo Emilio, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (Cedula No. 4904545 (Colombia)) (individual) [SDNT]
DE BOCCARD, Phillipe, (a.k.a. DE BOCCARD, Philippe), 44 Avenue Krieg, Geneva, Switzerland (individual) [IRAQ]
DE FRANCE, Naomi A., Cubanatur, Baja California 255, Edificio B., Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]
DELGADO, Antonio (ARSENIO), Panama (individual) [CUBA]
DELGADO, Jorge Armando, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia (Cedula No. 19354318 (Colombia)) (individual) [SDNT]
DELVEST HOLDING, S.A. (a.k.a. DELVEST HOLDING COMPANY), Case Postale 236, 10 Bis Rue Du Vieux College 12–11, Geneva, Switzerland [CUBA]
DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE; a.k.a. DFLP), Israel; Lebanon; Syria [SDT]
DEPOSITO POPULAR DE DROGAS S.A., Carrera 6 No. 24–77, Cali, Colombia [SDNT]
DERECHO INTEGRAL Y CIA. LTDA., Calle 22N No. 5A–75 piso 5, Cali, Colombia [SDNT]
DESARROLLO DE PROYECTOS, S.A. (a.k.a. DEPROSA, S.A.), Panama City, Panama [CUBA]
DESARROLLO INDUSTRIAL CUBANO ESPANOL, S.A. (a.k.a. DICESA), Jose Lazaro Caldeano, 6–6, 28016 Madrid, Spain [CUBA]
DESARROLLO INDUSTRIAL CUBANO ESPANOL, S.A. (a.k.a. DICESA), Paseo De La Castellana 157, Madrid, Spain [CUBA]
DIAZ SANCHEZ, Alberto, Carrera 66 No. 5–23, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB January 1956; Cedula No. 16259623 (Colombia)) (individual) [SDNT]
DIAZ, Rolando (GONZALEZ), Frankfurt, Germany (individual) [CUBA]
DISTRIBUIDORA DE DROGAS CONDOR LTDA. (a.k.a. CONDOR), Calle 10 No. 32A–64, Bogota, Colombia; Calle 68 52–05, Bogota, Colombia [SDNT]
DISTRIBUIDORA DE DROGAS LA REBAJA S.A. (a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A.; a.k.a. DROGAS LA REBAJA), Carrera 99 No. 46 A–10 Blg 6 y 8, Bogota, Colombia; Calle 10 No. 4–47 Piso 19, Cali, Colombia; Calle 14 6–66, Cali, Colombia; Calle 18 121–130, Cali, Colombia; Carrera 10 11–71, Cali, Colombia; Carrera 7 13–132 piso 4, Cali, Colombia; Carrera 7A 14–25 piso 2, Cali, Colombia [SDNT]
DISTRIBUIDORA MIGIL LTDA. (f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; a.k.a. DISTRIBUIDORA MIGIL CALI S.A.; a.k.a. MIGIL), Calle 5C 41–30, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia; Carrera 30–5–12, Cali, Colombia [SDNT]
DISTRIBUIDORA MYRAMIREZ S.A., Calle 33BN No. 2BN–49 apt. 503A, Cali, Colombia; Carrera 69A No. 49A–49, Bogota, Colombia [SDNT]
DOMINGUEZ GARIBELLO, Freddy Orlando, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16659634 (Colombia)) (individual) [SDNT]
DOMINGUEZ, Carlos, Vinales Tours, Oaxaca 80, Roma, Mexico, D.F., Mexico (individual) [CUBA]
DOMINION INTERNATIONAL, England [IRAQ]
DONNEYS GONZALEZ, Federico, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (individual) [SDNT]
DOOLEY, Michael P., Panama (individual) [CUBA]

DROGAS LA REBAJA BARRANQUILLA S.A., Avenida Pedro Heredia, Barranquilla, Colombia; Local Cerete, Barranquilla, Colombia; Local de Riohacha, Barranquilla, Colombia [SDNT]

DROGAS LA REBAJA BUCARAMANGA S.A., Local No. 1, Bucaramanga, Colombia; Local No. 1, Cucuta, Colombia; Local No. 2, Cucuta, Colombia; Local No. 6, Cucuta, Colombia; Local No. 7, Cucuta, Colombia; Local No. 9, Cucuta, Colombia; Local 201, Valledupar, Colombia [SDNT]

DROGAS LA REBAJA CALI S.A., Barrio Siloe, Cali, Colombia; Calle 13 ι6–85, Cali, Colombia; Calle 3 ι4–02 B/Ventura, Cali, Colombia; Local Comuneros No. 20, Cali, Colombia; Local del Poblado No. 17, Cali, Colombia; Santander de Quilichao, Cali, Colombia [SDNT]

DROGAS LA REBAJA NEIVA S.A., Neiva, Colombia [SDNT]

DROGAS LA REBAJA PASTO S.A., Calle 18 ι26–40, Pasto, Colombia; Local No. 6, Pasto, Colombia; Local No. 13, Puerto Asis, Colombia [SDNT]

DROGAS LA REBAJA PEREIRA S.A., Local Cajamarca, Pereira, Colombia; Local Dos Quebradas, Pereira, Colombia; Local la Virginia, Pereira, Colombia; Local Santa Rosa de Cabal, Pereira, Colombia [SDNT]

DRY BATTERY PLANT, Libya [LIBYA]

DUQUE, Carlos Jaen, Panama (individual) [CUBA]

DURAND PROPERTIES LIMITED, Haven Court, 5 Library Ramp, Gibraltar [IRAQ]

DURDA, Abu Zayd Umar, Assistant Secretary of Libya's General People's Congress, Libya (individual) [LIBYA]

DURGACO, London, England [CUBA]

EAST ISLAND SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

ECHEVERRI, German, Panama (individual) [CUBA]

ECHEVERRY TRUJILLO, Martha Lucia, c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (Cedula No. 31151067 (Colombia)) (individual) [SDNT]

ECHEVERRY TRUJILLO, Oscar Alberto, Avenida 4N No. 17–23 piso 1, Cali, Colombia; Calle 43N No. 4–05, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (individual) [SDNT]

EDICIONES CUBANAS, Spain [CUBA]

EDYJU, S.A., Panama [CUBA]

EGGLETON, Wilfred, Director General, Cubanatur, Baja California 255, Edificio B., Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]

EL AMIR, Bahjat Fadel, 5 Rowsham Dell, Gifford Park, Milton Keynes Bucks MK14 5JS, England (DOB 1 January 1942) (individual) [LIBYA]

EL BADRI, Abdullah Salim, Tripoli, Libya (individual) [LIBYA]

EL BAIDA ROADS AND UTILITIES CO., P.O. Box 232/561, El Baida, Libya [LIBYA]

EL FATAH AGENCY, P.O. Box 233, Tripoli, Libya [LIBYA]

EL FERJANI, Abdalla M., Libya (DOB 3 January 1952) (individual) [LIBYA]

EL–FIGHI, El Hadi M., Jamal Abdulnasser Street, P.O. Box 262, Nouakchott, Mauritania (individual) [LIBYA]

EL–FIGHI, El Hadi M., P.O. Box 1114, Diplomatic Area, Manama, Bahrain (individual) [LIBYA]

EL GHRABLI, Abdudayem, Libya (individual) [LIBYA]

EL HUWEIJ, Mohamed A., Tripoli, Libya (individual) [LIBYA]

EL KEBIR, Mahmoud I., Libya (DOB 24 December 1948) (individual) [LIBYA]

EL–KHALLAS, Kamel, Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]

EL–KHOJA, Mustapha Ali, Saied Ibnu Zeid, Tripoli, Libya (individual) [LIBYA]

EL–KIB, Abdullatif, Manama, Bahrain (individual) [LIBYA]

EL–KIB, Abdullatif, Tripoli, Libya (individual) [LIBYA]

EL MAMOURA FOOD COMPANY, Benghazi, Libya; P.O. Box 15058, Tripoli, Libya; Tripoli, Libya [LIBYA]

EL NAILI, Smeida El–Hosh, 21 Redlands Drive, Loughton, Milton Keynes Bucks MK5 8EJ, England (DOB 19 February 1944) (individual) [LIBYA]

ELECTRIC WIRES AND CABLES PLANT, Libya [LIBYA]

ELECTRICAL CONSTRUCTION CO., Dehli, India; Sebha, India; Benghazi, Libya; Misurata, Libya; P.O. Box 5309, Tripoli, Libya [LIBYA]

ELKHALEGE GENERAL CONSTRUCTION CO., P.O. Box 445, Agedabia, Libya; Benghazi Office, Benghazi, Libya; Sirti Office, P.O. Box 105, Sirti, Libya [LIBYA]

EMNUHOOD EST. FOR CONTRACTS, P.O. Box 1380, Benghazi, Libya [LIBYA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), 1 Place Ville Marie, Suite 3431, Montreal, Canada [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), 24 Rue Du Quatre Septembre, Paris, France [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), 32 Main Street, Georgetown, Guyana [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Belas Airport, Luanda, Angola [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), c/o Anglo–Caribbean Shipping Co. Ltd., Ibex House, The Minories, London EC3N 1DY, England [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Calle 29 y Avda Justo Arosemena, Panama City, Panama [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Corrientes 545 Primer Piso, Buenos Aires, Argentina [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Dobrininskaya No. 7, Sec 5, Moscow, Russia [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Frankfurter TOR 8–A, Berlin, Germany [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Grantley Adams Airport, Christ Church, Barbados [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Madrid, Spain [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Melchor Ocampo 469, 5DF Mexico City, Mexico [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Norman Manley International Airport, Kingston, Jamaica [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Parizska 17, Prague, Czech Republic [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Paseo de la Republica 126, Lima, Peru [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Piarco Airport, Port au Prince, Haiti [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Paris, France [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Cologne, Germany [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Moscow, Russia [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Milan, Italy [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Tokyo, Japan [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Downsview, Ontario, Canada [CUBA]

EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Madrid, Spain [CUBA]

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ESCOBAR BUITRAGO, Walter, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia (individual) [SDNT]

ESTRADA URIBE, Octavio, c/o GRUPO SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]

ETCO INTERNATIONAL COMMODITIES LTD., Devonshire House, 1 Devonshire Street, London, England [CUBA]

ETCO INTERNATIONAL COMPANY, LIMITED, Kawabe Building, 1–5 Kanda Nishiki–Cho, Chiyoda–Ku, Tokyo, Japan [CUBA]

EUROMAC EUROPEAN MANUFACTURER CENTER SRL, Via Ampere 5, 20052 Monza, Italy [IRAQ]

EUROMAC TRANSPORTI INTERNATIONAL SRL, Via Ampere 5, 20052 Monza, Italy [IRAQ]
EUROMAC, LTD., 4 Bishops Avenue, Northwood, Middlesex, England [IRAQ]
EXPORT CAFE LTDA., Carrera 7 No. 11–22 of. 413, Cali, Colombia [SDNT]
EXPORTADORA DEL CARIBE, Medira, Mexico [CUBA]
F.A. PETROLI S.P.A., Italy [LIBYA]
FABRO INVESTMENT, INC., Panama [CUBA]
FACOBATA, Panama [CUBA]
FADLALLAH, Shaykh Muhammad Husayn, Leading Ideological Figure of HIZBALLAH (DOB 1938 or 1936, POB Najf Al Ashraf (Najaf), Iraq) (individual) [SDT]
FALCON SYSTEMS, England [IRAQ]
FAMESA INTERNATIONAL, S.A., Panama [CUBA]
FARAJ, Samal Majid, Minister of Planning, Iraq (individual) [IRAQ]
FARALLONES STEREO 91.5 FM, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia [SDNT]
FARMATODO S.A., Diagonal 17 No. 28A–39, Bogota, Colombia; Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT]
FARTRADE HOLDINGS S.A., Switzerland [IRAQ]
FATTAH, Jum'a Abdul, P.O. Box 1318, Amman, Jordan (individual) [IRAQ]
FAZANI, Juma, Secretary of Arab Unity of the Government of Libya, Libya (individual) [LIBYA]
FERJANI, A.S.A., Tripoli, Libya (individual) [LIBYA]
FLIGHT DRAGON SHIPPING LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]
FOOTWEAR PLANT, Misurata, Libya [LIBYA]
FRUNI TRADING CO., c/o MELFI MARINE CORPORATION S.A., Oficina 7, Edificio Senorial, Calle 50, Apartado 31, Panama City 5, Panama [CUBA]
FUENTES, Fernando (COBA), Cozumel, Mexico (individual) [CUBA]
GALAX TRADING CO., LTD. (a.k.a. GALAX INC.), 5250 Ferrier Street, Montreal, Quebec, Canada [CUBA]
GALINDO HERRERA, Diana Paola, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]
GALINDO HERRERA, Diego Alexander, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]
GALINDO, Gilmer Antonio (a.k.a. GUZMAN TRUJILLO, Carlos Arturo), Carrera 4C No. 53–40 apt. 307, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16245188 (Colombia)) (individual) [SDNT]
GALLEGO BERRIO, Elizabeth, c/o CONCRETOS CALI S.A., Cali, Colombia (Cedula No. 34529671 (Colombia)) (individual) [SDNT]
GALLEGO SOSSA, Rosa Esperanza, Calle 24AN No. 42BN–61, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (Cedula No. 43059188 (Colombia)) (individual) [SDNT]
GALLO IMPORT, Panama [CUBA]
GAMOENNS CONTRACTS AND UTILITIES EST., P.O. Box 3038, Benghazi, Libya [LIBYA]
GANADERA LTDA. (a.k.a. GANADERIA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]
GARABULLI FODDER PLANT, Libya [LIBYA]
GARCES VARGAS, Elmo, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o SOCOVALLE, Cali, Colombia (Cedula No. 16581793 (Colombia)) (individual) [SDNT]
GARCIA MANTILLA, Edgar Alberto (a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTELLA, Edgar Alberto; a.k.a. GARCIA MONTILLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (DOB 28 November 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia)) (individual) [SDNT]
GARCIA, Daniel, Manager, Promociones Artisticas (PROARTE), Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06100, Mexico, D.F., Mexico (individual) [CUBA]
GARZON HERNANDEZ, Rodrigo, c/o DROGAS LA REBAJA, Cali, Colombia (individual) [SDNT]
GARZON RESTREPO, Juan Leonardo, Carrera 7P No. 76–90, Cali, Colombia; Diagonal 53 No. 38A–20 apt. 103, Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia (DOB 14 January 1962; Cedula No. 16663709 (Colombia)) (individual) [SDNT]
GAVIRIA POSADA, Gilberto, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia (Cedula No. 16593492 (Colombia)) (individual) [SDNT]
GEMEX AUSSENHANDELS GMBH, Hanauer Landstr. 126–128, D–6000, Frankfurt am Main 1, Germany [CUBA]
GENERAL ARAB AFRICAN ENTERPRISE (a.k.a. GAAC; a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN COMPANY), P.O. box 8059, 219 Mohammed El Megarief Street, Tripoli, Libya [LIBYA]
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GENERAL CO. FOR CONSTRUCTION AND EDUCATIONAL BUILDINGS, P.O. Box 4087, Benghazi, Libya; P.O. Box 1186, Tripoli, Libya [LIBYA]
GENERAL CO. FOR ELECTRIC WIRES AND PRODUCTS, P.O. Box 1177, Benghazi, Libya; P.O. Box 12629, Tripoli, Libya [LIBYA]
GENERAL CO. FOR LAND RECLAMATION, P.O. Box 307, Souani Road, Tripoli, Libya [LIBYA]
GENERAL CO. FOR LEATHER PRODUCTS AND MANUFACTURE, P.O. Box 152, Benghazi, Libya; P.O. Box 2319, Tripoli, Libya [LIBYA]
GENERAL CO. FOR MARKETING AND AGRICULTURAL PRODUCTION, P.O. Box 4251, Benghazi, Libya; P.O. Box 2897, Hadba Al Khadra, Tripoli, Libya [LIBYA]
GENERAL CO. FOR TEXTILES, P.O. Box 1816, Benghazi, Libya; P.O. Box 3257, Tripoli, Libya [LIBYA]
GENERAL CO. FOR TOYS AND SPORT EQUIPMENT, P.O. Box 3270, Tripoli, Libya [LIBYA]
GENERAL COMPANY FOR CHEMICAL INDUSTRIES, P.O. Box 100/411, 100/071, Zuara, Libya [LIBYA]
GENERAL CONSTRUCTION COMPANY, Gharian Office, P.O. Box 178, Gharian, Libya; P.O. Box 8636, Tripoli, Libya [LIBYA]
GENERAL CORPORATION FOR PUBLIC TRANSPORT, P.O. Box 9528, Benghazi, Libya; 2175 Sharla Magaryef Tatanaka Bldg, P.O. Box 4875, Tripoli, Libya [LIBYA]

GENERAL DAIRIES AND PRODUCTS CO., Benghazi Factory, Benghazi, Libya; P.O. Box 9118, Benghazi, Libya; Jebel Akhdar Factory, Jebel Akhdar, Libya; Khoms Factory, Khoms, Libya; P.O. Box 5318, Tripoli, Libya; Tripoli Factory, Tripoli, Libya [LIBYA]

GENERAL ELECTRICITY CORPORATION, P.O. Box 3047, Benghazi, Libya; P.O. Box 668, Tripoli, Libya [LIBYA]

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GENERAL TOBACCO COMPANY, Benghazi, Libya; Garian, Libya; Khoms, Libya; Sebha, Libya; Gorji Road Km. 6, P.O. Box 696, Tripoli, Libya; Zavia, Libya [Libya]

GENERAL WATER WELL DRILLING CO., P.O. Box 2532, Benghazi, Libya; P.O. Box 2532, Sharia Omar Muktar, Mormesh Bldg., Tripoli, Libya [LIBYA]

GHADAMSI, Bashir, Italy (individual) [LIBYA]

GHADBAN, Mohammed Mustafa, P.O. Box 452, Fadiel Abu Omar Square, El–Berkha, Benghazi, Libya (individual) [LIBYA]

GHADBAN, Mohammed Mustafa, P.O. Box 4647, Shuhada Square, Tripoli, Libya (individual) [LIBYA]

GHADBAN, Mohammed Mustafa, Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]

GIBRIL, Mustafa Saleh, P.O. Box 3224, Martyr Street, Megrief, Tripoli, Libya (individual) [LIBYA]

GIL OSORIO, Alfonso, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 17 December 1946; alt. DOB 17 December 1940; Passports 14949229 (Colombia), 14949279 (Colombia), 14949289 (Colombia), AC342060 (Colombia); Cedula No. 14949279 (Colombia)) (individual) [SDNT]

GIRALDO ARBELAEZ, Fernando, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16249351 (Colombia)) (individual) [SDNT]

GIRALDO JARAMILLO, Clara Stella, Avenida 2N No. 19–73 apt. 302, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (Cedula No. 31855785 (Colombia)) (individual) [SDNT]

GIRALDO SARRIA, Octavio, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

GIRALDO SARRIA, Rosa Amelia, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

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GOMEZ BELTRAN, Jorge, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19091811 (Colombia)) (individual) [SDNT]

GOMEZ BERRIO, Olmes (Holmes) de Jesus, Carrera 1 No. 18–52, Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 73105133 (Colombia)) (individual) [SDNT]

GOMEZ GALINDO, Omaira, Apartado Aereo 38028, Cali, Colombia; Avenida 6N No. 38–90, Cali, Colombia; c/o CONSTRUCTORA GOPEVA LTDA., Cali, Colombia (Cedula No. 31299825 (Colombia)) (individual) [SDNT]

GOMEZ J., Luis Fernando, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16716914 (Colombia)) (individual) [SDNT]

GOMEZ LOPEZ, Diego Fernando, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (individual) [SDNT]

GOMEZ MORA, Ricardo, c/o INVERSIONES GEELE LTDA., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 3249673 (Colombia)) (individual) [SDNT]

GOMEZ V., Manuel Antonio, c/o GANADERA LTDA., Cali, Colombia (Cedula No. 7921814 (Colombia)) (individual) [SDNT]

GOMEZ, Julio Humberto, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19091811 (Colombia)) (individual) [SDNT]

GONZALEZ ROBLEDO, Julio Cesar, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 2905977 (Colombia)) (individual) [SDNT]

GONZALEZ, Carlos Alfonso (a.k.a. ALFONSO, Carlos), Panama (individual) [CUBA]

GRETE SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

GRUPO SANTA LTDA., Calle 18 106–98 of. 201/202, Cali, Colombia; Carrera 4 12–41 piso 14 y 15, Edificio Seguros Bolivar, Cali, Colombia; Carrera 84 17–29, Cali, Colombia [SDNT]

GUACA EXPORT, Panama [CUBA]

GUAMAR SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

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GUTIERRES CERDAS, Alvaro (a.k.a. GUTIERREZ CERDAS, Alvaro), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (DOB 9 May 1942; Cedula No. 14966562 (Colombia)) (individual) [SDNT]

GUTIERREZ ARDILA, Eduardo, c/o EXPORT CAFE LTDA., Cali, Colombia (DOB 8 August 1958; Cedula No. 16642433 (Colombia)) (individual) [SDNT]

GUTIERREZ CANCINO, Fernando Antonio, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 4 December 1941; Cedula No. 6089071 (Colombia)) (individual) [SDNT]

GUTIERREZ LOZANO, Ana Maria, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 1972; Cedula No. 39783954 (Colombia)) (individual) [SDNT]

GUTIERREZ LOZANO, Juan Pablo, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 11 April 1972; Passport AC480604 (Colombia); Cedula No. 79570028 (Colombia)) (individual) [SDNT]

GUTIERREZ REYES, Jose, Vinales Tours, Oaxaca 80, Roma, Mexico, D.F., Mexico (individual) [CUBA]

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HABBASH, George (a.k.a. HABASH, George), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE (individual) [SDT]

HABIB, Mohammed Turki, Baghdad, Iraq (individual) [IRAQ]

HACIENDA LA NOVILLERA (a.k.a. NOVILLERA; a.k.a. NOVILLERA GANADERA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; Paso de la Bolsa, Jamundi, Valle del Cauca, Cali, Colombia [SDNT]

HACIENDA SANDRANA (a.k.a. SANDRANA GANADERA; a.k.a. SANDRANDA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; San Pedro, Valle del Cauca, Colombia [SDNT]

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HAVANATUR, S.A., Panama City, Panama [CUBA]

HAVINPEX, S.A. (a.k.a. TRANSOVER, S.A.), Panama City, Panama [CUBA]

HAWATMA, Nayif (a.k.a. HAWATMAH, Nayif; a.k.a. HAWATMEH, Nayif; a.k.a. KHALID, Abu), Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (DOB 1933) (individual) [SDT]

HAYA, Francisco, Panama (individual) [CUBA]

HAYDEE DE MUNOZ Y CIA. S. EN C., Avenida 6N No. 23DN–16, Cali, Colombia; Avenida 4N No. 5N–20, Cali, Colombia [SDNT]

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HENAO LOPEZ, Alberto (a.k.a. HENAO, Alberto Lopez), c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 2630951 (Colombia)) (individual) [SDNT]

HENAO VDA. DE BOTERO, maria Yolanda, c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 29070489 (Colombia)) (individual) [SDNT]

HENDERSON, Paul, 4 Copt Oak Close, Tile Mill, Coventry, Warwickshire, England (individual) [IRAQ]

HERMANN SHIPPING CORP., INC., Panama [CUBA]

HERNANDEZ C., Hector Fabio, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16615804 (Colombia)) (individual) [SDNT]

HERNANDEZ, Alexis Eneilo (CARBALLOSA), Milan, Italy (individual) [CUBA]

HERRERA BUITRAGO, Alvaro, Avenida 6N No. 25–14, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (DOB 10 October 1955; Cedula No. 16258303 (Colombia)) (individual) [SDNT]

HERRERA BUITRAGO, Helmer, (a.k.a. ≥Pacho≥; a.k.a. ≥H7≥), Cali, Colombia (DOB 24 August 1951; alt. DOB 5 July 1951; Passport J287011 (Colombia); Cedula No. 16247821 (Colombia).) (individual) [SDNT]

HERRERA BUITRAGO, Stella, Avenida 1B Oeste No. 1–44 apt. 602, Medeira Building, Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (DOB 7 October (Year Unkown); Cedula No. 31143871 (Colombia)) (individual) [SDNT]

HERRERA BUITRAGO, Sulay (a.k.a. BUITRAGO, Sulay), c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

HERRERA INFANTE, Alberto, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16637518 (Colombia)) (individual) [SDNT]

HERRERA RAMIREZ, Giselle, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

HERRERA RAMIREZ, Linda Nicolle, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (individual) [SDNT]

HERRERA TOBON, Maria Cecilia, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 31397821 (Colombia)) (individual) [SDNT]

HEYWOOD NAVIGATION CORPORATION, c/o MELFI MARINE CORPORATION S.A., Oficina 7, Edificio Senorial, Calle 50, Apartado 31, Panama City 5, Panama [CUBA]

HIZBALLAH (a.k.a. ANSAR ALLAH; a.k.a. FOLLOWERS OF THE PROPHET MUHAMMAD; a.k.a. ISLAMIC JIHAD; a.k.a. ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE; a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH; a.k.a. PARTY OF GOD; a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION), Lebanon [SDT]

HOLBORN EUROPA RAFFINERIE GmbH (a.k.a. HER), Moorburger Strasse 16, D–2100 Hamburg 90, Germany [LIBYA]

HOLBORN EUROPA RAFFINERIE GmbH (a.k.a. HER), Rothenbaumchaussee 5, 4th Floor, D–2000 Hamburg 13, Germany [LIBYA]

HOLBORN EUROPEAN MARKETING COMPANY LIMITED (a.k.a. HEMCL), Hofplein 33, 3011 AJ Rotterdam, Netherlands [LIBYA]

HOLBORN EUROPEAN MARKETING COMPANY LIMITED (a.k.a. HEMCL), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]

HOLBORN INVESTMENT COMPANY LIMITED (a.k.a. HICL), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]

HOLGUIN SARRIA, Alvaro, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 14950269 or 18950260 (Colombia)) (individual) [SDNT]

HOTEL MILANO DUE, Gzira, Malta [LIBYA]

HUNTSLAND NAVIGATION CO. LTD., c/o NIPPON CARIBBEAN SHIPPING CO. LTD., 8th Floor, Tsukiji Hosoda Building, 2–1, Tsukiji 2–chome, Chuo–ku, Tokyo, Japan [CUBA]

HUNTSVILLE NAVIGATION CO. LTD., c/o NIPPON CARIBBEAN SHIPPING CO. LTD., 8th Floor, Tsukiji Hosoda Building, 2–1, Tsukiji 2–chome, Chuo–ku, Tokyo, Japan [CUBA]

HUSSEIN, Saddam (a.k.a. HUSAYN, Saddam; a.k.a. HUSSAIN, Saddam), President and Prime Minister, Iraq (DOB 28 April 1937) (individual) [IRAQ]

HUSSEIN, Udai Saddam, Baghdad, Iraq (individual) [IRAQ]

I.P.C. INTERNATIONAL LIMITED, England [IRAQ]

I.P.C. MARKETING LIMITED, England [IRAQ]

IBANEZ LOPEZ, Raul Alberto, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16640123 (Colombia)) (individual) [SDNT]

IBN SHATWAN, Fathi, Secretary of Industry of the Government of Libya, Libya (DOB 1950) (individual) [LIBYA]

IBRAHIM, Muhammad Ahmad, Secretary of Information, Culture, and Mass Mobilization of the Government of Libya, Libya (individual) [LIBYA]

IDARRAGA ORTIZ, Jaime, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 8237011 (Colombia)) (individual) [SDNT]

IMPERATORI, Julio A., Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

IMPRISA, S.A., Panama [CUBA]

IMPRISA, Spain [CUBA]

INDUSTRIA AVICOLA PALMASECA S.A., Carrera 61 No. 11–58, Cali, Colombia; Carretera Central via Aeropuerto Palmaseca, Colombia [SDNT]

INDUSTRIAL BANK OF IRAQ (a.k.a. INDUSTRIAL BANK), Arbil, Iraq; P.O. Box 5825, Al–Jamhourya Street, Baghdad, Iraq; Basrah, Iraq; Hilla, Iraq; Kerbala, Iraq; Kirkuk, Iraq; Mosul, Iraq; Najaf, Iraq; Sulaymania, Iraq [IRAQ]

INMOBILIARIA AURORA LTDA., Avenida Canasgordas con Avenida Guali Casa 35, Cali, Colombia; Carrera 24F Oeste 3–70, Cali, Colombia; Carrera 38A No. 5E–31, Edificio Conquistadores, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INMOBILIARIA BOLIVAR S.A. (a.k.a. ADMINISTRACION INMOBILIARIA BOLIVAR S.A.), Calle 17N No. 6N–28, Cali, Colombia [SDNT]

INMOBILIARIA SAMARIA LTDA., Calle 13 3–32 piso 13, Cali, Colombia; Calle 13A 64–50 F201, Cali, Colombia; Calle 18, No. 106–98 of. 201/202, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INMOBILIARIA U.M.V. S.A., Carrera 83 No. 6–50, Edificio Alqueria, Torre C, of. 302, Cali, Colombia [SDNT]

INSTALACIONES INDUSTRIALES PENINSULARES, Calle 35 No. 498–A, ZP 97, Merida, Mexico [CUBA]

INSTITUTO NACIONAL DE TURISMO DE CUBA, Spain [CUBA]

INTERCONSULT, Panama [CUBA]

INTERCREDITOS S.A. (a.k.a. INTERCREDITOS BOGOTA; a.k.a. INTERCREDITOS CALI), Bogota, Colombia; Avenida Roosevelt No. 38–32, piso 2, Cali, Colombia [SDNT]

INTERNATIONAL COBALT CO. INC., Fort Saskatchewan, AB, Canada [CUBA]

INTERNATIONAL HOLDING COMPANY, Luxembourg Ville, Luxembourg [LIBYA]

INTERNATIONAL PETROLEUM, S.A. (a.k.a. IPESCO), Colon Free Zone, Panama [CUBA]

INTERNATIONAL TRANSPORT CORPORATION, Colon Free Zone, Panama [CUBA]

INVERSIONES ARA LTDA., Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6AN 18–69 1–128, Cali, Colombia; Avenida 6AN 23DN–16 of. 402, Cali, Colombia; Club El Remanso, Jamundi, Colombia [SDNT]

INVERSIONES BETANIA LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Carrera 53 No. 13–55 apt. 102B, Cali, Colombia [SDNT]

INVERSIONES CAMINO REAL S.A., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES EL PASO LTDA. (f.k.a. INVERSIONES NEGOAGRICOLA S.A.), Carrera 4 No. 12–41 of. 1403, Cali, Colombia [SDNT]

INVERSIONES EL PENON S.A., Avenida 2N, Cali, Colombia [SDNT]

INVERSIONES GEELE LTDA., Calle 17A No. 28A–23, Bogota, Colombia [SDNT]

INVERSIONES GEMINIS S.A., Carrera 40 No. 6–24 of. 402B, Cali, Colombia [SDNT]

INVERSIONES HERREBE LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Carrera 25 No. 4–65, Cali, Colombia [SDNT]

INVERSIONES INTEGRAL Y CIA., Calle 16B No. 114–80 Casa 2, Cali, Colombia; Carrera 2 Oeste 5–46 apt/of 503, Cali, Colombia [SDNT]

INVERSIONES INVERVALLE S.A. (a.k.a. INVERVALLE), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia [SDNT]

INVERSIONES LA SEXTA LTDA., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES LUPAMAR, S.A. (a.k.a. LUPAMAR INVESTMENT COMPANY), Panama [CUBA]

INVERSIONES MIGUEL RODRIGUEZ E HIJO, Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6N 23DN–16 of. 202, 301, 302, 401, 402, Cali, Colombia [SDNT]

INVERSIONES MOMPAX LTDA. (a.k.a. MOMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ ARBELAEZ Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia; Avenida 6N No. 23D–16 of. 402, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ MORENO Y CIA. S. EN C., Calle 10 No. 4–47, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ RAMIREZ Y CIA. S.C.S.S., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES SANTA LTDA. (f.k.a. INVERSIONES Y CONSTRUCCIONES SANTA LIMITADA), Calle 13 3–32 piso 14, Cali, Colombia; Calle 5 66B–49 piso 3, Cali, Colombia; Calle 5 Oeste 3A–26 apt/of 103, 301, 404, 502, 503, Cali, Colombia; Calle 7 Oeste 25–48, Cali, Colombia; Calle 9 No. 46–69 Of. 302, Cali, Colombia; Carrera 2 Oeste 5–46 of 502, Cali, Colombia; Carrera 4 12–41 piso 14, Edificio Seguros Bolivar, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INVERSIONES Y CONSTRUCCIONES VALLE S.A. (a.k.a. INCOVALLE), Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

INVERSIONES Y DISTRIBUCIONES COMPAX LTDA. (a.k.a. COMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVESTACAST PRECISION CASTINGS, LTD., 112 City Road, London, England [IRAQ]

IRAQ–JORDAN LAND TRANSPORT COMPANY (a.k.a. IJLTC; a.k.a. IRAQI–JORDANIAN LAND TRANSPORT COMPANY; a.k.a. IRAQI–JORDANIAN OVERLAND TRANSPORT COMPANY), P.O. Box 5134, 4th Circle, Jabal, Amman, Jordan [IRAQ]

IRAQI AIRWAYS, 1211 Avenue of the Americas, New York, New York 10036, U.S.A. [IRAQ]

IRAQI AIRWAYS, 25040 Southfield Road, Southfield, Michigan 48075, U.S.A. [IRAQ]

IRAQI AIRWAYS, 27, Ulica Grojecka, Central Warsaw, Poland [IRAQ]

IRAQI AIRWAYS, 4 Lower Regent Street, London SW1Y 4P, England [IRAQ]

IRAQI AIRWAYS, 5825 W. Sunset Blvd., ι218, Los Angeles, California 90028, U.S.A. [IRAQ]

IRAQI AIRWAYS, Abu Dhabi, United Arab Emirates [IRAQ]

IRAQI AIRWAYS, Ankara, Turkey [IRAQ]

IRAQI AIRWAYS, Belgrade, Serbia [IRAQ]

IRAQI AIRWAYS, Building 68, J.F.K. International Airport, Jamaica, New York 11430, U.S.A. [IRAQ]

IRAQI AIRWAYS, Casablanca, Morocco [IRAQ]

IRAQI AIRWAYS, Copenhagen, Denmark [IRAQ]

IRAQI AIRWAYS, General Service Agent, Bangladeshi–Owned Travel Agency, Dhaka, Bangladesh [IRAQ]

IRAQI AIRWAYS, Jianguomenwai Diplomatic Housing Compound, Building 7–1, 5th Floor, Apartment 4, Beijing, People's Republic of China [IRAQ]

IRAQI AIRWAYS, Main Eisenhuttenplatz 26, Frankfurt 6, Germany [IRAQ]

IRAQI AIRWAYS, Moscow, Russia [IRAQ]

IRAQI AIRWAYS, Nekazanka 3, Prague 1, Czech Republic [IRAQ]

IRAQI AIRWAYS, Netherlands [IRAQ]

IRAQI AIRWAYS, Opernring 6, 1010 Wien, Vienna, Austria [IRAQ]

IRAQI AIRWAYS, Prague Airport, Prague, Czech Republic [IRAQ]

IRAQI AIRWAYS, Rio de Janeiro, Brazil [IRAQ]

IRAQI AIRWAYS, Rome, Italy [IRAQ]

IRAQI AIRWAYS, Saddam International Airport, Baghdad, Iraq [IRAQ]

IRAQI AIRWAYS, Sanaa, Yemen Arab Republic [IRAQ]

IRAQI AIRWAYS, Tokyo, Japan [IRAQ]

IRAQI AIRWAYS, Tunis, Tunisia [IRAQ]

IRAQI ALLIED SERVICES LIMITED, England [IRAQ]

IRAQI FREIGHT SERVICES LIMITED, England [IRAQ]

IRAQI REINSURANCE COMPANY, 31–35 Fenchurch Street, London EC3M 3D, England [IRAQ]

IRAQI STATE ENTERPRISE FOR FOODSTUFFS TRADING, P.O. Box 1308, Colombo 3, Sri Lanka [IRAQ]

IRAQI STATE ENTERPRISE FOR FOODSTUFFS TRADING, P.O. Box 2839, Calcutta 700.001, India [IRAQ]

IRAQI STATE ENTERPRISE FOR MARITIME TRANSPORT, Amman, Jordan [IRAQ]

IRAQI STATE ENTERPRISE FOR MARITIME TRANSPORT, Bremen, Germany [IRAQ]

IRAQI TRADE CENTER, Dubai, United Arab Emirates [IRAQ]

ISLAMBOULI, Mohammad Shawqi, Military Leader of ISLAMIC GAMA'AT (DOB 15 January 1955, POB Egypt, Passport No. 304555 (Egypt)) (individual) [SDT]

ISLAMIC JIHAD OF PALESTINE (a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PALESTINIAN ISLAMIC JIHAD – SHIQAQI; a.k.a. PIJ; a.k.a. PIJ SHIQAQI/ AWDA FACTION), Israel; Jordan; Lebanon [SDT]

IZQUIERDO OREJUELA, Patricia, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 41594424 (Colombia)) (individual) [SDNT]

IZQUIERDO QUINTERO, Rosalino, c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 70111037 (Colombia)) (individual) [SDNT]

JABRIL, Ahmad (a.k.a. JIBRIL, Ahmad), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (DOB 1938, POB Ramleh, Israel) (individual) [SDT]

JAIMES RIVERA, Jose Isidro, c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (Cedula No. 19090006 (Colombia)) (individual) [SDNT]

JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA) (38 local branches in Libya) [LIBYA]

JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), Emhemed Megrief Street, Tripoli, Libya [LIBYA]

JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), P.O. Box 1291, Benghazi, Libya [LIBYA]

JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), P.O. Box 3224, Martyr Street, Megarief, Tripoli, Libya [LIBYA]

JANUARY SHUHADA (MARTYRS) PLANT, Libya [LIBYA]

JARACO S.A. (a.k.a. SOKTAR; f.k.a. TRADACO S.A.), 45 Route de Frontenex, CH–1207 Geneva, Switzerland [IRAQ]

JARDINE HOUSE, 6 Crutched Friars, London EC3N 2HT, England [LIBYA]

JASIM, Latif Nusayyif (a.k.a. JASSEM, Latif Nassif), Minister of Labor and Social Affairs, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]

JAWABY TECHNICAL SERVICES LIMITED (a.k.a. TEKXEL LIMITED), London, England [LIBYA]

JERMA PALACE HOTEL, Maarsancala, Malta [LIBYA]

JIMINEZ, Gillermo (SOLER), Panama (individual) [CUBA]

JOINT TURKISH LIBYAN AGRICULTURAL LIVESTOCK COMPANY, Ankara, Turkey [LIBYA]

JON, Hana Paul, 19 Tudor House, Windsor Way, Brook Green, London, England (individual) [IRAQ]

JOWFE (a.k.a. NATIONAL COMPANY DRILLING CHEMICAL & EQUIPMENT), NOC Building, Ashjara Square, Benghazi, Libya [LIBYA]

JUME'AN, George, P.O. Box 1318, Amman, Jordan (individual) [IRAQ]

KACH, Israel [SDT]

KADHUM, Dr. Fadel Jawad, c/o Alvaney Court, 250 Finchley Road, London, England (individual) [IRAQ]

KAELBLE–GMEINDER GMBH (a.k.a. KAELBLE & GMEINDER COMPANY), Maubacher Strasse 100, Postfach 13 20, W–7150 Backnang, Germany [LIBYA]

KAHANE CHAI, Israel [SDT]

KARAGHULLY, Labeed A., General Manager of REAL ESTATE BANK, Iraq (individual) [IRAQ]

KASPAR SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

KAVE, S.A., Panama [CUBA]

KEENCLOUD LIMITED, 11 Catherine Place, Westminister, London, England [IRAQ]

KHALIL, Dr. Ahmad Murtada Ahmad (a.k.a. KHALIL, Ahmad Murtadha Ahmad), Minister of Transport and Communications, Iraq (individual) [IRAQ]

KHOMS CEMENT PLANT, Khoms, Libya [LIBYA]

KOL INVESTMENTS, INC., Miami, Florida, U.S.A. [CUBA]

KUFRA AGRICULTURAL CO., P.O. Box 4239, Benghazi, Libya; Tripoli Office, P.O. Box 2306, Damascus Street, Tripoli, Libya [LIBYA]

KUFRA PRODUCTION PROJECT, P.O. Box 6324, Benghazi, Libya; P.O. Box 2306, Tripoli, Libya [LIBYA]

KUWAYBAH, Muftah Muhammad, Secretary of Marine Resources of the Government of Libya, Libya (individual) [LIBYA]

KYOEI INTERNATIONAL COMPANY, LIMITED, Tokyo, Japan [CUBA]

LA COMPANIA GENERAL DE NIQUEL (a.k.a. GENERAL NICKEL SA), Cuba [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Barcelona, Spain [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Buenos Aires, Argentina [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Genoa, Italy [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Mexico [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Moscow, Russia [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Montreal, Canada [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Pyongyang, Korea (Peoples Democratic Republic) [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Rostock, Germany [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Rotterdam, Netherlands [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Syczecin, Poland [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Varna, Bulgaria [CUBA]

LABORATORIOS BLAIMAR DE COLOMBIA S.A. (a.k.a. BLAIMAR), Calle 12B 27 39, Bogota, Colombia [SDNT]

LABORATORIOS BLANCO PHARMA S.A. (a.k.a. BLANCO PHARMA S.A.), Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia [SDNT]

LABORATORIOS GENERICOS VETERINARIOS DE COLOMBIA S.A, Carrera 71 No. 57–07, Bogota, Colombia [SDNT]

LABORATORIOS KRESSFOR DE COLOMBIA S.A. (a.k.a. KRESSFOR), Calle 16 28A 51, Bogota, Colombia; Calle 16 28A 57, Bogota, Colombia; Calle 17 28A–43, Bogota, Colombia; Calle 17A 28 43, Bogota, Colombia [SDNT]

LAFI TRADE MALTA, 14517 Tower Road, Sliema, Malta [LIBYA]

LAFITRADE HOLDINGS BV, P.O. Box 75265, 1070 AG Amsterdam, Netherlands; De Lairessestraat 133, 1075 HJ Amsterdam, Netherlands [LIBYA]

LAHMAR, Mohammed, Dat El Imad Administrative Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya (individual) [LIBYA]

LAKSHMI, Panama [CUBA]

LARRANAGA CALVACHE, Juan Carlos, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia (Cedula No. 12982064 (Colombia)) (individual) [SDNT]

LAYAS, Mohammed Hussein, Tripoli, Libya (individual) [LIBYA]

LEBREDO, Jose A., Director, Banco Nacional de Cuba, Zweierstrasse 35, CH–8022 Zurich, Switzerland (individual) [CUBA]

LEVERAGE, S.A., San Martin 323, Piso 14, Buenos Aires, Argentina [CUBA]

LEVERYE, S.A., Corrientes 1386, 5th Floor, Buenos Aires, Argentina [CUBA]

LEYBDA CORPORATION, S.A., Panama [CUBA]

LIBERIAN LIBYAN HOLDING COMPANY, Monrovia, Liberia [LIBYA]

LIBREROS DIEZ, Orlando, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o VALLE COMUNICACIONES LTDA., Cali, Colombia (Cedula No. 16651068 (Colombia)) (individual) [SDNT]

LIBYA INSURANCE CO. (CYPRUS OFFICE) LTD., Cyprus [LIBYA]

LIBYA INSURANCE COMPANY, Cyprus Office, Nicosia, Cyprus [LIBYA]

LIBYA INSURANCE COMPANY, P.O. Box 2438, Usama Bldg., 1st September Street, Tripoli, Libya (7 main branches and 58 sub–branches in Libya) [LIBYA]

LIBYAN ARAB AIRLINES (Numerous branch offices and facilities abroad) [LIBYA]

LIBYAN ARAB CO. FOR DOMESTIC ELECTRICAL MATERIALS, P.O. Box 453, Benghazi, Libya; P.O. Box 12718, Tripoli, Libya [LIBYA]

LIBYAN ARAB FOREIGN BANK (a.k.a. LAFB), Dat El Imad Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya [LIBYA]

LIBYAN ARAB FOREIGN INVESTMENT COMPANY (a.k.a. LAFICO), Athens, Greece [LIBYA]

LIBYAN ARAB FOREIGN INVESTMENT COMPANY (a.k.a. LAFICO), Malta [LIBYA]

LIBYAN ARAB FOREIGN INVESTMENT COMPANY (a.k.a. LAFICO), Rome, Italy [LIBYA]

LIBYAN ARAB MALTESE HOLDING CO. LTD. (a.k.a. LAMHCO), St. Mark House, Cappuchan Street, Floriana, Malta [LIBYA]

LIBYAN ARAB UGANDA HOLDING CO. LTD. (a.k.a. UGANDA LIBYAN HOLDING CO. LTD.), Kampala, Uganda [LIBYA]
LIBYAN BRICK MANUFACTURING CO., P.O. Box 25, Km. 17, Suani Road, Suani, Libya; P.O. Box 10700, Tripoli, Libya [LIBYA]
LIBYAN CEMENT CO., P.O. Box 2108, Benghazi, Libya [LIBYA]
LIBYAN CINEMA CORPORATION, P.O. Box 2076, Benghazi, Libya; P.O. box 878, Tripoli, Libya [LIBYA]
LIBYAN ETERNIT COMPANY, P.O. Box 6103, Zanzour Km. 17, Tripoli, Libya [LIBYA]
LIBYAN FISHING COMPANY, P.O. Box 3749, Tripoli, Libya [LIBYA]
LIBYAN–GREEK INVESTMENT COMPANY, Athens, Greece [LIBYA]
LIBYAN HOTELS AND TOURISM CO., P.O. Box 2977, Tripoli, Libya [LIBYA]
LIBYAN INSURANCE COMPANY, Benghazi, Libya; Derna, libya; Gharian, Libya; Homs, Libya; Misurata, Libya; Sebha, Libya; Ousama Bldg, 1st September Street, P.O. Box 2438, Tripoli, Libya; Zawiya, Libya [LIBYA]
LIBYAN MILLS COMPANY, Sharia 1st September, P.O. Box 310, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC) (Subsidiaries and joint ventures in Libya and worldwide) [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), P.O. Box 2978, Benghazi, Libya [LIBYA]
LIBYAN TRACTOR ESTABLISHMENT, P.O. Box 12507, Dahra, Libya [LIBYA]
LICOREXPORT S.A., Quito, Ecuador [CUBA]
LINDO HURTADO, Edgar, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]
LITRACO IMPEX LTD., P.O. Box 5686, Benghazi, Libya (Branch of NATIONAL SOFT DRINKS EST.) [LIBYA]
LLENARES REYES, Ricardo Jose (a.k.a. LINARES REYES, Jose Ricardo), KM 11, No. 58–57, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia; c/o VIAJES MERCURIO LTDA, Cali, Colombia (DOB 8 March 1955; Passport PO466638 (Colombia); Cedula No. 14440139 (Colombia)) (individual) [SDNT]
LOBATO, Julio (a.k.a. PRADO, Julio), Panama (individual) [CUBA]
LOPERA LONDONO, Vicente de Jesus, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Calle, Colombia (Cedula No. 1393107 (Colombia)) (individual) [SDNT]
LOPEZ VALENCIA, Oscar, Carrera 6A No. 11–43 501–2, Cali, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia (Cedula No. 10537943 (Colombia)) (individual) [SDNT]
LOPEZ, Miguel, A., Deputy Chairman, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]
LOPEZ, Quirino Gutierrez, c/o ANGLO CARIBBEAN SHIPPING CO., LTD., 7th Floor, Ibex House, the Minories, London, EC3N 1DY, England (individual) [CUBA]
LOUTH HOLDINGS, S.A., Panama [CUBA]
LOZANO CANCINO DE GUTIERREZ, Maria Gladys (a.k.a. LOZANO DE GUTIERREZ, Gladys), c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 19 October 1948; Cedula No. 41444092 (Colombia)) (individual) [SDNT]
LOZANO DE GOMEZ, Zilia, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 541577886 (Colombia)) (individual) [SDNT]
LUGO VILLAFANE, Jesus Alberto, Calle 70N No. 14–31, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 14977685 (Colombia)) (individual) [SDNT]
M. RODRIGUEZ O. Y CIA. S. EN C.S., Cali, Colombia [SDNT]
MADAN, Jorge (RIVAS), Frankfurt, Germany (individual) [CUBA]
MADI, Ragiab Saad, P.O. Box 2297, Shoman Street, Fashioum, Tripoli, Libya (individual) [LIBYA]
MAGCOBAR (LIBYA) LTD., Benghazi, Libya; P.O. Box 867, Tripoli, Libya [LIBYA]
MAHARI GENERAL AUTOMOBILE CO., Libya [LIBYA]
MALIK, Assim Mohammed Rafiq Abdul (a.k.a. ABDULMALIK, Abdul Hameed; a.k.a. RAFIQ, Assem), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual) [IRAQ]
MANA, Salem, Frankfurt, Germany (individual) [LIBYA]
MANA, Salem, Libya (individual) [LIBYA]
MANZPER CORP., Panama [CUBA]
MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia [SDNT]
MARINA SAN GORG CO. LTD. (a.k.a. MARINA SAN GORG HOLIDAY COMPLEX), Malta [LIBYA]
MARINE REGISTRATION COMPANY, Panama [CUBA]
MARISCO (or MARISCOS) DE FARALLON, S.A., Panama [CUBA]
MARKETING ASSOCIATES CORPORATION, Calle 52 E, Campo Alegre, Panama City, Panama [CUBA]
MARMOLEJO LOAIZA, Carlos Julio, c/o AGROPECUARIA BETANIA, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16601783 (Colombia)) (individual) [SDNT]
MARMOLEJO VACA, Hernan Rodrigo, c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 14972401 (Colombia)) (individual) [SDNT]
MARQUEZ CANOVAS, Alberto, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 14993019 (Colombia)) (individual) [SDNT]
MARUF, Taha Muhyi al–Din, Vice President, Iraq (DOB 1924) (individual) [IRAQ]
MARYOL ENTERPRISES INC., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
MATRIX CHURCHILL CORPORATION, 5903 Harper Road, Cleveland, Ohio 44139, U.S.A. [IRAQ]
MATUQ, Matuq Muhammad, Secretary of Education, Youth, Scientific Research, and Vocational Education of the Government of Libya, Libya (DOB 1956) (individual) [LIBYA]
MAXITIENDAS TODO EN UNO, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT]
MAZUERO ERAZO, Hugo, c/o GRUPO SANTA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (DOB 17 July 1936; alt. DOB 1945; Cedula No. 2445590 (Colombia)) (individual) [SDNT]
MEDAVIA (a.k.a. MEDITERRANEAN AVIATION COMPANY, LTD.), Malta [LIBYA]
MEDICAL EQUIPMENT COMPANY, P.O. Box 750, Benghazi, Libya; P.O. Box 464, Sebha, Libya; P.O. Box 12419, Tripoli, Libya [LIBYA]
MEDINA, Ana Maria or Anita, Panama (individual) [CUBA]
MEDISAN LIMITED, R1 6A, Qasam Industrial, Limiti tai Ricasch, Kalkara, Malta [LIBYA]
MEDITERRANEAN FEED SERVICES S.A., Schutzengasse 25, Zurich CH–8001, Switzerland [LIBYA]
MEDITERRANEAN OIL SERVICES GMBH (a.k.a. MEDITERRANEAN SEA OIL SERVICES GMBH; a.k.a. MEDOIL), P.O. Box 5601, Immermannstrasse 40, Dusseldorf 1, Germany [LIBYA]

MEDITERRANEAN POWER ELECTRIC COMPANY LIMITED, A 18B, Industrial Estate, Marsa, Malta [LIBYA]

MEED INTERNATIONAL LIMITED, 3 Mandeville Place, London, England [IRAQ]

MENIL ENSTALT COMPANY, Vaduz, Liechtenstein [LIBYA]

MERCURIUS IMPORT/EXPORT COMPANY, PANAMA, S.A., Calle C, Edificio 18, Box 4048, Colon Free Zone, Panama [CUBA]

METROVIA, Switzerland [LIBYA]

MIDCO FINANCE S.A. (a.k.a. MIDCO FINANCIAL S.A.; a.k.a. MONTANA MANAGEMENT INC.), c/o Morgan & Morgan, Edificio Torre Swiss Bank, Piso 16, Calle 53 Este, Marbella, Panama City, Republic of Panama [IRAQ]

MIDCO FINANCE S.A. (a.k.a. MIDCO FINANCIAL S.A.; a.k.a. MONTANA MANAGEMENT INC.), 57 Rue du Rhone, CH–1204 Geneva, Switzerland [IRAQ]

MILLAN RUBIO, Alba Milena, Apartado Aero 31398, Cali, Colombia; c/o CONSTRUCTORA TREMI LTDA., Cali, Colombia (Cedula No. 31909155 (Colombia)) (individual) [SDNT]

MISTRA VILLAGE LTD., (registered address) 22 Europa Centre, Floriana, Malta; (operating address) Xemija Hill, St. Paul's Bay, Malta [LIBYA]

MISURATA GENERAL ROADS CO., P.O. Box 200, Misurata, Libya; P.O. Box 958, Tripoli, Libya [LIBYA]

MITCO (a.k.a. MAGHREBAN INTERNATIONAL TRADE COMPANY), 47, Avenue Kheireddine Pacha, 1002 Tunis, Tunisia [LIBYA]

MITSUKURA BOEKI K.K. (a.k.a. MITSUKURA BOEKI–KAISHA, LTD.; a.k.a. MITSUKURA CORPORATION; a.k.a. MITSUKURA TRADING COMPANY LIMITED), 4–1–13 Hachiman–dori, Chuo–Ku Kobe, Japan [CUBA]

MITSUKURA BOEKI K.K. (a.k.a. MITSUKURA BOEKI–KAISHA, LTD.; a.k.a. MITSUKURA CORPORATION; a.k.a. MITSUKURA TRADING COMPANY LIMITED), 2–26 Isobe–dori, 4–chome, Chuo–Ku Kobe, Japan [CUBA]

MOA NICKEL SA, Cuba [CUBA]

MODERN FASHION CO. FOR TRADING AND MANUFACTURING OF CLOTHING, THE, Libya [LIBYA]

MOGOLLON RUEDA, Eduardo, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (DOB 5 February 1953; Cedula No. 19149691 or 19194691 (Colombia)) (individual) [SDNT]

MOHAMED, Abdul Kader Ibrahim, Jianguomenwai Diplomatic Housing Compound, Building 7–1, 5th Floor, Apartment 4, Beijing, People's Republic of China (individual) [IRAQ]

MONDRAGON DE RODRIGUEZ, Mariela, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 12 April 1935; Passport 4436059 (Colombia); Cedula No. 29072613 (Colombia)) (individual) [SDNT]

MONET TRADING COMPANY, Panama [CUBA]

MONROY ARCILA, Francisco Jose, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (individual) [SDNT]

MONTANEZ, Michael, Panama (individual) [CUBA]

MONTANO BERMUDEZ, Libardo, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 17083296 (Colombia)) (individual) [SDNT]

MOONEX INTERNATIONAL, S.A., Kingston, Jamaica [CUBA]

MOONEX INTERNATIONAL, S.A., Panama [CUBA]

MORAN GUERRERO, Mario Fernando, c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 12983857 (Colombia)) (individual) [SDNT]

MOSQUERA, Juan Carlos, Calle 24N No. 6–17, Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

MUBARAK, Umid Medhat (a.k.a. MUBARAK, Umid Midhat), Minister of Health, Iraq (DOB ca. 1940) (individual) [IRAQ]

MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH (DOB 7 December 1962, POB Tayr Dibba, Lebanon, Passport No. 432298 (Lebanon)) (individual) [SDT]

MUHARIKAAT GENERAL AUTOMOBILE CO., P.O. Box 203, Benghazi, Libya; P.O. Box 259, Tripoli, Libya [LIBYA]

MUNOZ PAZ, Adriana del Socorro, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 31950689 (Colombia)) (individual) [SDNT]

MUNOZ PAZ, Joaquin Emilio, Avenida 4AN No. 47–89, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16788012 (Colombia)) (individual) [SDNT]

MUNOZ RODRIGUEZ, Juan Carlos, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA, S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 25 September 1964; Passport 16703148 (Colombia); Cedula No. 16703148 (Colombia)) (individual) [SDNT]

MUNOZ RODRIGUEZ, Soraya, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 26 July 1967; Passport AC569012 (Colombia); Cedula 31976822 (Colombia)) (individual) [SDNT]

MUNOZ Y RODRIGUEZ Y CIA. LTDA., Avenida 6N No. 23DN–26, Cali, Colombia [SDNT]

NAAS, Mahmoud, Libya (individual) [LIBYA]

NAJAH, Tahor, Manama, Bahrain (individual) [LIBYA]

NAJAH, Tahor, Tripoli, Libya (individual) [LIBYA]

NAJI, Talal Muhammad Rashid, Principal Deputy of POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (DOB 1930, POB Al Nasiria, Palestine) (individual) [SDT]

NAMAN, Saalim or Sam, P.O. Box 39, Fletchamstead Highway, Coventry, England; Iraq; Amman, Jordan; 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania, U.S.A.; 5903 Harper Road, Solon, OH, U.S.A.; 3343 Woodview Lake Road, West Bloomfield, Michiga 48323, U.S.A. (individual) [IRAQ]

NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), Dusseldorf, Germany (Office closed) [LIBYA]

NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 20812, Marsa Brega, Libya [LIBYA]

NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 5324, Garden City, Benghazi, Libya [LIBYA]

NASRALLAH, Hasan, Secretary General of HIZBALLAH (DOB 31 August 1960 or 1953 or 1955 or 1958, POB Al Basuriyah, Lebanon, Passport No. 042833 (Lebanon)) (individual) [SDT]

NATIONAL AGRICULTURAL BANK OF LIBYA (a.k.a. AGRICULTURAL BANK, THE; a.k.a. LIBYAN AGRICULTURAL BANK), 52, Omar El Mokhtar Street, P.O. Box 1100, Tripoli, Libya [LIBYA]

NATIONAL AGRICULTURAL BANK OF LIBYA (a.k.a. AGRICULTURAL BANK, THE; a.k.a. LIBYAN AGRICULTURAL BANK) (1 city branch and 27 branches in Libya) [LIBYA]

NATIONAL CEMENT AND BUILDING MATERIALS EST., P.O. Box 628, Sharia Hayati 21, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR CHEMICAL PREPARATION AND COSMETIC PRODUCTS, Benghazi Office, Benghazi, Libya; P.O. Box 2442, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR CONSTRUCTION AND MAINTENANCE OF MUNICIPAL WORKS, P.O. Box 441, Benghazi, Libya; P.O. Box 12908, Zavia Street, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR LIGHT EQUIPMENT, P.O. Box 540, Benghazi, Libya; P.O. Box 8707, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR METAL WORKS, P.O. Box 4093, Benghazi, Libya; P.O. Box 4093, Benghazi, Libya; Lift Department, P.O. Box 1000, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR ROAD EQUIPMENT, P.O. Box 700, Benghazi, Libya; P.O. Box 12392, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR ROADS AND AIRPORTS, P.O. Box 4050, Benghazi, Libya; P.O. Box 8634, Sharia Al Jaraba, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR TRADING AND MANUFACTURING OF CLOTHING, Libya [LIBYA]

NATIONAL CO. OF SOAP AND CLEANING MATERIALS, P.O. Box 246, Benghazi, Libya; P.O. Box 12025, Tripoli, Libya [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L. (22 branches in Libya) [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L., P.O. Box 166, Benghazi, Libya [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L., P.O. Box 4647, Shuhada Square, Tripoli, Libya [LIBYA]

NATIONAL COMPANY FOR FIELD AND TERMINALS CATERING, Airport Road, Km. 3, P.O. Box 491, Tripoli, Libya [LIBYA]

NATIONAL COMPANY FOR OILFIELD EQUIPMENT, P.O. Box 8707, Tripoli, Libya [LIBYA]

NATIONAL CONSTRUCTION AND ENGINEERING CO., P.O. Box 259, Benghazi, Libya; P.O. Box 1060, Sharia Sidi Issa, Tripoli, Libya [LIBYA]

NATIONAL CONSULTING BUREAU, Sirte City Branch Office, Sirte City, Libya; P.O. Box 12795, Tripoli, Libya [LIBYA]

NATIONAL CORPORATION FOR HOUSING, P.O. Box 4829, Sharia el Jumhuriya, Tripoli, Libya [LIBYA]

NATIONAL DEPARTMENT STORES CO., P.O. Box 5327, Sharia el Jumhuriya, Tripoli, Libya [LIBYA]

NATIONAL DRILLING COMPANY (a.k.a. NATIONAL DRILLING COMPANY (LIBYA); a.k.a. NATIONAL DRILLING WORKOVER COMPANY), 208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya [LIBYA]

NATIONAL DRILLING COMPANY (LIBYA) (a.k.a. NATIONAL DRILLING COMPANY; a.k.a. NATIONAL DRILLING WORKOVER COMPANY), 208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya [LIBYA]

NATIONAL FOODSTUFFS IMPORTS, EXPORTS AND MANUFACTURING CO. SAL, P.O. Box 2439, Benghazi, Libya; P.O. Box 11114, Tripoli, Libya [LIBYA]

NATIONAL GENERAL INDUSTRIAL CONTRACTING CO., Sharia el Jumhouria, P.O. Box 295, Tripoli, Libya [LIBYA]

NATIONAL GENERAL INSURANCE CO. LTD., Salah Aldin Al Ayubi Street, Deira–Dubai, United Arab Emirates [NKOREA]

NATIONAL LIVESTOCK AND MEAT CO., P.O. Box 4153, Sharia Jamal Abdulnasser, Benghazi, Libya; P.O. Box 389, Sharia Zawiet Dahmani, Tripoli, Libya [LIBYA]

NATIONAL PHARMACEUTICAL CO. SAL, P.O. Box 2620, Benghazi, Libya; 20 Jalal Bayer Street, P.O. Box 2296, Tripoli, Libya; Jamahiriya Street, P.O. Box 10225, Tripoli, Libya [LIBYA]

NATIONAL SOFT DRINKS EST., P.O. Box 559, Benghazi, Libya; (branch) Litraco Impex Ltd., P.O. Box 5686, Benghazi, Libya [LIBYA]

NATIONAL STORES AND COLD STORES CO., P.O. Box 9250, Benghazi, Libya; P.O. Box 8454, Tripoli, Libya [LIBYA]

NATIONAL SUPPLIES CORPORATION (a.k.a. NASCO), P.O. Box 2071, Benghazi, Libya; P.O. Box 3402, Sharia Omar Mukhtar, Tripoli, Libya [LIBYA]

NATIONAL TELECOMMUNICATIONS CO., P.O. Box 4139, Benghazi, Libya; P.O. Box 886, Shara Zawia, Tripoli, Libya [LIBYA]

NAVARRO, Samuel (MARTINEZ), Frankfurt, Germany (individual) [CUBA]

NAVIERA MARITIMA DE AROSA, S.A., Paseo de Pereda 36, Apartado 141, 39004 Santander, Spain [CUBA]

NAVIGABLE WATER CORPORATION, c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

NESSI, Ferruccio, Piazza Grande 26, 6600 Locarno, Switzerland (individual) [IRAQ]

NEUTRON INTERNATIONAL, Tripoli, Libya [LIBYA]

NIDAL, Abu (a.k.a. AL BANNA, Sabri Khalil Abd Al Qadir), Founder and Secretary General of ABU NIDAL ORGANIZATION (DOB May 1937 or 1940, POB Jaffa, Israel) (individual) [SDT]

NIPPON–CARIBBEAN CO., LTD., Chuo–Ku, Akasaki–Chuo 1–1 Akasaki Bldg., Tokyo, Japan [CUBA]

NIREF, Boezembolcht 23, Rotterdam, Netherlands [CUBA]

NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH (a.k.a. NDO; a.k.a. NORTH GERMAN OIL PIPELINE), Moorburger Strasse 16, D2000 Hamburg–Harburg 90, Germany [LIBYA]

NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH (a.k.a. NDO; a.k.a. NORTH GERMAN OIL PIPELINE), Wilhelmshaven to Hamburg pipeline, Germany [LIBYA]

NORDSTRAND LTD., Liechtenstein [CUBA]

NORDSTRAND MARITIME AND TRADING COMPANY, 33 Akti Maouli, 185–35 Pireas (Piraeus), Greece [CUBA]

NORIEGA, Manuel Antonio, Panama (individual) [CUBA]

NORTH AFRICA COMMERCIAL BANK S.A.L. (f.k.a. ARAB LIBYAN TUNISIAN BANK S.A.L.), P.O. Box 9575/11, 1st Floor, Piccadily Centre, Hamra Street, Beirut, Lebanon [LIBYA]

NORTH AFRICA INDUSTRIAL TRADING AND CONTRACTING CO., P.O. Box 245, Tripoli, Libya [LIBYA]

NORTH ISLAND SHIPPING CO. LTD., c/o UNION MARITIMA PORTUARIA, 9–Piso, Apartado B, Esquina Cuarteles y Pena Pobre 60, Havana Vieje, Havana, Cuba [CUBA]

OCTUBRE HOLDING SOCIETE ANONIME (a.k.a. OCTOBER HOLDING COMPANY), Vaduz, Liechtenstein [CUBA]

OEA DRINKS CO., P.O. Box 101, Ibn El Jarrah Street, Tripoli, Libya [LIBYA]

OIL ENERGY FRANCE, France [LIBYA]

OILINVEST (NETHERLANDS) B.V. (a.k.a. OILINVEST HOLLAND B.V.), Museumpln 11, 1071 DJ Amsterdam, Netherlands [LIBYA]

OILINVEST ESPANOLA (a.k.a. OIL ENERGY SPAIN; a.k.a. OILINVEST SPAIN), Spain [LIBYA]

OILINVEST INTERNATIONAL N.V. (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST), Netherlands Antilles [LIBYA]

OILINVEST INTERNATIONAL N.V. (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST), Tripoli, Libya [LIBYA]

OKBA FOOTWEAR PLANT, Tajoura, Libya [LIBYA]

OMEISH, Ramadan M., Tripoli, Libya; Abu Dhabi, U.A.E. (individual) [LIBYA]

OMRAN, Karim Dhaidas, Iraq (individual) [IRAQ]

OMRANI, Abuzeid Ramadan, Administrative Manager of Libyan Arab Foreign Investment Company, Libya (individual) [LIBYA]

ORIENT SHIPPING LIMITED, Lot 18, Bay Street, Kingstowne, St. Vincent and the Grenadines [IRAQ]

ORS, Jose Antonio Rego, Tokyo, Japan (individual) [CUBA]

ORTEGA, Dario (PINA), Edificio Saldivar, Panama City, Panama (individual) [CUBA]

ORTIZ PALACIOS, Willington A., Avenida 5AN No. 23D–68 piso 2, Cali, Colombia; Carrera 62 Bis No. 6A, Cali, Colombia; c/o CREACIONES DEPORTIVAS WILLINGTON LTDA., Cali, Colombia (individual) [SDNT]

ORTIZ, Guadalupe, Cubanatur, Baja California 255, Edificio B, Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]

OS OILINVEST SERVICES A.G., Loewenstrasse 60, Zurich, Switzerland [LIBYA]

OSORIO CADAVID, Maria Victoria, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia (Cedula No. 31932294 (Colombia)) (individual) [SDNT]

OSORIO PINEDA, Jorge Ivan, c/o LABORATORIOS GENERICOS VETERINIARIOS, Bogota, Colombia (Cedula No. 19270301 (Colombia)) (individual) [SDNT]

PADRON, Amado (TRUJILLO), Panama (individual) [CUBA]
PAK–LIBYAN HOLDING COMPANY LTD., Karachi, Pakistan [LIBYA]
PALESTINE LIBERATION FRONT – ABU ABBAS FACTION (a.k.a. PALESTINE LIBERATION FRONT; a.k.a. PLF; a.k.a. PLF–ABU ABBAS), Iraq [SDT]
PALESTINE LIBERATION FRONT (a.k.a. PALESTINE LIBERATION FRONT – ABU ABBAS FACTION; a.k.a. PLF; a.k.a. PLF–ABU ABBAS), Iraq [SDT]
PAMIT C. SHIPPING CO., LTD., Limassol, Cyprus [CUBA]
PANAMERICAN IMPORT AND EXPORT COMMERCIAL CORPORATION, Panama [CUBA]
PANDORA SHIPPING CO. S.A., Honduras [IRAQ]
PANOAMERICANA, Panama [CUBA]
PARADISSIOTIS, Christoforos Pavlou, 34 Grosvenor Street, London W1X 9FG, England (individual) [LIBYA]
PARADISSIOTIS, Christoforos Pavlou, Larnaca, Cyprus (individual) [LIBYA]
PATINO URIBE, Carlos Augusto, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 16627574 (Colombia).) (individual) [SDNT]
PAZ MAHECHA, Gonzalo Rodrigo, Calle 102 No. 48A–08, Bogota, Colombia; Calle 13 No. 4–25 piso 6, Cali, Colombia; Calle 13A No. 66B–60 apt. 101A, Cali, Colombia; Calle 13A No. 66B–60 apt. 102A, Cali, Colombia; Calle 13A No. 66B–60 apt. 902A, Cali, Colombia; Carrera 4 No. 11–45 apt. 621, Cali, Colombia; Carrera 4 No. 11–45 apt. 624, Cali, Colombia; Carrera 4 No. 11–45 of. 802, Cali, Colombia; Carrera 4 No. 11–45 of. 809, Cali, Colombia; Transversal 98 No. 28A–46, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (Cedula No. 16590653 (Colombia)) (individual) [SDNT]
PELAEZ DE HENAO, Teresa, c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 29013555 (Colombia)) (individual) [SDNT]
PENA, Jose (TORRES), Panama (individual) [CUBA]
PENA, Victor, Panama (individual) [CUBA]
PENTA PHARMA DE COLOMBIA S.A., Calle 17A No. 28A–23, Bogota, Colombia; Calle 17A No. 28A–43, Bogota, Colombia [SDNT]
PEONY SHIPPING CO. LTD., c/o NORDSTRAND MARITIME & TRADING CO. LTD., 26 Skouze Street, Piraeus, Greece [CUBA]
PEREZ GARCIA, Carlos, c/o ASESORIAS COSMOS LTDA., Cali, Colombia (Cedula No. 14920419 (Colombia)) (individual) [SDNT]
PEREZ VARELA, Jaime Diego, c/o CONSTRUCTORA GOPEVA LTDA., Cali, Colombia (Cedula No. 2895666 (Colombia)) (individual) [SDNT]
PEREZ, Alfonso, Panama (individual) [CUBA]
PEREZ, Manuel Martin, Panama (individual) [CUBA]
PEREZ, Osvaldo (CRUZ), Panama (individual) [CUBA]
PESCABRAVA, S.A., France [CUBA]
PESCABRAVA, S.A., Italy [CUBA]
PESCABRAVA, S.A., Spain [CUBA]
PESCADOS Y MARISCOS DE PANAMA, S.A. (a.k.a. PESMAR (or PEZMAR), S.A.), Panama City, Panama [CUBA]
PETRA NAVIGATION & INTERNATIONAL TRADING CO. LTD. (a.k.a. AL PETRA COMPANY FOR GOODS TRANSPORT LTD.), Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq [IRAQ]
PINZON, Marco Antonio, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 17801803 (Colombia)) (individual) [SDNT]
PIONEER SHIPPING LTD., c/o Anglo Caribbean Shipping Co., Ltd., 4th Floor, South Phase 2, South Quay Plaza 2, 183 Marsh Wall, London E14 9SH, England; 171 Old Bakery Street, Valletta, Malta [CUBA]
PIRAMIDE INTERNATIONAL, Panama [CUBA]
PIRANHA NAVIGATION CO. LTD., c/o NORDSTRAND MARITIME & TRADING CO. LTD., 26 Skouze Street, Piraeus, Greece [CUBA]
PLASTICOS CONDOR LTDA., Carrera 13 No. 16–62, Cali, Colombia [SDNT]
POCHO NAVIGATION CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
PONCE DE LEON, Lazaro (GOMEZ), Medira, Mexico (individual) [CUBA]
PONS, Alberto, Executive Representative, Banco Nacional de Cuba, Federico Boyd Avenue & 51 Street, Panama City, Panama (Licensed pending removal by FAC) (individual) [CUBA]
POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (a.k.a. PFLP–GC), Jordan; Lebanon; Syria [SDT]
POPULAR FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. PFLP), Israel; Lebanon; Syria [SDT]
PRADO CUERO, Salomon (a.k.a. CHALO), Avenida 26 No. 42B–89, Bogota, Colombia; Carrera 101B No. 11B–50, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 1 August 1948) (individual) [SDNT]
PRELASA, Mexico [CUBA]
PRENSA LATINA CANADA LTD., 1010 O Rue Ste. Catherine, Montreal PQ H303 IGI, Canada [CUBA]
PRENSA LATINA, Spain [CUBA]
PRESA, S.A., Panama [CUBA]
PREVIA S.A. (a.k.a. PREVENCION Y ANALISIS DE RIESGOS), Carrera 3 No. 10–20 of. 202, Cali, Colombia; Carrera 3 No. 12–40 of. 504, Cali, Colombia [SDNT]
PRIMA EXPORT/IMPORT, Jamaica [CUBA]
PROMOCIONES ARTISTICAS (a.k.a. PROARTE), Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06l00, Mexico, D.F., Mexico [CUBA]
PROMOTORA ANDINA, S.A., Quito, Ecuador [CUBA]
PUBLIC COMPANY FOR GARMENTS, P.O. Box 4152, Benghazi, Libya [LIBYA]
PUBLIC ELECTRICAL WORKS CO., P.O. Box 32811, Benghazi, Libya; P.O. Box 8539, Sharia Halab, Tripoli, Libya [LIBYA]
PUBLIC SAFETY COMMODITY IMPORTING CO. (a.k.a. SILAMNIA), P.O. Box 12942, Tripoli, Libya [LIBYA]
QAFALA GENERAL AUTOMOBILE CO., Libya [LIBYA]
QASEM, Talat Fouad, Propaganda Leader of ISLAMIC GAMA'AT (DOB 2 June 1957 or 3 Jun 1957, POB Al Mina, Egypt) (individual) [SDT]
QUALITY SHOES COMPANY, UB33, Industrial Estate, San Gwann, Malta [LIBYA]
QUIMINTER GMBH, Vienna, Austria [CUBA]
QUINTERO SALAZAR, Lisimaco, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]
RADIO SERVICE, S.A., Panama [CUBA]
RADIO UNIDAS FM S.A., Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia [SDNT]
RAFIDAIN BANK, 114 Tahreer Str. Eldukki, P.O.Box 239, Omran Giza, Cairo, Egypt [IRAQ]
RAFIDAIN BANK, 2nd Floor Sadat Tower, P.O. Box 1891, Beirut, Lebanon (2 branches in Lebanon) [IRAQ]
RAFIDAIN BANK, Mafraq, Jordan [IRAQ]
RAFIDAIN BANK, New Banks' Street, P.O. Box 11360, Massarif, Baghdad, Iraq (227 branches in Iraq) [IRAQ]
RAFIDAIN BANK, P.O. Box 10023, Sanaa, Yemen Arab Republic [IRAQ]
RAFIDAIN BANK, P.O. Box 1194, Cinema al–Hussein Street, Amman, Jordan [IRAQ]
RAFIDAIN BANK, P.O. Box 607, Manama, Bahrain (2 branches in Bahrain) [IRAQ]
RAFIDAIN BANK, P.O. Box 685, Aqaba, Jordan [IRAQ]
RAFIDAIN BANK, P.O.Box 815401, Jabal Amman, Jordan [IRAQ]
RAFIDAIN BANK, Rafidain Bank Building, 7–10 Leadenhall Street, London EC3V 1NL, England [IRAQ]
RAFIDAIN BANK, Sheikh Khalifa Street, P.O. Box 2727, Abu Dhabi, United Arab Emirates [IRAQ]
RAJBROOK LIMITED, England [IRAQ]
RAMADAN, Taha Yasin (or Yassin), Vice President and Deputy Prime Minister, Iraq (DOB 1936) (individual) [IRAQ]
RAMIREZ CORTES, Delia Nhora (Nora), c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia; c/o VIAJES MERCURIO LTDA., Cali, Colombia (DOB 20 January 1959; Cedula No. 38943729 (Colombia)) (individual) [SDNT]
RAMIREZ LIBREROS, Gladys Miriam, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia (DOB 20 November 1945; Passport 38974109 (Colombia); Cedula No. 38974109 (Colombia)) (individual) [SDNT]

RAMIREZ M., Oscar, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

RAMIREZ VALENCIANO, William, Calle 3C No. 72–64 10, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16694719 (Colombia)) (individual) [SDNT]

RAMIREZ, Julio Cesar, c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 16685808 (Colombia)) (individual) [SDNT]

RAMIREZ, Manuel Hernan, Calle 5 No. 37A–65 of. 203, Cali, Colombia; Carrera 91 No. 17–17, Casa 4, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 14975762 (Colombia)) (individual) [SDNT]

RAOUF, Khalid Mohammed, Praca Pio X, 54–10o Andar, CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]

RAS HILAL MARITIME CO., P.O. Box 1496, Benghazi, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), Benghazi Complex, P.O. Box 1971, Gamel Abdul Nasser Street, Benghazi, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), P.O. Box 75071, Tripoli, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), Ras Lanuf Complex and Terminal, Ghout El Shaal, Libya [LIBYA]

RASHEED BANK (a.k.a. AL–RASHEED BANK; a.k.a. AL–RASHID BANK), P.O. Box 7177, Haifa Street, Baghdad, Iraq [IRAQ] including but not limited to: Al–Rusafi Branch, No. 505, Al–Masarif Street, Baghdad, Iraq [IRAQ]; Basrah Branch, Al Thawrah Street, No. 88, P.O. Box 116, Basrah, Iraq [IRAQ]; Credit Commercial Branch, No. 506, Khalid bin Alwaleed Street, Baghdad, Iraq [IRAQ]; Mosul Branch, No. 3, P.O. Box 183, Mosul, Iraq [IRAQ]

READY–MADE SUITS PLANT, Derna, Libya [LIBYA]

REAL ESTATE BANK, Hassan Bin Thabit St, Baghdad, Iraq [IRAQ]

RECICLAJE INDUSTRIAL, S.A., Panama [CUBA]

REDESTOS SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

RENT–A–CAR, S.A., Panama [CUBA]

RESTREPO VILLEGAS, Camilio, Calle 116 No. 12–49, Bogota, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia (Cedula No. 6051150 (Colombia)) (individual) [SDNT]

REVISTA DEL AMERICA LTDA., Calle 23AN No. 5AN–19, Cali, Colombia [SDNT]

REYES, Guillermo (VERGARA), Panama City, Panama (individual) [CUBA]

REYNOLDS AND WILSON, LTD., 21 Victoria Road, Surbiton, Surrey KT6 4LK, England [IRAQ]

RICKS, Roy, 87 St. Mary's Frice, Benfleet, Essex, England (individual) [IRAQ]

RICUARTE FLOREZ, Gilma Leonor, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 51640309 (Colombia)) (individual) [SDNT]

RIECKE, Dr. Hans Guenter, Hamburg, Germany (individual) [LIBYA]

RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador [SDNT]

RIVERA MOSQUERA, Mauricio Jose, c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16277224 (Colombia)) (individual) [SDNT]

RIZO MORENO, Jorge Luis, Transversal 11, Diagonal 23–30 apt. 304A, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 16646582 (Colombia)) (individual) [SDNT]

RIZO, Diego, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 144483334 (Colombia)) (individual) [SDNT]

ROCHA, Antonio, Panama City, Panama (individual) [CUBA]

RODRIGUEZ ABADIA, William, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 31 July 1965; Cedula No. 16716259 (Colombia)) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Carolina, c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 17 May 1979) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Maria Fernanda, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia (DOB 28 November 1973; alternate DOB 28 August 1973; Passport AC568974 (Colombia); Cedula No. 66860965 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Humberto, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 21 June 1963; Passport AD387757 (Colombia); Cedula No. 16688683 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Jaime, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 16637592 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Maria Alexandra (a.k.a. RODRIGUEZ MONDRAGON, Alexandra), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia (DOB 30 May 1969; alt. DOB 5 May 1969; Passport AD359106 (Colombia); Cedula No. 66810048 (Colombia)) (individual) [SDNT]

RODRIGUEZ MORENO, Juan Pablo, Carrera 65 647, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (DOB 30 July 1980) (individual) [SDNT]

RODRIGUEZ MORENO, Miguel Andres, Carrera 65 No. 6–47, Cali, Colombia; Carrera 66 No. 6–47, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (DOB 14 July 1977; Passport No. AD253939 (Colombia); Cedula No. 94328841 (Colombia)) (individual) [SDNT]

RODRIGUEZ MORENO, Stephanie (Stethanine), c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]

RODRIGUEZ OREJUELA DE GIL, Amparo, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 13 March 1949; Passport AC342062 (Colombia); Cedula No. 31218703 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA DE MUNOZ, Haydee (a.k.a. RODRIGUEZ OREJUELA DE ROJAS, Haydee), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Bogota, Colombia (DOB 22 September 1940; Cedula No. 38953333 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA, Gilberto, (a.k.a. ≥The Chess Player≥; a.k.a. ≥Lucas≥), Cali, Colombia (DOB 31 January 1939; Passports T321642 (Colombia), 77588 (Argentina), 10545599 (Venezuela); Cedula No. 6068015 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA, Miguel Angel, (a.k.a. ≥El Senor≥; a.k.a. ≥Patricia≥; a.k.a. ≥Patricio≥; a.k.a. ≥Patty≥; a.k.a. ≥Pat≥; a.k.a. ≥Manuel≥; a.k.a ≥Manolo≥; a.k.a ≥Mike≥; a.k.a. ≥Mauro≥; a.k.a. ≥Doctor M.R.O.≥), Casa No. 19, Avenida Lago, Ciudad Jardin, Cali, Colombia (DOB 23 November 1943; alt. DOB 15 August 1943; Cedula No. 6095803 (Colombia)) (individual) [SDNT]

RODRIGUEZ RAMIREZ, Claudia Pilar, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 30 June 1963; alt. DOB 30 August 1963; alt. DOB 1966; Passports 007281 (Colombia), P0555266 (Colombia); Cedula No. 51741013 (Colombia)) (individual) [SDNT]

RODRIGUEZ, Manuel, c/o ALFA PHARMA S.A., Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia (Cedula No. 17171485 (Colombia)) (individual) [SDNT]

RODRIQUEZ, Jesus (BORGES or BORJES), Panama (individual) [CUBA]

RODRIQUEZ, Jose Julio, Chairman, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

ROJAS MEJIA, Hernan, Calle 2A Oeste No. 24B–45 apt. 503A, Cali, Colombia; Calle 6A No. 9N–34, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 28 August 1948; Cedula No. 16242661 (Colombia)) (individual) [SDNT]

ROJAS ORTIS, Rosa, c/o ALFA PHARMA S.A., Cali, Colombia (Cedula No. 26577444 (Colombia)) (individual) [SDNT]

ROMEO, Charles (a.k.a. ROMEO, Charles Henri Robert), Panama (individual) [CUBA]

ROMEO, Charles Henri Robert (a.k.a. ROMEO, Charles), Panama (individual) [CUBA]

ROPERT, Miria Contreras (a.k.a. CONTRERAS, Miria), Paris, France (individual) [CUBA]

ROQUE, Roberto (PEREZ), Panama (individual) [CUBA]

ROSALES DIAZ, Hector Emilio, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16588924 (Colombia)) (individual) [SDNT]

ROZO VARON, Luis Carlos, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; Cedula No. 5838525 (Colombia)) (individual) [SDNT]

RUEDA FAJARDO, Herberth Gonzalo, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 12126395 (Colombia)) (individual) [SDNT]

RUIZ HERNANDEZ, Gregorio Rafael, c/o COMERCIALIZADORA OROBANCA, Cali, Colombia (DOB 20 May 1963; Cedula No. 16823501 (Colombia)) (individual) [SDNT]

RUIZ, Ramon Miguel (POO), Panama (individual) [CUBA]

RZOOKI, Hanna, Chairman of REAL ESTATE BANK, Iraq (individual) [IRAQ]

S.M.I. SEWING MACHINES ITALY S.P.A., Italy [IRAQ]

SAAVEDRA RESTREPO, Jesus Maria, Calle 5 No. 46–83 Local 119, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB 10 July 1958; Cedula No. 16603482 (Colombia)) (individual) [SDNT]

SABTINA LIMITED, 530–532 Elder House, Elder Gate, Central Milton Keynes MK9 1LR, England [LIBYA]

SAHABI OIL FIELD PROJECT, P.O. Box 982, Tripoli, Libya [LIBYA]

SAHARA BANK (22 branches in Libya) [LIBYA]

SAHARA BANK, 10 First September Street, P.O. Box 270, Tripoli, Libya [LIBYA]

SALAH, Mohammad Abd El–Hamid Khalil (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5 May 1953, SSN 342–52–7612, passport no. 024296248 (U.S.A.)) (individual) [SDT]

SALCEDO R., Nhora Clemencia, c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 31273613 (Colombia)) (individual) [SDNT]

SALCEDO RAMIREZ, Jamie, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16706222 (Colombia)) (individual) [SDNT]

SALDARRIAGA ACEVEDO, Carlos Omar, Calle 9B No. 50–100 apt. 102, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (DOB 16 January 1954; Cedula No. 14998632 (Colombia)) (individual) [SDNT]

SALIH, Abd al–Munim Ahmad (a.k.a. SALEH, Abdel Moneim Ahmad), Minister of Awqaf and Religious Affairs, Iraq (DOB 1943) (individual) [IRAQ]

SAMARIA ARRENDAMIENT, Cali, Colombia [SDNT]

SAMARIA CANAS, Cali, Colombia [SDNT]

SAMARIA INTERESES, Cali, Colombia [SDNT]

SAMARIA LTDA., Cali, Colombia [SDNT]

SAMARIA TIERRAS, Cali, Colombia [SDNT]

SANCHEZ DE VALENCIA, Dora Gladys, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB 7 August 1955; Cedula No. 31273248 (Colombia)) (individual) [SDNT]

SANDRANA CANAS, Cali, Colombia [SDNT]

SANTACRUZ CASTRO, Ana Milena, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (DOB 31 March 1965; Passports 31929808 (Colombia), AB151189 (Colombia); Cedula No. 31929808 (Colombia)) (individual) [SDNT]

SANTACRUZ CASTRO, Sandra, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia (DOB 28 September 1973; SSN 090–80–3433; Passports 043827307 (United States), D1690693 (United States), 100330728 (United States), J24728201 (Country unknown)) (individual) [SDNT]

SANTACRUZ LONDONO, Jose, (a.k.a ≥Chepe≥; a.k.a. ≥Don Chepe≥; a.k.a. ≥El Gordo Chepe≥; a.k.a. ≥07≥), Cali, Colombia (DOB 1 October 1943; Passport AB149814 (Colombia); Cedula No. 14432230 (Colombia)) (individual) [SDNT]

SANTAMARINA DE LA TORRE, Rafael Garcia (a.k.a. GARCIA SANTAMARINA DE LA TORRE, Alfredo Rafael), Panama (individual) [CUBA]

SANTO, Anabel, Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06100, Mexico, D.F., Mexico (individual) [CUBA]

SARRIA HOLGUIN, Ramiro (Robert), Avenida 6N No. 23D–16 of. L301, Cali, Colombia; Carrera 100 No. 11–60 of. 603, AA 20903, Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]

SAUDI, Abdullah Ammar, Manama, Bahrain (individual) [LIBYA]

SAVING AND REAL ESTATE INVESTMENT BANK, P.O. Box 2297, Shoman Street, Fashioum, Tripoli, Libya (24 branches in Libya) [LIBYA]

SCHMITT, Rogerio Eduardo, Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]

SEBHA FODDER PLANT, Libya [LIBYA]

SEBHA GRAIN MILL, Libya [LIBYA]

SEBHA ROADS AND CONSTRUCTION CO., P.O. Box 92, Sebha, Libya; P.O. Box 8264, Tripoli, Libya [LIBYA]

SENANQUE SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

SERVICIOS INMOBILIARIOS LTDA., Carrera 65 No. 13–82, Cali, Colombia; Avenida 2N No. 7N–55 of. 605, Cali, Colombia [SDNT]

SERVIMPEX, S.A., Panama [CUBA]

SERVINAVES, S.A., Panama [CUBA]

SHALLOUF, Farag Al Amin, P.O. Box 9575/11, 1st Floor, Piccadily Centre, Hamra Street, Beirut, Lebanon; Vali Conagi Cad. No. 10, 80200 Nisantasi, P.O. Box 380, 802323 Sisli, Istanbul, Turkey (individual) [LIBYA]
SHANAB, Tariq Abu, Musherfeh, P.O. Box 766, Zarka, Jordan (individual) [IRAQ]
SHANSHAL, Abd al–Jabbar Khalil, Minister of State for Military Affairs, Iraq (DOB 1920) (individual) [IRAQ]
SHAQAQI, Fathi, Secretary General of PALESTINIAN ISLAMIC JIHAD–SHIQAQI (individual) [SDT]
SHARIF, Bashir M., Dat El Imad Administrative Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya (individual) [LIBYA]
SHARIF, Bashir M., Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]
SHELL PETROLEUM DEVELOPMENT CO. OF LIBYA, P.O. Box 1420, Benghazi, Libya [LIBYA]
SHERLALA, Kassem M., P.O. Box 2438, Usama Bldg., 1st September Street, Tripoli, Libya (individual) [LIBYA]
SHIPLEY SHIPPING CORP., Panama [CUBA]
SIALA, Mohamed Taher Hammuda, Tripoli, Libya (individual) [LIBYA]
SIBONEY INTERNACIONAL, S.A., Edificio Balmoral, 82 Via Argentina, Panama City, Panama [CUBA]
SIBONEY INTERNACIONAL, S.A., Venezuela [CUBA]
SIEIRO DE NORIEGA, Felicidad, Panama (individual) [CUBA]
SILVA PERDOMO, Alejandro, c/o CONSTRUVIDA S.A., Avenida 2N No. 7N–55 y No. 521, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 14983500 (Colombia)) (individual) [SDNT]
SIM, Gilberto F., Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
SIRM HOLDING S.R.L., Rome, Italy [LIBYA]
SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), P.O. Box 385, Tripoli, Libya [LIBYA]
SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), P.O. Box 2582, Tripoli, Libya [LIBYA]
SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Benghazi, Libya [LIBYA]
SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Marsa El Brega, Libya [LIBYA]
SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Sirte Field, Libya [LIBYA]
SOCIALIST EST. FOR SPINNING AND WEAVING, P.O. Box 852, Benghazi, Libya; Zanzour Km. 15, P.O. Box 30186, Tripoli, Libya [LIBYA]
SOCIEDAD CONSTRUCTORA LA CASCADA S.A. (a.k.a. CONSTRUCTORA CASCADA), Calle 13 3–32 piso 12 y piso 14, Cali, Colombia; Calle 1A 62A–120, Cali, Colombia; Calle 1A 62A–120 2305, Cali, Colombia; Calle 1A 62A–120 2418, Cali, Colombia; Calle 1A 62A–120 4114, Cali, Colombia; Calle 1A 62A–120 6245, Cali, Colombia; Calle 1A 62A–120 B2 108, Cali, Colombia; Carrera 4 12–41 of. 1401, Cali, Colombia; Carrera 4 No. 12–41 of. 1403, Cali, Colombia; Carrera 64 1B–83, Cali, Colombia; Carrera 64 1C–63, Cali, Colombia [SDNT]
SOCIEDAD CONSTRUCTORA Y ADMINISTRADORA DEL VALLE LTDA. (a.k.a. SOCOVALLE LTDA.), Avenida 2N No. 7N–55 of. 601–602, Cali, Colombia [SDNT]
SOCIETA COMMERCIA MINERALI E METTALLI, SRL (a.k.a. SOCOMET, SPA), Milan, Italy [CUBA]
SOCIETE AGRICOLE TOGOLAISE ARABE LIBYENNE, Lome, Togo [LIBYA]
SOCIETE ARABE LIBYENNE–CENTRAFRICAINE D'IMPORT–EXPORT, Bangui, Central African Republic [LIBYA]
SOCIETE ARABE LIBYENNE MALIENNE POUR L'AGRICULTURE ET L'ELEVAGE (a.k.a. SOLIMA), Bamako, Mali [LIBYA]
SOCIETE ARABE LIBYENNE MAURITANIENNE DES RESSOURCES MARITIMES (a.k.a. SALIMAUREM), Nouadhibou, Mauritania [LIBYA]
SOCIETE ARABE LIBYO–GUINEENNE POUR LE DEVELOPPEMENT AGRICOLE ET AGRO–INDUSTRIEL (a.k.a. SALGUIDIA), Conakry, Guinea [LIBYA]
SOCIETE ARABE LIBYO–NIGERE POUR LE DEVELOPPEMENT ET LA COMMERCIALISATION DES PRODUITS AGRICOLES, Niamey, Niger [LIBYA]
SOCIETE ARABE LIBYO–TUNISIENNE DE TRANSPORT MARITIME, Tunis, Tunisia [LIBYA]
SOCIETE D'ECONOMIE MIXTE CENTRE AFRICAINE LIBYENNE DES PRODUITS AGRICOLES, Bangui, Central African Republic [LIBYA]
SOCIETE DE RECHERCHE ET D'EXPLOITATION COMMUNE ET DE SERVICE PETROLIERE (a.k.a. JOINT EXPLORATION, EXPLOITATION AND PETROLEUM SERVICES COMPANY; a.k.a. JOINT OIL; a.k.a. JOINT OIL TUNISIA; a.k.a. LIBYAN–TUNISIAN EXPLORATION COMPANY), B.P. 350 Houmt Souk 4180, Djerba Island, Tunisia [LIBYA]
SOCIETE DE RECHERCHE ET D'EXPLOITATION COMMUNE ET DE SERVICE PETROLIERE (a.k.a. JOINT EXPLORATION, EXPLOITATION AND PETROLEUM SERVICES COMPANY; a.k.a. JOINT OIL; a.k.a. JOINT OIL TUNISIA; a.k.a. LIBYAN–TUNISIAN EXPLORATION COMPANY), Planning & Logistic Group complex, Port of Zarzis, Tunisia [LIBYA]
SOCIETE DE RECHERCHE ET D'EXPLOITATION COMMUNE ET DE SERVICE PETROLIERE (a.k.a. JOINT EXPLORATION, EXPLOITATION AND PETROLEUM SERVICES COMPANY; a.k.a. JOINT OIL; a.k.a. JOINT OIL TUNISIA; a.k.a. LIBYAN–TUNISIAN EXPLORATION COMPANY), 7th of November offshore field, Gulf of Gabes [LIBYA]
SOCIETE LIBYENNE CENTRE AFRICAINE DES MINES, Bangui, Central African Republic [LIBYA]
SOCIETE MAGHREBINE D'INVESTISSEMENT ET DE PARTICIPATION (a.k.a. SMIP), 47, Avenue Kheireddine Pacha, 1002 Tunis, Tunisia [LIBYA]
SOCIETE MIXTE RWANDO–ARABE LIBYENNE DE PROMOTION HOTELIERE ET TOURISTIQUE AU RWANDA, Kigali, Rwanda [LIBYA]
SOCIETE MIXTE RWANDO ARABE LIBYENNE POUR LE DEVELOPPEMENT ET LA COMMERCIALISATION DES PRODUTS AGRICOLES ET D'ELEVAGE, Kigali, Rwanda [LIBYA]
SOCIETE TOGOLAISE ARABE LIBYENNE DE PECHE, Lome, Togo [LIBYA]
SOLAQUE SANCHEZ, Alfredo, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 79261845 (Colombia)) (individual) [SDNT]
SORMAN FODDER PLANT, Libya [LIBYA]
SOUK EL KHAMIS CEMENT CO., Libya [LIBYA]
SOUK EL KHAMIS GENERAL CEMENT AND BUILDING MATERIALS CORP., Tarhuna, Sharia Bou Harida, P.O. Box 1084, Tripoli, Libya [LIBYA]
SOUK EL KHAMIS LIME FACTORY, Libya [LIBYA]
SOUSA SHIPPING AND STEVEDORING EST., P.O. Box 2973, Benghazi, Libya [LIBYA]
SOUTH ISLAND SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
SOUZA, Francisco Antonio, Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
SPECKMAN, Jeanine, England (individual) [IRAQ]
STANDWEAR SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
STAVROU, Stavros, Cyprus (individual) [LIBYA]
STERN, Alfred Kaufman, Prague, Czech Republic (individual) [CUBA]
SUANI GYPSUM PLANT, Libya [LIBYA]
SUPERTIENDAS LA REBAJA, Avenida Colombia No. 2–45, Cali, Colombia; Calle 9, No. 26–98, Cali, Colombia [SDNT]
SUPLIDORA LATINO AMERICANA, S.A. (a.k.a. SUPLILAT, S.A.), Panama City, Panama [CUBA]
SWAN LAUNDRY AND DRY CLEANING COMPANY, LTD., 55, Racecourse Street, Marsa, Malta [LIBYA]

T N K FABRICS LIMITED, England [IRAQ]
T.E.G. LIMITED, 3 Mandeville Place, London, England [IRAQ]
T.M.G. ENGINEERING LIMITED, Castle Row, Horticultural Place, Chiswick, London, England [IRAQ]
TAHARAR FOOTWEAR PLANT, Tripoli, Libya [LIBYA]
TAJOURA MODERN TANNERY, Libya [LIBYA]
TALAA'AL AL–FATEH (a.k.a. AL–JIHAD; a.k.a. JIHAD GROUP; a.k.a. VANGUARDS OF CONQUEST), Egypt [SDT]
TALL, Aktham, P.O. Box 1318, Amman, Jordan (individual) [IRAQ]
TALLER DE REPARACIONES NAVALES, S.A. (a.k.a. TARENA, S.A.), Panama City, Panama [CUBA]
TAMOIL HUNGARIA, Hungary [LIBYA]
TAMOIL ITALIA S.P.A., Cremona Refinery, Italy [LIBYA]
TAMOIL ITALIA S.P.A., Piazzetta Bossi 3, I–20121 Milan, Italy [LIBYA]
TAMOIL PETROLI ITALIANA S.P.A. (1,977 gasoline retail outlets in Italy) [LIBYA]
TAMOIL PETROLI ITALIANA S.P.A., Milan, Italy [LIBYA]
TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND) (330 gasoline retail outlets in Switzerland) [LIBYA]
TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND) (RSO refinery in Collombey) [LIBYA]
TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND), Geneva, Switzerland [LIBYA]
TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND), Zug, Switzerland [LIBYA]
TAMOIL TRADING LTD. (f.k.a. TAMOIL [UK] LTD.), 1 St. Paul's Churchyard, London EC4M 8SH, England [LIBYA]
TAMOIL TRADING LTD. (f.k.a. TAMOIL [UK] LTD.), 24 Boulevard Princess Charlotte, Monte Carlo, Monaco [LIBYA]
TAMOIL TRADING LTD. (f.k.a. TAMOIL [UK] LTD.), 25 Schutzengasse CH 8001, Zurich, Switzerland [LIBYA]
TARIQ ABU SHANAB EST. FOR TRADE & COMMERCE (a.k.a. ABU SHANAB METALS ESTABLISHMENT; a.k.a. AMIN ABU SHANAB & SONS CO.; a.k.a. SHANAB METALS ESTABLISHMENT; a.k.a. TARIQ ABU SHANAB EST.; a.k.a. TARIQ ABU SHANAB METALS ESTABLISHMENT), Musherfeh, P.O. Box 766, Zarka, Jordan [IRAQ]
TAVEIRA, A. Arnaldo G., Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
TECHNIC DIGEMEX CORP., Calle 34 No. 4–50, Office 301, Panama City, Panama [CUBA]
TECHNIC HOLDING INC., Calle 34 No. 4–50, Office 301, Panama City, Panama [CUBA]
TECHNICAL CO. FOR AGRICULTURAL PEST CONTROL, Nacer Street, Benghazi, Libya; New Gourgy Road, P.O. Box 6445, Tripoli, Libya [LIBYA]
TECHNOLOGY AND DEVELOPMENT GROUP LTD. (a.k.a. T.D.G.), Centric House 390/391, Strand, London, England [IRAQ]
TEKNICA (UK) LIMITED (f.k.a. FC9063 LIMITED), 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England; Avon House, 360–366 Oxford Street, London W1N 9HA, England; Tripoli, Libya [LIBYA]
TEKNICA OIL SERVICES (OVERSEAS) LIMITED, Cyprus [LIBYA]
TEKNICA PETROLEUM SERVICES LIMITED, Suite 1100, 736 Sixth Avenue S.W., Calgary, Alberta T2P 3T7, Canada [LIBYA]
TEMIS SHIPPING CO., Panama [CUBA]
TIBESTI AUTOMOBILE GENERAL CO., P.O. Box 5397, Benghazi, Libya; Dema, Libya; Gharian, Libya; Khums, Libya; Misurata, Libya; Sebha, Libya; P.O. Box 8456, Tripoli, Libya; Tripoli, Libya; Zawia, Libya [LIBYA]
TIGRIS TRADING, INC., 2 Stratford Place, London W1N 9AE, England [IRAQ]
TIGRIS TRADING, INC., 5903 Harper Road, Solon, Ohio 44139, U.S.A. [IRAQ]
TIGRIS TRADING, INC., 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania 15219, U.S.A. [IRAQ]
TOBOGON, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT]
TOLEDO, R.F., Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EF, England (individual) [CUBA]
TOLMETHA SHIPPING ESTABLISHMENT, P.O. Box 208, Derna, Libya [LIBYA]
TORRES CORTES, Joselin, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia (Cedula No. 19482747 (Colombia)) (individual) [SDNT]
TORRES, Manuel, Representative, Banco Nacional de Cuba, Federico Boyd Avenue & 51 Street, Panama City, Panama (individual) [CUBA]
TOSCO, Arnaldo (GARCIA), Panama (individual) [CUBA]
TRADING & MARITIME INVESTMENTS, San Lorenzo, Honduras [IRAQ]
TRAMP PIONEER SHIPPING CO., Panama, c/o Anglo Caribbean Shipping Co., Ltd., 4th Floor, South Phase 2, South Quay Plaza, 183 Mars, London E14 9SH, England [CUBA]
TRANSIT, S.A., Panama [CUBA]
TRAVEL SERVICES, INC., Hialeah, Florida, U.S.A. [CUBA]
TREJOS MARQUEZ, Arnulfo, Carrera 4 No. 9–17 of. 308, AA 38028, Cali, Colombia; c/o CONSTRUCTORA TREMI LTDA., Cali, Colombia (Cedula No. 6090595 (Colombia)) (individual) [SDNT]
TREVISO TRADING CORPORATION, Edificio Banco de Boston, Panama City, Panama [CUBA]
TRIANA TEJADA, Luis Humberto, c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia (Cedula No. 4916206 (Colombia)) (individual) [SDNT]
TRIPOLI CEMENT SILOS, Libya [LIBYA]
TRIPOLI GRAIN MILL, Libya [LIBYA]
TROBER, S.A. (a.k.a. TROVER, S.A.), Edificio Saldivar, Panama City, Panama [CUBA]
TROPIC TOURS GMBH (a.k.a. TROPICANA TOURS GMBH), Lietzenburger Strasse 51, Berlin, Germany [CUBA]
TROPICAL AFRICAN BANK LIMITED (f.k.a. LIBYAN ARAB UGANDA BANK FOR FOREIGN TRADE AND DEVELOPMENT), P.O. Box 9485, Kampala, Uganda [LIBYA]
TRUJILLO CAICEDO, Francisco Javiar (Pacho), Calle 8 Oeste No. 24C–75 apt. 1501, Cali, Colombia; Calle 13C No. 75–95 piso 2, Cali, Colombia; Carrera 76A No. 6–34 apt. 107, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 23 November 1960; Cedula No. 16264395 (Colombia)) (individual) [SDNT]
TRUST IMPORT–EXPORT, S.A., Panama [CUBA]
TUFAYLI, Subhi, Former Secretary General and Current Senior Figure of HIZBALLAH (DOB 1947, POB Biqa Valley, Lebanon) (individual) [SDT]
TURKISH–LIBYAN JOINT MARITIME TRANSPORT STOCK COMPANY (a.k.a. TURLIB), Kemeralti Caddesi 99, 80020 Karakoy, Istanbul, Turkey [LIBYA]
TYRE PLANT, Libya [LIBYA]
TYRES RETREADING CENTRES, Libya [LIBYA]
U.I. INTERNATIONAL, England [IRAQ]
UGUETO, Luis David (MOROS), Cyprus (individual) [LIBYA]
UMM AL–JAWABY OIL SERVICE COMPANY, LTD., 33 Cavendish Square, London W1M 9HF, England [LIBYA]
UMM AL–JAWABY PETROLEUM CO. S.A.L., Nafoora Field, Libya [LIBYA]
UMM AL–JAWABY PETROLEUM CO. S.A.L., P.O. Box 693, Tripoli, Libya [LIBYA]
UMMA BANK S.A.L. (31 branches throughout Libya) [LIBYA]
UMMA BANK S.A.L., 1 Giaddet Omar Mokhtar, P.O. Box 685, Tripoli, Libya [LIBYA]
UNITED FAIR AGENCIES, 1202 Carrian Center, 151 Gloucester Road, Wanchai, Hong Kong [CUBA]
UNIVERSAL SHIPPING AGENCY, Benghazi, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Mersa El Brega, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Misurata, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Tripoli, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Zuetina, Libya [LIBYA]
URIBE GONZALEZ, Jose Abelardo, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIAS LTDA., Cali, Colombia (Cedula No. 16647906 (Colombia)) (individual) [SDNT]
VALENCIA ARIAS, Jhon Gavy (John Gaby), Avenida 7N No. 17A–46, Cali, Colombia; Carrera 76 No. 6–200 102, Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16741491 (Colombia)) (individual) [SDNT]

VALENCIA ARIAS, Luis Fernando, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 71626881 (Colombia)) (individual) [SDNT]

VALENCIA, Reynel (Reinel), c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16258610 (Colombia)) (individual) [SDNT]

VALETTA SHIPPING CORPORATION, c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

VALLE COMUNICACIONES LTDA. (a.k.a. VALLECOM), Carrera 60 No. 2A–107, Cali, Colombia [SDNT]

VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia [SDNT]

VARGAS GARCIA, Carlos Alberto, Quito, Ecuador; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

VASQUES (or VAZQUEZ), Oscar D., Panama (individual) [CUBA]

VAZ, Jose, Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), The Hague, Netherlands (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]

VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), P.O. Box 2357, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]

VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), Al Magharba Street, P.O. Box 690, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]

VIACON INTERNATIONAL, INC., Apartment 7B Torre Mar Building, Punta Paitilla Area, Panama City, Panama [CUBA]

VIACON INTERNATIONAL, INC., France Field, Colon Free Zone, Panama [CUBA]

VIAJES GUAMA, S.A., Spain [CUBA]

VIAJES MERCURIO LTDA., Carrera 3 No. 10–02 Local 113, Cali, Colombia [SDNT]

VICTORIA POTES, Nestor Raul, Calle 70N No. 14–31, AA26397, Cali, Colombia; c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 16247701 (Colombia)) (individual) [SDNT]

VICTORIA, Mercedes, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o COMPAX LTDA., Cali, Colombia; c/o INVERSIONES GEELE LTDA., Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia (individual) [SDNT]

VILLALOBOS, Luis E., c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 14875020 (Colombia)) (individual) [SDNT]

VILLEGAS ARIAS, Maria Deisy (Deicy), Calle 66 No. 1A–6 51, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (Cedula No. 31200371 (Colombia)) (individual) [SDNT]

VILLEGAS BOLANOS, Silver Amado, c/o CONCRETOS CALI S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 10480869 (Colombia)) (individual) [SDNT]

VINALES TOURS, Cancun, Mexico [CUBA]

VINALES TOURS, Guadalajara, Mexico [CUBA]

VINALES TOURS, Mexico City, Mexico [CUBA]

VINALES TOURS, Monterey, Mexico [CUBA]

VINALES TOURS, Roma, Mexico [CUBA]

VIOLET NAVIGATION CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

VULCAN OIL S.P.A., Delta Energy/ERG bunkering service, Genoa, Italy [LIBYA]

VULCAN OIL S.P.A., Milano 2, Centro Direz. Pal. Canova, 20090 Segrate, Milan, Italy [LIBYA]

VULCAN OIL S.P.A., United Kingdom (offshore) [LIBYA]

W. HERRERA Y CIA. S. EN C., Avenida 2N 7N–55 of. 501, Cali, Colombia [SDNT]

WADENA SHIPPING CORPORATION, c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

WAHA OIL COMPANY, Inas Building, Omar El Mokhtar Street, Box 395, Tripoli, Libya [LIBYA]

WAHA OIL COMPANY, P.O. Box 1075, Tripoli, Libya [LIBYA]

WAHA OIL COMPANY, P.O. Box 221, Benghazi, Libya [LIBYA]

WAHA OIL COMPANY, Sidi Issa Street, P.O. Box 915, Tripoli, Libya [LIBYA]

WAHDA BANK (37 branches throughout Libya) [LIBYA]

WAHDA BANK, Jamel Abdul Nasser Street, P.O. Box 452, Fadiel Abu Omar Square, El–Berhka, Benghazi, Libya [LIBYA]

WAHDA BANK, P.O. Box 1320, Benghazi, Libya [LIBYA]

WAHDA BANK, P.O. Box 3427, Tripoli, Libya [LIBYA]

WEAVING, DYEING AND FINISHING PLANT, Libya [LIBYA]

WEST ISLAND SHIPPING CO. LTD., c/o UNION MARITIMA PORTUARIA, 9–Piso, Apartado B, Esquina Cuarteles y Pena Pobre 60, Havana Vieja, Havana, Cuba [CUBA]

WHALE SHIPPING LTD., c/o Government of Iraq, State Organization of Ports, Maqal, Basrah, Iraq [IRAQ]

WHITE SWAN SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

WITTGREEN, Carlos (a.k.a. WITTGREEN A., Carlos; a.k.a. WITTGREEN Antinori, Carlos; a.k.a. WITTGREEN, Carlos Antonio), Panama (individual) [CUBA]

WITTGREEN, Carlos Antonio (a.k.a. WITTGREEN A., Carlos; a.k.a. WITTGREEN Antinori, Carlos; a.k.a. WITTGREEN, Carlos), Panama (individual) [CUBA]

WOOL WASHING AND SPINNING PLANT, Marj, Libya [LIBYA]

YAM, Melvia Isabel Gallegos, Merida, Mexico (individual) [CUBA]

YAMARU TRADING CO., LTD., Tokyo, Japan [CUBA]

YASIN, Shaykh Ahmad, Founder and Chief Ideological Figure of HAMAS (DOB 1931) (individual) [SDT]

YOUSEF, Mohamed T., Libya (individual) [LIBYA]

ZABALETA SANDOVAL, Nestor, Apartado Aereo 91905, Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 17 September 1925; Cedula No. 2901313 (Colombia); Passports 1690693 (United States), 100330728 (United States), J24728201 (Country unknown)) (individual) [SDNT]

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ZAINAL, Akram, Chairman and General Manager of AGRICULTURAL CO–OPERATIVE BANK, Iraq (individual) [IRAQ]

ZLITEN FODDER PLANT, Libya [LIBYA]

ZLITEN GRAIN MILL, Libya [LIBYA]

ZLITNI, Dr. Abdul Hafid Mahmoud, Abu Dhabi, U.A.E. (individual) [LIBYA]

ZLITNI, Dr. Abdul Hafid Mahmoud, Tripoli, Libya (individual) [LIBYA]

ZUEITINA OIL COMPANY, Gas Processing Plants, Tripoli, Libya [LIBYA]

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ZUNIGA OSORIO, Marco Fidel, c/o LABORATORIOS BLANCO PHARMA, Bogota, Colombia (individual) [SDNT]

13.JULI, Podgorica, Montenegro [FRY S&M]

21 MAJ, Belgrade, Serbia [FRY S&M]

ABRAMOVIC, Miroslava (DOB 20 February 1956. Moves from country to country) (individual) [FRY S&M]

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KARIC MASSIV (a.k.a. MASSIV K; a.k.a. MASSIV–KARICHI; a.k.a. MASSIV–KARITSCH; a.k.a. SP MASSIV KARIC), 627720 RSFSR, Tyumenenskaya Oblast, Sovyetstrayon, Yagorks ul. Mira, 43, Russia [FRY S&M]

KAT, Podgorica, Montenegro [FRY S&M]

KELECEVIC, Bosko, Major General and Chief of Staff, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

KLUZ, Belgrade, Serbia [FRY S&M]

KOIMPEX, Novi Sad, Vojvodina (Serbia) [FRY S&M]

KOLJEVIC, Dr. Nikola, a Vice–President of SRBH, Bosnia–Herzegovina (DOB 9 June 1936, POB Banja Luka, Bosnia–Herzegovina) (individual) [SRBH]

KOMBINAT ALUMINIJUMA PODGORICA (a.k.a. ALUMINUM COOPERATIVE PODGORICA), P.O.B. 22, 81000 Podgorica, Montenegro [FRY S&M]

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KOMUNALNO PODUZECE, 5, Hercegovacke Brigada, 81340 Herceg–Novi, Montenegro [FRY S&M]

KONSTRUKTOR, Pancevo, Vojvodina (Serbia) [FRY S&M]

KOOPERATIVA, Novi Sad, Vojvodina (Serbia) [FRY S&M]

KOPAONIK, Belgrade, Serbia [FRY S&M]

KOPRODUCT LTD., 2 Albion Place, King's Terrace, Galena Road, London W6 0QT, England [FRY S&M]

KOPRODUKT ZA UNUTRASNJU I SPOLJNU TRGOVINU I ZASTUPANJE STRANIH PREDUZECA (a.k.a. KOPRODUKT), Bulevar Marsala Tita 6, 21000 Novi Sad, Vojvodina (Serbia) [FRY S&M]

KOSOVO EXPORT IMPORT GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany [FRY S&M]

KOSOVSKA BANKA (All offices. Bank is headquartered in Pristina, Kosovo (Serbia)) [FRY S&M]

KOSTIC, Bosko, AY Bank Ltd., 11/15 St. Mary–at–Hill, EC3R8EE London, England (individual) [FRY S&M]

KOTOR OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro [FRY S&M]

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KOZIC, Dusan, Prime Minister of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KRAJISNIK, Momcilo, President of SRBH Assembly, Banja–Luka, Bosnia–Herzegovina (DOB 20 January 1945, POB Radovac, Sarajevo, Bosnia–Herzegovina) (individual) [SRBH]

KRECA, Milenko, Diplomat of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KREDITNA BANKA BEOGRAD (All offices worldwide) [FRY S&M]

KREDITNA BANKA BEOGRAD CYPRUS OFFSHORE BANKING UNIT, Nicosia, Cyprus [FRY S&M]

KREDITNA BANKA PRISTINA (All offices worldwide) [FRY S&M]

KREDITNA BANKA SUBOTICA (All offices worldwide) [FRY S&M]

KRUNIC, Goran, Diplomat of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KRUSEVAC PROMET, Krusevac, Serbia [FRY S&M]

KRUSIK, Valjevo, Serbia [FRY S&M]

KUGLEX, Belgrade, Serbia [FRY S&M]

LAJIC, Nedeljko, Minister of Transportation and Communication of SRBH, Bosnia–Herzegovina (individual) [SRBH]

LAKIC, Nedeljko, Secretary of SRBH, Bosnia–Herzegovina (individual) [SRBH]

LAMEDON TRADING LTD., Evagoras Papachristouforou Street, Themis Court Bldg, 1st Floor, P.O. Box 561, Limassol, Cyprus [FRY S&M]

LETEKS – LESKOVAC (a.k.a. WOOL AND TEXTILE INDUSTRY OF LESKOVAC), Leskovac, Serbia [FRY S&M]

LIRIJA, Prizren, Kosovo (Serbia) [FRY S&M]

LITALIA SHIPPING S.A., Panama City, Panama; c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]

LIVNICA, Kikinda, Vojvodina (Serbia) [FRY S&M]

LOVCEN OVERSEAS SHIPPING LTD., c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta; Valletta, Malta [FRY S&M]
LUKA BAR–PREDUZECE, 81350 Bar, Montenegro [FRY S&M]
LUKIC, Vladimir, Deputy in SRBH Assembly, Pale, Bosnia–Herzegovina (DOB circa 1930) (individual) [SRBH]
LZTK, Kikinda, Vojvodina (Serbia) [FRY S&M]
MAADI, N., Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
MAG INTERTRADE, Serbia [FRY S&M]
MAGNOHROM, Kraljevo, Serbia [FRY S&M]
MAKSIMOVIC, Vojislav, Head of Srpska Demokratska Stranka Srpskih Zemalja Deputy Group, Mayor of ≥Serb Sarajevo≥, Sarajevo, Bosnia–Herzegovina (DOB 1939, POB Ustikolina, Bosnia–Herzegovina) (individual) [SRBH]
MARKONIZONI, Serbia [FRY S&M]
MASINOKOMERC, Belgrade, Serbia [FRY S&M]
MASINOKOMERC, Knez Mihajlova 1–3, P. Fah 232, 11000 Belgrade, Serbia [FRY S&M]
MASLAKOVIC, Dusan, Ior. Dragovica. I., Nicosia, Cyprus; Xenios Commerciale Centre, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus (Address of J.U.B. HOLDINGS) (individual) [FRY S&M]
MATROZ SREMSKA MITROVICA (a.k.a. MATROZ – CELLULOSE AND PAPER INDUSTRY), Sremska Mitrovica, Vojvodina (Serbia) [FRY S&M]
MEDIFINANCE BANK (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
MEDISA SARAJEVO, Sarajevo, Bosnia–Herzegovina [FRY S&M]
MEDITRADE LTD. (All offices. Headquartered in Belgrade, Serbia) [FRY S&M]
MERIMA, Krusevac, Serbia [FRY S&M]
METAL UND STAHL HANDELS GMBH, Seilergasse 14, 1010 Vienna, Austria [FRY S&M]
METAL UND STAHL HANDELS GMBH, Strase Lutherana Corp. D–2, Bucharest, Romania [FRY S&M]
METALAC, Suboticka 23, 11050 Belgrade, Serbia [FRY S&M]
METALCHEM BOMBAY, Yugoslav Trade Commission Office, Vaswani Mansion 1st Floor, 120/4 Dinsha Caccha Road, Bombay 400020, India [FRY S&M]
METALCHEM DIS TICARET LTD, Iskele Cadd., Iskele Arkasi, Sokak No 13 (Cami Yani), Uskudar–Salacak, Istanbul, Turkey [FRY S&M]
METALCHEM FRANCE S.A.R.L., 16 Avenue Franklin Roosevelt, 75008 Paris, France [FRY S&M]
METALCHEM INTERNATIONAL LTD., 79/83 Great Portland Street, London W1N 5FA, England [FRY S&M]
METALCHEMICAL COMMERCIAL CORPORATION, New York, New York, U.S.A. [FRY S&M]
METALIA S.R.L., Via Vittor Pisani 14, 20124 Milan, Italy [FRY S&M]
METALLIA HANDELS GMBH, Berliner Allee 61, Postf. 20 05 20, 4000 Dusseldorf 1, Germany [FRY S&M]
METALLIA MADRID, Plaza Castillia 3/1702, 28046 Madrid, Spain [FRY S&M]
METALOPLASTIKA, Jevrenova br 111, 15000 Sabac, Serbia [FRY S&M]
METALSERVIS, Belgrade, Serbia [FRY S&M]
METALURSKO METALSKI KOMBINAT NIKSIC, Niksic, Montenegro [FRY S&M]
METTA TRADING LTD., 79–83 Great Portland Street, London WIN 5FA, England [FRY S&M]
MG NORD TRADING COMPANY, Belgrade, Serbia [FRY S&M]
MICIC, Momcilo, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]
MIHIC, Vukasin, Ul. Majke Jevrosime 39, Belgrade, Serbia (DOB 17 July 1928) (individual) [FRY S&M]
MILANOVIC, Pantelija, Deputy in SRBH Assembly, Pale, Bosnia–Herzegovina (individual) [SRBH]
MILENA SHIP MANAGEMENT CO. LTD. (a.k.a. MILENA LINES), Masons Building, 86, The Strand, Sliema, Malta [FRY S&M]
MILJKOVIC, Milan, Deputy in SRBH Assembly, Doboj, Bosnia–Herzegovina (individual) [SRBH]
MILOSEVIC, Dragan or Dragomir, Major General and Commander, Sarajevo–Romanijski Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
MILOVANOVIC, Manojlo, Major General and Military Chief of Staff, SRBH Forces, Bosnia–Herzegovina (DOB circa 1943–1944, POB Lijevce Polje, Bosnia–Herzegovina) (individual) [SRBH]
MIN – MASINSKA INDUSTRIJA (a.k.a. MACHINE INDUSTRY OF NIS), Nis, Serbia [FRY S&M]
MINEL, Belgrade, Serbia [FRY S&M]
MINEX AD. CO., 33 Vsegradska Street, Nis, Serbia [FRY S&M]
MIOVCIC, Zdravko, Chef du Cabinet of Premier of SRBH, Bosnia–Herzegovina (individual) [SRBH]
MJESOVITO, Herceg Novi, Montenegro [FRY S&M]
MKS – METALURSKI KOMBINAT SMEDEREVO (a.k.a. METALLURGICAL COOPERATIVE OF SMEDEREVO), Smederevo, Serbia [FRY S&M]
MLADIC, Ratko, Colonel General and Army Commander, SRBH Forces, Bosnia–Herzegovina (DOB 12 March 1943, POB Bozinovici, Bosnia–Herzegovina) (individual) [SRBH]
MONTENEGRO EXPORT NIKSIC, 1052 Vaci u 19/21, Budapest, Hungary [FRY S&M]
MONTENEGRO EXPORT YUGOSLAVIA, Kuruclesi ut 19/b, Budapest II, Hungary [FRY S&M]
MONTENEGRO OVERSEAS NAVIGATION LTD., Panama City, Panama, c/o Prekookeanska Plovidba, P.O. Box 87, Marsala Tita 46, 85000 Bar, Montenegro [FRY S&M]
MONTENEGROBANKA COMPANY, Kaiserstrasse 3, Frankfurt, Germany [FRY S&M]
MONTENEGROBANKA d.d. (a.k.a. INVESTICIONA BANKA TITOGRAD) (All offices worldwide. Bank is headquartered in Podgorica, Montenegro) [FRY S&M] including but not limited to: Bulevar Revolucije 1, P.O. Box 183, 81001 Podgorica, Montenegro [FRY S&M]
MONTENEGROEXPORT PREDSTAVITELSTVO FIRMY (MONTENEGROEXPORT REPRESENTATIVE OFFICE), B Pereiaslavskaia d 7 kv 118, Moscow, Russia [FRY S&M]
MONTENEGROEXPORT STROIPLOSCADKA YUGOSLAVSKOI FIRMY, 1–i Krasnogvardeyskii Proyezd, Moscow, Russia [FRY S&M]
MONTENEGROEXPRES – BUDVA (a.k.a. TOURIST ENTERPRISE MONTENEGROEXPRES), Budva, Montenegro [FRY S&M]
MONTEX BANKA d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
MONTEX, Niksic, Montenegro [FRY S&M]
MONTINVEST, Bulevar Revolucije 84, P.O.Box 821, 11001 Belgrade, Serbia [FRY S&M]
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MORAVA, Serbia [FRY S&M]
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NACIONAL SHOP, Belgrade, Serbia [FRY S&M]
NACIONAL, Serbia [FRY S&M]
NAFTAGAS–PROMET, Novi Sad, Vojvodina (Serbia) [FRY S&M]
NAFTAGAS–REFINERIJA, Pancevo, Vojvodina (Serbia) [FRY S&M]
NAFTAGAS, Novi Sad, Vojvodina (Serbia) [FRY S&M]
NAP–COMBICK OEL GMBH, Windmuehlstrasse 1, 6000 Frankfurt am Main 1, Germany [FRY S&M]
NARODNA BANKA CRNE GORE (a.k.a. NATIONAL BANK OF MONTENEGRO), Podgorica, Montenegro [FRY S&M]
NARODNA BANKA SRBIJE (a.k.a. NATIONAL BANK OF SERBIA), Belgrade, Serbia [FRY S&M]
NATIONAL BANK OF YUGOSLAVIA (a.k.a. BANQUE NATIONALE DE YOUGOSLAVIE; a.k.a. NARODNA BANKA JUGOSLAVIJE), Belgrade, Serbia [FRY S&M]
NEDIC, Miladin, Deputy in SRBH Assembly, Ozren, Bosnia–Herzegovina (individual) [SRBH]
NIGERIAN ENGINEERING AND CONSTRUCTION CO. LTD., Ebute–Metta, Lagos, Nigeria [FRY S&M]
NIKSA BANKA (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
NINKOVIC, Milan, Minister of Defense of SRBH, Bosnia–Herzegovina (POB Doboj Region, Bosnia–Herzegovina) (individual) [SRBH]
NINKOVIC, Zivomir, Major General and Commnader, Air Force and Air Defense, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

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NOLIVEL, Belgrade, Serbia [FRY S&M]
NOVI SHIPPING COMPANY S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]
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NOVKABEL, Novi Sad, Vojvodina (Serbia) [FRY S&M]
NOVOSADSKA BANKA d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]
NOVOSADSKA FABRIKA KABELA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
OBOD CETINJE – ELEKTROINDUSTRIJA, Cetinje, Montenegro [FRY S&M]
OCEANIC BULK SHIPPING S.A., Panama City, Panama, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro [FRY S&M]
OKTOIH OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta [FRY S&M]
OMNIAUTO, Belgrade, Serbia [FRY S&M]
OMNIKOMERC, Belgrade, Serbia [FRY S&M]
OPTIKA – BEOGRAD, Belgrade, Serbia [FRY S&M]
OSA CHARTERING, Belgrade, Serbia [FRY S&M]
OSA CHARTERING, Cyprus [FRY S&M]
OSBORNE TRADING COMPANY LTD., Berengaria Bldg., 25 Spyrou Araouzou Street, Limassol, Cyprus [FRY S&M]
OSNOVNA BANKA POLJOPRIVEDNA BANKA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
OSNOVNA PRIVREDNO–INVESTICIONA BANKA (a.k.a. INVESTBANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
OSTOJIC, Branko, Deputy Prime Minister and Economics Minister of SRBH, Bosnia–Herzegovina (individual) [SRBH]
OSTOJIC, Velibor, Deputy in SRBH Assembly, Banja Luka, Bosnia–Herzegovina (DOB 1945, POB Foca–Celebici, Bosnia–Hercegovina) (individual) [SRBH]
PALOMA WEST HANDELS GMBH, Frankfurt am Main, Germany [FRY S&M]
PAMUCNI KOMBINAT YUMKO, Vranje, Serbia [FRY S&M]
PANCEVO HEMIJSKA INDUSTRIJA, Spoljnostarcevacka 80, 26000 Pancevo, Serbia [FRY S&M]
PANONSKA BANKA d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]
PAPDOPOULOS, Tassos, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus (DOB 1933) (individual) [FRY S&M]
PBS BOSANSKA GRADISKA DD, Bosanska Gradiska, Bosnia–Herzegovina [FRY S&M]
PCL PELCAM TRADE LTD. (a.k.a. UBB INVESTMENTS & FINANCE), 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
PEJIC, Momcilo, SRBH National Bank official, Bosnia–Herzegovina (individual) [SRBH]
PEJIC, Ranko, Minister of Finance of SRBH, Bosnia–Herzegovina (DOB 12 June 1935, POB Ilijas, Sarajevo, Bosnia–Herzegovina) (individual) [SRBH]
PERIC, Niksa, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]
PEROVIC, D., Kursovoi Per 1 KV 3, Moscow, Russia (Address of INPEA) (individual) [FRY S&M]
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PIECAS, Stanko, Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
PIK BECEJ, Becej, Vojvodina (Serbia) [FRY S&M]
PIK POZAREVAC, Pozarevac, Serbia [FRY S&M]
PIK SIRMIUM, Sremska Mitrovica, Vojvodina (Serbia) [FRY S&M]
PIK SOMBOR, Sombor, Vojvodina (Serbia) [FRY S&M]
PIK TAKOVO, Gornji Milanovac, Serbia [FRY S&M]
PIK TAMIS, Pancevo, Vojvodina (Serbia) [FRY S&M]
PKB COMMERCE, Belgrade, Serbia [FRY S&M]
PKB HERCEG NOVI, Herceg Novi, Montenegro [FRY S&M]
PLAVSIC, Biljana, a Vice–President of SRBH, Bosnia–Herzegovina (DOB 7 July 1930, POB Banja Luka, Bosnia–Herzegovina) (individual) [SRBH]
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POLIMKA, Ivangrad, Montenegro [FRY S&M]
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POLJOPRIVREDNI KOMBINAT BEOGRAD (a.k.a. PKB), Padinska Skela, Serbia [FRY S&M]
POLJOPRIVREDNI KREDITNA BEOGRAD BANKA (a.k.a. MESOVITA BANKA d.d.; a.k.a. PKB BANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
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PREDUZECE ZA GAZDOVANJE SUMAMA – SRBIJASUME (a.k.a. PUBLIC FORESTRY ENTERPRISE – SRBIJASUME), Serbia [FRY S&M]
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PRISTINSKA BANKA d.d. (All offices. Bank is headquartered in Pristina, Kosovo (Serbia)) [FRY S&M]
PRIVATNA PRIVREDNA BANKA (All offices. Bank is headquartered in Montenegro) [FRY S&M]
PRIVREDNA BANKA BEOGRAD d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
PRIVREDNA BANKA NOVI SAD d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Bijeljina), Bijeljina, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Brcko), Brcko, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Doboj), Doboj, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Foca), Foca, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Prijedor), Prijedor, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA BANKA SARAJEVO DD (Titov Drvar), Titov Drvar, Bosnia–Herzegovina [FRY S&M]
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PRIVREDNA BANKA SARAJEVO DD (Zvornik), Zvornik, Bosnia–Herzegovina [FRY S&M]
PRIVREDNA KOMORA CRNE GORE (a.k.a. CHAMBER OF ECONOMY OF MONTENEGRO), Podgorica, Montenegro [FRY S&M]
PRIVREDNA KOMORA JUGOSLAVIJE (a.k.a. CHAMBER OF ECONOMY OF YUGOSLAVIA), Belgrade, Serbia [FRY S&M]
PRIVREDNA KOMORA SRBIJE (a.k.a. CHAMBER OF ECONOMY OF SERBIA), Belgrade, Serbia [FRY S&M]
PROGRES BAGHDAD BRANCH OFFICE, Section 929 Street, 12 House 35/9/35, Baghdad, Iraq [FRY S&M]
PROGRES BUCUREST (a.k.a. PROGRES BUCHAREST), B–Dul Balcesku No 32–34/I, Bucharest, Romania [FRY S&M]
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PROGRES PRIZREN (a.k.a. METAL AND PLASTIC COMPONENTS PRODUCTION), Prizren, Kosovo (Serbia) [FRY S&M]
PROGRES TRADE REPRESENTATION IN IRAN, Ayattolah Teleghani Ave No. 202/V, Teheran, Iran [FRY S&M]
PROGRES, Belgrade, Serbia [FRY S&M]
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PROGRESS REPRESENTATION OFFICE, Sipka No. 7, Sofia 7, Bulgaria [FRY S&M]
PROGRESS REPRESENTATIVE OFFICE, Szpitalna 6, Przedstawicielstvo w Warszawie, Warsaw, Poland [FRY S&M]

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PROITAL S.R.L., Via napo Torriani 3L/I, Milan, Italy [FRY S&M]
PROMET, Niksic, Montenegro [FRY S&M]
PROMIMPRO EXPORTS AND IMPORTS LTD., 70 Archbishop Makarios III Avenue, Afemia Bldg., 3rd Floor, Nicosia, Cyprus [FRY S&M]
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PRVA SRPSKA KOMERCIALJNA BANKA (All offices. Bank is headquartered in Nis, Serbia) [FRY S&M]
PRVI MAJ, 18300 Pirot, Serbia [FRY S&M]
PRVOBORAC, Niksic, Montenegro [FRY S&M]
PRZEDSTAWICIELSTWO JUGOSLOWIANSKIEJ HANDLU ZAGRANICZNEGO HEMPRO, Szpitalna 6 m 16, Warsaw, Poland [FRY S&M]
PTT CRNE GORE (a.k.a. MONTENEGRO POST, TELEGRAPH AND TELEPHONE), Montenegro [FRY S&M]
PTT JUGOSLAVIJE (a.k.a. YUGOSLAV POST, TELEGRAPH AND TELEPHONE), Belgrade, Serbia (Including all Serbian and Montenegrin affiliates) [FRY S&M]
PTT SRBIJA (a.k.a. SERBIA POST, TELEGRAPH AND TELEPHONE), Belgrade, Serbia [FRY S&M]
PUTIC, Milenko, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]
PUTNIK, Belgrade, Serbia [FRY S&M]
RAD GRADJEVINSKO PREDUZECE, Belgrade, Serbia [FRY S&M]
RADIO TELEVIZIJA BEOGRAD (a.k.a. RTB), Belgrade, Serbia [FRY S&M]
RADIO TELEVIZIJA CRNE GORE (a.k.a. RTV CRNE GORE), Podgorica, Montenegro (Including all affiliates) [FRY S&M]
RADIO TELEVIZIJA NOVI SAD (a.k.a. RTV NOVI SAD), Novi Sad, Vojvodina (Serbia) [FRY S&M]
RADIO TELEVIZIJA PRISTINA (a.k.a. RTV PRISTINA), Pristina, Kosovo (Serbia) [FRY S&M]
RADIO TELEVIZIJA SRBIJE (a.k.a. RTV SRBIJE), Belgrade, Serbia (Including all affiliates) [FRY S&M]
RADOJE DAKIC (a.k.a. ENTERPRISE FOR CONSTRUCTION MACHINERY – RADOJE DAKIC), Podgorica, Montenegro [FRY S&M]
RAFINERIJA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
RAKIC, Zivko, Minister of the Interior of SRBH, Bosnia–Herzegovina (individual) [SRBH]
RANK XEROX YU, Belgrade, Serbia [FRY S&M]
RAPID CO, Studentski trg 4, 11000 Belgrade, Serbia [FRY S&M]
RAPID, Belgrade, Serbia [FRY S&M]
RASUO, Nedeljko, Deputy in SRBH Assembly, Sanski Most, Bosnia–Herzegovina (individual) [SRBH]
RATAR, Podgorica, Montenegro [FRY S&M]
RATKO MITROVIC – BEOGRAD, Belgrade, Serbia [FRY S&M]
REKORD, Belgrade, Serbia [FRY S&M]
RENOVICA, Milanko, Special Advisor to President of SRBH, Bosnia–Herzegovina (individual) [SRBH]
RIGEL SHIPMANAGEMENT LTD., Second Floor, Regency House, Republic Street, Valletta, Malta [FRY S&M]
RIVAMED SHIPPING LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
ROBNE KUCE BEOGRAD, Belgrade, Serbia [FRY S&M]
ROSIC, Jovo, Minister of Justice SRBH, Bosnia–Herzegovina (individual) [SRBH]
ROZAJE, Polimlje, Serbia [FRY S&M]
RTB BOR, Bor, Serbia [FRY S&M]
RUDEX INTERNATIONAL LTD, 37–38 Margaret St, London W1N 8PS, England [FRY S&M]
RUDI CAJAVEC, Banja Luka, Bosnia–Herzegovina [FRY S&M]
RUDIMEX GMBH, Landstrasse Hauptstrasse 1/3–25, 1030 Vienna, Austria [FRY S&M]
RUDNAP DD (a.k.a. RUDNAP EXPORT–IMPORT), 10 Ul. Vuka Karadzica–Strasse, 11001 Belgrade, Serbia (All offices worldwide) [FRY S&M] including but not limited to: Algiers branch office, 12 Rue Tirman, Algiers, Algeria [FRY S&M]; Rio de Janiero branch office, Rio de Janiero, Brazil [FRY S&M]; Beijing representative office, Beijing, China [FRY S&M]; Prague branch office, U Obecniho Dvora 2, Prague 1, Czech Republic [FRY S&M]; Berlin branch office, Berlin, Germany [FRY S&M]; Jakarta representative office, Jakarta, Indonesia [FRY S&M]; Tehran representative office, Tehran, Iran [FRY S&M]; Katowice representative office, Katowice, Poland [FRY S&M]; Moscow representative office, Moscow, Russia [FRY S&M]
RUDNICI BAKRA I NEMETALA, Bor, Serbia [FRY S&M]
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RUDNIK – GORNJI MILANOVAC, Gornji Milanovac, Serbia [FRY S&M]
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SARENAC, Slobodan, Inex–Interexport Ltd., 27 Marta 69, Belgrade, Serbia (individual) [FRY S&M]
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SAVA, Serbia [FRY S&M]
SAVIC, Milorad, Lt. Colonel and Commander, Second Krajina Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
SAVIC, Milos, Secretary of SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]
SBS, Belgrade, Serbia [FRY S&M]
SECYCO, 66 Archbishop Makarios III Avenue, Cronos Court, Office 23–24, Nicosia, Cyprus [FRY S&M]
SEKULAREC, Mirko, Plaza Liberty No. 8, 20131 Milan, Italy (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
SEME, Belgrade, Serbia [FRY S&M]
SENDIC, Borivoj, Minister of Agriculture and Forestry of SRBH, Bosnia–Herzegovina (individual) [SRBH]
SERVISIPORT, Podgorica, Montenegro [FRY S&M]
SERVO MIHALJ, Zrenjanin, Vojvodina (Serbia) [FRY S&M]
SEVER, Subotica, Vojvodina (Serbia) [FRY S&M]
SEVOJNO OVERSEAS CORPORATION, Englewood, New Jersey, U.S.A. [FRY S&M]
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SIMIC, Ratomir, Colonel and Commander, First Armored Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
SIMIT GMBH, 1010 Karlsplatz 1/2, Vienna, Austria [FRY S&M]
SIMIT GMBH, Representative Office, Sun Li Tun Diplomatic Office Bldg. 1–21, Beijing, 100600, People's Republic of China [FRY S&M]
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SIMPO INTERNATIONAL, London, England [FRY S&M]
SIMPO SPOL GMBH, Prague, Czech Republic [FRY S&M]
SIMPO SRL, Bassano Del Vialle Dele Fosse 30, Grappa, Italy [FRY S&M]
SINTELON, Bela Palanka, Serbia [FRY S&M]
SKORIC, Milan, Lt. Colonel and Commander, Second Armored Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
SLAVIJA BANKA (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]
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SP DNJEPROMETALIN (a.k.a. SP DNYEPROMETALIN), ul. Artelyinaya 10, Dnyepropetrovsk, 320081, Ukraine [FRY S&M]
SP MKT–KARIC, ul. Transportnaya Dom 10, Odincovo, Moscow 143000, Russia [FRY S&M]
SPASIC, Andrea, General Secretary of SRBH, Bosnia–Herzegovina (individual) [SRBH]
SPLITSKA BANKA DD SPLIT (Knin), Knin, Croatia [FRY S&M]
SRBIJA – KRAGUJEVAC, Kragujevac, Serbia [FRY S&M]
SRBIJATURIST, Nis, Serbia [FRY S&M]
SRBOCOOP, Belgrade, Serbia [FRY S&M]
SRDIC, Srdo, Deputy in SRBH Assembly, Prijedor, Bosnia–Herzegovina (individual) [SRBH]
SREMO, Vlado, Major General and Chief of Staff, East Herzegovina Corps, SRBH Forces, Bosnia–Herzegovina (DOB 1935, POB Mostar, Bosnia–Herzegovina) (individual) [SRBH]
SRPSKA FABRIKA STAKLA, Paracin, Serbia [FRY S&M]
STELJIC, Marko, Bulevar Marsala Tita 11, 11000 Beograd, Serbia (DOB 10 October 1935) (individual) [FRY S&M]
SUKO, Pirot, Serbia [FRY S&M]
SUNBOW MARITIME S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]
SVAJCARSKO–JUGOSLOVENSKA BANKA (All offices. Bank is headquartered in Serbia) [FRY S&M]
T.S.M. LTD., China HK City Tower II 1109, 33 Canton Road, T.S.T. (Tsim Sha Tsui), Kowloon, Hong Kong [FRY S&M]
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TALIC, Momir, Lt. Colonel General and Commander, First Krajina Corps, SRBH Forces, Based at Banja Luka, Bosnia–Herzegovina (DOB 15 July 1942, POB Valjevo, Serbia) (individual) [SRBH]
TARA (CETINJA), Cetinje, Montenegro [FRY S&M]
TARA (PLJEVLJA), Pljevlja, Montenegro [FRY S&M]
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TASLAW SECRETARIAL LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus [FRY S&M]
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TAT TRADING LTD., Limassol, Cyprus [FRY S&M]
TECNOPROM (CYPRUS) LTD., 57 Ledra Street, No. 7, Nicosia, Cyprus [FRY S&M]
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TEKING–INVEST, Belgrade, Serbia [FRY S&M]
TEKNOX, Belgrade, Serbia [FRY S&M]
TEKSTILNI KOMBINAT RASKA, Novi Pazar, Serbia [FRY S&M]
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TOHOLJ, Miroslav, Minister of Information of SRBH, Bosnia–Herzegovina (DOB 11 April 1957, POB Ljubinje, Bosnia–Herzegovina) (individual) [SRBH]
TOPIC, Vlado, Lt. Colonel and Commander, Sixteenth Artillery Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (DOB 1955, POB Prijedor, Bosnia–Herzegovina) (individual) [SRBH]
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TRBOJEVIC, Milan, Counselor to Premier of SRBH, Bosnia–Herzegovina (individual) [SRBH]
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TREPCA–KOSOVSKA MITROVICA (a.k.a. MINING METALLURGY–CHEMICAL COMBINATION OF LEAD AND ZINC), Kosovska Mitrovica, Kosovo (Serbia) [FRY S&M]
TRGOPRODUKT, Pancevo, Vojvodina (Serbia) [FRY S&M]
TRGOPROMET, Cetinje, Montenegro [FRY S&M]
TRGOVACKA BANKA d.d., Belgrade, Serbia [FRY S&M]
TRGOVINA KOSOVO, Prizren, Kosovo (Serbia) [FRY S&M]
TUBIN, Dusan, Lt. Colonel and Commander, Fifth Kozarska Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
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UNIFARM, Podgorica, Montenegro [FRY S&M]
UNION BANKA d.d., Belgrade, Serbia [FRY S&M]
UNIONPROMET, Novi Sad, Vojvodina (Serbia) [FRY S&M]
UNITED CONSULTING CO. LTD., Cester Ho, Third Fl., Lusaka, Zambia [FRY S&M]
UNIVERZAL, Belgrade, Serbia [FRY S&M]
UNIVERZAL, Mjevrosime 51, 11000 Belgrade, Serbia [FRY S&M]
UTVA, Pancevo, Vojvodina (Serbia) [FRY S&M]
VALJAONICA ALUMINIJUMA, Sevojno Uzice, Serbia [FRY S&M]
VASIC, Zoran, Palmira Toljatija 3, 11070 Novi Beograd, Serbia (individual) [FRY S&M]
VELETRGOVINA, Kolasin, Montenegro [FRY S&M]
VELIMIR JAKIC, Pljevlja, Montenegro [FRY S&M]
VERIMPEX GMBH – IMPORT AND EXPORT, Bohmerstrasse 6, 6000 Frankfurt am Main 1, Germany [FRY S&M]
VETPROM, Belgrade, Serbia [FRY S&M]
VISKOZA – LOZNICA (a.k.a. VISCOSE AND CELLULOSE INDUSTRY OF LOZNICA), Loznica, Serbia [FRY S&M]
VOCARCOOP – UNION, Belgrade, Serbia [FRY S&M]
VOJVODINA – SREMSKA MITROVICA, Sremska Mitrovica, Vojvodina (Serbia) [FRY S&M]
VOJVODINA TOURS, Novi Sad, Vojvodina (Serbia) [FRY S&M]
VOJVODJANSKA BANKA, d.d. (a.k.a. BANK OF VOJVODINA; f.k.a. VOJVODINA BANK–ASSOCIATED BANK, NOVI SAD), Serbia (All offices worldwide) [FRY S&M] including but not limited to: Langham House, 308 Regent Street, London, W1R 5AL, England [FRY S&M]; Kaiser Strasse 3, 6000 Frankfurt am Main, Germany [FRY S&M]; P.O. Box 391, Bulevar Marsala Tita 14, 21001 Novi Sad, Vojvodina (Serbia) [FRY S&M]

VOLAS, Cedo, President of Alliance of SRBH Trade Unions, Bosnia–Herzegovina (individual) [SRBH]
VRACAR, Milenko, a Governor of SRBH National Bank, Bosnia–Herzegovina (individual) [SRBH]
VRSACKA BANKA d.d., Vrsac, Serbia [FRY S&M]
VUCIC, Borka, 2 Knez Mihajlova, 1000 Belgrade, Serbia (individual) [FRY S&M]
VUCUREVIC, Bozidar, Deputy in SRBH Assembly, Mayor of Trebinje, Trebinje, Bosnia–Herzegovina (DOB 22 September 1936, POB Trebinje, Bosnia–Herzegovina) (individual) [SRBH]
VUJNOVIC, Milorad, 21 Kosta Ourani Street, P.O. Box 3410, Limassol, Cyprus (DOB 20 March 1957 Address of INPEA (OVERSEAS) HOLDING LTD. of Limassol)) (individual) [FRY S&M]
VUKOVARSKA BANKA DD, Vukovar, Croatia [FRY S&M]
VUKOVIC, Vlado, Assistant Minister of Defense of SRBH, Bosnia–Herzegovina (POB Doboj Region, Bosnia–Herzegovina) (individual) [SRBH]
VUNKO, Bijelo Polje, Montenegro [FRY S&M]
VUP, Danilovgrad, Montenegro [FRY S&M]
YATZO Group, Serbia [FRY S&M]
YES HOLDING INTERNATIONAL LTD., Archbishop Makarios III Avenue, Xenios Commercial Center, 5th Floor, No. 501, Nicosia, Cyprus [FRY S&M]
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YU KOMERC B K, Jevrejska ul. 7, 11000 Beograd, Serbia [FRY S&M]
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YUGOTOURS (a.k.a. GENERALEXPORT BRATISLAVA), Palisady 31/II, 81106 Bratislava, Slovak Republic [FRY S&M]
YUGOTOURS (a.k.a. GENERALEXPORT PRAGUE), Stepanska 57/II, 11000 Prague, Czech Republic [FRY S&M]
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YUSACO, Serbia [FRY S&M]
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ZASTAVA JUGO AUTOMOBILI, Kragujevac, Serbia [FRY S&M]
ZASTAVA–PRIVREDNA VOZILA, Kragujevac, Serbia [FRY S&M]
ZAVOD ZA E. EKSP., Belgrade, Serbia [FRY S&M]
ZAVODI CRVENA ZASTAVA – KRAGUJEVAC (a.k.a. AUTOMOBILE INDUSTRY – CRVENA ZASTAVA; a.k.a. ZASTAVA), Kragujevac, Serbia [FRY S&M]
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ZELENGORA, Belgrade, Serbia [FRY S&M]
ZELEZARA BORIS KIDRIC, Niksic, Montenegro [FRY S&M]
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ZELEZNICKO TRANSPORTNO PREDUZECE CRNE GORE (a.k.a. MONTENEGRIN RAILROAD TRANSPORTATION ORGANIZATION), Montenegro [FRY S&M]
ZELEZNICKO TRANSPORTNO PREDUZECE NOVI SAD (a.k.a. NOVI SAD RAILROAD TRANSPORTATION ORGANIZATION), Novi Sad, Vojvodina (Serbia) [FRY S&M]
ZELEZNICKO TRANSPORTNO PREDUZECE SRBIJE (a.k.a. SERBIAN RAILROAD TRANSPORTATION ORGANIZATION), Belgrade, Serbia [FRY S&M]
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ZIGIC, Branislava, Secretary of Ministry of Trade and Supply of SRBH, Bosnia–Herzegovina (individual) [SRBH]
ZIVANOVIC, Milenko, Major General and Commander, Drina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
ZORKA, Sabac, Serbia [FRY S&M]
ZTP BELGRADE, Belgrade, Serbia [FRY S&M]
ZTP, Podgorica, Montenegro [FRY S&M]
ZUKOVIC, Ljubomir, Minister of Education, Science, and Culture of SRBH, Bosnia–Herzegovina (individual) [SRBH]
ZUPA – KRUSEVAC, Krusevac, Serbia [FRY S&M]
ZUPLJANIN, Slobodan, Lt. Colonel and Commander, Twenty–second Infantry Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

Appendix B to Chapter V—Alphabetical Listing by Location of Blocked Persons, Specially Designated National, Specially Designated Terrorists and Specially Designated Narcotics Traffickers

Algeria

ABU NIDAL ORGANIZATION (a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]
ANO (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB REVOLUTIONARY BRIGADES (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

BLACK SEPTEMBER (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

CALTRAM (a.k.a. COMPAGNIE ALGERO–LIBYENNE DE TRANSPORT MARITIME), 21 Rue des Freres Bouadou, Birmandreis, Algiers, Algeria [LIBYA]

COMPAGNIE ALGERO–LIBYENNE DE TRANSPORT MARITIME (a.k.a. CALTRAM), 21 Rue des Freres Bouadou, Birmandreis, Algiers, Algeria [LIBYA]

FATAH REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

Angola

CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Belas Airport, Luanda, Angola [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Belas Airport, Luanda, Angola [CUBA]

Argentina

COPIA, S.A. (a.k.a. CORPORACION ARGENTINA DE INGENIERIA Y ARQUITECTURA, S.A.), San Martin 323, 4th Floor, Buenos Aires, Argentina [CUBA]

CORPORACION ARGENTINA DE INGENIERIA Y ARQUITECTURA, S.A. (a.k.a. COPIA, S.A.), San Martin 323, 4th Floor, Buenos Aires, Argentina [CUBA]

CRYMSA – ARGENTINA, S.A., Buenos Aires, Argentina [CUBA]

CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Buenos Aires, Argentina [CUBA]

CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Corrientes 545 Primer Piso, Buenos Aires, Argentina [CUBA]

CUBATUR (a.k.a. EMPRESA DE TURISMO NACIONAL Y INTERNACIONAL), Buenos Aires, Argentina [CUBA]

CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Buenos Aires, Argentina [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Corrientes 545 Primer Piso, Buenos Aires, Argentina [CUBA]

EMPRESA DE TURISMO NACIONAL Y INTERNACIONAL (a.k.a. CUBATUR), Buenos Aires, Argentina [CUBA]

GUAMATUR, Buenos Aires, Argentina [CUBA]

LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Buenos Aires, Argentina [CUBA]

LEVERAGE, S.A., San Martin 323, Piso 14, Buenos Aires, Argentina [CUBA]

LEVERYE, S.A., Corrientes 1386, 5th Floor, Buenos Aires, Argentina [CUBA]

Armenia

GENERALEXPORT YEREVAN, Yerevan, Armenia [FRY S&M]

Australia

INTERPROGRESS PRT. LTD., P.O. Box 937, Pymble NSW 2073, Sydney, Australia [FRY S&M]

Austria

CINEX, Singerstrasse 2/8, 1010 Vienna, Austria [FRY S&M]

COMBICK GMBH, Neuer Markt 1, 1010 Vienna, Austria [FRY S&M]

COOPEX, Vienna, Austria [FRY S&M]

IMPEXPRODUKT, Wipplingerstrasse 36, 1010 Vienna, Austria [FRY S&M]

INEX PETROL AG, Karntner Ring 17/15, A–1010 Vienna, Austria [FRY S&M]

IRAQI AIRWAYS, Opernring 6, 1010 Wien, Vienna, Austria [IRAQ]

METAL UND STAHL HANDELS GMBH, Seilergasse 14, 1010 Vienna, Austria [FRY S&M]

QUIMINTER GMBH, Vienna, Austria [CUBA]

RUDIMEX GMBH, Landstrasse Hauptstrasse 1/3–25, 1030 Vienna, Austria [FRY S&M]

SIMIT GMBH, 1010 Karlsplatz 1/2, Vienna, Austria [FRY S&M]

YUGOTOURS–REISEN GMBH, Kaerntnerstrasse 26, Vienna, Austria [FRY S&M]

YUNIVERSAL, Singer Strasse 2/15, 1010 Vienna, Austria [FRY S&M]

Bahrain

ALUBAF (a.k.a. ALUBAF ARAB INTERNATIONAL BANK E.C.), UGB Tower, Diplomatic Area, P.O. Box 12529, Manama, Bahrain [LIBYA]

ALUBAF ARAB INTERNATIONAL BANK E.C. (a.k.a. ALUBAF), UGB Tower, Diplomatic Area, P.O. Box 12529, Manama, Bahrain [LIBYA]

COOBAR, Hadi N., Manama, Bahrain (individual) [LIBYA]

EL–FIGHI, El Hadi M., P.O. Box 1114, Diplomatic Area, Manama, Bahrain (individual) [LIBYA]

EL–KIB, Abdullatif, Manama, Bahrain (individual) [LIBYA]

NAJAH, Tahor, Manama, Bahrain (individual) [LIBYA]

RAFIDAIN BANK, P.O. Box 607, Manama, Bahrain (2 branches in Bahrain) [IRAQ]

SAUDI, Abdullah Ammar, Manama, Bahrain (individual) [LIBYA]

Bangladesh

IRAQI AIRWAYS, General Service Agent, Bangladeshi–Owned Travel Agency, Dhaka, Bangladesh [IRAQ]

Barbados

CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Grantley Adams Airport, Christ Church, Barbados [CUBA]

EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Grantley Adams Airport, Christ Church, Barbados [CUBA]

Belgium

INTEREXPORT BRUXELLES, Blvd. E Jacqmain 162, WTC–V19e etage, 1000 Brussels, Belgium [FRY S&M]

YUGOTOURS S.A., Rue de Princes 8–10, 1000 Brussels, Belgium [FRY S&M]

Belize

BELMEX IMPORT EXPORT CO., LTD., 24 Corner Regent and Kings Streets, Belize City, Belize [CUBA]

Bosnia–Herzegovina

AGROPROM BANKA d.d., Banja Luka, Bosnia–Herzegovina [FRY S&M]

ANDZIC, Rodoljub, Colonel and Commander, Mixed Herzegovina Air Force and Air Defense Brigade, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

ANTIC, Bozidar, President of SRBH Chamber of Commerce, Bosnia–Herzegovina (individual) [SRBH]

BANJALUCKA BANKA d.d., Banja Luka, Bosnia–Herzegovina [FRY S&M]

BJELOJEVIC, Dragomir, Deputy in SRBH Assembly, Pale, Bosnia–Herzegovina (individual) [SRBH]

BLAGOJEVIC, Predrag, Diplomat for SRBH, Bosnia–Herzegovina (individual) [SRBH]

BLAGOJEVIC, Stanko, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

BORIC, Grujo, Major General and Commander, Second Krajina Corps, SRBH Forces, based at Drvar, Bosnia–Herzegovina (individual) [SRBH]

BORKOVIC, Ratko, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

BOROJEVIC, Slobodan, Colonel and Commander, Eleventh Infantry Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

BOSIC, Boro, Minister of Industry and Energy of SRBH, Bosnia–Herzegovina (individual) [SRBH]

BRDJANIN, Radoslav (a.k.a. BRDZANIN, Radoslav), Minister of Housing and Building of SRBH, Bosnia–Herzegovina (POB Celinac Donji, Bosnia–Herzegovin) (individual) [SRBH]

BRDZANIN, Radoslav (a.k.a. BRDJANIN, Radoslav), Minister of Housing and Building of SRBH, Bosnia–Herzegovina (POB Celinac Donji, Bosnia–Herzegovin) (individual) [SRBH]

BUHA, Dr. Aleksa, Foreign Minister of SRBH, Bosnia–Herzegovina (DOB 21 Nov 39, POB Gacko, Bosnia–Herzegovina) (individual) [SRBH]

BUNDALO, Ratko, Colonel and Commander, First Combined Antitank Artillery Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

DJOKANOVIC, Dragan, Minister of Veterans' Issues of SRBH, Bosnia–Herzegovina (individual) [SRBH]

DJUKIC, Djordje, Major General and Chief of Logistics, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

DODIK, Milorad, Deputy in SRBH Assembly, Banja Luka, Bosnia–Herzegovina (individual) [SRBH]

ERCEG, Nikola, Deputy in SRBH Assembly, Banja Luka, Bosnia–Herzegovina (individual) [SRBH]

GAGOVIC, Milislav, Major General, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

GALIC, Stanislav, Major General and a Corps Commander, Sarajevo–Romanij Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

GARIC, Nedeljko, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

GOSTIC, Uros, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

GRUBAC, Radovan, Colonel General and Commander, Herzegovina Corps, SRBH Forces, Bosnia–Herzegovina (DOB 1949) (individual) [SRBH]

GVERO, Milan, Colonel Lieutenant General and Deputy Army Commander, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

ILIC, Vladimir, Diplomat of SRBH, Bosnia–Herzegovina (individual) [SRBH]

INDUSTRIJA ALATA, Trebinje, Bosnia–Herzegovina [FRY S&M]

JOLDIC, Miodrag, Deputy in SRBH Assembly, Doboj, Bosnia–Herzegovina (individual) [SRBH]

KALINIC, Dr. Dragan, Minister of Health of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KARADZIC, Dr. Radovan, President of SRBH, Bosnia–Herzegovina (DOB 19 Jun 45, POB Petnica, Montenegro) (individual) [SRBH]

KELECEVIC, Bosko, Major General and Chief of Staff, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

KOLJEVIC, Dr. Nikola, a Vice–President of SRBH, Bosnia–Herzegovina (DOB 9 Jun 36, POB Banja Luka, Bosnia–Herzegovina) (individual) [SRBH]

KOVACEVIC, Sveto, Minister of Trade and Supply of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KOZIC, Dusan, Prime Minister of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KRAJISNIK, Momcilo, President of SRBH Assembly, Banja–Luka, Bosnia–Herzegovina (DOB 20 Jan 45, POB Radovac, Sarajevo, Bosnia–Herzegovina) (individual) [SRBH]

KRECA, Milenko, Diplomat of SRBH, Bosnia–Herzegovina (individual) [SRBH]

KRUNIC, Goran, Diplomat of SRBH, Bosnia–Herzegovina (individual) [SRBH]

LAJIC, Nedeljko, Minister of Transportation and Communication of SRBH, Bosnia–Herzegovina (individual) [SRBH]

LAKIC, Nedeljko, Secretary of SRBH, Bosnia–Herzegovina (individual) [SRBH]

LUKIC, Vladimir, Deputy in SRBH Assembly, Pale, Bosnia–Herzegovina (DOB circa 1930) (individual) [SRBH]

MAKSIMOVIC, Vojislav, Head of Srpska Demokratska Stranka Srpskih Zemalja Deputy Group, Mayor of ''Serb Sarajevo'', Sarajevo, Bosnia–Herzegovina (DOB 1939, POB Ustikolina, Bosnia–Herzegovina) (individual) [SRBH]

MEDISA SARAJEVO, Sarajevo, Bosnia–Herzegovina [FRY S&M]

MICIC, Momcilo, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

MILANOVIC, Pantelija, Deputy in SRBH Assembly, Pale, Bosnia–Herzegovina (individual) [SRBH]

MILJKOVIC, Milan, Deputy in SRBH Assembly, Doboj, Bosnia–Herzegovina (individual) [SRBH]

MILOSEVIC, Dragan or Dragomir, Major General and Commander, Sarajevo–Romanijski Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

MILOVANOVIC, Manojlo, Major General and Military Chief of Staff, SRBH Forces, Bosnia–Herzegovina (DOB circa 1943–1944, POB Lijevce Polje, Bosnia–Herzegovina) (individual) [SRBH]

MIOVCIC, Zdravko, Chef du Cabinet of Premier of SRBH, Bosnia–Herzegovina (individual) [SRBH]

MLADIC, Ratko, Colonel General and Army Commander, SRBH Forces, Bosnia–Herzegovina (DOB 12 Mar 43, POB Bozinovici, Bosnia–Herzegovina) (individual) [SRBH]

NEDIC, Miladin, Deputy in SRBH Assembly, Ozren, Bosnia–Herzegovina (individual) [SRBH]

NINKOVIC, Milan, Minister of Defense of SRBH, Bosnia–Herzegovina (POB Doboj Region, Bosnia–Herzegovina) (individual) [SRBH]

NINKOVIC, Zivomir, Major General and Commnader, Air Force and Air Defense, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

OSTOJIC, Branko, Deputy Prime Minister and Economics Minister of SRBH, Bosnia–Herzegovina (individual) [SRBH]

OSTOJIC, Velibor, Deputy in SRBH Assembly, Banja Luka, Bosnia–Herzegovina (DOB 1945, POB Foca–Celebici, Bosnia–Hercegovina) (individual) [SRBH]

PBS BOSANSKA GRADISKA DD, Bosanska Gradiska, Bosnia–Herzegovina [FRY S&M]

PEJIC, Momcilo, SRBH National Bank official, Bosnia–Herzegovina (individual) [SRBH]

PEJIC, Ranko, Minister of Finance of SRBH, Bosnia–Herzegovina (DOB 12 Jun 35, POB Ilijas, Sarajevo, Bosnia–Herzegovina) (individual) [SRBH]

PERIC, Niksa, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

PLAVSIC, Biljana, a Vice–President of SRBH, Bosnia–Herzegovina (DOB 7 Jul 30, POB Banja Luka, Bosnia–Herzegovina) (individual) [SRBH]

POPOVIC, Vitomir, Deputy in SRBH Assembly, Banja Luka, Bosnia–Herzegovina (individual) [SRBH]

PRIVREDNA BANKA SARAJEVO DD (Bijeljina), Bijeljina, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Brcko), Brcko, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Doboj), Doboj, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Foca), Foca, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Prijedor), Prijedor, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Titov Drvar), Titov Drvar, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Trebinje), Trebinje, Bosnia–Herzegovina [FRY S&M]

PRIVREDNA BANKA SARAJEVO DD (Zvornik), Zvornik, Bosnia–Herzegovina [FRY S&M]

PUTIC, Milenko, Deputy in SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

RAKIC, Zivko, Minister of the Interior of SRBH, Bosnia–Herzegovina (individual) [SRBH]

RASUO, Nedeljko, Deputy in SRBH Assembly, Sanski Most, Bosnia–Herzegovina (individual) [SRBH]

RENOVICA, Milanko, Special Advisor to President of SRBH, Bosnia–Herzegovina (individual) [SRBH]

ROSIC, Jovo, Minister of Justice SRBH, Bosnia–Herzegovina (individual) [SRBH]

RUDI CAJAVEC, Banja Luka, Bosnia–Herzegovina [FRY S&M]

SAVIC, Milorad, Lt. Colonel and Commander, Second Krajina Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

SAVIC, Milos, Secretary of SRBH Assembly, Bosnia–Herzegovina (individual) [SRBH]

SENDIC, Borivoj, Minister of Agriculture and Forestry of SRBH, Bosnia–Herzegovina (individual) [SRBH]

SIMIC, Jovica, Major General and Commander, Eastern Bosnian Corps, SRBH Forces, based at Bijeljina, Bosnia–Herzegovina (individual) [SRBH]
SIMIC, Ratomir, Colonel and Commander, First Armored Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
SKORIC, Milan, Lt. Colonel and Commander, Second Armored Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
SPASIC, Andrea, General Secretary of SRBH, Bosnia–Herzegovina (individual) [SRBH]
SRDIC, Srdo, Deputy in SRBH Assembly, Prijedor, Bosnia–Herzegovina (individual) [SRBH]
SREMO, Vlado, Major General and Chief of Staff, East Herzegovina Corps, SRBH Forces, Bosnia–Herzegovina (DOB 1935, POB Mostar, Bosnia–Herzegovina) (individual) [SRBH]
TALIC, Momir, Lt. Colonel General and Commander, First Krajina Corps, SRBH Forces, Based at Banja Luka, Bosnia–Herzegovina (DOB 15 Jul 42, POB Valjevo, Serbia) (individual) [SRBH]
TOHOLJ, Miroslav, Minister of Information of SRBH, Bosnia–Herzegovina (DOB 11 Apr 57, POB Ljubinje, Bosnia–Herzegovina) (individual) [SRBH]
TOPIC, Vlado, Lt. Colonel and Commander, Sixteenth Artillery Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (DOB 1955, POB Prijedor, Bosnia–Herzegovina) (individual) [SRBH]
TRBOJEVIC, Milan, Counselor to Premier of SRBH, Bosnia–Herzegovina (individual) [SRBH]
TUBIN, Dusan, Lt. Colonel and Commander, Fifth Kozarska Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
VOLAS, Cedo, President of Alliance of SRBH Trade Unions, Bosnia–Herzegovina (individual) [SRBH]
VRACAR, Milenko, a Governor of SRBH National Bank, Bosnia–Herzegovina (individual) [SRBH]
VUCUREVIC, Bozidar, Deputy in SRBH Assembly, Mayor of Trebinje, Trebinje, Bosnia–Herzegovina (DOB 22 Sep 36, POB Trebinje, Bosnia–Herzegovina) (individual) [SRBH]
VUKOVIC, Vlado, Assistant Minister of Defense of SRBH, Bosnia–Herzegovina (POB Doboj Region, Bosnia–Herzegovina) (individual) [SRBH]
ZAMETICA, Jovan, Advisor and Spokesman for President of SRBH, Bosnia–Herzegovina (individual) [SRBH]
ZELJAJA, Radmilo, Colonel and Commander, Forty–third Motorized Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
ZIGIC, Branislava, Secretary of Ministry of Trade and Supply of SRBH, Bosnia–Herzegovina (individual) [SRBH]
ZIVANOVIC, Milenko, Major General and Commander, Drina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]
ZUKOVIC, Ljubomir, Minister of Education, Science, and Culture of SRBH, Bosnia–Herzegovina (individual) [SRBH]
ZUPLJANIN, Slobodan, Lt. Colonel and Commander, Twenty–second Infantry Brigade, First Krajina Corps, SRBH Forces, Bosnia–Herzegovina (individual) [SRBH]

Brazil

AMARO, Joaquim Ferreira, Praca Pio X, 54–10o Andar CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]
AZIZ, Fouad Hamza, Praca Pio X, 54–10o Andar, CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]
BANCO BRASILEIRO–IRAQUIANO S.A., Praca Pio X, 54–10o Andar CEP 20091, Rio de Janeiro, Brazil (Head office and city branch) [IRAQ]
INTYBRA REPRESENTACAO & COMERCIO SA, Rua Visc de Inhauma 134 S/927, Rio de Janeiro, Brazil [FRY S&M]
IRAQI AIRWAYS, Rio de Janeiro, Brazil [IRAQ]
RAOUF, Khalid Mohammed, Praca Pio X, 54–10o Andar, CEP 20091, Rio de Janeiro, Brazil (individual) [IRAQ]
SCHMITT, Rogerio Eduardo, Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
SIM, Gilberto F., Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
SOUZA, Francisco Antonio, Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]
TAVEIRA, A. Arnaldo G., Praca Pio X, 54–10o Andar, CEP 20091, Rio De Janeiro, Brazil (individual) [IRAQ]

Bulgaria

CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Varna, Bulgaria [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Varna, Bulgaria [CUBA]
GENERALEXPORT SOFIA, Aleksandar Stambolijski 49/III, 1000 Sofia, Bulgaria [FRY S&M]
HEMPRO–BELGRADE REPRESENTATION, Str. Uiliam Gladston 38 fl 1, 1000 Sofia, Bulgaria [FRY S&M]
LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Varna, Bulgaria [CUBA]
PROGRESS REPRESENTATION OFFICE, Sipka No. 7, Sofia 7, Bulgaria [FRY S&M]

Burkina Faso

BANQUE ARABE LIBYENNE BURKINABE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT, 1336 Avenue Nelson Mandela, Ouagadougou, Burkina Faso [LIBYA]

Canada

BOILEAU, Pierre, 1078 Rue Champigny, Duvernay, Quebec, Canada (individual) [CUBA]
CARIBBEAN EXPORT ENTERPRISE (a.k.a. CARIBEX; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Downsview, Ontario, Canada [CUBA]
CARIBEX (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Downsview, Ontario, Canada [CUBA]
COBALT REFINERY CO. INC., Fort Saskatchewan, AB, Canada [CUBA]
CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Montreal, Canada [CUBA]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), 1 Place Ville Marie, Suite 3431, Montreal, Canada [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Montreal, Canada [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), 1 Place Ville Marie, Suite 3431, Montreal, Canada [CUBA]
EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Downsview, Ontario, Canada [CUBA]
GALAX INC. (a.k.a. GALAX TRADING CO., LTD.), 5250 Ferrier Street, Montreal, Quebec, Canada [CUBA]
GALAX TRADING CO., LTD. (a.k.a. GALAX INC.), 5250 Ferrier Street, Montreal, Quebec, Canada [CUBA]
INTERNATIONAL COBALT CO. INC., Fort Saskatchewan, AB, Canada [CUBA]
LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Montreal, Canada [CUBA]
PRENSA LATINA CANADA LTD., 1010 O Rue Ste. Catherine, Montreal PQ H303 IGI, Canada [CUBA]
TEKNICA PETROLEUM SERVICES LIMITED, Suite 1100, 736 Sixth Avenue S.W., Calgary, Alberta T2P 3T7, Canada [LIBYA]
YUGO CANADA INC. (a.k.a. YUGOCANADA INC. TORONTO; a.k.a. YUGOTOURS OF CANADA), 100 Adelaide Street W. Ste. 1350, Toronto, Ontario M5H 1S3, Canada [FRY S&M]
YUGOCANADA INC. TORONTO (a.k.a. YUGO CANADA INC.; a.k.a. YUGOTOURS OF CANADA), 100 Adelaide Street W. Ste. 1350, Toronto, Ontario M5H 1S3, Canada [FRY S&M]
YUGOTOURS OF CANADA (a.k.a. YUGO CANADA INC.; a.k.a. YUGOCANADA INC. TORONTO), 100 Adelaide Street W. Ste. 1350, Toronto, Ontario M5H 1S3, Canada [FRY S&M]

Central African Republic

SOCIETE ARABE LIBYENNE–CENTRAFRICAINE D'IMPORT–EXPORT, Bangui, Central African Republic [LIBYA]
SOCIETE D'ECONOMIE MIXTE CENTRE AFRICAINE LIBYENNE DES PRODUITS AGRICOLES, Bangui, Central African Republic [LIBYA]
SOCIETE LIBYENNE CENTRE AFRICAINE DES MINES, Bangui, Central African Republic [LIBYA]

Chad

BANQUE TCHADO ARABE LIBYENNE, P.O. Box 104, N'Djamena, Chad [LIBYA]

Channel Islands

ARAB COMMERCIAL INSURANCE COMPANY, Channel Islands [LIBYA]

Colombia

ACEVEDO P., Francisco Luis, Carrera 1 No. 18–52, Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 71660070 (Colombia)) (individual) [SDNT]

ADMINISTRACION INMOBILIARIA BOLIVAR S.A. (a.k.a. INMOBILIARIA BOLIVAR S.A.), Calle 17N No. 6N–28, Cali, Colombia [SDNT]

AGRICOLA HUMYAMI LTDA., Apartado Aereo 30352, Cali, Colombia [SDNT]

AGROPECUARIA BETANIA LTDA., Calle 70N No. 14–31, Cali, Colombia; Carrera 61 No. 11–58, Cali, Colombia [SDNT]

AGROPECUARIA Y REFRESTADORA HERREBE LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

AGUADO ORTIZ, Luis Jamerson, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 2935839 (Colombia)) (individual) [SDNT]

AGUILERA QUIJANO, Harold, c/o ASESORIAS COSMOS LTDA., Cali, Colombia (Cedula No. 16594227 (Colombia)) (individual) [SDNT]

ALAVAREZ GAVIRIA, Jaime Antonio, c/o EXPORT CAFE LTDA., Cali, Colombia (Cedula No. 10060853 (Colombia)) (individual) [SDNT]

ALFA PHARMA S.A., Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT]

AMAYA OROZCO, Luis Alberto, Calle 18N No. 9–46, Cali, Colombia; c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia (Cedula No. 4882167 (Colombia)) (individual) [SDNT]

AMEZQUITA MENESES, Salustio, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 14943885 (Colombia)) (individual) [SDNT]

AMPARO RODRIGUEZ DE GIL Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia [SDNT]

ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia [SDNT]

ANDRADE QUINTERO, Ancizar, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIAS LTDA., Cali, Colombia (Cedula No. 16672464 (Colombia)) (individual) [SDNT]

ANGULO OROBIO, Jose Francisco, Avenida 4N No. 17–43 apt. 801, Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16706561 (Colombia)) (individual) [SDNT]

ARBELAEZ ALZATE, Rafael, c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (individual) [SDNT]

ARBELAEZ GALLON, Gladys, c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 31858038 (Colombia)) (individual) [SDNT]

ARBELAEZ PARDO, Amparo, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 9 Nov 50; alt. DOB 9 Aug 50; Passpots AC 568973 (Colombia), PE001850 (Colombia); Cedula No. 31218903 or 31151067 (Colombia)) (individual) [SDNT]

ARBOLEDA A., Pedro Nicholas (Nicolas), c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 16602372 (Colombia)) (individual) [SDNT]

ARBOLEDA, Julio, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16205508 (Colombia)) (individual) [SDNT]

ARISTIZABAL ATEHORTUA, Jaime Alberto, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (Cedula No. 16756325 (Colombia)) (individual) [SDNT]

ARJONA ALVARADO, Rafael, c/o ALPHA PHARMA S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR, Bogota, Colombia (Cedula No. 19442698 (Colombia)) (individual) [SDNT]

ARLONE FACELLI, Roberto, c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia (Cedula No. 16632415 (Colombia)) (individual) [SDNT]

ASESORIAS COSMOS LTDA., Carrera 40 No. 6–50 apt. 13–01, Cali, Colombia [SDNT]

ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia [SDNT]

AUREAL INMOBILIARIA LTDA., Avenida 7 No. 112–38 of. 104, Bogota, Colombia [SDNT]

AVENDANO GUTIERREZ, Francisco Eduardo, Carrera 8 No. 66–21 apt. 204, Bogota, Colombia; Transversal 1A No. 69–54 apt. 502, Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 16645182 (Colombia)) (individual) [SDNT]

AVILA DE MONDRAGON, Ana Dolores, c/o COMPAX LTDA., Cali, Colombia (Cedula No. 29183223 (Colombia)) (individual) [SDNT]

BAEZA MOLINA, Carlos Alberto, c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia (Cedula No. 16621765 (Colombia)) (individual) [SDNT]

BARON, Carlos, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 49994 (Colombia).) (individual) [SDNT]

BECHARA SIMANCA, Salim, c/o SOCOVALLE, Cali, Colombia (DOB 26 Jul 1950; Cedula No. 19163957 (Colombia)) (individual) [SDNT]

BENITEZ CASTELLANOS, Cesar Tulio, c/o DROGAS LA REBAJA, Cali, Colombia; c/o RIONAP COMERCIOS Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

BLAIMAR (a.k.a. LABORATORIOS BLAIMAR DE COLOMBIA S.A.), Calle 12B 27 39, Bogota, Colombia [SDNT]

BLANCO PHARMA S.A. (a.k.a. LABORATORIOS BLANCO PHARMA S.A.), Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia [SDNT]

BORRERO Q., Hector Fabio, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]

BUITRAGO DE HERRERA, Luz Mery, c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o SOCOVALLE, Cali, Colombia (Cedula No. 29641219 (Colombia)) (individual) [SDNT]

BUITRAGO MARIN, Adiela, c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 31137617 (Colombia)) (individual) [SDNT]

BUITRAGO MARIN, Nubia, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 31132922 (Colombia)) (individual) [SDNT]

BUITRAGO, Sulay (a.k.a. HERRERA BUITRAGO, Sulay), c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

CALDERON RODRIGUEZ, Solange, c/o INMOBILIARIA AURORA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]

CARDONA OCHOA, Carlos Julio, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o GRUPO SANTA LTDA., Cali, Colombia (Cedula No. 7524996 (Colombia)) (individual) [SDNT]

CARMONA, Juan Manuel, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]

CARRILLO SILVA, Armando, c/o DROGAS LA REBAJA, Cali, Colombia; c/o INVERSIONES CAMINO REAL S.A., Cali, Colombia (Cedula No. 16242828 (Colombia)) (individual) [SDNT]

CARS & CARS LTDA. (a.k.a. CENTRO COMERCIAL DEL AUTOMOVIL; a.k.a. COMERCIALIZADORA INTEGRAL LTDA.; a.k.a. PROYECTO CARS & CARS), Avenida Roosevelt entre carreras 38 y 38A esquinas, Cali, Colombia [SDNT]

CASQUETE VARGAS, Orlando, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 19270159 (Colombia)) (individual) [SDNT]

CASTANO ARANGO, Fernando, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 14953602 (Colombia) (individual) [SDNT]

CASTRO DE SANTACRUZ, Amparo, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia (DOB 13 Jan 48; alt. DOBs 13 Jan 46, 14 Apr 59; Passports PE027370 (Colombia), AA429676 (Colombia); Cedula No. 38983611 (Colombia).) (individual) [SDNT]

CAVIEDES CRUZ, Leonardo, c/o INVERSIONES SANTA LTDA., Cali, Colombia (DOB 23 Nov 52; Passports AB151486 (Colombia), AC444270 (Colombia), OC444290 (Colombia); Cedula No. 16593470 (Colombia)) (individual) [SDNT]

CENTRO COMERCIAL DEL AUTOMOVIL (a.k.a. CARS & CARS LTDA.; a.k.a. COMERCIALIZADORA INTEGRAL LTDA.; a.k.a. PROYECTO CARS & CARS), Avenida Roosevelt entre carreras 38 y 38A esquinas, Cali, Colombia [SDNT]

CHALO (a.k.a. PRADO CUERO, Salomon), Avenida 26 No. 42B–89, Bogota, Colombia; Carrera 101B No. 11B–50, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 1 Aug 1948) (individual) [SDNT]

CHANG BARRERO, Pedro Antonio, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 14960909 (Colombia) (individual) [SDNT]

COLOR 89.5 FM STEREO, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29, Cali, Colombia [SDNT]

COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Calle 25 No. 8–54, Cali, Colombia [SDNT]

COMERCIALIZADORA INTEGRAL LTDA. (a.k.a. CARS & CARS LTDA.; a.k.a. CENTRO COMERCIAL DEL AUTOMOVIL; a.k.a. PROYECTO CARS & CARS), Avenida Roosevelt entre carreras 38 y 38A esquinas, Cali, Colombia [SDNT]

COMERCIALIZADORA OROBANCA (a.k.a. SOCIR S.A.) (a.k.a. Soucir, S.A.), Calle 36A No. 3GN–07 of. 302, Edificio El Parque, Cali, Colombia; Calle 22N No. 5A–75 of. 702, Edificio Via Veneto, Cali, Colombia [SDNT]

COMPAX LTDA. (a.k.a. INVERSIONES Y DISTRIBUCIONES COMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

CONCRETOS CALI S.A., Calle 7 No. 82–65, Cali, Colombia [SDNT]

CONDOR (a.k.a. DISTRIBUIDORA DE DROGAS CONDOR LTDA.), Calle 10 No. 32A–64, Bogota, Colombia; Calle 68 52–05, Bogota, Colombia [SDNT]

CONSTRUCTORA CASCADA (a.k.a. SOCIEDAD CONSTRUCTORA LA CASCADA S.A.), Calle 13 3–32 piso 12 y piso 14, Cali, Colombia; Calle 1A 62A–120, Cali, Colombia; Calle 1A 62A–120 2305, Cali, Colombia; Calle 1A 62A–120 2418, Cali, Colombia; Calle 1A 62A–120 4114, Cali, Colombia; Calle 1A 62A–120 6245, Cali, Colombia; Calle 1A 62A–120 B2 108, Cali, Colombia; Carrera 4 12–41 of. 1401, Cali, Colombia; Carrera 4 No. 12–41 of. 1403, Cali, Colombia; Carrera 64 1B–83, Cali, Colombia; Carrera 64 1C–63, Cali, Colombia [SDNT]

CONSTRUCTORA DIMISA LTDA., Calle 70N No. 14–31, Cali, Colombia [SDNT]

CONSTRUCTORA GOPEVA LTDA., Avenida 3A No. 51–15, Cali, Colombia [SDNT]

CONSTRUCTORA TREMI LTDA., Carrera 1A Oeste No. 68–75, Cali, Colombia [SDNT]

CONSTRUEXITO S.A. (a.k.a. CONE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

CORTEZ, Oliverio Abril, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 3002003 (Colombia)) (individual) [SDNT]

CREACIONES DEPORTIVAS WILLINGTON LTDA., Cosmocentro, Local 130, Cali, Colombia; Calle 5 No. 25–65, Cali, Colombia [SDNT]

CUARTES MORALES, Juan Carlos, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16757375 (Colombia)) (individual) [SDNT]

DAZA QUIROGA, Hugo Carlos, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19236485 (Colombia)) (individual) [SDNT]

DAZA RIVERA, Pablo Emilio, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (Cedula No. 4904545 (Colombia)) (individual) [SDNT]

DELGADO, Jorge Armando, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia (Cedula No. 19354318 (Colombia)) (individual) [SDNT]

DEPOSITO POPULAR DE DROGAS S.A., Carrera 6 No. 24–77, Cali, Colombia [SDNT]

DERECHO INTEGRAL Y CIA. LTDA., Calle 22N No. 5A–75 piso 5, Cali, Colombia [SDNT]

DIAZ SANCHEZ, Alberto, Carrera 66 No. 5–23, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB Jan 1956; Cedula No. 16259623 (Colombia)) (individual) [SDNT]

DISTRIBUIDORA DE DROGAS CONDOR LTDA. (a.k.a. CONDOR), Calle 10 No. 32A–64, Bogota, Colombia; Calle 68 52–05, Bogota, Colombia [SDNT]

DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A. (a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA S.A.; a.k.a. DROGAS LA REBAJA), Carrera 99 No. 46 A–10 Blg 6 y 8, Bogota, Colombia; Calle 10 No. 4–47 Piso 19, Cali, Colombia; Calle 14 6–66, Cali, Colombia; Calle 18 121–130, Cali, Colombia; Carrera 10 11–71, Cali, Colombia; Carrera 7 13–132 piso 4, Cali, Colombia; Carrera 7A 14–25 piso 2, Cali, Colombia [SDNT]

DISTRIBUIDORA DE DROGAS LA REBAJA S.A. (a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A.; a.k.a. DROGAS LA REBAJA), Carrera 99 No. 46 A–10 Blg 6 y 8, Bogota, Colombia; Calle 10 No. 4–47 Piso 19, Cali, Colombia; Calle 14 6–66, Cali, Colombia; Calle 18 121–130, Cali, Colombia; Carrera 10 11–71, Cali, Colombia; Carrera 7 13–132 piso 4, Cali, Colombia; Carrera 7A 14–25 piso 2, Cali, Colombia [SDNT]

DISTRIBUIDORA MIGIL BOGOTA LTDA. (n.k.a. DISTRIBUIDORA MIGIL CALI S.A.; n.k.a. DISTRIBUIDORA MIGIL LTDA.; n.k.a. MIGIL), Calle 5C 41–30, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia; Carrera 30–5–12, Cali, Colombia [SDNT]

DISTRIBUIDORA MIGIL CALI S.A. (f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; a.k.a. DISTRIBUIDORA MIGIL LTDA.; a.k.a. MIGIL), Calle 5C 41–30, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia; Carrera 30–5–12, Cali, Colombia [SDNT]

DISTRIBUIDORA MIGIL LTDA. (f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; a.k.a. DISTRIBUIDORA MIGIL CALI S.A.; a.k.a. MIGIL), Calle 5C 41–30, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia; Carrera 30–5–12, Cali, Colombia [SDNT]

DISTRIBUIDORA MYRAMIREZ S.A., Calle 33BN No. 2BN–49 apt. 503A, Cali, Colombia; Carrera 69A No. 49A–49, Bogota, Colombia [SDNT]

DOMINGUEZ GARIBELLO, Freddy Orlando, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16659634 (Colombia)) (individual) [SDNT]

DONNEYS GONZALEZ, Federico, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (individual) [SDNT]

DROGAS LA REBAJA (a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA PRINCIPAL S.A.; a.k.a. DISTRIBUIDORA DE DROGAS LA REBAJA S.A.), Carrera 99 No. 46 A–10 Blg 6 y 8, Bogota, Colombia; Calle 10 No. 4–47 Piso 19, Cali, Colombia; Calle 14 6–66, Cali, Colombia; Calle 18 121–130, Cali, Colombia; Carrera 10 11–71, Cali, Colombia; Carrera 7 13–132 piso 4, Cali, Colombia; Carrera 7A 14–25 piso 2, Cali, Colombia [SDNT]

DROGAS LA REBAJA BARRANQUILLA S.A., Avenida Pedro Heredia, Barranquilla, Colombia; Local Cerete, Barranquilla, Colombia; Local de Riohacha, Barranquilla, Colombia [SDNT]

DROGAS LA REBAJA BUCARAMANGA S.A., Local No. 1, Bucaramanga, Colombia; Local No. 1, Cucuta, Colombia; Local No. 2, Cucuta, Colombia; Local No. 6, Cucuta, Colombia; Local No. 7, Cucuta, Colombia; Local No. 9, Cucuta, Colombia; Local 201, Valledupar, Colombia [SDNT]

DROGAS LA REBAJA CALI S.A., Barrio Siloe, Cali, Colombia; Calle 13 ι6–85, Cali, Colombia; Calle 3 ι4–02 B/Ventura, Cali, Colombia; Local Comuneros No. 20, Cali, Colombia; Local del Poblado No. 17, Cali, Colombia; Santander de Quilichao, Cali, Colombia [SDNT]

DROGAS LA REBAJA NEIVA S.A., Neiva, Colombia [SDNT]

DROGAS LA REBAJA PASTO S.A., Calle 18 ι26–40, Pasto, Colombia; Local No. 6, Pasto, Colombia; Local No. 13, Puerto Asis, Colombia [SDNT]

DROGAS LA REBAJA PEREIRA S.A., Local Cajamarca, Pereira, Colombia; Local Dos Quebradas, Pereira, Colombia; Local la Virginia, Pereira, Colombia; Local Santa Rosa de Cabal, Pereira, Colombia [SDNT]

ECHEVERRY TRUJILLO, Martha Lucia, c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (Cedula No. 31151067 (Colombia)) (individual) [SDNT]

ECHEVERRY TRUJILLO, Oscar Alberto, Avenida 4N No. 17–23 piso 1, Cali, Colombia; Calle 43N No. 4–05, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (individual) [SDNT]

ESCOBAR BUITRAGO, Walter, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia (individual) [SDNT]

ESTRADA URIBE, Octavio, c/o GRUPO SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (individual) [SDNT]

EXPORT CAFE LTDA., Carrera 7 No. 11–22 of. 413, Cali, Colombia [SDNT]

FARALLONES STEREO 91.5 FM, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia [SDNT]

FARMATODO S.A., Diagonal 17 No. 28A–39, Bogota, Colombia; Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT]

GALINDO HERRERA, Diana Paola, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

GALINDO HERRERA, Diego Alexander, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

GALINDO, Gilmer Antonio (a.k.a. GUZMAN TRUJILLO, Carlos Arturo), Carrera 4C No. 53–40 apt. 307, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16245188 (Colombia)) (individual) [SDNT]

GALLEGO BERRIO, Elizabeth, c/o CONCRETOS CALI S.A., Cali, Colombia (Cedula No. 34529671 (Colombia)) (individual) [SDNT]

GALLEGO SOSSA, Rosa Esperanza, Calle 24AN No. 42BN–61, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (Cedula No. 43059188 (Colombia)) (individual) [SDNT]

GANADERA LTDA. (a.k.a. GANADERIA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

GANADERIA (a.k.a. GANADERA LTDA.), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

GARCES VARGAS, Elmo, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o SOCOVALLE, Cali, Colombia (Cedula No. 16581793 (Colombia)) (individual) [SDNT]

GARCIA MANTILLA, Edgar Alberto (a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTELLA, Edgar Alberto; a.k.a. GARCIA MONTILLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (DOB 28 Nov 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia)) (individual) [SDNT]

GARCIA MOGAR, Edgar (a.k.a. GARCIA MANTILLA, Edgar Alberto; a.k.a. GARCIA MONTELLA, Edgar Alberto; a.k.a. GARCIA MONTILLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (DOB 28 Nov 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia)) (individual) [SDNT]

GARCIA MONTELLA, Edgar Alberto (a.k.a. GARCIA MANTILLA, Edgar Alberto; a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTILLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (DOB 28 Nov 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia)) (individual) [SDNT]

GARCIA MONTILLA, Edgar Alberto (a.k.a. GARCIA MANTILLA, Edgar Alberto; a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTELLA, Edgar Alberto), c/o REVISTA DEL AMERICA LTDA., Cali, Colombia (DOB 28 Nov 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia)) (individual) [SDNT]

GARZON HERNANDEZ, Rodrigo, c/o DROGAS LA REBAJA, Cali, Colombia (individual) [SDNT]

GARZON RESTREPO, Juan Leonardo, Carrera 7P No. 76–90, Cali, Colombia; Diagonal 53 No. 38A–20 apt. 103, Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MYRAMIREZ S.A., Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia (DOB 14 Jan 1962; Cedula No. 16663709 (Colombia)) (individual) [SDNT]

GAVIRIA POSADA, Gilberto, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia (Cedula No. 16593492 (Colombia)) (individual) [SDNT]

GIL OSORIO, Alfonso, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 17 Dec 46; alt. DOB 17 Dec 40; Passports 14949229 (Colombia), 14949279 (Colombia), 14949289 (Colombia), AC342060 (Colombia); Cedula No. 14949279 (Colombia)) (individual) [SDNT]

GIRALDO ARBELAEZ, Fernando, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16249351 (Colombia)) (individual) [SDNT]

GIRALDO JARAMILLO, Clara Stella, Avenida 2N No. 19–73 apt. 302, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (Cedula No. 31855785 (Colombia)) (individual) [SDNT]

GIRALDO SARRIA, Octavio, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

GIRALDO SARRIA, Rosa Amelia, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

GOMEZ BELTRAN, Jorge, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19091811 (Colombia)) (individual) [SDNT]

GOMEZ BERRIO, Olmes (Holmes) de Jesus, Carrera 1 No. 18–52, Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 73105133 (Colombia)) (individual) [SDNT]

GOMEZ GALINDO, Omaira, Apartado Aereo 38028, Cali, Colombia; Avenida 6N No. 38–90, Cali, Colombia; c/o CONSTRUCTORA GOPEVA LTDA., Cali, Colombia (Cedula No. 31299825 (Colombia)) (individual) [SDNT]

GOMEZ J., Luis Fernando, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16716914 (Colombia)) (individual) [SDNT]

GOMEZ LOPEZ, Diego Fernando, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (individual) [SDNT]

GOMEZ MORA, Ricardo, c/o INVERSIONES GEELE LTDA., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 3249673 (Colombia)) (individual) [SDNT]

GOMEZ V., Manuel Antonio, c/o GANADERA LTDA., Cali, Colombia (Cedula No. 7921814 (Colombia)) (individual) [SDNT]

GOMEZ, Julio Humberto, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 19091811 (Colombia)) (individual) [SDNT]

GONZALEZ ROBLEDO, Julio Cesar, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 2905977 (Colombia)) (individual) [SDNT]

GRUPO SANTA LTDA., Calle 18 106–98 of. 201/202, Cali, Colombia; Carrera 4 12–41 piso 14 y 15, Edificio Seguros Bolivar, Cali, Colombia; Carrera 84 17–29, Cali, Colombia [SDNT]

GUTIERRES CERDAS, Alvaro (a.k.a. GUTIERREZ CERDAS, Alvaro), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (DOB 9 May 42; Cedula No. 14966562 (Colombia)) (individual) [SDNT]

GUTIERREZ ARDILA, Eduardo, c/o EXPORT CAFE LTDA., Cali, Colombia (DOB 8 Aug 1958; Cedula No. 16642433 (Colombia)) (individual) [SDNT]

GUTIERREZ CANCINO, Fernando Antonio, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 4 Dec 41; Cedula No. 6089071 (Colombia)) (individual) [SDNT]

GUTIERREZ CERDAS, Alvaro (a.k.a. GUTIERRES CERDAS, Alvaro), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (DOB 9 May 42; Cedula No. 14966562 (Colombia)) (individual) [SDNT]

GUTIERREZ LOZANO, Ana Maria, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 1972; Cedula No. 39783954 (Colombia)) (individual) [SDNT]

GUTIERREZ LOZANO, Juan Pablo, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 11 Apr 72; Passport AC480604 (Colombia); Cedula No. 79570028 (Colombia)) (individual) [SDNT]

HACIENDA LA NOVILLERA (a.k.a. NOVILLERA; a.k.a. NOVILLERA GANADERA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; Paso de la Bolsa, Jamundi, Valle del Cauca, Cali, Colombia [SDNT]

HACIENDA SANDRANA (a.k.a. SANDRANA GANADERA; a.k.a. SANDRANDA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; San Pedro, Valle del Cauca, Colombia [SDNT]

HAYDEE DE MUNOZ Y CIA. S. EN C., Avenida 6N No. 23DN–16, Cali, Colombia; Avenida 4N No. 5N–20, Cali, Colombia [SDNT]

HENAO DE SANCHEZ, Hortensia, c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 29013554 (Colombia)) (individual) [SDNT]

HENAO LOPEZ, Alberto (a.k.a. HENAO, Alberto Lopez), c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 2630951 (Colombia)) (individual) [SDNT]

HENAO VDA. DE BOTERO, maria Yolanda, c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 29070489 (Colombia)) (individual) [SDNT]

HENAO, Alberto Lopez (a.k.a. HENAO LOPEZ, Alberto), c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 2630951 (Colombia)) (individual) [SDNT]

HERNANDEZ C., Hector Fabio, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16615804 (Colombia)) (individual) [SDNT]

HERRERA BUITRAGO, Alvaro, Avenida 6N No. 25–14, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (DOB 10 Oct 1955; Cedula No. 16258303 (Colombia)) (individual) [SDNT]

HERRERA BUITRAGO, Helmer, (a.k.a. ''Pacho''; a.k.a. ''H7''), Cali, Colombia (DOB 24 Aug 51; alt. DOB 05 Jul 51; Passport J287011 (Colombia); Cedula No. 16247821 (Colombia).) (individual) [SDNT]

HERRERA BUITRAGO, Stella, Avenida 1B Oeste No. 1–44 apt. 602, Medeira Building, Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (DOB 7 Oct (Year Unkown); Cedula No. 31143871 (Colombia)) (individual) [SDNT]

HERRERA BUITRAGO, Sulay (a.k.a. BUITRAGO, Sulay), c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

HERRERA INFANTE, Alberto, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16637518 (Colombia)) (individual) [SDNT]

HERRERA RAMIREZ, Giselle, c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia (individual) [SDNT]

HERRERA RAMIREZ, Linda Nicolle, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (individual) [SDNT]

HERRERA TOBON, Maria Cecilia, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 31397821 (Colombia)) (individual) [SDNT]

HOLGUIN SARRIA, Alvaro, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 14950269 or 18950260 (Colombia)) (individual) [SDNT]

IBANEZ LOPEZ, Raul Alberto, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16640123 (Colombia)) (individual) [SDNT]

IDARRAGA ORTIZ, Jaime, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 8237011 (Colombia)) (individual) [SDNT]

INCOVALLE (a.k.a. INVERSIONES Y CONSTRUCCIONES VALLE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

INDUSTRIA AVICOLA PALMASECA S.A., Carrera 61 No. 11–58, Cali, Colombia; Carretera Central via Aeropuerto Palmaseca, Colombia [SDNT]

INMOBILIARIA AURORA LTDA., Avenida Canasgordas con Avenida Guali Casa 35, Cali, Colombia; Carrera 24F Oeste 3–70, Cali, Colombia; Carrera 38A No. 5E–31, Edificio Conquistadores, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INMOBILIARIA BOLIVAR S.A. (a.k.a. ADMINISTRACION INMOBILIARIA BOLIVAR S.A.), Calle 17N No. 6N–28, Cali, Colombia [SDNT]

INMOBILIARIA SAMARIA LTDA., Calle 13 3–32 piso 13, Cali, Colombia; Calle 13A 64–50 F201, Cali, Colombia; Calle 18, No. 106–98 of. 201/202, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INMOBILIARIA U.M.V. S.A., Carrera 83 No. 6–50, Edificio Alqueria, Torre C, of. 302, Cali, Colombia [SDNT]

INTERCREDITOS BOGOTA (a.k.a. INTERCREDITOS CALI; a.k.a. INTERCREDITOS S.A.), Bogota, Colombia; Avenida Roosevelt No. 38–32, piso 2, Cali, Colombia [SDNT]

INTERCREDITOS CALI (a.k.a. INTERCREDITOS BOGOTA; a.k.a. INTERCREDITOS S.A.), Bogota, Colombia; Avenida Roosevelt No. 38–32, piso 2, Cali, Colombia [SDNT]

INTERCREDITOS S.A. (a.k.a. INTERCREDITOS BOGOTA; a.k.a. INTERCREDITOS CALI), Bogota, Colombia; Avenida Roosevelt No. 38–32, piso 2, Cali, Colombia [SDNT]

INVERSIONES ARA LTDA., Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6AN 18–69 1–128, Cali, Colombia; Avenida 6AN 23DN–16 of. 402, Cali, Colombia; Club El Remanso, Jamundi, Colombia [SDNT]

INVERSIONES BETANIA LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Carrera 53 No. 13–55 apt. 102B, Cali, Colombia [SDNT]

INVERSIONES CAMINO REAL S.A., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES EL PASO LTDA. (f.k.a. INVERSIONES NEGOAGRICOLA S.A.), Carrera 4 No. 12–41 of. 1403, Cali, Colombia [SDNT]

INVERSIONES EL PENON S.A., Avenida 2N, Cali, Colombia [SDNT]

INVERSIONES GEELE LTDA., Calle 17A No. 28A–23, Bogota, Colombia [SDNT]

INVERSIONES GEMINIS S.A., Carrera 40 No. 6–24 of. 402B, Cali, Colombia [SDNT]

INVERSIONES HERREBE LTDA., Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Carrera 25 No. 4–65, Cali, Colombia [SDNT]

INVERSIONES INTEGRAL Y CIA., Calle 16B No. 114–80 Casa 2, Cali, Colombia; Carrera 2 Oeste 5–46 apt/of 503, Cali, Colombia [SDNT]

INVERSIONES INVERVALLE S.A. (a.k.a. INVERVALLE), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia [SDNT]

INVERSIONES LA SEXTA LTDA., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES MIGUEL RODRIGUEZ E HIJO, Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6N 23DN–16 of. 202, 301, 302, 401, 402, Cali, Colombia [SDNT]

INVERSIONES MOMPAX LTDA. (a.k.a. MOMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES NEGOAGRICOLA S.A. (n.k.a. INVERSIONES EL PASO LTDA.), Carrera 4 No. 12–41 of. 1403, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ ARBELAEZ Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia; Avenida 6N No. 23D–16 of. 402, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ MORENO Y CIA. S. EN C., Calle 10 No. 4–47, Cali, Colombia [SDNT]

INVERSIONES RODRIGUEZ RAMIREZ Y CIA. S.C.S.S., Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERSIONES SANTA LTDA. (f.k.a. INVERSIONES Y CONSTRUCCIONES SANTA LIMITADA), Calle 13 3–32 piso 14, Cali, Colombia; Calle 5 66B–49 piso 3, Cali, Colombia; Calle 5 Oeste 3A–26 apt/of 103, 301, 404, 502, 503, Cali, Colombia; Calle 7 Oeste 25–48, Cali, Colombia; Calle 9 No. 46–69 Of. 302, Cali, Colombia; Carrera 2 Oeste 5–46 of 502, Cali, Colombia; Carrera 4 12–41 piso 14, Edificio Seguros Bolivar, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INVERSIONES Y CONSTRUCCIONES SANTA LIMITADA (n.k.a. INVERSIONES SANTA LTDA.), Calle 13 3–32 piso 14, Cali, Colombia; Calle 5 66B–49 piso 3, Cali, Colombia; Calle 5 Oeste 3A–26 apt/of 103, 301, 404, 502, 503, Cali, Colombia; Calle 7 Oeste 25–48, Cali, Colombia; Calle 9 No. 46–69 Of. 302, Cali, Colombia; Carrera 2 Oeste 5–46 of 502, Cali, Colombia; Carrera 4 12–41 piso 14, Edificio Seguros Bolivar, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia [SDNT]

INVERSIONES Y CONSTRUCCIONES VALLE S.A. (a.k.a. INCOVALLE), Avenida 2N No. 7N–55 of. 501, Cali, Colombia [SDNT]

INVERSIONES Y DISTRIBUCIONES COMPAX LTDA. (a.k.a. COMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

INVERVALLE (a.k.a. INVERSIONES INVERVALLE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia [SDNT]

IZQUIERDO OREJUELA, Patricia, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 41594424 (Colombia)) (individual) [SDNT]

IZQUIERDO QUINTERO, Rosalino, c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 70111037 (Colombia)) (individual) [SDNT]

JAIMES RIVERA, Jose Isidro, c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (Cedula No. 19090006 (Colombia)) (individual) [SDNT]

KRESSFOR (a.k.a. LABORATORIOS KRESSFOR DE COLOMBIA S.A.), Calle 16 28A 51, Bogota, Colombia; Calle 16 28A 57, Bogota, Colombia; Calle 17 28A–43, Bogota, Colombia; Calle 17A 28 43, Bogota, Colombia [SDNT]

LABORATORIOS BLAIMAR DE COLOMBIA S.A. (a.k.a. BLAIMAR), Calle 12B 27 39, Bogota, Colombia [SDNT]

LABORATORIOS BLANCO PHARMA S.A. (a.k.a. BLANCO PHARMA S.A.), Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia [SDNT]

LABORATORIOS GENERICOS VETERINARIOS DE COLOMBIA S.A, Carrera 71 No. 57–07, Bogota, Colombia [SDNT]

LABORATORIOS KRESSFOR DE COLOMBIA S.A. (a.k.a. KRESSFOR), Calle 16 28A 51, Bogota, Colombia; Calle 16 28A 57, Bogota, Colombia; Calle 17 28A–43, Bogota, Colombia; Calle 17A 28 43, Bogota, Colombia [SDNT]

LARRANAGA CALVACHE, Juan Carlos, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia (Cedula No. 12982064 (Colombia)) (individual) [SDNT]

LIBREROS DIEZ, Orlando, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o VALLE COMUNICACIONES LTDA., Cali, Colombia (Cedula No. 16651068 (Colombia)) (individual) [SDNT]

LINARES REYES, Jose Ricardo (a.k.a. LLENARES REYES, Ricardo Jose), KM 11, No. 58–57, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia; c/o VIAJES MERCURIO LTDA, Cali, Colombia (DOB 8 Mar 1955; Passport PO466638 (Colombia); Cedula No. 14440139 (Colombia)) (individual) [SDNT]

LINDO HURTADO, Edgar, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

LLENARES REYES, Ricardo Jose (a.k.a. LINARES REYES, Jose Ricardo), KM 11, No. 58–57, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia; c/o VIAJES MERCURIO LTDA, Cali, Colombia (DOB 8 Mar 1955; Passport PO466638 (Colombia); Cedula No. 14440139 (Colombia)) (individual) [SDNT]

LOPERA LONDONO, Vicente de Jesus, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Calle, Colombia (Cedula No. 1393107 (Colombia)) (individual) [SDNT]

LOPEZ VALENCIA, Oscar, Carrera 6A No. 11–43 501–2, Cali, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia (Cedula No. 10537943 (Colombia)) (individual) [SDNT]

LOZANO CANCINO DE GUTIERREZ, Maria Gladys (a.k.a. LOZANO DE GUTIERREZ, Gladys), c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 19 Oct 48; Cedula No. 41444092 (Colombia)) (individual) [SDNT]

LOZANO DE GOMEZ, Zilia, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 541577886 (Colombia)) (individual) [SDNT]

LOZANO DE GUTIERREZ, Gladys (a.k.a. LOZANO CANCINO DE GUTIERREZ, Maria Gladys), c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 19 Oct 48; Cedula No. 41444092 (Colombia)) (individual) [SDNT]

LUGO VILLAFANE, Jesus Alberto, Calle 70N No. 14–31, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 14977685 (Colombia)) (individual) [SDNT]

M. RODRIGUEZ O. Y CIA. S. EN C.S., Cali, Colombia [SDNT]

MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia [SDNT]

MARMOLEJO LOAIZA, Carlos Julio, c/o AGROPECUARIA BETANIA, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 16601783 (Colombia)) (individual) [SDNT]

MARMOLEJO VACA, Hernan Rodrigo, c/o INVERSIONES INVERVALLE S.A., Cali, Colombia (Cedula No. 14972401 (Colombia)) (individual) [SDNT]

MARQUEZ CANOVAS, Alberto, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 14993019 (Colombia)) (individual) [SDNT]

MAXITIENDAS TODO EN UNO, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT]

MAZUERO ERAZO, Hugo, c/o GRUPO SANTA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (DOB 17 Jul 36; alt. DOB 1945; Cedula No. 2445590 (Colombia)) (individual) [SDNT]

MIGIL (f.k.a. DISTRIBUIDORA MIGIL BOGOTA LTDA.; a.k.a. DISTRIBUIDORA MIGIL CALI S.A.; a.k.a. DISTRIBUIDORA MIGIL LTDA.), Calle 5C 41–30, Cali, Colombia; Carrera 26 5B–65, Cali, Colombia; Carrera 30–5–12, Cali, Colombia [SDNT]

MILLAN RUBIO, Alba Milena, Apartado Aero 31398, Cali, Colombia; c/o CONSTRUCTORA TREMI LTDA., Cali, Colombia (Cedula No. 31909155 (Colombia)) (individual) [SDNT]

MOGOLLON RUEDA, Eduardo, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (DOB 5 Feb 53; Cedula No. 19149691 or 19194691 (Colombia)) (individual) [SDNT]

MOMPAX LTDA. (a.k.a. INVERSIONES MOMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia [SDNT]

MONDRAGON DE RODRIGUEZ, Mariela, c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 12 Apr 35; Passport 4436059 (Colombia); Cedula No. 29072613 (Colombia)) (individual) [SDNT]

MONROY ARCILA, Francisco Jose, c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia (individual) [SDNT]

MONTANO BERMUDEZ, Libardo, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 17083296 (Colombia)) (individual) [SDNT]

MORAN GUERRERO, Mario Fernando, c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 12983857 (Colombia)) (individual) [SDNT]

MOSQUERA, Juan Carlos, Calle 24N No. 6–17, Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

MUNOZ PAZ, Adriana del Socorro, c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 31950689 (Colombia)) (individual) [SDNT]

MUNOZ PAZ, Joaquin Emilio, Avenida 4AN No. 47–89, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES VALLE S.A., Cali, Colombia (Cedula No. 16788012 (Colombia)) (individual) [SDNT]

MUNOZ RODRIGUEZ, Juan Carlos, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA, S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 25 Sep 64; Passport 16703148 (Colombia); Cedula No. 16703148 (Colombia)) (individual) [SDNT]

MUNOZ RODRIGUEZ, Soraya, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 26 Jul 67; Passport AC569012 (Colombia); Cedula 31976822 (Colombia)) (individual) [SDNT]

MUNOZ Y RODRIGUEZ Y CIA. LTDA., Avenida 6N No. 23DN–26, Cali, Colombia [SDNT]

NOVILLERA (a.k.a. HACIENDA LA NOVILLERA; a.k.a. NOVILLERA GANADERA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; Paso de la Bolsa, Jamundi, Valle del Cauca, Cali, Colombia [SDNT]

NOVILLERA GANADERA (a.k.a. HACIENDA LA NOVILLERA; a.k.a. NOVILLERA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; Paso de la Bolsa, Jamundi, Valle del Cauca, Cali, Colombia [SDNT]

ORTIZ PALACIOS, Willington A., Avenida 5AN No. 23D–68 piso 2, Cali, Colombia; Carrera 62 Bis No. 6A, Cali, Colombia; c/o CREACIONES DEPORTIVAS WILLINGTON LTDA., Cali, Colombia (individual) [SDNT]

OSORIO CADAVID, Maria Victoria, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia (Cedula No. 31932294 (Colombia)) (individual) [SDNT]

OSORIO PINEDA, Jorge Ivan, c/o LABORATORIOS GENERICOS VETERINIARIOS, Bogota, Colombia (Cedula No. 19270301 (Colombia)) (individual) [SDNT]

PATINO URIBE, Carlos Augusto, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 16627574 (Colombia).) (individual) [SDNT]

PAZ MAHECHA, Gonzalo Rodrigo, Calle 102 No. 48A–08, Bogota, Colombia; Calle 13 No. 4–25 piso 6, Cali, Colombia; Calle 13A No. 66B–60 apt. 101A, Cali, Colombia; Calle 13A No. 66B–60 apt. 102A, Cali, Colombia; Calle 13A No. 66B–60 apt. 902A, Cali, Colombia; Carrera 4 No. 11–45 apt. 621, Cali, Colombia; Carrera 4 No. 11–45 apt. 624, Cali, Colombia; Carrera 4 No. 11–45 of. 802, Cali, Colombia; Carrera 4 No. 11–45 of. 809, Cali, Colombia; Transversal 98 No. 28A–46, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (Cedula No. 16590653 (Colombia)) (individual) [SDNT]

PELAEZ DE HENAO, Teresa, c/o ALFA PHARMA S.A., Bogota, Colombia (Cedula No. 29013555 (Colombia)) (individual) [SDNT]

PENTA PHARMA DE COLOMBIA S.A., Calle 17A No. 28A–23, Bogota, Colombia; Calle 17A No. 28A–43, Bogota, Colombia [SDNT]

PEREZ GARCIA, Carlos, c/o ASESORIAS COSMOS LTDA., Cali, Colombia (Cedula No. 14920419 (Colombia)) (individual) [SDNT]

PEREZ VARELA, Jaime Diego, c/o CONSTRUCTORA GOPEVA LTDA., Cali, Colombia (Cedula No. 2895666 (Colombia)) (individual) [SDNT]

PINZON, Marco Antonio, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 17801803 (Colombia)) (individual) [SDNT]

PLASTICOS CONDOR LTDA., Carrera 13 No. 16–62, Cali, Colombia [SDNT]

PRADO CUERO, Salomon (a.k.a. CHALO), Avenida 26 No. 42B–89, Bogota, Colombia; Carrera 101B No. 11B–50, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 1 Aug 1948) (individual) [SDNT]

PREVENCION Y ANALISIS DE RIESGOS (a.k.a. PREVIA S.A.), Carrera 3 No. 10–20 of. 202, Cali, Colombia; Carrera 3 No. 12–40 of. 504, Cali, Colombia [SDNT]

PREVIA S.A. (a.k.a. PREVENCION Y ANALISIS DE RIESGOS), Carrera 3 No. 10–20 of. 202, Cali, Colombia; Carrera 3 No. 12–40 of. 504, Cali, Colombia [SDNT]

PROYECTO CARS & CARS (a.k.a. CARS & CARS LTDA.; a.k.a. CENTRO COMERCIAL DEL AUTOMOVIL; a.k.a. COMERCIALIZADORA INTEGRAL LTDA.), Avenida Roosevelt entre carreras 38 y 38A esquinas, Cali, Colombia [SDNT]

QUINTERO SALAZAR, Lisimaco, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (individual) [SDNT]

RADIO UNIDAS FM S.A., Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia [SDNT]

RAMIREZ CORTES, Delia Nhora (Nora), c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia; c/o VIAJES MERCURIO LTDA., Cali, Colombia (DOB 20 Jan 1959; Cedula No. 38943729 (Colombia)) (individual) [SDNT]

RAMIREZ LIBREROS, Gladys Miriam, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia (DOB 20 Nov 45; Passport 38974109 (Colombia); Cedula No. 38974109 (Colombia)) (individual) [SDNT]

RAMIREZ M., Oscar, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

RAMIREZ VALENCIANO, William, Calle 3C No. 72–64 10, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16694719 (Colombia)) (individual) [SDNT]

RAMIREZ, Julio Cesar, c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 16685808 (Colombia)) (individual) [SDNT]

RAMIREZ, Manuel Hernan, Calle 5 No. 37A–65 of. 203, Cali, Colombia; Carrera 91 No. 17–17, Casa 4, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (Cedula No. 14975762 (Colombia)) (individual) [SDNT]

RESTREPO VILLEGAS, Camilio, Calle 116 No. 12–49, Bogota, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia (Cedula No. 6051150 (Colombia)) (individual) [SDNT]

REVISTA DEL AMERICA LTDA., Calle 23AN No. 5AN–19, Cali, Colombia [SDNT]

RICUARTE FLOREZ, Gilma Leonor, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 51640309 (Colombia)) (individual) [SDNT]

RIVERA MOSQUERA, Mauricio Jose, c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16277224 (Colombia)) (individual) [SDNT]

RIZO MORENO, Jorge Luis, Transversal 11, Diagonal 23–30 apt. 304A, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia (Cedula No. 16646582 (Colombia)) (individual) [SDNT]

RIZO, Diego, c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 144483334 (Colombia)) (individual) [SDNT]

RODRIGUEZ ABADIA, William, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 31 Jul 65; Cedula No. 16716259 (Colombia).) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Carolina, c/o INVERSIONES ARA LTDA., Cali, Colombia (DOB 17 May 79) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Maria Fernanda, c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia (DOB 28 Nov 73; alternate DOB 28 Aug 73; Passport AC568974 (Colombia); Cedula No. 66860965 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Alexandra (a.k.a. RODRIGUEZ MONDRAGON, Maria Alexandra), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia (DOB 30 May 69; alt. DOB 5 May 69; Passport AD359106 (Colombia); Cedula No. 66810048 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Humberto, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 21 Jun 63; Passport AD387757 (Colombia); Cedula No. 16688683 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Jaime, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (Cedula No. 16637592 (Colombia)) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Maria Alexandra (a.k.a. RODRIGUEZ MONDRAGON, Alexandra), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia (DOB 30 May 69; alt. DOB 5 May 69; Passport AD359106 (Colombia); Cedula No. 66810048 (Colombia)) (individual) [SDNT]

RODRIGUEZ MORENO, Juan Pablo, Carrera 65 647, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (DOB 30 Jul 1980) (individual) [SDNT]

RODRIGUEZ MORENO, Miguel Andres, Carrera 65 No. 6–47, Cali, Colombia; Carrera 66 No. 6–47, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (DOB 14 Jul 1977; Passport No. AD253939 (Colombia); Cedula No. 94328841 (Colombia) (individual) [SDNT]

RODRIGUEZ MORENO, Stephanie (Stethanine), c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]

RODRIGUEZ OREJUELA DE GIL, Amparo, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 13 Mar 49; Passport AC342062 (Colombia); Cedula No. 31218703 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA DE MUNOZ, Haydee (a.k.a. RODRIGUEZ OREJUELA DE ROJAS, Haydee), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Bogota, Colombia (DOB 22 Sep 40; Cedula No. 38953333 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA DE ROJAS, Haydee (a.k.a. RODRIGUEZ OREJUELA DE MUNOZ, Haydee), c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Bogota, Colombia (DOB 22 Sep 40; Cedula No. 38953333 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA, Gilberto, (a.k.a. ''The Chess Player''; a.k.a. ''Lucas''), Cali, Colombia (DOB 31 Jan 39; Passports T321642 (Colombia), 77588 (Argentina), 10545599 (Venezuela); Cedula No. 6068015 (Colombia)) (individual) [SDNT]

RODRIGUEZ OREJUELA, Miguel Angel, (a.k.a. ''El Senor''; a.k.a. ''Patricia''; a.k.a. ''Patricio''; a.k.a. ''Patty''; a.k.a. ''Pat''; a.k.a. ''Manuel''; a.k.a ''Manolo''; a.k.a ''Mike''; a.k.a. ''Mauro''; a.k.a. ''Doctor M.R.O.''), Casa No. 19, Avenida Lago, Ciudad Jardin, Cali, Colombia (DOB 23 Nov 43; alt. DOB 15 Aug 43; Cedula No. 6095803 (Colombia)) (individual) [SDNT]

RODRIGUEZ RAMIREZ, Claudia Pilar, c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia (DOB 30 Jun 63; alt. DOB 30 Aug 63; alt. DOB 1966; Passports 007281 (Colombia), P0555266 (Colombia); Cedula No. 51741013 (Colombia)) (individual) [SDNT]

RODRIGUEZ, Manuel, c/o ALFA PHARMA S.A., Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia (Cedula No. 17171485 (Colombia)) (individual) [SDNT]

ROJAS MEJIA, Hernan, Calle 2A Oeste No. 24B–45 apt. 503A, Cali, Colombia; Calle 6A No. 9N–34, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 28 Aug 1948; Cedula No. 16242661 (Colombia) (individual) [SDNT]

ROJAS ORTIS, Rosa, c/o ALFA PHARMA S.A., Cali, Colombia (Cedula No. 26577444 (Colombia)) (individual) [SDNT]

ROSALES DIAZ, Hector Emilio, c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 16588924 (Colombia)) (individual) [SDNT]

ROZO VARON, Luis Carlos, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; Cedula No. 5838525 (Colombia) (individual) [SDNT]

RUEDA FAJARDO, Herberth Gonzalo, c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia (Cedula No. 12126395 (Colombia)) (individual) [SDNT]

RUIZ HERNANDEZ, Gregorio Rafael, c/o COMERCIALIZADORA OROBANCA, Cali, Colombia (DOB 20 May 1963; Cedula No. 16823501 (Colombia)) (individual) [SDNT]

SAAVEDRA RESTREPO, Jesus Maria, Calle 5 No. 46–83 Local 119, Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB 10 Jul 1958; Cedula No. 16603482 (Colombia)) (individual) [SDNT]

SALCEDO R., Nhora Clemencia, c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 31273613 (Colombia)) (individual) [SDNT]

SALCEDO RAMIREZ, Jamie, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16706222 (Colombia)) (individual) [SDNT]

SALDARRIAGA ACEVEDO, Carlos Omar, Calle 9B No. 50–100 apt. 102, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia (DOB 16 Jan 1954; Cedula No. 14998632 (Colombia)) (individual) [SDNT]

SAMARIA ARRENDAMIENT, Cali, Colombia [SDNT]

SAMARIA CANAS, Cali, Colombia [SDNT]

SAMARIA INTERESES, Cali, Colombia [SDNT]

SAMARIA LTDA., Cali, Colombia [SDNT]

SAMARIA TIERRAS, Cali, Colombia [SDNT]

SANCHEZ DE VALENCIA, Dora Gladys, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (DOB 7 AUG 1955; Cedula No. 31273248 (Colombia)) (individual) [SDNT]

SANDRANA CANAS, Cali, Colombia [SDNT]

SANDRANA GANADERA (a.k.a. HACIENDA SANDRANA; a.k.a. SANDRANDA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; San Pedro, Valle del Cauca, Colombia [SDNT]

SANDRANDA (a.k.a. HACIENDA SANDRANA; a.k.a. SANDRANA GANADERA), Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; San Pedro, Valle del Cauca, Colombia [SDNT]

SANTACRUZ CASTRO, Ana Milena, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia (DOB 31 Mar 65; Passports 31929808 (Colombia), AB151189 (Colombia); Cedula No. 31929808 (Colombia)) (individual) [SDNT]

SANTACRUZ CASTRO, Sandra, c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia (DOB 28 Sep 73; SSN 090–80–3433; Passports 043827307 (United States), D1690693 (United States), 100330728 (United States), J24728201 (Country unknown)) (individual) [SDNT]

SANTACRUZ LONDONO, Jose, (a.k.a ''Chepe''; a.k.a. ''Don Chepe''; a.k.a. ''El Gordo Chepe''; a.k.a. ''07''), Cali, Colombia (DOB 01 Oct 43; Passport AB149814 (Colombia); Cedula No. 14432230 (Colombia)) (individual) [SDNT]

SARRIA HOLGUIN, Ramiro (Robert), Avenida 6N No. 23D–16 of. L301, Cali, Colombia; Carrera 100 No. 11–60 of. 603, AA 20903, Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia (individual) [SDNT]

SERVICIOS INMOBILIARIOS LTDA., Carrera 65 No. 13–82, Cali, Colombia; Avenida 2N No. 7N–55 of. 605, Cali, Colombia [SDNT]

SILVA PERDOMO, Alejandro, c/o CONSTRUVIDA S.A., Avenida 2N No. 7N–55 y No. 521, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia (Cedula No. 14983500 (Colombia)) (individual) [SDNT]

SOCIEDAD CONSTRUCTORA LA CASCADA S.A. (a.k.a. CONSTRUCTORA CASCADA), Calle 13 3–32 piso 12 y piso 14, Cali, Colombia; Calle 1A 62A–120, Cali, Colombia; Calle 1A 62A–120 2305, Cali, Colombia; Calle 1A 62A–120 2418, Cali, Colombia; Calle 1A 62A–120 4114, Cali, Colombia; Calle 1A 62A–120 6245, Cali, Colombia; Calle 1A 62A–120 B2 108, Cali, Colombia; Carrera 4 12–41 of. 1401, Cali, Colombia; Carrera 4 No. 12–41 of. 1403, Cali, Colombia; Carrera 64 1B–83, Cali, Colombia; Carrera 64 1C–63, Cali, Colombia [SDNT]

SOCIEDAD CONSTRUCTORA Y ADMINISTRADORA DEL VALLE LTDA. (a.k.a. SOCOVALLE LTDA.), Avenida 2N No. 7N–55 of. 601–602, Cali, Colombia [SDNT]

SOCOVALLE LTDA. (a.k.a. SOCIEDAD CONSTRUCTORA Y ADMINISTRADORA DEL VALLE LTDA.), Avenida 2N No. 7N–55 of. 601–602, Cali, Colombia [SDNT]

SOLAQUE SANCHEZ, Alfredo, c/o ALFA PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR, Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia (Cedula No. 79261845 (Colombia)) (individual) [SDNT]

Soucir, S.A. (a.k.a. COMERCIALIZADORA OROBANCA (a.k.a. SOCIR S.A.)), Calle 36A No. 3GN–07 of. 302, Edificio El Parque, Cali, Colombia; Calle 22N No. 5A–75 of. 702, Edificio Via Veneto, Cali, Colombia [SDNT]

SUPERTIENDAS LA REBAJA, Avenida Colombia No. 2–45, Cali, Colombia; Calle 9, No. 26–98, Cali, Colombia [SDNT]

TOBOGON, Avenida Guadalupe con Avenida Simon Bolivar, Cali, Colombia [SDNT]

TORRES CORTES, Joselin, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia (Cedula No. 19482747 (Colombia)) (individual) [SDNT]

TREJOS MARQUEZ, Arnulfo, Carrera 4 No. 9–17 of. 308, AA 38028, Cali, Colombia; c/o CONSTRUCTORA TREMI LTDA., Cali, Colombia (Cedula No. 6090595 (Colombia)) (individual) [SDNT]

TRIANA TEJADA, Luis Humberto, c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia (Cedula No. 4916206 (Colombia)) (individual) [SDNT]

TRUJILLO CAICEDO, Francisco Javiar (Pacho), Calle 8 Oeste No. 24C–75 apt. 1501, Cali, Colombia; Calle 13C No. 75–95 piso 2, Cali, Colombia; Carrera 76A No. 6–34 apt. 107, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia (DOB 23 Nov 1960; Cedula No. 16264395 (Colombia)) (individual) [SDNT]

URIBE GONZALEZ, Jose Abelardo, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o SERVICIOS INMOBILIARIAS LTDA., Cali, Colombia (Cedula No. 16647906 (Colombia)) (individual) [SDNT]

VALENCIA ARIAS, Jhon Gavy (John Gaby), Avenida 7N No. 17A–46, Cali, Colombia; Carrera 76 No. 6–200 102, Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia (Cedula No. 16741491 (Colombia)) (individual) [SDNT]

VALENCIA ARIAS, Luis Fernando, c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia (Cedula No. 71626881 (Colombia)) (individual) [SDNT]

VALENCIA, Reynel (Reinel), c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia (Cedula No. 16258610 (Colombia)) (individual) [SDNT]

VALLE COMUNICACIONES LTDA. (a.k.a. VALLECOM), Carrera 60 No. 2A–107, Cali, Colombia [SDNT]

VALLECOM (a.k.a. VALLE COMUNICACIONES LTDA.), Carrera 60 No. 2A–107, Cali, Colombia [SDNT]

VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia [SDNT]

VARGAS GARCIA, Carlos Alberto, Quito, Ecuador; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

VIAJES MERCURIO LTDA., Carrera 3 No. 10–02 Local 113, Cali, Colombia [SDNT]

VICTORIA POTES, Nestor Raul, Calle 70N No. 14–31, AA26397, Cali, Colombia; c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 16247701 (Colombia)) (individual) [SDNT]

VICTORIA, Mercedes, c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o COMPAX LTDA., Cali, Colombia; c/o INVERSIONES GEELE LTDA., Bogota, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia (individual) [SDNT]

VILLALOBOS, Luis E., c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia (Cedula No. 14875020 (Colombia)) (individual) [SDNT]

VILLEGAS ARIAS, Maria Deisy (Deicy), Calle 66 No. 1A–6 51, Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia (Cedula No. 31200371 (Colombia)) (individual) [SDNT]

VILLEGAS BOLANOS, Silver Amado, c/o CONCRETOS CALI S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR S.A., Cali, Colombia (Cedula No. 10480869 (Colombia)) (individual) [SDNT]

W. HERRERA Y CIA. S. EN C., Avenida 2N 7N–55 of. 501, Cali, Colombia [SDNT]

ZABALETA SANDOVAL, Nestor, Apartado Aereo 91905, Bogota, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia (DOB 17 Sep 1925; Cedula No. 2901313 (Colombia); Passports 1690693 (United States), 100330728 (United States), J24728201 (Country unknown)) (individual) [SDNT]

ZUNIGA OSORIO, Marco Fidel, c/o LABORATORIOS BLANCO PHARMA, Bogota, Colombia (individual) [SDNT]

Croatia

SPLITSKA BANKA DD SPLIT (Knin), Knin, Croatia [FRY S&M]

VUKOVARSKA BANKA DD, Vukovar, Croatia [FRY S&M]

Cuba

AERO–CARIBBEAN (a.k.a. AEROCARIBBEAN AIRLINES), Havana, Cuba [CUBA]

AEROCARIBBEAN AIRLINES (a.k.a. AERO–CARIBBEAN), Havana, Cuba [CUBA]

ANTAMALLO SHIPPING CO. LTD. (a.k.a. ATAMALLO SHIPPING CO. LTD.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

ANTILLANA SALVAGE CO. LTD., c/o EMPRESA ANTILLANA DE SALVAMENTO, 4th Floor, Lonja del Comercio, Havana Vieja, Havana, Cuba [CUBA]

ATAMALLO SHIPPING CO. LTD. (a.k.a. ANTAMALLO SHIPPING CO. LTD.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

BETTINA SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

BRADFIELD MARITIME CORPORATION INC., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

CANAPEL S.A. (a.k.a. CANIPEL S.A.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

CANIPEL S.A. (a.k.a. CANAPEL S.A.), c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

CARIBBEAN PRINCESS SHIPPING LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

CARIBBEAN QUEEN SHIPPING LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
EAST ISLAND SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
EPAMAC SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
GENERAL NICKEL SA (a.k.a. LA COMPANIA GENERAL DE NIQUEL), Cuba [CUBA]
GOLDEN COMET NAVIGATION CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
GRETE SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]
GUAMAR SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]
KASPAR SHIPPING CO. S.A., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]
LA COMPANIA GENERAL DE NIQUEL (a.k.a. GENERAL NICKEL SA), Cuba [CUBA]
MARYOL ENTERPRISES INC., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
MOA NICKEL SA, Cuba [CUBA]
NAVIGABLE WATER CORPORATION, c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]
NORTH ISLAND SHIPPING CO. LTD., c/o UNION MARITIMA PORTUARIA, 9–Piso, Apartado B, Esquina Cuarteles y Pena Pobre 60, Havana Vieje, Havana, Cuba [CUBA]
POCHO NAVIGATION CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
REDESTOS SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
SENANQUE SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]
SOUTH ISLAND SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
STANDWEAR SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
VALETTA SHIPPING CORPORATION, c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
VIOLET NAVIGATION CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
WADENA SHIPPING CORPORATION, c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]
WEST ISLAND SHIPPING CO. LTD., c/o UNION MARITIMA PORTUARIA, 9–Piso, Apartado B, Esquina Cuarteles y Pena Pobre 60, Havana Vieja, Havana, Cuba [CUBA]
WHITE SWAN SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION CARIBE, Edificio Lonja del Comercio, Lamparilla 2, Caja Postal 1784, Havana 1, Cuba [CUBA]

Cyprus

ARENAL SHIPPING S.A., Office 803, Nicolaou Pentadromos Centre, Pentadromos Junction, Limassol, Cyprus [FRY S&M]
BEOGRADSKA CYPRUS OFFSHORE BANKING UNIT (COBU), Nicosia, Cyprus [FRY S&M]
BIG ARENA (a.k.a. BIGARENA TRADING LTD.), 21 Kosta Ourani St., P.O. Box 7001, Limassol, Cyprus [FRY S&M]
BIGARENA TRADING LTD. (a.k.a. BIG ARENA), 21 Kosta Ourani St., P.O. Box 7001, Limassol, Cyprus [FRY S&M]
BIMEL LIMITED, Cyprus [FRY S&M]
CHARALAMBIDES, Kypros, Cyprus (individual) [LIBYA]
DRAKULIC, Zoran, Capitol Center, 8th Floor, Nicosia, Cyprus (DOB 15 Apr 53) (individual) [FRY S&M]
EAST POINT HOLDINGS LIMITED, 8th Floor, Flat 803, 2 Archbishop Makarios III Avenue, Capital Centre, Nicosia, Cyprus (All offices and affiliates worldwide) [FRY S&M] including but not limited to: Landmark Towers, Dong San Huan Beilu, No. 8, 20th Floor, Room 2003, Postal Code 100004, Beijing, China [FRY S&M]; 17 Albemarle Street, Mayfair, London WIX 3BA, England [FRY S&M]; Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran [FRY S&M]; Plaza Liberty No. 8, 20131 Milan, Italy [FRY S&M]; Bd. Magheru 24 et IIf, AP. 18, Sector 1, Bucharest, Romania [FRY S&M]; 20 Mantulinskaya Street, App 16, Moscow, Russia [FRY S&M]; Belgrade, Serbia [FRY S&M]; Vul. Prorizna 13, POM. 06, Kiev, Ukraine [FRY S&M]
G.L. LEGIN, 21 Kosta Ourani Street, Limassol, Cyprus [FRY S&M]
GVOZDENOVIC, Zaga, Xenios Commercial Centre, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus (DOB 22 Jul 41. Address of J.U.B. HOLDINGS) (individual) [FRY S&M]
HEMCL (a.k.a. HOLBORN EUROPEAN MARKETING COMPANY LIMITED), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]
HICL (a.k.a. HOLBORN INVESTMENT COMPANY LIMITED), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]
HOLBORN EUROPEAN MARKETING COMPANY LIMITED (a.k.a. HEMCL), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]
HOLBORN INVESTMENT COMPANY LIMITED (a.k.a. HICL), Miranda Court No. 1, Ipirou Street, P.O. Box 897, Larnaca, Cyprus [LIBYA]
I.G.C. LTD., 57 Ledra Street No. 7, Nicosia, Cyprus [FRY S&M]
INPEA (OVERSEAS) LTD, 284 Archbishop Makarios III Avenue, Fortuna Bldg. Block B, 2nd Floor, Limassol, Cyprus [FRY S&M]
IOANNIDES, Pambos, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus (individual) [FRY S&M]
J.I.B. INSPECTION LTD. (a.k.a. JUGOINSPEKT (CYPRUS) LTD.; a.k.a. JUGOINSPEKT LTD.), 57 Ledra St, No. 7, Nicosia, Cyprus [FRY S&M]
J.U.B. HOLDINGS LTD, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus; registered address: Xenios Commercial Centere, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus [FRY S&M]
JUGOINSPEKT (CYPRUS) LTD. (a.k.a. J.I.B. INSPECTION LTD.; a.k.a. JUGOINSPEKT LTD.), 57 Ledra St, No. 7, Nicosia, Cyprus [FRY S&M]
JUGOINSPEKT LTD. (a.k.a. J.I.B. INSPECTION LTD.; a.k.a. JUGOINSPEKT (CYPRUS) LTD.), 57 Ledra St, No. 7, Nicosia, Cyprus [FRY S&M]
JUGOMETAL, 92 Archbishop Makarios III Avenue, Nicosia, Cyprus [FRY S&M]
JUHOMONYSNS (CYPRUS) LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
KARIC BANKA CYPRUS OFFSHORE BANKING UNIT, 66 Makarios III Avenue, Cronos Court, 2nd Floor, Nicosia, Cyprus [FRY S&M]
KREDITNA BANKA BEOGRAD CYPRUS OFFSHORE BANKING UNIT, Nicosia, Cyprus [FRY S&M]
LAMEDON TRADING LTD., Evagoras Papachristouforou Street, Themis Court Bldg, 1st Floor, P.O. Box 561, Limassol, Cyprus [FRY S&M]
LIBYA INSURANCE CO. (CYPRUS OFFICE) LTD., Cyprus [LIBYA]
LIBYA INSURANCE COMPANY, Cyprus Office, Nicosia, Cyprus [LIBYA]
MASLAKOVIC, Dusan, Ior. Dragovica. I., Nicosia, Cyprus; Xenios Commerciale Centre, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus (Address of J.U.B. HOLDINGS) (individual) [FRY S&M]
OSA CHARTERING, Cyprus [FRY S&M]
OSBORNE TRADING COMPANY LTD., Berengaria Bldg., 25 Spyrou Araouzou Street, Limassol, Cyprus [FRY S&M]
PAMIT C. SHIPPING CO., LTD., Limassol, Cyprus [CUBA]
PAPDOPOULOS, Tassos, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus (DOB 1933) (individual) [FRY S&M]
PARADISSIOTIS, Christoforos Pavlou, Larnaca, Cyprus (individual) [LIBYA]

PCL PELCAM TRADE LTD. (a.k.a. UBB INVESTMENTS & FINANCE), 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
PROMIMPRO EXPORTS AND IMPORTS LTD., 70 Archbishop Makarios III Avenue, Afemia Bldg., 3rd Floor, Nicosia, Cyprus [FRY S&M]
RIVAMED SHIPPING LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
SECYCO, 66 Archbishop Makarios III Avenue, Cronos Court, Office 23–24, Nicosia, Cyprus [FRY S&M]
SIMPO FURNITURE (CYPRUS) LTD., 1 Myklas Street, Flat 303, Nicosia, Cyprus [FRY S&M]
SIMPO FURNITURE (CYPRUS) LTD., Nicosia, Cyprus [FRY S&M]
STAVROU, Stavros, Cyprus (individual) [LIBYA]
TASLAW NOMINEES LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus [FRY S&M]
TASLAW SECRETARIAL LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus [FRY S&M]
TASLAW SERVICES LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor No. 205, Nicosia, Cyprus [FRY S&M]
TAT TRADING LTD., Limassol, Cyprus [FRY S&M]
TECNOPROM (CYPRUS) LTD., 57 Ledra Street, No. 7, Nicosia, Cyprus [FRY S&M]
TEKNICA OIL SERVICES (OVERSEAS) LIMITED, Cyprus [LIBYA]
TRAFI HOLDINGS LTD., 18 Ayios Dometios Street, Nicosia, Cyprus [FRY S&M]
TWEPICO LTD., 209 Archbishop Makarios III Avenue, Fytides Bldg., Apt. 102, Limassol, Cyprus [FRY S&M]
UBB INVESTMENTS & FINANCE (a.k.a. PCL PELCAM TRADE LTD.), 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus [FRY S&M]
UGUETO, Luis David (MOROS), Cyprus (individual) [LIBYA]
VUJNOVIC, Milorad, 21 Kosta Ourani Street, P.O. Box 3410, Limassol, Cyprus (DOB 20 Mar 57. Address of INPEA (OVERSEAS) HOLDING LTD. of Limassol)) (individual) [FRY S&M]
YES HOLDING INTERNATIONAL LTD., Archbishop Makarios III Avenue, Xenios Commercial Center, 5th Floor, No. 501, Nicosia, Cyprus [FRY S&M]
YESIC LTD., 57 Ledra Street, Nicosia, Cyprus [FRY S&M]
YOUGO–ARAB COMPANY LTD, 58–60 Dighenis Akritas Avenue, Ghinis Building, 3rd, 8th, and 9th Floors, P.O. Box 2217, Nicosia, Cyprus [FRY S&M]

Czech Republic

CENTROCOOP PRAGUE, Gorkeho N16, Prague, Czech Republic [FRY S&M]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Parizska 17, Prague, Czech Republic [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Parizska 17, Prague, Czech Republic [CUBA]
GENERALEXPORT PRAGUE (a.k.a. YUGOTOURS), Stepanska 57/II, 11000 Prague, Czech Republic [FRY S&M]
HEMPRO BELGRADE, Mala Stepanska 15, Prague, Czech Republic [FRY S&M]
IRAQI AIRWAYS, Nekazanka 3, Prague 1, Czech Republic [IRAQ]
IRAQI AIRWAYS, Prague Airport, Prague, Czech Republic [IRAQ]
SIMPO SPOL GMBH, Prague, Czech Republic [FRY S&M]
STERN, Alfred Kaufman, Prague, Czech Republic (individual) [CUBA]
YUGOTOURS (a.k.a. GENERALEXPORT PRAGUE), Stepanska 57/II, 11000 Prague, Czech Republic [FRY S&M]

Denmark

IRAQI AIRWAYS, Copenhagen, Denmark [IRAQ]
JUGOSKANDIA A.B., Noerrebrogade 26, 2200 Copenhagen N, Denmark [FRY S&M]

Ecuador

BENITEZ CASTELLANOS, Cesar Tulio, c/o DROGAS LA REBAJA, Cali, Colombia; c/o RIONAP COMERCIOS Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]
DAZA RIVERA, Pablo Emilio, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (Cedula No. 4904545 (Colombia)) (individual) [SDNT]
LICOREXPORT S.A., Quito, Ecuador [CUBA]
PROMOTORA ANDINA, S.A., Quito, Ecuador [CUBA]
RAMIREZ M., Oscar, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]
RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador [SDNT]
VARGAS GARCIA, Carlos Alberto, Quito, Ecuador; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador (individual) [SDNT]

Egypt

ABDULMALIK, Abdul Hameed (a.k.a. MALIK, Assim Mohammed Rafiq Abdul; a.k.a. RAFIQ, Assem), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual) [IRAQ]
AL–GAMA'A AL–ISLAMIYYA (a.k.a. GAMA'AT; a.k.a. GAMA'AT AL–ISLAMIYYA; a.k.a. ISLAMIC GAMA'AT; a.k.a. ISLAMIC GROUP, THE), Egypt [SDT]
AL–JIHAD (a.k.a. JIHAD GROUP; a.k.a. TALAA'AL AL–FATEH; a.k.a. VANGUARDS OF CONQUEST), Egypt [SDT]
AL–ZUMAR, Abbud (a.k.a. ZUMAR, Colonel Abbud), Factional Leader of JIHAD GROUP, Egypt (POB Egypt) (individual) [SDT]
GAMA'AT (a.k.a. AL–GAMA'A AL–ISLAMIYYA; a.k.a. GAMA'AT AL–ISLAMIYYA; a.k.a. ISLAMIC GAMA'AT; a.k.a. ISLAMIC GROUP, THE), Egypt [SDT]
GAMA'AT AL–ISLAMIYYA (a.k.a. AL–GAMA'A AL–ISLAMIYYA; a.k.a. GAMA'AT; a.k.a. ISLAMIC GAMA'AT; a.k.a. ISLAMIC GROUP, THE), Egypt [SDT]
GENERALEXPORT ALEXANDRIA, 43, Saphia Zaghloul Street, Alexandria, Egypt [FRY S&M]
GENERALEXPORT CAIRO, 21, Ahmed Heshmet Str. Zamalek, 1st Floor, Suite 4, Cairo, Egypt [FRY S&M]
INEX–INTEREXPORT ENGINEERING, 4, Shawarbi Street, Apt. ι5, Cairo, Egypt [FRY S&M]
ISLAMIC GAMA'AT (a.k.a. AL–GAMA'A AL–ISLAMIYYA; a.k.a. GAMA'AT; a.k.a. GAMA'AT AL–ISLAMIYYA; a.k.a. ISLAMIC GROUP, THE), Egypt [SDT]
ISLAMIC GROUP, THE (a.k.a. AL–GAMA'A AL–ISLAMIYYA; a.k.a. GAMA'AT; a.k.a. GAMA'AT AL–ISLAMIYYA; a.k.a. ISLAMIC GAMA'AT), Egypt [SDT]
JIHAD GROUP (a.k.a. AL–JIHAD; a.k.a. TALAA'AL AL–FATEH; a.k.a. VANGUARDS OF CONQUEST), Egypt [SDT]
MALIK, Assim Mohammed Rafiq Abdul (a.k.a. ABDULMALIK, Abdul Hameed; a.k.a. RAFIQ, Assem), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual) [IRAQ]
RAFIDAIN BANK, 114 Tahreer Str. Eldukki, P.O.Box 239, Omran Giza, Cairo, Egypt [IRAQ]
RAFIQ, Assem (a.k.a. ABDULMALIK, Abdul Hameed; a.k.a. MALIK, Assim Mohammed Rafiq Abdul), 14 Almotaz Sad Al Deen Street, Al Nozha, Cairo, Egypt (individual) [IRAQ]
TALAA'AL AL–FATEH (a.k.a. AL–JIHAD; a.k.a. JIHAD GROUP; a.k.a. VANGUARDS OF CONQUEST), Egypt [SDT]
VANGUARDS OF CONQUEST (a.k.a. AL–JIHAD; a.k.a. JIHAD GROUP; a.k.a. TALAA'AL AL–FATEH), Egypt [SDT]
ZUMAR, Colonel Abbud (a.k.a. AL–ZUMAR, Abbud), Factional Leader of JIHAD GROUP, Egypt (POB Egypt) (individual) [SDT]

England

A.T.E. INTERNATIONAL LTD. (f.k.a. RWR INTERNATIONAL COMMODITIES), 3 Mandeville Place, London, England [IRAQ]
A.W.A. ENGINEERING LIMITED, 3 Mandeville Place, London, England [IRAQ]
ABBOTT, John G., 34 Grosvenor Street, London W1X 9FG, England (individual) [LIBYA]
ABRAHAM, Trevor, England (individual) [IRAQ]
ACE INDIC NAVIGATION CO. LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]

ACECHILLY NAVIGATION CO. LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]
ADMINCHECK LIMITED, 1 Old Burlington Street, London, England [IRAQ]
ADVANCED ELECTRONICS DEVELOPMENT, LTD., 3 Mandeville Place, London, England [IRAQ]
AGOCO (a.k.a. ARABIAN GULF OIL COMPANY), Windsor House, 42–50 Victoria Street, London SW1H 0NW, England [LIBYA]
AL–AGELI, Dr. Muktar Ali (a.k.a. EL–AGELI, Dr. Mukhtar Ali; a.k.a. EL–AGELI, Dr. Muktar Ali), Apartment 10, Maida Vale, Little Venice, London, England; 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England (DOB 23 JUL 44) (individual) [LIBYA]
AL–AMIRI, Adnan Talib Hassim, 43 Palace Mansions, Hammersmith, London, England (individual) [IRAQ]
AL–HABOBI, Dr. Safa (a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–HABOBI, Dr. Safa Haji J. (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–HABUBI, Dr. Safa Hadi Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–OGAILY, Akram H., Flat 2, St. Ronons Court, 63 Putney Hill, London, England (individual) [IRAQ]
ALLEN, Peter Francis, ''Greys'', 36 Stoughton Lane, Stoughton, Leicestershire, England (individual) [IRAQ]
ANGLO–CARIBBEAN CO., LTD. (a.k.a. AVIA IMPORT), Ibex House, The Minories, London EC3N 1DY, England [CUBA]
ANGLO–YUGOSLAV BANK (n.k.a. AY BANK LIMITED), London, England [FRY S&M]
ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), Windsor House, 42–50 Victoria Street, London SW1H 0NW, England [LIBYA]
ARCHI CENTRE I.C.E. LIMITED, 3 Mandeville Place, London, England [IRAQ]
ARCHICONSULT LIMITED, 128 Buckingham Place, London 5, England [IRAQ]
ASSOCIATED ENGINEERS, England [IRAQ]
ATIA, Hachim K., 2 Stratford Place, London W1N 9AE, England (individual) [IRAQ]
ATLAS AIR CONDITIONING COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England [IRAQ]
ATLAS EQUIPMENT COMPANY LIMITED, 55 Roebuck House, Palace Street, London, England [IRAQ]
AVIA IMPORT (a.k.a. ANGLO–CARIBBEAN CO., LTD.), Ibex House, The Minories, London EC3N 1DY, England [CUBA]
AY BANK LIMITED (f.k.a. ANGLO–YUGOSLAV BANK), London, England [FRY S&M]
B.S.E. GENEX CO. LTD. (f.k.a. B.S.E. TRADING LIMITED), Heddon House, 149–151 Regent Street, London, W1R 8HP, England [FRY S&M]
B.S.E. TRADING LIMITED (n.k.a. B.S.E. GENEX CO. LTD.), Heddon House, 149–151 Regent Street, London, W1R 8HP, England [FRY S&M]
BYE LTD., Morley House, 314–322 Regent Street, London W1R 5AE, England [FRY S&M]
CARIBSUGAR INTERNATIONAL TRADERS, S.A., 125–133 Camden High Street, London, NW1 7JR, England [CUBA]
CENTROCOOP LTD., 162–168 Regent Street, London W1 5TB, England [FRY S&M]
CHAO, Lazaro R., Executive Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]
CHEMPETROL INTERNATIONAL LTD., 28 Lincoln's Inn Fields, London WC2A 3HH, England [LIBYA]
CHEMPETROL INTERNATIONAL LTD., 5th Floor, Quality Court, Chancery Lane, London WC2A 1HP, England [LIBYA]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), c/o Anglo–Caribbean Shipping Co. Ltd., Ibex House, The Minories, London EC3N 1DY, England [CUBA]
DAGHIR, Ali Ashour, 2 Western Road, Western Green, Thames Ditton, Surrey, England (individual) [IRAQ]
DOMINION INTERNATIONAL, England [IRAQ]
DURGACO, London, England [CUBA]
EL–AGELI, Dr. Mukhtar Ali (a.k.a. AL–AGELI, Dr. Muktar Ali; a.k.a. EL–AGELI, Dr. Muktar Ali), Apartment 10, Maida Vale, Little Venice, London, England; 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England (DOB 23 JUL 44) (individual) [LIBYA]
EL–AGELI, Dr. Muktar Ali (a.k.a. AL–AGELI, Dr. Muktar Ali; a.k.a. EL–AGELI, Dr. Mukhtar Ali), Apartment 10, Maida Vale, Little Venice, London, England; 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England (DOB 23 JUL 44) (individual) [LIBYA]
EL AMIR, Bahjat Fadel, 5 Rowsham Dell, Gifford Park, Milton Keynes Bucks MK14 5JS, England (DOB 01 JAN 42) (individual) [LIBYA]
EL NAILI, Smeida El–Hosh, 21 Redlands Drive, Loughton, Milton Keynes Bucks MK5 8EJ, England (DOB 19 FEB 44) (individual) [LIBYA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), c/o Anglo–Caribbean Shipping Co. Ltd., Ibex House, The Minories, London EC3N 1DY, England [CUBA]
ENDSHIRE EXPORT MARKETING, England [IRAQ]
ETCO INTERNATIONAL COMMODITIES LTD., Devonshire House, 1 Devonshire Street, London, England [CUBA]
EUROMAC, LTD., 4 Bishops Avenue, Northwood, Middlesex, England [IRAQ]
FALCON SYSTEMS, England [IRAQ]
FC9063 LIMITED (n.k.a. TEKNICA (UK) LIMITED), 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England; Avon House, 360–366 Oxford Street, London W1N 9HA, England; Tripoli, Libya [LIBYA]
FLIGHT DRAGON SHIPPING LTD., c/o ANGLO–CARIBBEAN SHIPPING CO. LTD., 4th Floor, South Phase 2, South Quay Plaza II, 183, March Wall, London, England [CUBA]
HABUBI, Dr. Safa Hadi Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
HABUBI, Dr. Safa Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
HAVANA INTERNATIONAL BANK, LTD., 20 Ironmonger Lane, London EC2V 8EY, England [CUBA]
HENDERSON, Paul, 4 Copt Oak Close, Tile Mill, Coventry, Warwickshire, England (individual) [IRAQ]
I.P.C. INTERNATIONAL LIMITED, England [IRAQ]
I.P.C. MARKETING LIMITED, England [IRAQ]
IMPERATORI, Julio A., Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]
INEC ENGINEERING CO. LTD., 175 Regent Street, London W1, England [FRY S&M]
INEC UK LTD., R/O Albion Street, London W2 2AS, England [FRY S&M]
INEXPRODUCT LTD., 40–43, Chancery Lane, London W.C. 2, England [FRY S&M]
INTERPROGRESS IMPORT EXPORT CO. LTD., 63–66 Hatton Garden, EC1N 8LE London, England [FRY S&M]
INVESTACAST PRECISION CASTINGS, LTD., 112 City Road, London, England [IRAQ]
IRAQI AIRWAYS, 4 Lower Regent Street, London SW1Y 4P, England [IRAQ]
IRAQI ALLIED SERVICES LIMITED, England [IRAQ]
IRAQI FREIGHT SERVICES LIMITED, England [IRAQ]
IRAQI REINSURANCE COMPANY, 31–35 Fenchurch Street, London EC3M 3D, England [IRAQ]
J&K LTD. (a.k.a. JNK LTD.), Wildwoods, Theobalds Park Rd., Crews Hill, Enfield, Middlesex, England [FRY S&M]
JARDINE HOUSE, 6 Crutched Friars, London EC3N 2HT, England [LIBYA]
JAWABY TECHNICAL SERVICES LIMITED (a.k.a. TEKXEL LIMITED), London, England [LIBYA]

JAWAD, Dr. Safa Hadi (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]

JNK LTD. (a.k.a. J&K LTD.), Wildwoods, Theobalds Park Rd., Crews Hill, Enfield, Middlesex, England [FRY S&M]

JON, Hana Paul, 19 Tudor House, Windsor Way, Brook Green, London, England (individual) [IRAQ]

KADHUM, Dr. Fadel Jawad, c/o Alvaney Court, 250 Finchley Road, London, England (individual) [IRAQ]

KEENCLOUD LIMITED, 11 Catherine Place, Westminister, London, England [IRAQ]

KOPRODUCT LTD., 2 Albion Place, King's Terrace, Galena Road, London W6 0QT, England [FRY S&M]

KOSTIC, Bosko, AY Bank Ltd., 11/15 St. Mary–at–Hill, EC3R8EE London, England (individual) [FRY S&M]

LOPEZ, Miguel, A., Deputy Chairman, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

LOPEZ, Quirino Gutierrez, c/o ANGLO CARIBBEAN SHIPPING CO., LTD., 7th Floor, Ibex House, the Minories, London, EC3N 1DY, England (individual) [CUBA]

MEDCHOICE HOLIDAYS LTD. (a.k.a. YUGOTOURS LTD.), Chesham House, 150 Regent Street, London WIR 6BB, England [FRY S&M]

MEED INTERNATIONAL LIMITED, 3 Mandeville Place, London, England [IRAQ]

METALCHEM INTERNATIONAL LTD., 79/83 Great Portland Street, London W1N 5FA, England [FRY S&M]

METTA TRADING LTD., 79–83 Great Portland Street, London WIN 5FA, England [FRY S&M]

NAMAN, Saalim or Sam, P.O. Box 39, Fletchamstead Highway, Coventry, England; Iraq; Amman, Jordan; 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania, U.S.A.; 5903 Harper Road, Solon, OH, U.S.A.; 3343 Woodview Lake Road, West Bloomfield, Michiga 48323, U.S.A. (individual) [IRAQ]

PARADISSIOTIS, Christoforos Pavlou, 34 Grosvenor Street, London W1X 9FG, England (individual) [LIBYA]

PETROMED LTD., 18b Charles Street, London W1X 7HD, England [FRY S&M]

PIONEER SHIPPING LTD., c/o Anglo Caribbean Shipping Co., Ltd., 4th Floor, South Phase 2, South Quay Plaza 2, 183 Marsh Wall, London E14 9SH, England; 171 Old Bakery Street, Valletta, Malta [CUBA]

RAFIDAIN BANK, Rafidain Bank Building, 7–10 Leadenhall Street, London EC3V 1NL, England [IRAQ]

RAJBROOK LIMITED, England [IRAQ]

REYNOLDS AND WILSON, LTD., 21 Victoria Road, Surbiton, Surrey KT6 4LK, England [IRAQ]

RICKS, Roy, 87 St. Mary's Frice, Benfleet, Essex, England (individual) [IRAQ]

RODRIQUEZ, Jose Julio, Chairman, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

RUDEX INTERNATIONAL LTD, 37–38 Margaret St, London W1N 8PS, England [FRY S&M]

RWR INTERNATIONAL COMMODITIES (n.k.a. A.T.E. INTERNATIONAL LTD.), 3 Mandeville Place, London, England [IRAQ]

SABTINA LIMITED, 530–532 Elder House, Elder Gate, Central Milton Keynes MK9 1LR, England [LIBYA]

SIMPO (UK) LTD., 14–15 Berners Street, London, England [FRY S&M]

SIMPO INTERNATIONAL, London, England [FRY S&M]

SPECKMAN, Jeanine, England (individual) [IRAQ]

T N K FABRICS LIMITED, England [IRAQ]

T.D.G. (a.k.a. TECHNOLOGY AND DEVELOPMENT GROUP LTD.), Centric House 390/391, Strand, London, England [IRAQ]

T.E.G. LIMITED, 3 Mandeville Place, London, England [IRAQ]

T.M.G. ENGINEERING LIMITED, Castle Row, Horticultural Place, Chiswick, London, England [IRAQ]

TAMOIL TRADING LTD. (f.k.a. TAMOIL [UK] LTD.), 1 St. Paul's Churchyard, London EC4M 8SH, England [LIBYA]

TAMOIL [UK] LTD. (n.k.a. TAMOIL TRADING LTD.), 1 St. Paul's Churchyard, London EC4M 8SH, England [LIBYA]

TECHNOLOGY AND DEVELOPMENT GROUP LTD. (a.k.a. T.D.G.), Centric House 390/391, Strand, London, England [IRAQ]

TEKNICA (UK) LIMITED (f.k.a. FC9063 LIMITED), 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England; Avon House, 360–366 Oxford Street, London W1N 9HA, England; Tripoli, Libya [LIBYA]

TEKXEL LIMITED (a.k.a. JAWABY TECHNICAL SERVICES LIMITED), London, England [LIBYA]

THRIFTFINE LTD., 47 Great Marlborough Street, London W1V 2AS, England [FRY S&M]

TIGRIS TRADING, INC., 2 Stratford Place, London W1N 9AE, England [IRAQ]

TOLEDO, R.F., Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EF, England (individual) [CUBA]

TRAMP PIONEER SHIPPING CO., Panama, c/o Anglo Caribbean Shipping Co., Ltd., 4th Floor, South Phase 2, South Quay Plaza, 183 Mars, London E14 9SH, England [CUBA]

U.I. INTERNATIONAL, England [IRAQ]

UMM AL–JAWABY OIL SERVICE COMPANY, LTD., 33 Cavendish Square, London W1M 9HF, England [LIBYA]

VAZ, Jose, Managing Director, Havana International Bank, 20 Ironmonger Lane, London EC2V 8EY, England (individual) [CUBA]

VULCAN OIL S.P.A., United Kingdom (offshore) [LIBYA]

YUGO CARS (a.k.a. ZASTAVA (GB) LTD.), Gloucester House, Basingstoke Road, Reading, Berkshire, RG2 OQW, England [FRY S&M]

YUGOTOURS LTD. (a.k.a. MEDCHOICE HOLIDAYS LTD.), Chesham House, 150 Regent Street, London WIR 6BB, England [FRY S&M]

YUGOTOURS LTD., 37a Great Charles Street, York House, Birmingham, B3 3JY, England [FRY S&M]

YUGOTOURS LTD., Cheshire House, 18/0 Booth Street, Manchester M2 4AN, England [FRY S&M]

ZASTAVA (GB) LTD. (a.k.a. YUGO CARS), Gloucester House, Basingstoke Road, Reading, Berkshire, RG2 OQW, England [FRY S&M]

ZUGHAID, Hassan Senoussi, 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England (individual) [LIBYA]

Federal Republic of Yugoslavia (Serbia & Montenegro)

13.JULI, Podgorica, Montenegro [FRY S&M]

21 MAJ, Belgrade, Serbia [FRY S&M]

AERODROM BEOGRAD (a.k.a. AIRPORT BELGRADE), Belgrade, Serbia [FRY S&M]

AEROINZINJERING, Belgrade, Serbia [FRY S&M]

AGRO–UNIVERZAL, Kanijiza, Vojvodina (Serbia) [FRY S&M]

AGROEXPORT, Belgrade, Serbia [FRY S&M]

AGROOPREMA, Belgrade, Serbia [FRY S&M]

AGROPANONIJA, Vrsac, Vojvodina (Serbia) [FRY S&M]

AGROPROMET, Kikinda, Vojvodina (Serbia) [FRY S&M]

AGROVOJVODINA (a.k.a. AGROVOJVODINA EXPORT–IMPORT), 23 Oktobra blvd. 61, 21000 Novi Sad, Vojvodina (Serbia) (All offices worldwide) [FRY S&M] including but not limited to: Karafiatova 40, Prague 10, Czech Republic [FRY S&M]; Katona Jozef utca 10/a, 1137 Budapest 13.ker, Hungary [FRY S&M]; Warynskiego 28 m 40, Warsaw, Poland [FRY S&M]; Mosfiljmovskaja 42, Moscow, Russia [FRY S&M]

AGROVOJVODINA EXPORT–IMPORT (a.k.a. AGROVOJVODINA), 23 Oktobra blvd. 61, 21000 Novi Sad, Vojvodina (Serbia) (All offices worldwide) [FRY S&M] including but not limited to: Karafiatova 40, Prague 10, Czech Republic [FRY S&M]; Katona Jozef utca 10/a, 1137 Budapest 13.ker, Hungary [FRY S&M]; Warynskiego 28 m 40, Warsaw, Poland [FRY S&M]; Mosfiljmovskaja 42, Moscow, Russia [FRY S&M]

AIK SUMADIJA, Kragujevac, Serbia [FRY S&M]

AIK VRANJE, Vranje, Serbia [FRY S&M]

AIR JUGOSLAVIA, Belgrade, Serbia [FRY S&M]

AIRPORT BELGRADE (a.k.a. AERODROM BEOGRAD), Belgrade, Serbia [FRY S&M]

ALUMINUM COOPERATIVE PODGORICA (a.k.a. KOMBINAT ALUMINIJUMA PODGORICA), P.O.B. 22, 81000 Podgorica, Montenegro [FRY S&M]

ANDJIC, Slobodan, Kolazceja 1, 11000 Belgrade, Serbia (individual) [FRY S&M]

APATEX–APATIN, Industrijska Zona, 25260 Apatin, Serbia [FRY S&M]
AS IMPEX/AEROSERVIS, Serbia [FRY S&M]
ASSOCIATION OF YUGOSLAV RAILWAYS (a.k.a. ZAJEDNICA JUGOSLOVENSKIH ZELEZNICA), Belgrade, Serbia [FRY S&M]
ASTRO–ORION, Serbia [FRY S&M]
ATEKS, Belgrade, Serbia [FRY S&M]
AUTOMOBILE INDUSTRY – CRVENA ZASTAVA (a.k.a. ZASTAVA; a.k.a. ZAVODI CRVENA ZASTAVA – KRAGUJEVAC), Kragujevac, Serbia [FRY S&M]
AUTOPREVOZ, Pljevlja, Montenegro [FRY S&M]
AUTOTEHNA, Belgrade, Serbia [FRY S&M]
AVIOGENEX, Milentia Popovica, 11070 Belgrade, Serbia [FRY S&M]
AVNOJA 57, Serbia [FRY S&M]
AVRAMOVIC, Dragoslav, Governor of National Bank of Yugoslavia, Bulevar Revolucije 15, 11000 Belgrade, Serbia; 13200 Cleveland Drive, Rockville, Maryland, U.S.A. (DOB 14 Oct 19) (individual) [FRY S&M]
B K COMPANY (a.k.a. B K HOLDING; a.k.a. BRACA KARIC COMPANY; a.k.a. BRACA KARIC TRADE COMPANY; a.k.a. BRACE KARIC COMPANY; a.k.a. KARIC BROTHERS HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia (All affiliated companies worldwide) [FRY S&M]
B K HOLDING (a.k.a. B K COMPANY; a.k.a. BRACA KARIC COMPANY; a.k.a. BRACA KARIC TRADE COMPANY; a.k.a. BRACE KARIC COMPANY; a.k.a. KARIC BROTHERS HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia (All affiliated companies worldwide) [FRY S&M]
BAGERSKO BRODARSKO PREDUZECE, Hajduk Veljkov Venac 46, 11000 Belgrade, Serbia [FRY S&M]
BALKAN, Suva Reka, Serbia [FRY S&M]
BALKANIJA, Belgrade, Serbia [FRY S&M]
BANK OF VOJVODINA (f.k.a. VOJVODINA BANK–ASSOCIATED BANK, NOVI SAD; a.k.a. VOJVODJANSKA BANKA, d.d.), Serbia (All offices worldwide) [FRY S&M] including but not limited to: Langham House, 308 Regent Street, London, W1R 5AL, England [FRY S&M]; Kaiser Strasse 3, 6000 Frankfurt am Main, Germany [FRY S&M]; P.O. Box 391, Bulevar Marsala Tita 14, 21001 Novi Sad, Vojvodina (Serbia) [FRY S&M]
BANQUE NATIONALE DE YOUGOSLAVIE (a.k.a. NARODNA BANKA JUGOSLAVIJE; a.k.a. NATIONAL BANK OF YUGOSLAVIA), Belgrade, Serbia [FRY S&M]
BEGEJ SHIPYARD, Temisvarski drum bb, 23000 Zrenjanin, Serbia [FRY S&M]
BEKO, Bulevar Vojvode Bojovica 6–8, 11000 Belgrade, Serbia [FRY S&M]
BELGRADE–PREDUZECE ROBNIH KUCA, Belgrade, Serbia [FRY S&M]
BELGRADE RAILROAD TRANSPORTATION ORGANIZATION (a.k.a. ZELEZNICKO TRANSPORTNO PREDUZECE BEOGRAD), Belgrade, Serbia [FRY S&M]
BEOCINASKA FABRIKA CEMENTA, Trg Ive Lole Ribara 1, 21300 Beocin, Serbia [FRY S&M]
BEOGRAD AGRICULTURAL COMPLEX PKB, 11213 Padinska Skela, Belgrade, Serbia [FRY S&M]
BEOGRAD–PREDUZECE ZA UPRAVA ELEKTROENERGICNIK SISTEMA, Belgrade, Serbia [FRY S&M]
BEOGRADSKA PLOVIDBA (a.k.a. BEOPLOV), Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]
BEOMEDICINA, Belgrade, Serbia [FRY S&M]
BEOMEDICINA, Vojislava Ilica 145, 11000 Belgrade, Serbia [FRY S&M]
BEOPLOV (a.k.a. BEOGRADSKA PLOVIDBA), Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]
BIP, Bulevar Vojvode Putnika 5, 11000 Belgrade, Serbia [FRY S&M]
BJELASICA, Bijelo Polje, Serbia [FRY S&M]
BOR–TOPIONICA I RAFINERIJA BAKRA, Bor, Serbia [FRY S&M]
BRACA KARIC COMPANY (a.k.a. B K COMPANY; a.k.a. B K HOLDING; a.k.a. BRACA KARIC TRADE COMPANY; a.k.a. BRACE KARIC COMPANY; a.k.a. KARIC BROTHERS HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia (All affiliated companies worldwide) [FRY S&M]
BRACA KARIC TRADE COMPANY (a.k.a. B K COMPANY; a.k.a. B K HOLDING; a.k.a. BRACA KARIC COMPANY; a.k.a. BRACE KARIC COMPANY; a.k.a. KARIC BROTHERS HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia (All affiliated companies worldwide) [FRY S&M]
BRACE KARIC COMPANY (a.k.a. B K COMPANY; a.k.a. B K HOLDING; a.k.a. BRACA KARIC COMPANY; a.k.a. BRACA KARIC TRADE COMPANY; a.k.a. KARIC BROTHERS HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia (All affiliated companies worldwide) [FRY S&M]
BOJANA, Cetinje, Montenegro [FRY S&M]
BOKA OCEAN SHIPPING CORPORATION, Monrovia, Liberia, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro [FRY S&M]
BOKA, Herceg Novi, Montenegro [FRY S&M]
BRODOGRADILISTE NOVI SAD, Kamenicka ada 1, 21000 Novi Sad, Serbia [FRY S&M]
BRODOIMPEX, Belgrade, Serbia [FRY S&M]
BUDVANSKA RIVIJERA, Budva, Montenegro [FRY S&M]
CANNED FRUIT AND VEGETABLE PRODUCTION OF PROKUPLJE (a.k.a. HISAR – FABRIKA ZA PRERADU VOCA I POVRCA), Prokuplje, Serbia [FRY S&M]
CENTROCOOP – BELKAMEN, Kavadarci, Serbia [FRY S&M]
CENTROCOOP – HLADNJACA BAR, Bar, Montenegro [FRY S&M]
CENTROCOOP – INVEST, Belgrade, Serbia [FRY S&M]
CENTROCOOP – PROIZVODNJA, Belgrade, Serbia [FRY S&M]
CENTROEXPORT, Belgrade, Serbia [FRY S&M]
CENTROMARKET, Belgrade, Serbia [FRY S&M]
CENTROPROJEKT, Belgrade, Serbia [FRY S&M]
CENTROPROM, Knez Mihailova 20, 11000 Belgrade, Serbia [FRY S&M]
CENTROSLAVIJA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
CENTROTEKSTIL, Belgrade, Serbia [FRY S&M]
CHAMBER OF ECONOMY OF MONTENEGRO (a.k.a. PRIVREDNA KOMORA CRNE GORE), Podgorica, Montenegro [FRY S&M]
CHAMBER OF ECONOMY OF SERBIA (a.k.a. PRIVREDNA KOMORA SRBIJE), Belgrade, Serbia [FRY S&M]
CHAMBER OF ECONOMY OF YUGOSLAVIA (a.k.a. PRIVREDNA KOMORA JUGOSLAVIJE), Belgrade, Serbia [FRY S&M]
COOPERATIVE PODGORICA, Podgorica, Montenegro [FRY S&M]
CRNA GORA – NIKSIC, Niksic, Montenegro [FRY S&M]
CRNAGORACOOP, Danilovgrad, Montenegro [FRY S&M]
CVIJANOVIC, Zeljko, Head of Srpska Novinska Agencija (SRNA) News Agency in Belgrade, Belgrade, Serbia (individual) [SRBH]
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DES–SUBOTICA, Gavrila Principa 8, 24000 Subotica, Serbia [FRY S&M]
DINARA, Belgrade, Serbia [FRY S&M]
DIP (a.k.a. DRVNO INDUSTRIJSKO PREDUZECE), Belgrade, Serbia [FRY S&M]
DRVNO INDUSTRIJSKO PREDUZECE (a.k.a. DIP), Belgrade, Serbia [FRY S&M]
DRVOIMPEX, Podgorica, Montenegro [FRY S&M]
DUNAV (a.k.a. DANUBE), Smederevo, Serbia [FRY S&M]
DUNAV TISA DUNAV (a.k.a. DUNAV–TISA–DUNAV), Bulevar Marsala Tita 25, 21000 Novi Sad, Vojvodina (Serbia) [FRY S&M]
DUVANSKA INDUSTRIJA, Nis, Serbia [FRY S&M]
DUVANSKI KOMBINAT, Podgorica, Montenegro [FRY S&M]
EI BULL HN, Nis, Serbia [FRY S&M]
EI–FABRIKA RADIO CEVI, Nis, Serbia [FRY S&M]
EI–NIS, Nis, Serbia [FRY S&M]
ELEKTRODISTRIBUCIJA, Belgrade, Serbia [FRY S&M]
ELEKTROMETAL, Belgrade, Serbia [FRY S&M]
ELEKTRONSKA INDUSTRIJA, Bulevar Velijka Vlahovica 80–82, 18000 Nis, Serbia [FRY S&M]
ELEKTROPRIVREDA CRNE GORE (a.k.a. MONTENEGRO ELECTRIC POWER COMPANY), Podgorica, Montenegro [FRY S&M]
ELEKTROPRIVREDA KOSOVA (a.k.a. KOSOVO ELECTRIC POWER COMPANY), Pristina, Kosovo (Serbia) [FRY S&M]
ELEKTROPRIVEDA–PREDUZECE ZA PROIZVODNJU EL. ENERGIJE UGLJA, Belgrade, Serbia [FRY S&M]
ELEKTROPRIVREDA SRBIJE (a.k.a. SERBIA ELECTRIC POWER INDUSTRY), Belgrade, Serbia [FRY S&M]
ELEKTROSRBIJA–DISTRIBUCIJA, Kraljevo, Serbia [FRY S&M]

ELEKTROTIMOK, Zajecar, Serbia [FRY S&M]
ELEKTROVOJVODINA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
ELIND, Valjevo, Serbia [FRY S&M]
ENERGOGAS, Novi Beograd, Serbia [FRY S&M]
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ENTERPRISE FOR CONSTRUCTION MACHINERY – RADOJE DAKIC (a.k.a. RADOJE DAKIC), Podgorica, Montenegro [FRY S&M]
FABEG, Belgrade, Serbia [FRY S&M]
FABRIKA KABLOVA, Zajecar, Serbia [FRY S&M]
FABRIKA OPREME I DELOVA, Bor, Serbia [FRY S&M]
FABRIKA PUMPI JASTREBAC NIS, 12 Februara Bulevar 82, 18000 Nis, Serbia [FRY S&M]
FABRIKA STAKLA – ZAJECAR, Zajecar, Serbia [FRY S&M]
FABRIKA VENTILA ZA PNEUMATIKU, Bor, Serbia [FRY S&M]
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FAM, Krusevac, Serbia [FRY S&M]
FAP–FAMOS, Belgrade, Serbia [FRY S&M]
FEDERAL DIRECTORATE OF SUPPLY AND PROCUREMENT, Belgrade, Serbia [FRY S&M]
FERONIKL – GLOGOVAC, Glogovac, Kosovo (Serbia) [FRY S&M]
FOREIGN TRADE INSTITUTE (a.k.a. INSTITUT ZA SPOLJNU TRGOVINU), Belgrade, Serbia [FRY S&M]
GAS, Novi Sad, Vojvodina (Serbia) [FRY S&M]
GENERAL MOTORS YU, Belgrade, Serbia [FRY S&M]
GENERALEXPORT (a.k.a. GENEX), Belgrade, Serbia [FRY S&M]
GENEX (a.k.a. GENERALEXPORT), Belgrade, Serbia [FRY S&M]
GENEX–AGRAR, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia [FRY S&M]
GENEX–ENGINEERING, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia [FRY S&M]
GENEX–INVEST, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia [FRY S&M]
GENEX KRISTAL, Belgrade, Serbia [FRY S&M]
GENEX–METALS, Post Office Box 636, Narodnih Heroja 43, 11070 Novi Beograd, Serbia [FRY S&M]
GENEX–PHARM, CHEMICALS AND CRUDE OIL, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia [FRY S&M]
GENEX–REPRESENTATION, Post Office Box 636, Dure Dakovica 31, 11000 Belgrade, Serbia [FRY S&M]
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GENEX–TIMBER, PAPER AND PRINTING, Post Office Box 636, Narodnih Heroja 43, 11070 Novi Beograd, Serbia [FRY S&M]
GEOINSTITUT, Rovinjska 12, 11000 Belgrade, Serbia [FRY S&M]
GIK KOMGRAP, Podgorica, Montenegro [FRY S&M]
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GLOBAL, Novi Sad, Vojvodina (Serbia) [FRY S&M]
GORNJI IBAR, Rozaje, Montenegro [FRY S&M]
GOSA, 11420 Smederevska Palanka, Industrijska 70, Serbia [FRY S&M]
GOSA, Smederevo, Serbia [FRY S&M]
GRUPO ICD–PAMS–SG, Belgrade, Serbia [FRY S&M]
GUMAPLAST, Indija, Vojvodina (Serbia) [FRY S&M]
HEMOFARM, Vrsac, Vojvodina (Serbia) [FRY S&M]
HEMPRO, Belgrade, Serbia [FRY S&M]
HIP–PETROHEMIJA, Pancevo, Vojvodina (Serbia) [FRY S&M]
HISAR – FABRIKA ZA PRERADU VOCA I POVRCA (a.k.a. CANNED FRUIT AND VEGETABLE PRODUCTION OF PROKUPLJE), Prokuplje, Serbia [FRY S&M]
ICN–GALENIKA, Belgrade, Serbia [FRY S&M]
IKARUS, Belgrade, Serbia [FRY S&M]
IKL (a.k.a. INDUSTRIJA KOTRLJAJUCIH LEZAJA), Kneza Danila 23–25, 11000 Belgrade, Serbia [FRY S&M]
IMI, Dragomira Vukovica BB, 38300 Pec, Kosovo (Serbia) [FRY S&M]
IMI, Palmira Toljatija 3, 11070 Novi Beograd, Serbia [FRY S&M]
IMK 14 OKTOBAR (a.k.a. METALWORKING MACHINES AND COMPONENTS INDUSTRY 14 OCTOBER), Krusevac, Serbia [FRY S&M]
IMLEK, Zajecar, Serbia [FRY S&M]
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IMPREGNACIJA DRVETA, Kolasin, Montenegro [FRY S&M]
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INDUSTRIAIMPORT, Vuka Karadzica 41, 81000 Podgorica, Montenegro [FRY S&M]
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INEX–INTEREXPORT LTD (a.k.a. INEX; a.k.a. INTEREXPORT LTD. CO.), 27 Marta 69, Belgrade, Serbia [FRY S&M]
INEX TURIST, Belgrade, Serbia [FRY S&M]
INFORMATIKA, Belgrade, Serbia [FRY S&M]
INKOTEHNA, Belgrade, Serbia [FRY S&M]
INOS, Belgrade, Serbia [FRY S&M]
INPROM, Podgorica, Montenegro [FRY S&M]
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INTEREXPORT, Belgrade, Serbia [FRY S&M]
INTERKOMERC, Belgrade, Serbia [FRY S&M]
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INVESTINZENJERING, Belgrade, Serbia [FRY S&M]
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ITRANS, Serbia [FRY S&M]
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JUGOALAT, Novi Sad, Vojvodina (Serbia) [FRY S&M]
JUGOAUTO, Belgrade, Serbia [FRY S&M]
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JUGOOCEANIJA (a.k.a. JOP; a.k.a. JUGOSLAVENSKA OCEANSKA PLOVIDBA BB; a.k.a. YUGOSLAV OCEAN LINES), Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro [FRY S&M]
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JUGODRVO, Belgrade, Serbia [FRY S&M]
JUGODUVAN, Nis, Serbia [FRY S&M]
JUGOELEKTRO, Belgrade, Serbia [FRY S&M]
JUGOEXPORT, Belgrade, Serbia [FRY S&M]
JUGOHEMIJA, Belgrade, Serbia [FRY S&M]
JUGOINSPEKT, Serbia [FRY S&M]
JUGOLABORATORIJA, Belgrade, Serbia [FRY S&M]
JUGOLEK, Belgrade, Serbia [FRY S&M]
JUGOMETAL, Belgrade, Serbia [FRY S&M]
JUGOMONTANA (a.k.a. YUGOMONTANA), Belgrade, Serbia [FRY S&M]
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JUGOSLOVENSKI AEROTRANSPORT (a.k.a. JAT; a.k.a. JAVNO PREDUZECE ZA VAZDUSNI SAOBRACAJ; a.k.a. YUGOSLAV AIRLINES), Belgrade, Serbia (All offices worldwide) [FRY S&M]
JUGOTEHNA, Belgrade, Serbia [FRY S&M]
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KAT, Podgorica, Montenegro [FRY S&M]
KLUZ, Belgrade, Serbia [FRY S&M]
KOIMPEX, Novi Sad, Vojvodina (Serbia) [FRY S&M]
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KOMGRAP (a.k.a. KOMGRAP–GRO), Terazije 4, P.O. Box 468, 11001 Belgrade, Serbia [FRY S&M]
KOMGRAP–GRO (a.k.a. KOMGRAP), Terazije 4, P.O. Box 468, 11001 Belgrade, Serbia [FRY S&M]
KOMUNALNO PODUZECE, 5, Hercegovacke Brigada, 81340 Herceg–Novi, Montenegro [FRY S&M]
KONSTRUKTOR, Pancevo, Vojvodina (Serbia) [FRY S&M]
KOOPERATIVA, Novi Sad, Vojvodina (Serbia) [FRY S&M]
KOPAONIK, Belgrade, Serbia [FRY S&M]
KOPRODUKT (a.k.a. KOPRODUKT ZA UNUTRASNJU I SPOLJNU TRGOVINU I ZASTUPANJE STRANIH PREDUZECA), Bulevar Marsala Tita 6, 21000 Novi Sad, Vojvodina (Serbia) [FRY S&M]
KOPRODUKT ZA UNUTRASNJU I SPOLJNU TRGOVINU I ZASTUPANJE STRANIH PREDUZECA (a.k.a. KOPRODUKT), Bulevar Marsala Tita 6, 21000 Novi Sad, Vojvodina (Serbia) [FRY S&M]
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KOTOR OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro [FRY S&M]
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LUKA BAR–PREDUZECE, 81350 Bar, Montenegro [FRY S&M]
LZTK, Kikinda, Vojvodina (Serbia) [FRY S&M]
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MACHINES AND TRACTORS INDUSTRY (a.k.a. IMT – INDUSTRIJA MOTORA I TRAKTORA), Belgrade, Serbia [FRY S&M]
MAG INTERTRADE, Serbia [FRY S&M]
MAGNOHROM, Kraljevo, Serbia [FRY S&M]
MARKONIZONI, Serbia [FRY S&M]
MASINOKOMERC, Belgrade, Serbia [FRY S&M]
MASINOKOMERC, Knez Mihajlova 1–3, P. Fah 232, 11000 Belgrade, Serbia [FRY S&M]
MATROZ – CELLULOSE AND PAPER INDUSTRY (a.k.a. MATROZ SREMSKA MITROVICA), Sremska Mitrovica, Vojvodina (Serbia) [FRY S&M]
MATROZ SREMSKA MITROVICA (a.k.a. MATROZ – CELLULOSE AND PAPER INDUSTRY), Sremska Mitrovica, Vojvodina (Serbia) [FRY S&M]
MERIMA, Krusevac, Serbia [FRY S&M]
METALAC, Suboticka 23, 11050 Belgrade, Serbia [FRY S&M]
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METALLURGICAL COOPERATIVE OF SMEDEREVO (a.k.a. MKS – METALURSKI KOMBINAT SMEDEREVO), Smederevo, Serbia [FRY S&M]
METALOPLASTIKA, Jevrenova br 111, 15000 Sabac, Serbia [FRY S&M]
METALSERVIS, Belgrade, Serbia [FRY S&M]
METALURSKO METALSKI KOMBINAT NIKSIC, Niksic, Montenegro [FRY S&M]
METALWORKING MACHINES AND COMPONENTS INDUSTRY 14 OCTOBER (a.k.a. IMK 14 OKTOBAR), Krusevac, Serbia [FRY S&M]
MG NORD TRADING COMPANY, Belgrade, Serbia [FRY S&M]
MIHIC, Vukasin, Ul. Majke Jevrosime 39, Belgrade, Serbia (DOB 17 Jul 28) (individual) [FRY S&M]
MIN – MASINSKA INDUSTRIJA (a.k.a. MACHINE INDUSTRY OF NIS), Nis, Serbia [FRY S&M]
MINEL, Belgrade, Serbia [FRY S&M]
MINEX AD. CO., 33 Vsegradska Street, Nis, Serbia [FRY S&M]
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NACIONAL SHOP, Belgrade, Serbia [FRY S&M]
NACIONAL, Serbia [FRY S&M]
NAFTAGAS–PROMET, Novi Sad, Vojvodina (Serbia) [FRY S&M]
NAFTAGAS–REFINERIJA, Pancevo, Vojvodina (Serbia) [FRY S&M]
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NATIONAL BANK OF SERBIA (a.k.a. NARODNA BANKA SRBIJE), Belgrade, Serbia [FRY S&M]
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NOVKABEL, Novi Sad, Vojvodina (Serbia) [FRY S&M]
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PIK SOMBOR, Sombor, Vojvodina (Serbia) [FRY S&M]
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METALCHEM FRANCE S.A.R.L., 16 Avenue Franklin Roosevelt, 75008 Paris, France [FRY S&M]
OIL ENERGY FRANCE, France [LIBYA]
PESCABRAVA, S.A., France [CUBA]
ROPERT, Miria Contreras (a.k.a. CONTRERAS, Miria), Paris, France (individual) [CUBA]
SIMPO FRANCE (f.k.a. BINGO FRANCE), 28 Rue du Puits Dixmes Sennia 606, 94320 Thiais–CEDEX, France [FRY S&M]
YUGOTOURS S.A.R.L. (a.k.a. CENTROPRODUCT, S.A.R.L.), 39 avenue de Friedland, 75008 Paris, France [FRY S&M]
ZECEVIC, Miodrag, Banque Franco Yugoslav, 18 Rue de Tilsitt, 75017 Paris, France (individual) [FRY S&M]

Gaza

HAMAS (a.k.a. ISLAMIC RESISTANCE MOVEMENT), Gaza; Jordan; West Bank Territories [SDT]
ISLAMIC RESISTANCE MOVEMENT (a.k.a. HAMAS), Gaza; Jordan; West Bank Territories [SDT]

Germany

ALI, Ali Abdul Mutalib, Germany (individual) [IRAQ]
CARIBBEAN EXPORT ENTERPRISE (a.k.a. CARIBEX; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Cologne, Germany [CUBA]
CARIBEX (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Cologne, Germany [CUBA]
CENTRAL COMMERZ CONSULTING ENGINEERING TRADING GMBH, Zeppelinallee 71, 6000 Frankfurt 90, Germany [FRY S&M]
CENTROCOOP GMBH, Winkelsfelderstrasse 21, 4000 Dusseldorf 30, Germany [FRY S&M]
CENTROTEXTIL AUSSENHANDELS GMBH, Hochstrasse 48, 6000 Frankfurt am Main, Germany [FRY S&M]
CENTROTEXTIL AUSSENHANDELS GMBH, Karlstrasse 60, 8000 Munich, Germany [FRY S&M]
CHOSUNBOHOM (a.k.a. KOREA FOREIGN INSURANCE COMPANY), 1080 Berlin Glinkastrasse 5, Germany [NKOREA]
CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Rostock, Germany [CUBA]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Frankfurter TOR 8–A, Berlin, Germany [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Rostock, Germany [CUBA]
DIAZ, Rolando (GONZALEZ), Frankfurt, Germany (individual) [CUBA]
DIKOMBAU GMBH (branch office), Flandricher Strasse 13–15, 5000 Koln, Germany [FRY S&M]
DIKOMBAU GMBH, Lager Weg 16, 6000 Frankfurt am Main, Germany [FRY S&M]
DIMONT GMBH (a.k.a. DIMONT MONTAGE UND BAU GMBH), Wilhelm–Leuschner–Strasse 68, 6000 Frankfurt am Main, Germany [FRY S&M]
DIMONT MONTAGE UND BAU GMBH (a.k.a. DIMONT GMBH), Wilhelm–Leuschner–Strasse 68, 6000 Frankfurt am Main, Germany [FRY S&M]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Frankfurter TOR 8–A, Berlin, Germany [CUBA]
EMPRESA CUBANA DE PESCADOS Y MARISCOS (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. CARIBEX), Cologne, Germany [CUBA]
EXIMKOS (a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. KOSOVO GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany [FRY S&M]
GEMEX AUSSENHANDELS GMBH, Hanauer Landstr. 126–128, D–6000, Frankfurt am Main 1, Germany [CUBA]
GENERAL COMMERCE GMBH, Kaufinger Strasse 35, 8000 Munich 2, Germany [FRY S&M]
H & H METALFORM GMBH, Postfach 1160, Strontianitstrasse 5, 4406 Drensteinfurt, Germany [IRAQ]
HEMPRO – EXPORT UND IMPORT GMBH, Luisenstrasse 46 IV, 1040 Berlin, Germany [FRY S&M]
HEMPRO EXPORT UND IMPORT GMBH, Luisenstrasse 46 IV, 1040 Berlin, Germany [FRY S&M]
HEMPRO–JUGOSLAWISCH–DEUTSCHE GMBH, Eschersheimer Landstrasse 61, 6000 Frankfurt am Main, Germany [FRY S&M]
HER (a.k.a. HOLBORN EUROPA RAFFINERIE GmbH), Moorburger Strasse 16, D–2100 Hamburg 90, Germany [LIBYA]
HER (a.k.a. HOLBORN EUROPA RAFFINERIE GmbH), Rothenbaumchaussee 5, 4th Floor, D–2000 Hamburg 13, Germany [LIBYA]
HOLBORN EUROPA RAFFINERIE GmbH (a.k.a. HER), Moorburger Strasse 16, D–2100 Hamburg 90, Germany [LIBYA]
HOLBORN EUROPA RAFFINERIE GmbH (a.k.a. HER), Rothenbaumchaussee 5, 4th Floor, D–2000 Hamburg 13, Germany [LIBYA]
INTERPROGRESS FRANKFURT (a.k.a. INTERPROGRESS GMBH), Hermann–Mattern Strasse 46/III, Zweigstelle, Berlin, Germany [FRY S&M]
INTERPROGRESS FRANKFURT (a.k.a. INTERPROGRESS GMBH), Reuterweg 93, 6000 Frankfurt am Main, Germany [FRY S&M]
INTERPROGRESS GMBH (a.k.a. INTERPROGRESS FRANKFURT), Hermann–Mattern Strasse 46/III, Zweigstelle, Berlin, Germany [FRY S&M]
INTERPROGRESS GMBH (a.k.a. INTERPROGRESS FRANKFURT), Reuterweg 93, 6000 Frankfurt am Main, Germany [FRY S&M]
IRAQI AIRWAYS, Main Eisenhuttenplatz 26, Frankfurt 6, Germany [IRAQ]
IRAQI STATE ENTERPRISE FOR MARITIME TRANSPORT, Bremen, Germany [IRAQ]
JB INTERNATIONAL SHIPPING AND COMMERCIAL GMBH, Alter Wall 36, 2000 Hamburg 11, Germany [FRY S&M]
JUGOAGENT, HAMBURG REPRESENTATIVE OFFICE, Hamburg, Germany [FRY S&M]
JUGOELEKTRO, BERLIN BRANCH OFFICE, Berlin, Germany [FRY S&M]
JUGOEXPORT GMBH, Bronnerstrasse 17, 6000 Frankfurt am Main 1, Germany [FRY S&M]
KAELBLE & GMEINDER COMPANY (a.k.a. KAELBLE–GMEINDER GMBH), Maubacher Strasse 100, Postfach 13 20, W–7150 Backnang, Germany [LIBYA]
KAELBLE–GMEINDER GMBH (a.k.a. KAELBLE & GMEINDER COMPANY), Maubacher Strasse 100, Postfach 13 20, W–7150 Backnang, Germany [LIBYA]
KOREA FOREIGN INSURANCE COMPANY (a.k.a. CHOSUNBOHOM), 1080 Berlin Glinkastrasse 5, Germany [NKOREA]
KOSOVO EXPORT IMPORT GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany [FRY S&M]
KOSOVO GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany [FRY S&M]
LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Rostock, Germany [CUBA]
MADAN, Jorge (RIVAS), Frankfurt, Germany (individual) [CUBA]
MANA, Salem, Frankfurt, Germany (individual) [LIBYA]
MEDITERRANEAN OIL SERVICES GMBH (a.k.a. MEDITERRANEAN SEA OIL SERVICES GMBH; a.k.a. MEDOIL), P.O. Box 5601, Immermannstrasse 40, Dusseldorf 1, Germany [LIBYA]
MEDITERRANEAN SEA OIL SERVICES GMBH (a.k.a. MEDITERRANEAN OIL SERVICES GMBH; a.k.a. MEDOIL), P.O. Box 5601, Immermannstrasse 40, Dusseldorf 1, Germany [LIBYA]

MEDOIL (a.k.a. MEDITERRANEAN OIL SERVICES GMBH; a.k.a. MEDITERRANEAN SEA OIL SERVICES GMBH), P.O. Box 5601, Immermannstrasse 40, Dusseldorf 1, Germany [LIBYA]
METALLIA HANDELS GMBH, Berliner Allee 61, Postf. 20 05 20, 4000 Dusseldorf 1, Germany [FRY S&M]
MONTENEGROBANKA COMPANY, Kaiserstrasse 3, Frankfurt, Germany [FRY S&M]
MONTINVEST, Wilhelm–Leuschner Strasse 68, 6000 Frankfurt am Main 1, Germany [FRY S&M]
NAP–COMBICK OEL GMBH, Windmuehlstrasse 1, 6000 Frankfurt am Main 1, Germany [FRY S&M]
NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), Dusseldorf, Germany (Office closed) [LIBYA]
NATIONAL METHANOL COMPANY (n.k.a. NAPETCO; n.k.a. NATIONAL PETROCHEMICALS COMPANY), Dusseldorf, Germany (Office closed) [LIBYA]
NATIONAL PETROCHEMICALS COMPANY (a.k.a. NAPETCO; f.k.a. NATIONAL METHANOL COMPANY), Dusseldorf, Germany (Office closed) [LIBYA]
NAVARRO, Samuel (MARTINEZ), Frankfurt, Germany (individual) [CUBA]
NDO (a.k.a. NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH; a.k.a. NORTH GERMAN OIL PIPELINE), Wilhelmshaven to Hamburg pipeline, Germany [LIBYA]
NDO (a.k.a. NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH; a.k.a. NORTH GERMAN OIL PIPELINE), Moorburger Strasse 16, D2000 Hamburg–Harburg 90, Germany [LIBYA]
NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH (a.k.a. NDO; a.k.a. NORTH GERMAN OIL PIPELINE), Moorburger Strasse 16, D2000 Hamburg–Harburg 90, Germany [LIBYA]
NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH (a.k.a. NDO; a.k.a. NORTH GERMAN OIL PIPELINE), Wilhelmshaven to Hamburg pipeline, Germany [LIBYA]
NORTH GERMAN OIL PIPELINE (a.k.a. NDO; a.k.a. NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH), Wilhelmshaven to Hamburg pipeline, Germany [LIBYA]
NORTH GERMAN OIL PIPELINE (a.k.a. NDO; a.k.a. NORDDEUTSCHE OELLEITUNGSGESELLSCHAFT MBH), Moorburger Strasse 16, D2000 Hamburg–Harburg 90, Germany [LIBYA]
OMEGA GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. KOSOVO GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany [FRY S&M]
PALOMA WEST HANDELS GMBH, Frankfurt am Main, Germany [FRY S&M]
RIECKE, Dr. Hans Guenter, Hamburg, Germany (individual) [LIBYA]
S.A.V. MUENCHEN (a.k.a. SAV SYSTEM AGROVOJVODINA VERTRIEBS GMBH; a.k.a. SEVER–AGROVOJVODINA GMBH), Germany (All offices) [FRY S&M] including but not limited to: Wagenlager Borsigstrasse 5–7, 5090 Leverkusen, Germany [FRY S&M]; Augustin Strasse 33, D–8000 Munich, Germany [FRY S&M]
SAV SYSTEM AGROVOJVODINA VERTRIEBS GMBH (a.k.a. S.A.V. MUENCHEN; a.k.a. SEVER–AGROVOJVODINA GMBH), Germany (All offices) [FRY S&M] including but not limited to: Wagenlager Borsigstrasse 5–7, 5090 Leverkusen, Germany [FRY S&M]; Augustin Strasse 33, D–8000 Munich, Germany [FRY S&M]
SEVER–AGROVOJVODINA GMBH (a.k.a. S.A.V. MUENCHEN; a.k.a. SAV SYSTEM AGROVOJVODINA VERTRIEBS GMBH), Germany (All offices) [FRY S&M] including but not limited to: Wagenlager Borsigstrasse 5–7, 5090 Leverkusen, Germany [FRY S&M]; Augustin Strasse 33, D–8000 Munich, Germany [FRY S&M]
SIMPO BRD, Moll–Strasse 10, 1020 Berlin, Germany [FRY S&M]
TROPIC TOURS GMBH (a.k.a. TROPICANA TOURS GMBH), Lietzenburger Strasse 51, Berlin, Germany [CUBA]
TROPICANA TOURS GMBH (a.k.a. TROPIC TOURS GMBH), Lietzenburger Strasse 51, Berlin, Germany [CUBA]
VERIMPEX GMBH – IMPORT AND EXPORT, Bohmerstrasse 6, 6000 Frankfurt am Main 1, Germany [FRY S&M]
YUGOTOURS GMBH, Post Office Box 16848, Windmuehlstrasse 1, 6000 Frankfurt am Main 1, Germany [FRY S&M]

Gibraltar

BAROON SHIPPING COMPANY LIMITED, Haven Court, 5 Library Ramp, Gibraltar [IRAQ]
DURAND PROPERTIES LIMITED, Haven Court, 5 Library Ramp, Gibraltar [IRAQ]
HELFORD DIRECTORS LIMITED, Haven Court, 5 Library Ramp, Gibraltar [IRAQ]

Greece

APABO (a.k.a. ARAB HELLENIC BANK, S.A.), 43 Penepistimiou Street, GR–105 64, Athens, Greece; 80–88 Syngrou Avenue, GR–117 41, Athens, Greece; P.O. Box 19126, GR–117 10, Athens, Greece [LIBYA]
ARAB HELLENIC BANK, S.A. (a.k.a. APABO), 43 Penepistimiou Street, GR–105 64, Athens, Greece; 80–88 Syngrou Avenue, GR–117 41, Athens, Greece; P.O. Box 19126, GR–117 10, Athens, Greece [LIBYA]
ASTERIS S.A. INDUSTRIAL & COMMERCIAL CORPORATION, Athens, Greece [LIBYA]
CENTROPRODUCT HELLAS S.A.R.L., Xanthou 5, Kolonaki Square, Athens 10673, Greece [FRY S&M]
HELINCO LTD., Amerikis 10, Athens 134, Greece [FRY S&M]
HELSER LTD., 7 Lassani Street, Thiseos 64 Ampelokipi, Thessaloniki, Greece [FRY S&M]
LAFICO (a.k.a. LIBYAN ARAB FOREIGN INVESTMENT COMPANY), Athens, Greece [LIBYA]
LIBYAN ARAB FOREIGN INVESTMENT COMPANY (a.k.a. LAFICO), Athens, Greece [LIBYA]
LIBYAN–GREEK INVESTMENT COMPANY, Athens, Greece [LIBYA]
NORDSTRAND MARITIME AND TRADING COMPANY, 33 Akti Maouli, 185–35 Pireas (Piraeus), Greece [CUBA]
PEONY SHIPPING CO. LTD., c/o NORDSTRAND MARITIME & TRADING CO. LTD., 26 Skouze Street, Piraeus, Greece [CUBA]
PIRANHA NAVIGATION CO. LTD., c/o NORDSTRAND MARITIME & TRADING CO. LTD., 26 Skouze Street, Piraeus, Greece [CUBA]

Guinea

SALGUIDIA (a.k.a. SOCIETE ARABE LIBYO–GUINEENNE POUR LE DEVELOPPEMENT AGRICOLE ET AGRO–INDUSTRIEL), Conakry, Guinea [LIBYA]
SOCIETE ARABE LIBYO–GUINEENNE POUR LE DEVELOPPEMENT AGRICOLE ET AGRO–INDUSTRIEL (a.k.a. SALGUIDIA), Conakry, Guinea [LIBYA]

Guyana

CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), 32 Main Street, Georgetown, Guyana [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), 32 Main Street, Georgetown, Guyana [CUBA]

Haiti

CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Piarco Airport, Port au Prince, Haiti [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Piarco Airport, Port au Prince, Haiti [CUBA]

Honduras

PANDORA SHIPPING CO. S.A., Honduras [IRAQ]
TRADING & MARITIME INVESTMENTS, San Lorenzo, Honduras [IRAQ]

Hong Kong

T.S.M. LTD., China HK City Tower II 1109, 33 Canton Road, T.S.T. (Tsim Sha Tsui), Kowloon, Hong Kong [FRY S&M]
UNITED FAIR AGENCIES, 1202 Carrian Center, 151 Gloucester Road, Wanchai, Hong Kong [CUBA]

Hungary

GENERALEXPORT BUDAPEST, Vaci Utca 19–21 (5th Floor), 1052 Budapest V, Hungary [FRY S&M]
MONTENEGRO EXPORT NIKSIC, 1052 Vaci u 19/21, Budapest, Hungary [FRY S&M]
MONTENEGRO EXPORT YUGOSLAVIA, Kuruclesi ut 19/b, Budapest II, Hungary [FRY S&M]
PROGRESS BUDAPEST, Kepviselet 6, Ferenczi Istvan 12/I, 1053 Budapest, Hungary [FRY S&M]
TAMOIL HUNGARIA, Hungary [LIBYA]

India

AL–RAFIDAIN SHIPPING COMPANY, Bombay, India [IRAQ]
ELECTRICAL CONSTRUCTION CO., Dehli, India; Sebha, India; Benghazi, Libya; Misurata, Libya; P.O. Box 5309, Tripoli, Libya [LIBYA]
IRAQI STATE ENTERPRISE FOR FOODSTUFFS TRADING, P.O. Box 2839, Calcutta 700.001, India [IRAQ]
METALCHEM BOMBAY, Yugoslav Trade Commission Office, Vaswani Mansion 1st Floor, 120/4 Dinsha Caccha Road, Bombay 400020, India [FRY S&M]

Iran

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JOINT REPRESENTATIVE OFFICE OF YUGOSLAV BANKS, No. 17 2nd Street Pakistan Avenue, Dr. Beheshti Avenue, Teheran, Iran [FRY S&M]
MAADI, N., Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
PIECAS, Stanko, Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
PROGRES TRADE REPRESENTATION IN IRAN, Ayattolah Teleghani Ave No. 202/V, Teheran, Iran [FRY S&M]

Iraq

ABD AL–GHAFUR, Humam Abd al–Khaliq (a.k.a. GHAFUR, Humam Abdel Khaleq Abdel), Minister of Higher Education and Scientific Research, Iraq (DOB 1945) (individual) [IRAQ]
ABU NIDAL ORGANIZATION (a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]
AGRICULTURAL CO–OPERATIVE BANK, Rashid Street, Baghdad, Iraq [IRAQ]
AHMAD, Wallid Issa, Iraq (individual) [IRAQ]
AL–AHMAD, Mahmoud Diab (a.k.a. AL–AHMAD, Mahmud Dhiyab), Minister of Housing and Reconstruction, Iraq (individual) [IRAQ]
AL–AHMAD, Mahmud Dhiyab (a.k.a. AL–AHMAD, Mahmoud Diab), Minister of Housing and Reconstruction, Iraq (individual) [IRAQ]
AL–ARABI TRADING COMPANY LIMITED, Lane 11, Hai Babil, Baghdad District 929, Iraq [IRAQ]
AL–ATRUSH, Abd al–Wahhab Umar Mirza (a.k.a. AL–ATRUSHI, Abdel Wahab), a minister of state, Iraq (DOB 1936) (individual) [IRAQ]
AL–ATRUSHI, Abdel Wahab (a.k.a. AL–ATRUSH, Abd al–Wahhab Umar Mirza), a minister of state, Iraq (DOB 1936) (individual) [IRAQ]
AL–AZAWI, Dafir, Iraq (individual) [IRAQ]
AL–BAZAZ, Hikmet Abdullah (a.k.a. AL–BAZZAZ, Hikmet Abdallah), Minister of Education, Iraq (individual) [IRAQ]
AL–BAZZAZ, Hikmet Abdallah (a.k.a. AL–BAZAZ, Hikmet Abdullah), Minister of Education, Iraq (individual) [IRAQ]
AL–DULAIMI, Khalaf M. M., Baghdad, Iraq (individual) [IRAQ]
AL–HABOBI, Dr. Safa (a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–HABOBI, Dr. Safa Haji J. (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–HABUBI, Dr. Safa Hadi Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]
AL–HAMMADI, Hamid Yusif (a.k.a. HAMADI, Hamed Yussef), Minister of Culture and Information, Iraq (individual) [IRAQ]
AL–HASSAN, Anas (a.k.a. AL–HASSAN, Anas Malik Dohan; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Baghdad, Iraq (individual) [IRAQ]
AL–HASSAN, Anas Malik Dohan (a.k.a. AL–HASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Baghdad, Iraq (individual) [IRAQ]
AL–HASSAN, Watban Ibrahim (a.k.a. AL–TAKRITI, Watban; a.k.a. AL–TIKRITI, Watban Ibrahim al–Hasan), Minister of the Interior, Baghdad, Iraq (DOB 1952) (individual) [IRAQ]
AL–HUWAYSH, Isam Rashid, Governor of the Central Bank, Iraq (individual) [IRAQ]
AL–JABBURI, Sadi Tuma Abbas, Adviser to the President for Military Affairs, Iraq (DOB 1939) (individual) [IRAQ]
AL–KHODAIR, Ahmad Hussein (a.k.a. SAMARRAI, Ahmad Husayn Khudayir), Minister of Finance, Iraq (DOB 1941) (individual) [IRAQ]
AL–MAJID, General Ali Hasan (a.k.a. AL–MAJID, General Ali Hassan), Minister of Defense, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]
AL–MAJID, General Ali Hassan (a.k.a. AL–MAJID, General Ali Hasan), Minister of Defense, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]
AL–MAJID, Husayn Kamil Hasan (a.k.a. AL–MAJID, Hussein Kamel Hassan), Minister of Industry and Minerals and Advisor to the President, Baghdad, Iraq (DOB 1955) (individual) [IRAQ]
AL–MAJID, Hussein Kamel Hassan (a.k.a. AL–MAJID, Husayn Kamil Hasan), Minister of Industry and Minerals and Advisor to the President, Baghdad, Iraq (DOB 1955) (individual) [IRAQ]
AL–MALEKI, Shebib Lazim (a.k.a. AL–MALIKI, Shabib Lazem), Minister of Justice, Iraq (DOB 1936) (individual) [IRAQ]
AL–MALIKI, Shabib Lazem (a.k.a. AL–MALEKI, Shebib Lazim), Minister of Justice, Iraq (DOB 1936) (individual) [IRAQ]
AL PETRA COMPANY FOR GOODS TRANSPORT LTD. (a.k.a. PETRA NAVIGATION & INTERNATIONAL TRADING CO. LTD.), Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq [IRAQ]
AL–QASIR, Nazar Jumah Ali (a.k.a. AL–QASSIR, Nizar Jomaa Ali), Minister of Irrigation, Iraq (individual) [IRAQ]
AL–QASSIR, Nizar Jomaa Ali (a.k.a. AL–QASIR, Nazar Jumah Ali), Minister of Irrigation, Iraq (individual) [IRAQ]
AL–RASHEED BANK (a.k.a. AL–RASHID BANK; a.k.a. RASHEED BANK), P.O. Box 7177, Haifa Street, Baghdad, Iraq [IRAQ] including but not limited to: Al–Rusafi Branch, No. 505, Al–Masarif Street, Baghdad, Iraq [IRAQ]; Basrah Branch, Al Thawrah Street, No. 88, P.O. Box 116, Basrah, Iraq [IRAQ]; Credit Commercial Branch, No. 506, Khalid bin Alwaleed Street, Baghdad, Iraq [IRAQ]; Mosul Branch, No. 3, P.O. Box 183, Mosul, Iraq [IRAQ]
AL–RASHID BANK (a.k.a. AL–RASHEED BANK; a.k.a. RASHEED BANK), P.O. Box 7177, Haifa Street, Baghdad, Iraq [IRAQ] including but not limited to: Al–Rusafi Branch, No. 505, Al–Masarif Street, Baghdad, Iraq [IRAQ]; Basrah Branch, Al Thawrah Street, No. 88, P.O. Box 116, Basrah, Iraq [IRAQ]; Credit Commercial Branch, No. 506, Khalid bin Alwaleed Street, Baghdad, Iraq [IRAQ]; Mosul Branch, No. 3, P.O. Box 183, Mosul, Iraq [IRAQ]
AL–RIDA, Karim Hasan (a.k.a. RIDA, Karim Hassan), Minister of Agriculture, Iraq (DOB 1944) (individual) [IRAQ]
AL–RUBA, Dr. Khadim, Managing Director of REAL ESTATE BANK, Iraq (individual) [IRAQ]
AL–SAHAF, Mohammed Said (a.k.a. AL–SAHHAF, Muhammad Said Kazim), Minister of Foreign Affairs, Iraq (DOB 1940) (individual) [IRAQ]
AL–SAHHAF, Muhammad Said Kazim (a.k.a. AL–SAHAF, Mohammed Said), Minister of Foreign Affairs, Iraq (DOB 1940) (individual) [IRAQ]
AL–TAKRITI, Barzan Ibrahim Hassan (a.k.a. AL–TIKRITI, Barzan Ibrahim Hasan), Advisor to the President, Iraq; Geneva, Switzerland (DOB 17 Feb 51) (individual) [IRAQ]
AL–TAKRITI, Sabawi Ibrahim Hassan, Baghdad, Iraq (individual) [IRAQ]
AL–TAKRITI, Watban (a.k.a. AL–HASSAN, Watban Ibrahim; a.k.a. AL–TIKRITI, Watban Ibrahim al–Hasan), Minister of the Interior, Baghdad, Iraq (DOB 1952) (individual) [IRAQ]

AL–TIKRITI, Barzan Ibrahim Hasan (a.k.a. AL–TAKRITI, Barzan Ibrahim Hassan), Advisor to the President, Iraq; Geneva, Switzerland (DOB 17 Feb 51) (individual) [IRAQ]

AL–TIKRITI, Watban Ibrahim al–Hasan (a.k.a. AL–HASSAN, Watban Ibrahim; a.k.a. AL–TAKRITI, Watban), Minister of the Interior, Baghdad, Iraq (DOB 1952) (individual) [IRAQ]

AL–ZIBARI, Arshad Muhammad Ahmad Muhammad, a minister of state, Iraq (DOB 1942) (individual) [IRAQ]

AL–ZUBAIDI, Mohammed Hamza (a.k.a. AL–ZUBAYDI, Muhammad Hamsa), Deputy Prime Minister, Iraq (DOB 1938) (individual) [IRAQ]

AL–ZUBAYDI, Muhammad Hamsa (a.k.a. AL–ZUBAIDI, Mohammed Hamza), Deputy Prime Minister, Iraq (DOB 1938) (individual) [IRAQ]

ALAWI, Abdel–Salam Abdel–Rahman (a.k.a. ALLAWI, Salam), General Manager of INDUSTRIAL BANK OF IRAQ, Iraq (individual) [IRAQ]

ALKHAYOUN, Dhiah H., Chairman and General Manager of RASHEED BANK, Iraq (individual) [IRAQ]

ALLAWI, Salam (a.k.a. ALAWI, Abdel–Salam Abdel–Rahman), General Manager of INDUSTRIAL BANK OF IRAQ, Iraq (individual) [IRAQ]

ALWAN, Alla Idin Hussain (a.k.a. ALWAN, Allaidin Hussain), Baghdad, Iraq (individual) [IRAQ]

ALWAN, Allaidin Hussain (a.k.a. ALWAN, Alla Idin Hussain), Baghdad, Iraq (individual) [IRAQ]

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ANO (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB REVOLUTIONARY BRIGADES (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ATIA, Hachim K., Hay Al–Adil, Mahala–645, Zukak–8, No.–39, Baghdad, Iraq (individual) [IRAQ]

ATIA, Hachim K., Lane 15, Area 902, Hai Al–Wahda, Baghdad, Iraq (individual) [IRAQ]

AZIZ, Tariq Mikhail, Deputy Prime Minister, Iraq (DOB 1936) (individual) [IRAQ]

BLACK SEPTEMBER (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

DOHAN, Anas (a.k.a. AL–HASSAN, Anas; a.k.a. AL–HASSAN, Anas Malik Dohan; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas), Baghdad, Iraq (individual) [IRAQ]

DOHAN, Anas Malik (a.k.a. AL–HASSAN, Anas; a.k.a. AL–HASSAN, Anas Malik Dohan; a.k.a. DOHAN, Anas; a.k.a. MALIK, Anas), Baghdad, Iraq (individual) [IRAQ]

FARAJ, Samal Majid, Minister of Planning, Iraq (individual) [IRAQ]

FATAH REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

GENERALEXPORT BAGHDAD, P.O. Box 2324 Alwiyah, Sa'adoun Street, Shaheen Building, Dard Al–Pasha, Baghdad, Iraq [FRY S&M]

GHAFUR, Humam Abdel Khaleq Abdel (a.k.a. ABD AL–GHAFUR, Humam Abd al–Khaliq), Minister of Higher Education and Scientific Research, Iraq (DOB 1945) (individual) [IRAQ]

HABIB, Mohammed Turki, Baghdad, Iraq (individual) [IRAQ]

HABUBI, Dr. Safa Hadi Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]

HABUBI, Dr. Safa Jawad (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. JAWAD, Dr. Safa Hadi), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]

HAMADI, Hamed Yussef (a.k.a. AL–HAMMADI, Hamid Yusif), Minister of Culture and Information, Iraq (individual) [IRAQ]

HUSAYN, Saddam (a.k.a. HUSSAIN, Saddam; a.k.a. HUSSEIN, Saddam), President and Prime Minister, Iraq (DOB 28 Apr 37) (individual) [IRAQ]

HUSSAIN, Saddam (a.k.a. HUSAYN, Saddam; a.k.a. HUSSEIN, Saddam), President and Prime Minister, Iraq (DOB 28 Apr 37) (individual) [IRAQ]

HUSSEIN, Saddam (a.k.a. HUSAYN, Saddam; a.k.a. HUSSAIN, Saddam), President and Prime Minister, Iraq (DOB 28 Apr 37) (individual) [IRAQ]

HUSSEIN, Udai Saddam, Baghdad, Iraq (individual) [IRAQ]

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INDUSTRIAL BANK OF IRAQ (a.k.a. INDUSTRIAL BANK), Arbil, Iraq; P.O. Box 5825, Al–Jamhourya Street, Baghdad, Iraq; Basrah, Iraq; Hilla, Iraq; Kerbala, Iraq; Kirkuk, Iraq; Mosul, Iraq; Najaf, Iraq; Sulaymania, Iraq [IRAQ]

IRAQI AIRWAYS, Saddam International Airport, Baghdad, Iraq [IRAQ]

JASIM, Latif Nusayyif (a.k.a. JASSEM, Latif Nassif), Minister of Labor and Social Affairs, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]

JASSEM, Latif Nassif (a.k.a. JASIM, Latif Nusayyif), Minister of Labor and Social Affairs, Baghdad, Iraq (DOB 1941) (individual) [IRAQ]

JAWAD, Dr. Safa Hadi (a.k.a. AL–HABOBI, Dr. Safa; a.k.a. AL–HABOBI, Dr. Safa Haji J.; a.k.a. AL–HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Hadi Jawad; a.k.a. HABUBI, Dr. Safa Jawad), Minister of Oil, Flat 4D Thorney Court, Palace Gate, Kensington, England; Iraq (DOB 01 Jul 46) (individual) [IRAQ]

KARAGHULLY, Labeed A., General Manager of REAL ESTATE BANK, Iraq (individual) [IRAQ]

KHALIL, Ahmad Murtadha Ahmad (a.k.a. KHALIL, Dr. Ahmad Murtada Ahmad), Minister of Transport and Communications, Iraq (individual) [IRAQ]

KHALIL, Dr. Ahmad Murtada Ahmad (a.k.a. KHALIL, Ahmad Murtadha Ahmad), Minister of Transport and Communications, Iraq (individual) [IRAQ]

MALIK, Anas (a.k.a. AL–HASSAN, Anas; a.k.a. AL–HASSAN, Anas Malik Dohan; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik), Baghdad, Iraq (individual) [IRAQ]

MARUF, Taha Muhyi al–Din, Vice President, Iraq (DOB 1924) (individual) [IRAQ]

MUBARAK, Umid Medhat (a.k.a. MUBARAK, Umid Midhat), Minister of Health, Iraq (DOB ca. 1940) (individual) [IRAQ]

MUBARAK, Umid Midhat (a.k.a. MUBARAK, Umid Medhat), Minister of Health, Iraq (DOB ca. 1940) (individual) [IRAQ]

NAMAN, Saalim or Sam, P.O. Box 39, Fletchamstead Highway, Coventry, England; Iraq; Amman, Jordan; 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania, U.S.A.; 5903 Harper Road, Solon, OH, U.S.A.; 3343 Woodview Lake Road, West Bloomfield, Michiga 48323, U.S.A. (individual) [IRAQ]

OMRAN, Karim Dhaidas, Iraq (individual) [IRAQ]

PALESTINE LIBERATION FRONT – ABU ABBAS FACTION (a.k.a. PALESTINE LIBERATION FRONT; a.k.a. PLF; a.k.a. PLF–ABU ABBAS), Iraq [SDT]

PALESTINE LIBERATION FRONT (a.k.a. PALESTINE LIBERATION FRONT – ABU ABBAS FACTION; a.k.a. PLF; a.k.a. PLF–ABU ABBAS), Iraq [SDT]

PETRA NAVIGATION & INTERNATIONAL TRADING CO. LTD. (a.k.a. AL PETRA COMPANY FOR GOODS TRANSPORT LTD.), Hai Al Wahda Mahalat 906, 906 Zulak 50, House 14, Baghdad, Iraq [IRAQ]

PLF (a.k.a. PALESTINE LIBERATION FRONT; a.k.a. PALESTINE LIBERATION FRONT – ABU ABBAS FACTION; a.k.a. PLF–ABU ABBAS), Iraq [SDT]

PLF–ABU ABBAS (a.k.a. PALESTINE LIBERATION FRONT; a.k.a. PALESTINE LIBERATION FRONT – ABU ABBAS FACTION; a.k.a. PLF), Iraq [SDT]

PROGRES BAGHDAD BRANCH OFFICE, Section 929 Street, 12 House 35/9/35, Baghdad, Iraq [FRY S&M]

RAFIDAIN BANK, New Banks' Street, P.O. Box 11360, Massarif, Baghdad, Iraq (227 branches in Iraq) [IRAQ]

RAMADAN, Taha Yasin (or Yassin), Vice President and Deputy Prime Minister, Iraq (DOB 1936) (individual) [IRAQ]

RASHEED BANK (a.k.a. AL–RASHEED BANK; a.k.a. AL–RASHID BANK), P.O. Box 7177, Haifa Street, Baghdad, Iraq [IRAQ] including but not limited to: Al–Rusafi Branch, No. 505, Al–Masarif Street, Baghdad, Iraq [IRAQ]; Basrah Branch, Al Thawrah Street, No. 88, P.O. Box 116, Basrah, Iraq [IRAQ]; Credit Commercial Branch, No. 506, Khalid bin Alwaleed Street, Baghdad, Iraq [IRAQ]; Mosul Branch, No. 3, P.O. Box 183, Mosul, Iraq [IRAQ]

REAL ESTATE BANK, Hassan Bin Thabit St, Baghdad, Iraq [IRAQ]

REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

RIDA, Karim Hassan (a.k.a. AL–RIDA, Karim Hasan), Minister of Agriculture, Iraq (DOB 1944) (individual) [IRAQ]

RZOOKI, Hanna, Chairman of REAL ESTATE BANK, Iraq (individual) [IRAQ]

SALEH, Abdel Moneim Ahmad (a.k.a. SALIH, Abd al–Munim Ahmad), Minister of Awqaf and Religious Affairs, Iraq (DOB 1943) (individual) [IRAQ]

SALIH, Abd al–Munim Ahmad (a.k.a. SALEH, Abdel Moneim Ahmad), Minister of Awqaf and Religious Affairs, Iraq (DOB 1943) (individual) [IRAQ]

SAMARRAI, Ahmad Husayn Khudayir (a.k.a. AL–KHODAIR, Ahmad Hussein), Minister of Finance, Iraq (DOB 1941) (individual) [IRAQ]

SHANSHAL, Abd al–Jabbar Khalil, Minister of State for Military Affairs, Iraq (DOB 1920) (individual) [IRAQ]

WHALE SHIPPING LTD., c/o Government of Iraq, State Organization of Ports, Maqal, Basrah, Iraq [IRAQ]

ZAINAL, Akram, Chairman and General Manager of AGRICULTURAL CO–OPERATIVE BANK, Iraq (individual) [IRAQ]

Israel

AHMAD, Abu (a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

AHMED, Abu (a.k.a. AHMAD, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

CENTROPRODUCT (a.k.a. YUGOTOURS), Eisenberg Business Center, House Asia, Tel Aviv, Israel [FRY S&M]

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE; a.k.a. DFLP), Israel; Lebanon; Syria [SDT]

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION; a.k.a. DFLP), Israel; Lebanon; Syria [SDT]

DFLP (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE; a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION), Israel; Lebanon; Syria [SDT]

ISLAMIC JIHAD OF PALESTINE (a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PALESTINIAN ISLAMIC JIHAD – SHIQAQI; a.k.a. PIJ; a.k.a. PIJ SHIQAQI/AWDA FACTION), Israel; Jordan; Lebanon [SDT]

KACH, Israel [SDT]

KAHANE CHAI, Israel [SDT]

PALESTINIAN ISLAMIC JIHAD – SHIQAQI (a.k.a. ISLAMIC JIHAD OF PALESTINE; a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PIJ; a.k.a. PIJ SHIQAQI/AWDA FACTION), Israel; Jordan; Lebanon [SDT]

PALESTINIAN ISLAMIC JIHAD (a.k.a. ISLAMIC JIHAD OF PALESTINE; a.k.a. PALESTINIAN ISLAMIC JIHAD – SHIQAQI; a.k.a. PIJ; a.k.a. PIJ SHIQAQI/AWDA FACTION), Israel; Jordan; Lebanon [SDT]

PFLP (a.k.a. POPULAR FRONT FOR THE LIBERATION OF PALESTINE), Israel; Lebanon; Syria [SDT]

PIJ (a.k.a. ISLAMIC JIHAD OF PALESTINE; a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PALESTINIAN ISLAMIC JIHAD – SHIQAQI; a.k.a. PIJ SHIQAQI/AWDA FACTION), Israel; Jordan; Lebanon [SDT]

PIJ SHIQAQI/AWDA FACTION (a.k.a. ISLAMIC JIHAD OF PALESTINE; a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PALESTINIAN ISLAMIC JIHAD – SHIQAQI; a.k.a. PIJ), Israel; Jordan; Lebanon [SDT]

POPULAR FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. PFLP), Israel; Lebanon; Syria [SDT]

SALAH, Mohammad Abd El–Hamid Khalil (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

SALAH, Mohammad Abdel Hamid Halil (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

SALAH, Muhammad A. (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

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Italy

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ABBAS, Abdul Hussein, Italy (individual) [IRAQ]

ABBAS, Kassim, Italy (individual) [IRAQ]

ALOARDI, Carlo Giovanni, Milan, Italy (individual) [CUBA]

ARMANI, Dino, Via Abruzzi 94, Milan, Italy; Via San Francesco d'Assisi 10, Milan, Italy; Viale Abbruzzi 24, Milan, Italy (DOB 20 SEP 20) (individual) [LIBYA]

ARMANI, Giampiero, Viale Abruzzi 94, Milan, Italy (DOB 15 SEP 32) (individual) [LIBYA]

BORTOLOTTI (a.k.a. A. BORTOLOTTI & CO. S.P.A.), Cremona, Italy [LIBYA]

BORTOLOTTI (a.k.a. A. BORTOLOTTI & CO. S.P.A.), Via Predore, 59, 24067 Sarnico, Bergamo, Italy [LIBYA]

BUSENTI, Marcantonio or Marcello, Via Alatri 14, Rome, Italy (DOB 30 MAY 38) (individual) [LIBYA]
CARIBBEAN EXPORT ENTERPRISE (a.k.a. CARIBEX; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Milan, Italy [CUBA]
CARIBEX (a.k.a. CARIBBEAN EXPORT ENTERPRISE; a.k.a. EMPRESA CUBANA DE PESCADOS Y MARISCOS), Milan, Italy [CUBA]
CENTROCOOP ITALIANA, c/o Intex Srl., Via Della Greppa 4, 34100 Trieste, Italy (Branch office) [FRY S&M]
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CIMECO, SRL, Milan, Italy [CUBA]
COTEI, Milan, Italy [CUBA]
CRUZ, Antonio Pedro (REYES), Milan, Italy (individual) [CUBA]
CUBAN CIGARS TRADE, Italy [CUBA]
CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Genoa, Italy [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Genoa, Italy [CUBA]
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F.A. PETROLI S.P.A., Italy [LIBYA]
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TAMOIL ITALIA S.P.A., Piazzetta Bossi 3, I–20121 Milan, Italy [LIBYA]
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EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Norman Manley International Airport, Kingston, Jamaica [CUBA]
MOONEX INTERNATIONAL, S.A., Kingston, Jamaica [CUBA]
PRIMA EXPORT/IMPORT, Jamaica [CUBA]

Japan

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AGIP (N.A.M.E.) LIMITED (a.k.a. AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY), Adahr, P.O. Box 346, Sciara Giakarta, Tripoli, Libya [LIBYA]

AGIP (N.A.M.E.) LIMITED (a.k.a. AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY), Benghazi Office, P.O. Box 4120, Benghazi, Libya (Designation applies only to joint venture located in Libya) [LIBYA]

AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY (a.k.a. AGIP (N.A.M.E.) LIMITED), Benghazi Office, P.O. Box 4120, Benghazi, Libya (Designation applies only to joint venture located in Libya) [LIBYA]

AGIP NORTH AFRICA AND MIDDLE EAST OIL COMPANY (a.k.a. AGIP (N.A.M.E.) LIMITED), Adahr, P.O. Box 346, Sciara Giakarta, Tripoli, Libya [LIBYA]

AGOCO (a.k.a. ARABIAN GULF OIL COMPANY), P.O. Box 263, Al Kish, Benghazi, Libya [LIBYA]

AGOCO (a.k.a. ARABIAN GULF OIL COMPANY), P.O. Box 693–325, Ben Ashour Street, Tripoli, Libya [LIBYA]

AGOCO (a.k.a. ARABIAN GULF OIL COMPANY), Sarir Field, Libya [LIBYA]

AGRICULTURAL BANK, THE (a.k.a. LIBYAN AGRICULTURAL BANK; a.k.a. NATIONAL AGRICULTURAL BANK OF LIBYA), 52, Omar El Mokhtar Street, P.O. Box 1100, Tripoli, Libya [LIBYA]

AGRICULTURAL ENGINEERING COMPANY, Libya [LIBYA]

AHLYA BUILDING MATERIALS CO., P.O. Box 1351, Benghazi, Libya; P.O. Box 8545, Jumhouriya Street, Tripoli, Libya [LIBYA]

AHMAD QASSEM AND SONS CO., Libya [LIBYA]

AL ABIAR FODDER PLANT, Libya [LIBYA]

AL AHLIYA CO. FOR TRADING AND MANUFACTURE OF CLOTHING, P.O. Box 4152, Benghazi, Libya; P.O. Box 15182, Tripoli, Libya [LIBYA]

AL AMAL CO. FOR TRADING AND MANUFACTURING OF CLOTHING, Libya [LIBYA]

AL GAZEERA BENGHAZI, P.O. Box 2456, Benghazi, Libya [LIBYA]

AL–HIJAZI, Mahmud, Secretary of Justice and Public Security of the Government of Libya, Libya (DOB 1944, POB Batta, Libya) (individual) [LIBYA]

AL–HINSHIRI, Izz Al–Din Al–Muhammad, Secretary of Communications and Transport of the Government of Libya, Libya (DOB 6 Oct 51) (individual) [LIBYA]

AL JAMAL TRADING EST. (BENGHAZI), Benghazi, Libya [LIBYA]

AL–JIHIMI, Tahir, Secretary of Economy and Trade of the Government of Libya, Libya (individual) [LIBYA]

AL KABIR, 1 Giaddet Omar Mokhtar, P.O. Box 685, Tripoli, Libya (individual) [LIBYA]

AL–KAFI, Isa Abd, Secretary of Agrarian Reform, Land Reclamation, and Animal Resources of the Government of Libya, Libya (individual) [LIBYA]

AL–MAHMUDI, Baghdadi, Secretary of Health and Social Security of the Government of Libya, Libya (individual) [LIBYA]

AL–MAL, Muhammad Bayt, Secretary of Planning and Finance of the Government of Libya, Libya (individual) [LIBYA]

AL–MUNTASIR, Umar Mustafa, Secretary of People's External Liaison and International Cooperation Bureau of the Government of Libya, Libya (DOB 1939, POB Misurata, Libya) (individual) [LIBYA]

AL–QA'UD, Abd Al Majid, Secretary of Libya's General People's Committee, Libya (DOB 1943, POB Ghariar, Libya) (individual) [LIBYA]

AL–QADHAFI, Muammar Abu Minyar, head of the Libyan Government and de facto Chief of State, Libya (DOB 1942, POB Sirte, Libya) (individual) [LIBYA]

AL–SHAMIKH, Mubarak, Secretary of Housing and Utilities of the Government of Libya, Libya (DOB 1950) (individual) [LIBYA]

AL–ZANATI, Muhammad, Secretary of the General People's Congress of Libya, Libya (individual) [LIBYA]

AMAN CO. FOR TYRES AND BATTERIES, P.O. Box 2394, Benghazi, Libya; P.O. Box 17757, Misurata, Libya; Sabha, Libya; Tajura Km. 19, P.O. Box 30737, Tripoli, Libya; Tripoli, Libya [LIBYA]

ANO (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

AQUITAINE LIBYE, Omar El Mokhtar Street, P.O. Box 282, Tripoli, Libya (Designation applies only to joint venture located in Libya) [LIBYA]

ARAB CO. FOR IMPORTATION AND MANUFACTURE OF CLOTHING AND TEXTILES, Libya [LIBYA]

ARAB REVOLUTIONARY BRIGADES (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

ARAB UNION CONTRACTING CO., P.O. Box 3475, Tripoli, Libya [LIBYA]

ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), P.O. Box 263, Al Kish, Benghazi, Libya [LIBYA]

ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), P.O. Box 693–325, Ben Ashour Street, Tripoli, Libya [LIBYA]

ARABIAN GULF OIL COMPANY (a.k.a. AGOCO), Sarir Field, Libya [LIBYA]

ARIFI, Dr. Nagmeddin Abdalla (a.k.a. ARIFI, Dr. Najmeddine Abdalla), P.O. Box 2134, Tripoli, Libya (DOB 21 NOV 47) (individual) [LIBYA]

ARIFI, Dr. Najmeddine Abdalla (a.k.a. ARIFI, Dr. Nagmeddin Abdalla), P.O. Box 2134, Tripoli, Libya (DOB 21 NOV 47) (individual) [LIBYA]

AUTO BATTERY PLANT, Libya [LIBYA]

AZIZIA BOTTLE PLANT, Libya [LIBYA]

AZZAWIYA OIL REFINING COMPANY, Benghazi Asphalt Plant Office, Benghazi, Libya [LIBYA]

AZZAWIYA OIL REFINING COMPANY, P.O. Box 6451, Tripoli, Libya [LIBYA]

BADI, Mahmud, Secretary of People's Control and Follow–up of the Government of Libya, Libya (individual) [LIBYA]

BENGHAZI CEMENT PLANT, Libya [LIBYA]

BENGHAZI EST. FOR BUILDING AND CONSTRUCTION, P.O. Box 2118, Benghazi, Libya [LIBYA]

BENGHAZI LIME PLANT, Libya [LIBYA]

BENGHAZI PAPER BAGS PLANT, Libya [LIBYA]

BENGHAZI TANNERY, Libya [LIBYA]

BERRUIEN, Dr. Nuri Abdalla, c/o ARABIAN GULF OIL COMPANY, P.O. Box 263, Benghazi, Libya (DOB 18 MAR 46) (individual) [LIBYA]

BLACK SEPTEMBER (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

BREGA INTERNATIONAL MARKETING COMPANY, Al Nassar Street, P.O. Box 4768, Tripoli, Libya [LIBYA]

BREGA PETROLEUM MARKETING COMPANY, Alnaser Street, P.O. Box 402, Tripoli, Libya [LIBYA]

BREGA PETROLEUM MARKETING COMPANY, Azzawiya Km. 50, P.O. Box 402, Tripoli, Libya [LIBYA]

BREGA PETROLEUM MARKETING COMPANY, P.O. Box 1278, Benghazi, Libya [LIBYA]

BREGA PETROLEUM MARKETING COMPANY, Sayedi Street, P.O. Box 402, Tripoli, Libya [LIBYA]

CENTRAL BANK OF LIBYA, Al–Fatah Street, P.O. Box 1103, Tripoli, Libya [LIBYA]

CENTRAL BANK OF LIBYA, Benghazi, Libya [LIBYA]

CENTRAL BANK OF LIBYA, Sebha, Libya [LIBYA]

CIVIL AVIATION AUTHORITY, Sharia El Saidi, Tripoli, Libya [LIBYA]

COMPRESSED LEATHER BOARD FIBRE PLANT, Tajoura, Libya [LIBYA]

COOBAR, Hadi N., Tripoli, Libya (individual) [LIBYA]

DRY BATTERY PLANT, Libya [LIBYA]

DURDA, Abu Zayd Umar, Assistant Secretary of Libya's General People's Congress, Libya (individual) [LIBYA]

EL BADRI, Abdullah Salim, Tripoli, Libya (individual) [LIBYA]

EL BAIDA ROADS AND UTILITIES CO., P.O. Box 232/561, El Baida, Libya [LIBYA]

EL FATAH AGENCY, P.O. Box 233, Tripoli, Libya [LIBYA]

EL FERJANI, Abdalla M., Libya (DOB 03 JAN 52) (individual) [LIBYA]

EL GHRABLI, Abdudayem, Libya (individual) [LIBYA]

EL HUWEIJ, Mohamed A., Tripoli, Libya (individual) [LIBYA]

EL KEBIR, Mahmoud I., Libya (DOB 24 DEC 48) (individual) [LIBYA]

EL–KHOJA, Mustapha Ali, Saied Ibnu Zeid, Tripoli, Libya (individual) [LIBYA]

EL–KIB, Abdullatif, Tripoli, Libya (individual) [LIBYA]

EL MAMOURA FOOD COMPANY, Benghazi, Libya; P.O. Box 15058, Tripoli, Libya; Tripoli, Libya [LIBYA]

ELECTRIC WIRES AND CABLES PLANT, Libya [LIBYA]

ELECTRICAL CONSTRUCTION CO., Dehli, India; Sebha, India; Benghazi, Libya; Misurata, Libya; P.O. Box 5309, Tripoli, Libya [LIBYA]

ELKHALEGE GENERAL CONSTRUCTION CO., P.O. Box 445, Agedabia, Libya; Benghazi Office, Benghazi, Libya; Sirti Office, P.O. Box 105, Sirti, Libya [LIBYA]

EMNUHOOD EST. FOR CONTRACTS, P.O. Box 1380, Benghazi, Libya [LIBYA]

FATAH REVOLUTIONARY COUNCIL (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

FAZANI, Juma, Secretary of Arab Unity of the Government of Libya, Libya (individual) [LIBYA]

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FERJANI, A.S.A., Tripoli, Libya (individual) [LIBYA]

FOOTWEAR PLANT, Misurata, Libya [LIBYA]

FOREIGN PETROLEUM INVESTMENT CORPORATION (a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Tripoli, Libya [LIBYA]

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GAAC (a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN COMPANY; a.k.a. GENERAL ARAB AFRICAN ENTERPRISE), Nasser Street, Benghazi, Libya [LIBYA]

GAAE (a.k.a. GAAC; a.k.a. GENERAL ARAB AFRICAN COMPANY; a.k.a. GENERAL ARAB AFRICAN ENTERPRISE), Nasser Street, Benghazi, Libya [LIBYA]

GAAE (a.k.a. GAAC; a.k.a. GENERAL ARAB AFRICAN COMPANY; a.k.a. GENERAL ARAB AFRICAN ENTERPRISE), P.O. box 8059, 219 Mohammed El Megarief Street, Tripoli, Libya [LIBYA]

GAMOENNS CONTRACTS AND UTILITIES EST., P.O. Box 3038, Benghazi, Libya [LIBYA]

GARABULLI FODDER PLANT, Libya [LIBYA]

GENERAL ARAB AFRICAN COMPANY (a.k.a. GAAC; a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN ENTERPRISE), P.O. box 8059, 219 Mohammed El Megarief Street, Tripoli, Libya [LIBYA]

GENERAL ARAB AFRICAN COMPANY (a.k.a. GAAC; a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN ENTERPRISE), Nasser Street, Benghazi, Libya [LIBYA]

GENERAL ARAB AFRICAN ENTERPRISE (a.k.a. GAAC; a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN COMPANY), Nasser Street, Benghazi, Libya [LIBYA]

GENERAL ARAB AFRICAN ENTERPRISE (a.k.a. GAAC; a.k.a. GAAE; a.k.a. GENERAL ARAB AFRICAN COMPANY), P.O. box 8059, 219 Mohammed El Megarief Street, Tripoli, Libya [LIBYA]

GENERAL CATERING CORPORATION, P.O. Box 491, Tripoli, Libya [LIBYA]

GENERAL CLEANING COMPANY, P.O. Box 920, Tripoli, Libya [LIBYA]

GENERAL CO. FOR AGRICULTURAL MACHINERY AND NECESSITIES, Alziraia, Libya; Benghazi Office, P.O. Box 2094, Benghazi, Libya; Sebha, Libya; P.O. Box 324, Tripoli, Libya; Zawia, Libya [LIBYA]

GENERAL CO. FOR AGRICULTURAL PROJECTS, P.O. Box 265, Gharian, Libya; P.O. Box 2284, Tripoli, Libya [LIBYA]

GENERAL CO. FOR CERAMIC AND GLASS PRODUCTS, Aziza, Amiri Bldg, Suani Ben Adam, P.O. Box 12581, Dhara–Tripoli, Libya [LIBYA]
GENERAL CO. FOR CIVIL WORKS, P.O. Box 1299, Benghazi, Libya; P.O. Box 3306, Tripoli, Libya [LIBYA]
GENERAL CO. FOR CONSTRUCTION AND EDUCATIONAL BUILDINGS, P.O. Box 4087, Benghazi, Libya; P.O. Box 1186, Tripoli, Libya [LIBYA]
GENERAL CO. FOR ELECTRIC WIRES AND PRODUCTS, P.O. Box 1177, Benghazi, Libya; P.O. Box 12629, Tripoli, Libya [LIBYA]
GENERAL CO. FOR LAND RECLAMATION, P.O. Box 307, Souani Road, Tripoli, Libya [LIBYA]
GENERAL CO. FOR LEATHER PRODUCTS AND MANUFACTURE, P.O. Box 152, Benghazi, Libya; P.O. Box 2319, Tripoli, Libya [LIBYA]
GENERAL CO. FOR MARKETING AND AGRICULTURAL PRODUCTION, P.O. Box 4251, Benghazi, Libya; P.O. Box 2897, Hadba Al Khadra, Tripoli, Libya [LIBYA]
GENERAL CO. FOR TEXTILES, P.O. Box 1816, Benghazi, Libya; P.O. Box 3257, Tripoli, Libya [LIBYA]
GENERAL CO. FOR TOYS AND SPORT EQUIPMENT, P.O. Box 3270, Tripoli, Libya [LIBYA]
GENERAL COMPANY FOR CHEMICAL INDUSTRIES, P.O. Box 100/411, 100/071, Zuara, Libya [LIBYA]
GENERAL CONSTRUCTION COMPANY, Gharian Office, P.O. Box 178, Gharian, Libya; P.O. Box 8636, Tripoli, Libya [LIBYA]
GENERAL CORPORATION FOR PUBLIC TRANSPORT, P.O. Box 9528, Benghazi, Libya; 2175 Sharla Magaryef Tatanaka Bldg, P.O. Box 4875, Tripoli, Libya [LIBYA]
GENERAL DAIRIES AND PRODUCTS CO., Benghazi Factory, Benghazi, Libya; P.O. Box 9118, Benghazi, Libya; Jebel Akhdar Factory, Jebel Akhdar, Libya; Khoms Factory, Khoms, Libya; P.O. Box 5318, Tripoli, Libya; Tripoli Factory, Tripoli, Libya [LIBYA]
GENERAL ELECTRICITY CORPORATION, P.O. Box 3047, Benghazi, Libya; P.O. Box 668, Tripoli, Libya [LIBYA]
GENERAL ELECTRONICS CO., P.O. box 2068, Benghazi, Libya; P.O. Box 12580, Tripoli, Libya [LIBYA]
GENERAL FURNITURE CO., Suani Road, Km. 15, P.O. Box 12655, Tripoli, Libya [LIBYA]
GENERAL LIBYAN CO. FOR ROAD CONSTRUCTION AND MAINTENANCE, P.O. Box 2676, Swani Road, Tripoli, Libya [LIBYA]
GENERAL NATIONAL CO. FOR FLOUR MILLS AND FODDER, Benghazi Office, Gamel Abdumaser Street, P.O. Box 209, Benghazi, Libya; Bab Bin Ghashir, P.O. Box 984, Tripoli, Libya [LIBYA]
GENERAL NATIONAL CO. FOR INDUSTRIAL CONSTRUCTION, Tripoli Branch, P.O. Box 295, Tripoli, Libya; P.O. Box 953, Beida, Libya; Benghazi Branch, Gamal Abd El Naser Street, P.O. Box 9502, Benghazi, Libya [LIBYA]
GENERAL NATIONAL MARITIME TRANSPORT CO. (a.k.a. NATIONAL LINE OF LIBYA, THE), P.O. Box 2450, Benghazi, Libya; P.O. Box 80173, 2 Ahmed Sharif Street, Tripoli, Libya (And at all Libyan ports) [LIBYA]
GENERAL NATIONAL ORGANISATION FOR INDUSTRIALIZATION, P.O. Box 2779, Benghazi, Libya; Shaira Sana'a, P.O. Box 4388, Tripoli, Libya [LIBYA]
GENERAL ORGANISATION FOR TOURISM AND FAIRS, P.O. Box 891, Sharia Haiti, Tripoli, Libya [LIBYA]
GENERAL PAPER AND PRINTING CO., Benghazi, Libya; Sebha, Libya; P.O. Box 8096, Tripoli, Libya [LIBYA]
GENERAL POST AND TELECOMMUNICATIONS CORP., Maidan al Jazair, Tripoli, Libya [LIBYA]
GENERAL RAHILA AUTOMOBILE CO., Libya [LIBYA]
GENERAL TOBACCO COMPANY, Benghazi, Libya; Garian, Libya; Khoms, Libya; Sebha, Libya; Gorji Road Km. 6, P.O. Box 696, Tripoli, Libya; Zavia, Libya [Libya]
GENERAL WATER WELL DRILLING CO., P.O. Box 2532, Benghazi, Libya; P.O. Box 2532, Sharia Omar Muktar, Mormesh Bldg., Tripoli, Libya [LIBYA]
GHADBAN, Mohammed Mustafa, P.O. Box 452, Fadiel Abu Omar Square, El–Berkha, Benghazi, Libya (individual) [LIBYA]
GHADBAN, Mohammed Mustafa, P.O. Box 4647, Shuhada Square, Tripoli, Libya (individual) [LIBYA]
GIBRIL, Mustafa Saleh, P.O. Box 3224, Martyr Street, Megrief, Tripoli, Libya (individual) [LIBYA]
IBN SHATWAN, Fathi, Secretary of Industry of the Government of Libya, Libya (DOB 1950) (individual) [LIBYA]
IBRAHIM, Muhammad Ahmad, Secretary of Information, Culture, and Mass Mobilization of the Government of Libya, Libya (individual) [LIBYA]
INEX–INTEREXPORT HIP DEVELOPMENT AND ENGINEERING CONSORTIUM TRIPOLI, That Al Emad Complex, Tripoli, Libya [FRY S&M]
JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), Emhemed Megrief Street, Tripoli, Libya [LIBYA]
JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), P.O. Box 1291, Benghazi, Libya [LIBYA]
JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA), P.O. Box 3224, Martyr Street, Megarief, Tripoli, Libya [LIBYA]
JANUARY SHUHADA (MARTYRS) PLANT, Libya [LIBYA]
JOWFE (a.k.a. NATIONAL COMPANY DRILLING CHEMICAL & EQUIPMENT), NOC Building, Ashjara Square, Benghazi, Libya [LIBYA]
KHOMS CEMENT PLANT, Khoms, Libya [LIBYA]
KUFRA AGRICULTURAL CO., P.O. Box 4239, Benghazi, Libya; Tripoli Office, P.O. Box 2306, Damascus Street, Tripoli, Libya [LIBYA]
KUFRA PRODUCTION PROJECT, P.O. Box 6324, Benghazi, Libya; P.O. Box 2306, Tripoli, Libya [LIBYA]
KUWAYBAH, Muftah Muhammad, Secretary of Marine Resources of the Government of Libya, Libya (individual) [LIBYA]
LAFB (a.k.a. LIBYAN ARAB FOREIGN BANK), Dat El Imad Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya [LIBYA]
LAHMAR, Mohammed, Dat El Imad Administrative Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya (individual) [LIBYA]
LAYAS, Mohammed Hussein, Tripoli, Libya (individual) [LIBYA]
LIBYA INSURANCE COMPANY, P.O. Box 2438, Usama Bldg., 1st September Street, Tripoli, Libya (7 main branches and 58 sub–branches in Libya) [LIBYA]
LIBYAN AGRICULTURAL BANK (a.k.a. AGRICULTURAL BANK, THE; a.k.a. NATIONAL AGRICULTURAL BANK OF LIBYA), 52, Omar El Mokhtar Street, P.O. Box 1100, Tripoli, Libya [LIBYA]
LIBYAN ARAB CO. FOR DOMESTIC ELECTRICAL MATERIALS, P.O. Box 453, Benghazi, Libya; P.O. Box 12718, Tripoli, Libya [LIBYA]
LIBYAN ARAB FOREIGN BANK (a.k.a. LAFB), Dat El Imad Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya [LIBYA]
LIBYAN BRICK MANUFACTURING CO., P.O. Box 25, Km. 17, Suani Road, Suani, Libya; P.O. Box 10700, Tripoli, Libya [LIBYA]
LIBYAN CEMENT CO., P.O. Box 2108, Benghazi, Libya [LIBYA]
LIBYAN CINEMA CORPORATION, P.O. Box 2076, Benghazi, Libya; P.O. box 878, Tripoli, Libya [LIBYA]
LIBYAN ETERNIT COMPANY, P.O. Box 6103, Zanzour Km. 17, Tripoli, Libya [LIBYA]
LIBYAN FISHING COMPANY, P.O. Box 3749, Tripoli, Libya [LIBYA]
LIBYAN HOTELS AND TOURISM CO., P.O. Box 2977, Tripoli, Libya [LIBYA]
LIBYAN INSURANCE COMPANY, Benghazi, Libya; Derna, libya; Gharian, Libya; Homs, Libya; Misurata, Libya; Sebha, Libya; Ousama Bldg, 1st September Street, P.O. Box 2438, Tripoli, Libya; Zawiya, Libya [LIBYA]
LIBYAN MILLS COMPANY, Sharia 1st September, P.O. Box 310, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya [LIBYA]
LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya [LIBYA]
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LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya [LIBYA]

LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya [LIBYA]

LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. OIIC; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Tripoli, Libya [LIBYA]

LIBYAN TRACTOR ESTABLISHMENT, P.O. Box 12507, Dahra, Libya [LIBYA]

LITRACO IMPEX LTD., P.O. Box 5686, Benghazi, Libya (Branch of NATIONAL SOFT DRINKS EST.) [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), P.O. Box 2978, Benghazi, Libya [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC), Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya [LIBYA]

MADI, Ragiab Saad, P.O. Box 2297, Shoman Street, Fashioum, Tripoli, Libya (individual) [LIBYA]

MAGCOBAR (LIBYA) LTD., Benghazi, Libya; P.O. Box 867, Tripoli, Libya [LIBYA]

MAHARI GENERAL AUTOMOBILE CO., Libya [LIBYA]

MANA, Salem, Libya (individual) [LIBYA]

MASRAF AL–GUMHOURIA (n.k.a. JAMAHIRIYA BANK), Emhemed Megrief Street, Tripoli, Libya [LIBYA]

MASRAF AL–GUMHOURIA (n.k.a. JAMAHIRIYA BANK), P.O. Box 1291, Benghazi, Libya [LIBYA]

MASRAF AL–GUMHOURIA (n.k.a. JAMAHIRIYA BANK), P.O. Box 3224, Martyr Street, Megarief, Tripoli, Libya [LIBYA]

MATUQ, Matuq Muhammad, Secretary of Education, Youth, Scientific Research, and Vocational Education of the Government of Libya, Libya (DOB 1956) (individual) [LIBYA]

MEDICAL EQUIPMENT COMPANY, P.O. Box 750, Benghazi, Libya; P.O. Box 464, Sebha, Libya; P.O. Box 12419, Tripoli, Libya [LIBYA]

MISURATA GENERAL ROADS CO., P.O. Box 200, Misurata, Libya; P.O. Box 958, Tripoli, Libya [LIBYA]

MOBIL OIL LIBYA, LTD. (n.k.a. VEBA OIL LIBYA GMBH; n.k.a. VEBA OIL LIBYAN BRANCH; n.k.a. VEBA OIL OPERATIONS B.V.), P.O. Box 2357, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]

MOBIL OIL LIBYA, LTD. (n.k.a. VEBA OIL LIBYA GMBH; n.k.a. VEBA OIL LIBYAN BRANCH; n.k.a. VEBA OIL OPERATIONS B.V.), Al Magharba Street, P.O. Box 690, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]

MODERN FASHION CO. FOR TRADING AND MANUFACTURING OF CLOTHING, THE, Libya [LIBYA]

MUHARIKAAT GENERAL AUTOMOBILE CO., P.O. Box 203, Benghazi, Libya; P.O. Box 259, Tripoli, Libya [LIBYA]

NAAS, Mahmoud, Libya (individual) [LIBYA]

NAJAH, Tahor, Tripoli, Libya (individual) [LIBYA]

NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 20812, Marsa Brega, Libya [LIBYA]

NAPETCO (f.k.a. NATIONAL METHANOL COMPANY; a.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 5324, Garden City, Benghazi, Libya [LIBYA]

NASCO (a.k.a. NATIONAL SUPPLIES CORPORATION), P.O. Box 2071, Benghazi, Libya; P.O. Box 3402, Sharia Omar Mukhtar, Tripoli, Libya [LIBYA]

NATIONAL AGRICULTURAL BANK OF LIBYA (a.k.a. AGRICULTURAL BANK, THE; a.k.a. LIBYAN AGRICULTURAL BANK), 52, Omar El Mokhtar Street, P.O. Box 1100, Tripoli, Libya [LIBYA]

NATIONAL CEMENT AND BUILDING MATERIALS EST., P.O. Box 628, Sharia Hayati 21, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR CHEMICAL PREPARATION AND COSMETIC PRODUCTS, Benghazi Office, Benghazi, Libya; P.O. Box 2442, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR CONSTRUCTION AND MAINTENANCE OF MUNICIPAL WORKS, P.O. Box 441, Benghazi, Libya; P.O. Box 12908, Zavia Street, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR LIGHT EQUIPMENT, P.O. Box 540, Benghazi, Libya; P.O. Box 8707, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR METAL WORKS, P.O. Box 4093, Benghazi, Libya; P.O. Box 4093, Benghazi, Libya; Lift Department, P.O. Box 1000, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR ROAD EQUIPMENT, P.O. Box 700, Benghazi, Libya; P.O. Box 12392, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR ROADS AND AIRPORTS, P.O. Box 4050, Benghazi, Libya; P.O. Box 8634, Sharia Al Jaraba, Tripoli, Libya [LIBYA]

NATIONAL CO. FOR TRADING AND MANUFACTURING OF CLOTHING, Libya [LIBYA]

NATIONAL CO. OF SOAP AND CLEANING MATERIALS, P.O. Box 246, Benghazi, Libya; P.O. Box 12025, Tripoli, Libya [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L., P.O. Box 166, Benghazi, Libya [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L., P.O. Box 4647, Shuhada Square, Tripoli, Libya [LIBYA]

NATIONAL COMPANY DRILLING CHEMICAL & EQUIPMENT (a.k.a. JOWFE), NOC Building, Ashjara Square, Benghazi, Libya [LIBYA]

NATIONAL COMPANY FOR FIELD AND TERMINALS CATERING, Airport Road, Km. 3, P.O. Box 491, Tripoli, Libya [LIBYA]

NATIONAL COMPANY FOR OILFIELD EQUIPMENT, P.O. Box 8707, Tripoli, Libya [LIBYA]

NATIONAL CONSTRUCTION AND ENGINEERING CO., P.O. Box 259, Benghazi, Libya; P.O. Box 1060, Sharia Sidi Issa, Tripoli, Libya [LIBYA]

NATIONAL CONSULTING BUREAU, Sirte City Branch Office, Sirte City, Libya; P.O. Box 12795, Tripoli, Libya [LIBYA]

NATIONAL CORPORATION FOR HOUSING, P.O. Box 4829, Sharia el Jumhuriya, Tripoli, Libya [LIBYA]

NATIONAL DEPARTMENT STORES CO., P.O. Box 5327, Sharia el Jumhuriya, Tripoli, Libya [LIBYA]

NATIONAL DRILLING COMPANY (a.k.a. NATIONAL DRILLING COMPANY (LIBYA); a.k.a. NATIONAL DRILLING WORKOVER COMPANY), 208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya [LIBYA]

NATIONAL DRILLING COMPANY (LIBYA) (a.k.a. NATIONAL DRILLING COMPANY; a.k.a. NATIONAL DRILLING WORKOVER COMPANY), 208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya [LIBYA]

NATIONAL DRILLING WORKOVER COMPANY (a.k.a. NATIONAL DRILLING COMPANY; a.k.a. NATIONAL DRILLING COMPANY (LIBYA)), 208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya [LIBYA]

NATIONAL FOODSTUFFS IMPORTS, EXPORTS AND MANUFACTURING CO. SAL, P.O. Box 2439, Benghazi, Libya; P.O. Box 11114, Tripoli, Libya [LIBYA]

NATIONAL GENERAL INDUSTRIAL CONTRACTING CO., Sharia el Jumhouria, P.O. Box 295, Tripoli, Libya [LIBYA]

NATIONAL LINE OF LIBYA, THE (a.k.a. GENERAL NATIONAL MARITIME TRANSPORT CO.), P.O. Box 2450, Benghazi, Libya; P.O. Box 80173, 2 Ahmed Sharif Street, Tripoli, Libya (And at all Libyan ports) [LIBYA]

NATIONAL LIVESTOCK AND MEAT CO., P.O. Box 4153, Sharia Jamal Abdulnasser, Benghazi, Libya; P.O. Box 389, Sharia Zawiet Dahmani, Tripoli, Libya [LIBYA]

NATIONAL METHANOL COMPANY (n.k.a. NAPETCO; n.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 20812, Marsa Brega, Libya [LIBYA]

NATIONAL METHANOL COMPANY (n.k.a. NAPETCO; n.k.a. NATIONAL PETROCHEMICALS COMPANY), P.O. Box 5324, Garden City, Benghazi, Libya [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC), Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC), P.O. Box 2978, Benghazi, Libya [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC), Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC), Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC), Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya [LIBYA]

NATIONAL PETROCHEMICALS COMPANY (a.k.a. NAPETCO; f.k.a. NATIONAL METHANOL COMPANY), P.O. Box 20812, Marsa Brega, Libya [LIBYA]

NATIONAL PETROCHEMICALS COMPANY (a.k.a. NAPETCO; f.k.a. NATIONAL METHANOL COMPANY), P.O. Box 5324, Garden City, Benghazi, Libya [LIBYA]

NATIONAL PHARMACEUTICAL CO. SAL, P.O. Box 2620, Benghazi, Libya; 20 Jalal Bayer Street, P.O. Box 2296, Tripoli, Libya; Jamahiriya Street, P.O. Box 10225, Tripoli, Libya [LIBYA]

NATIONAL SOFT DRINKS EST., P.O. Box 559, Benghazi, Libya; (branch) Litraco Impex Ltd., P.O. Box 5686, Benghazi, Libya [LIBYA]

NATIONAL STORES AND COLD STORES CO., P.O. Box 9250, Benghazi, Libya; P.O. Box 8454, Tripoli, Libya [LIBYA]

NATIONAL SUPPLIES CORPORATION (a.k.a. NASCO), P.O. Box 2071, Benghazi, Libya; P.O. Box 3402, Sharia Omar Mukhtar, Tripoli, Libya [LIBYA]

NATIONAL TELECOMMUNICATIONS CO., P.O. Box 4139, Benghazi, Libya; P.O. Box 886, Shara Zawia, Tripoli, Libya [LIBYA]

NEUTRON INTERNATIONAL, Tripoli, Libya [LIBYA]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION), Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya [LIBYA]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION), Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya [LIBYA]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION), P.O. Box 2978, Benghazi, Libya [LIBYA]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION), Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya [LIBYA]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION), Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya [LIBYA]

NORTH AFRICA INDUSTRIAL TRADING AND CONTRACTING CO., P.O. Box 245, Tripoli, Libya [LIBYA]

OEA DRINKS CO., P.O. Box 101, Ibn El Jarrah Street, Tripoli, Libya [LIBYA]

OIIC (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Tripoli, Libya [LIBYA]

OILINVEST (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST INTERNATIONAL N.V.), Tripoli, Libya [LIBYA]

OILINVEST INTERNATIONAL N.V. (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST), Tripoli, Libya [LIBYA]

OKBA FOOTWEAR PLANT, Tajoura, Libya [LIBYA]

OMEISH, Ramadan M., Tripoli, Libya; Abu Dhabi, U.A.E. (individual) [LIBYA]

OMRANI, Abuzeid Ramadan, Administrative Manager of Libyan Arab Foreign Investment Company, Libya (individual) [LIBYA]

PUBLIC COMPANY FOR GARMENTS, P.O. Box 4152, Benghazi, Libya [LIBYA]

PUBLIC ELECTRICAL WORKS CO., P.O. Box 32811, Benghazi, Libya; P.O. Box 8539, Sharia Halab, Tripoli, Libya [LIBYA]

PUBLIC SAFETY COMMODITY IMPORTING CO. (a.k.a. SILAMNIA), P.O. Box 12942, Tripoli, Libya [LIBYA]

QAFALA GENERAL AUTOMOBILE CO., Libya [LIBYA]

RAS HILAL MARITIME CO., P.O. Box 1496, Benghazi, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), Benghazi Complex, P.O. Box 1971, Gamel Abdul Nasser Street, Benghazi, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), P.O. Box 75071, Tripoli, Libya [LIBYA]

RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD. (a.k.a. RASCO), Ras Lanuf Complex and Terminal, Ghout El Shaal, Libya [LIBYA]

RASCO (a.k.a. RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD.), Benghazi Complex, P.O. Box 1971, Gamel Abdul Nasser Street, Benghazi, Libya [LIBYA]

RASCO (a.k.a. RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD.), P.O. Box 75071, Tripoli, Libya [LIBYA]

RASCO (a.k.a. RAS LANUF OIL AND GAS PROCESSING COMPANY, LTD.), Ras Lanuf Complex and Terminal, Ghout El Shaal, Libya [LIBYA]

READY–MADE SUITS PLANT, Derna, Libya [LIBYA]

REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ANO; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]

SAHABI OIL FIELD PROJECT, P.O. Box 982, Tripoli, Libya [LIBYA]

SAHARA BANK, 10 First September Street, P.O. Box 270, Tripoli, Libya [LIBYA]

SAVING AND REAL ESTATE INVESTMENT BANK, P.O. Box 2297, Shoman Street, Fashioum, Tripoli, Libya (24 branches in Libya) [LIBYA]

SEBHA FODDER PLANT, Libya [LIBYA]

SEBHA GRAIN MILL, Libya [LIBYA]

SEBHA ROADS AND CONSTRUCTION CO., P.O. Box 92, Sebha, Libya; P.O. Box 8264, Tripoli, Libya [LIBYA]

SHARIF, Bashir M., Dat El Imad Administrative Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya (individual) [LIBYA]

SHELL PETROLEUM DEVELOPMENT CO. OF LIBYA, P.O. Box 1420, Benghazi, Libya [LIBYA]

SHERLALA, Kassem M., P.O. Box 2438, Usama Bldg., 1st September Street, Tripoli, Libya (individual) [LIBYA]

SIALA, Mohamed Taher Hammuda, Tripoli, Libya (individual) [LIBYA]

SILAMNIA (a.k.a. PUBLIC SAFETY COMMODITY IMPORTING CO.), P.O. Box 12942, Tripoli, Libya [LIBYA]

SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Sirte Field, Libya [LIBYA]

SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Benghazi, Libya [LIBYA]

SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), P.O. Box 2582, Tripoli, Libya [LIBYA]

SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), P.O. Box 385, Tripoli, Libya [LIBYA]

SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA (a.k.a. SIRTE OIL COMPANY), Marsa El Brega, Libya [LIBYA]

SIRTE OIL COMPANY (a.k.a. SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA), Benghazi, Libya [LIBYA]
SIRTE OIL COMPANY (a.k.a. SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA), Sirte Field, Libya [LIBYA]
SIRTE OIL COMPANY (a.k.a. SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA), Marsa El Brega, Libya [LIBYA]
SIRTE OIL COMPANY (a.k.a. SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA), P.O. Box 2582, Tripoli, Libya [LIBYA]
SIRTE OIL COMPANY (a.k.a. SIRTE OIL CO. FOR PRODUCTION MANUFACTURING OIL & GAS MARSA EL BREGA), P.O. Box 385, Tripoli, Libya [LIBYA]
SOCIALIST EST. FOR SPINNING AND WEAVING, P.O. Box 852, Benghazi, Libya; Zanzour Km. 15, P.O. Box 30186, Tripoli, Libya [LIBYA]
SORMAN FODDER PLANT, Libya [LIBYA]
SOUK EL KHAMIS CEMENT CO., Libya [LIBYA]
SOUK EL KHAMIS GENERAL CEMENT AND BUILDING MATERIALS CORP., Tarhuna, Sharia Bou Harida, P.O. Box 1084, Tripoli, Libya [LIBYA]
SOUK EL KHAMIS LIME FACTORY, Libya [LIBYA]
SOUSA SHIPPING AND STEVEDORING EST., P.O. Box 2973, Benghazi, Libya [LIBYA]
SUANI GYPSUM PLANT, Libya [LIBYA]
TAHARAR FOOTWEAR PLANT, Tripoli, Libya [LIBYA]
TAJOURA MODERN TANNERY, Libya [LIBYA]
TECHNICAL CO. FOR AGRICULTURAL PEST CONTROL, Nacer Street, Benghazi, Libya; New Gourgy Road, P.O. Box 6445, Tripoli, Libya [LIBYA]
TEKNICA (UK) LIMITED (f.k.a. FC9063 LIMITED), 15/17 Lodge Road, St. Johns Wood, London NW8 7JA, England; Avon House, 360–366 Oxford Street, London W1N 9HA, England; Tripoli, Libya [LIBYA]
TIBESTI AUTOMOBILE GENERAL CO., P.O. Box 5397, Benghazi, Libya; Dema, Libya; Gharian, Libya; Khums, Libya; Misurata, Libya; Sebha, Libya; P.O. Box 8456, Tripoli, Libya; Tripoli, Libya; Zawia, Libya [LIBYA]
TOLMETHA SHIPPING ESTABLISHMENT, P.O. Box 208, Derna, Libya [LIBYA]
TRIPOLI CEMENT SILOS, Libya [LIBYA]
TRIPOLI GRAIN MILL, Libya [LIBYA]
TYRE PLANT, Libya [LIBYA]
TYRES RETREADING CENTRES, Libya [LIBYA]
UMM AL–JAWABY PETROLEUM CO. S.A.L., Nafoora Field, Libya [LIBYA]
UMM AL–JAWABY PETROLEUM CO. S.A.L., P.O. Box 693, Tripoli, Libya [LIBYA]
UMMA BANK S.A.L., 1 Giaddet Omar Mokhtar, P.O. Box 685, Tripoli, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Benghazi, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Mersa El Brega, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Misurata, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Tripoli, Libya [LIBYA]
UNIVERSAL SHIPPING AGENCY, Zuetina, Libya [LIBYA]
VEBA OIL LIBYA GMBH (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYAN BRANCH; a.k.a. VEBA OIL OPERATIONS B.V.), P.O. Box 2357, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
VEBA OIL LIBYA GMBH (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYAN BRANCH; a.k.a. VEBA OIL OPERATIONS B.V.), Al Magharba Street, P.O. Box 690, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
VEBA OIL LIBYAN BRANCH (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL OPERATIONS B.V.), P.O. Box 2357, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
VEBA OIL LIBYAN BRANCH (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL OPERATIONS B.V.), Al Magharba Street, P.O. Box 690, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), P.O. Box 2357, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), Al Magharba Street, P.O. Box 690, Tripoli, Libya (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
WAHA OIL COMPANY, Inas Building, Omar El Mokhtar Street, Box 395, Tripoli, Libya [LIBYA]
WAHA OIL COMPANY, P.O. Box 1075, Tripoli, Libya [LIBYA]
WAHA OIL COMPANY, P.O. Box 221, Benghazi, Libya [LIBYA]
WAHA OIL COMPANY, Sidi Issa Street, P.O. Box 915, Tripoli, Libya [LIBYA]
WAHDA BANK, Jamel Abdul Nasser Street, P.O. Box 452, Fadiel Abu Omar Square, El–Berhka, Benghazi, Libya [LIBYA]
WAHDA BANK, P.O. Box 1320, Benghazi, Libya [LIBYA]
WAHDA BANK, P.O. Box 3427, Tripoli, Libya [LIBYA]
WEAVING, DYEING AND FINISHING PLANT, Libya [LIBYA]
WOOL WASHING AND SPINNING PLANT, Marj, Libya [LIBYA]
YOUSEF, Mohamed T., Libya (individual) [LIBYA]
ZLITEN FODDER PLANT, Libya [LIBYA]
ZLITEN GRAIN MILL, Libya [LIBYA]
ZLITNI, Dr. Abdul Hafid Mahmoud, Tripoli, Libya (individual) [LIBYA]
ZUEITINA OIL COMPANY, Gas Processing Plants, Tripoli, Libya [LIBYA]
ZUEITINA OIL COMPANY, Mitchell Cotts Building, P.O. Box 2134, Tripoli, Libya [LIBYA]
ZUEITINA OIL COMPANY, Plant at Intisar Field A, Tripoli, Libya [LIBYA]
ZUEITINA OIL COMPANY, Zueitina Building ''A'', Sidi Issa, Dahra, P.O. Box 2134, Tripoli, Libya [LIBYA]

Liechtenstein

FINCOMTRA ESTABLISHMENT, Post Office Box 185, Vaduz, Liechtenstein [FRY S&M]
INCETRA ETABLISSEMENT S.A., Vaduz, Liechtenstein [FRY S&M]
MENIL ENSTALT COMPANY, Vaduz, Liechtenstein [LIBYA]
NORDSTRAND LTD., Liechtenstein [CUBA]
OCTOBER HOLDING COMPANY (a.k.a. OCTUBRE HOLDING SOCIETE ANONIME), Vaduz, Liechtenstein [CUBA]
OCTUBRE HOLDING SOCIETE ANONIME (a.k.a. OCTOBER HOLDING COMPANY), Vaduz, Liechtenstein [CUBA]

Luxembourg

INTERNATIONAL HOLDING COMPANY, Luxembourg Ville, Luxembourg [LIBYA]

Mali

BALIMA (a.k.a. BANQUE ARABE LIBYENNE MALIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. BANQUE COMMERCIALE DU SAHEL; a.k.a. CHINGUETTY BANK), P.O. Box 2372, Bamako, Mali [LIBYA]
BANQUE ARABE LIBYENNE MALIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALIMA; a.k.a. BANQUE COMMERCIALE DU SAHEL; a.k.a. CHINGUETTY BANK), P.O. Box 2372, Bamako, Mali [LIBYA]
BANQUE COMMERCIALE DU SAHEL (a.k.a. BALIMA; a.k.a. BANQUE ARABE LIBYENNE MALIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. CHINGUETTY BANK), P.O. Box 2372, Bamako, Mali [LIBYA]
CHINGUETTY BANK (a.k.a. BALIMA; a.k.a. BANQUE ARABE LIBYENNE MALIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. BANQUE COMMERCIALE DU SAHEL), P.O. Box 2372, Bamako, Mali [LIBYA]
SOCIETE ARABE LIBYENNE MALIENNE POUR L'AGRICULTURE ET L'ELEVAGE (a.k.a. SOLIMA), Bamako, Mali [LIBYA]
SOLIMA (a.k.a. SOCIETE ARABE LIBYENNE MALIENNE POUR L'AGRICULTURE ET L'ELEVAGE), Bamako, Mali [LIBYA]

Malta

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AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 547, Valletta, Malta [LIBYA]
ARION SHIPPING CO., LTD., 60 South Street, Valletta, Malta [CUBA]
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CHEMPETROL (a.k.a. CHEMPETROL INTERNATIONAL), 145, Flat 9, Tower Road, Sliema, Malta [LIBYA]
CHEMPETROL INTERNATIONAL (a.k.a. CHEMPETROL), 145, Flat 9, Tower Road, Sliema, Malta [LIBYA]
CORINTHIA GROUP OF COMPANIES, Head Office, 22, Europa Centre, Floriana, Malta [LIBYA]
CORINTHIA PALACE HOTEL COMPANY LIMITED, De Paula Avenue, Attard, Malta [LIBYA]
HOTEL MILANO DUE, Gzira, Malta [LIBYA]
JERMA PALACE HOTEL, Maarsancala, Malta [LIBYA]
LAFI TRADE MALTA, 14517 Tower Road, Sliema, Malta [LIBYA]
LAFICO (a.k.a. LIBYAN ARAB FOREIGN INVESTMENT COMPANY), Malta [LIBYA]
LAMHCO (a.k.a. LIBYAN ARAB MALTESE HOLDING CO. LTD.), St. Mark House, Cappuchan Street, Floriana, Malta [LIBYA]
LIBYAN ARAB FOREIGN INVESTMENT COMPANY (a.k.a. LAFICO), Malta [LIBYA]
LIBYAN ARAB MALTESE HOLDING CO. LTD. (a.k.a. LAMHCO), St. Mark House, Cappuchan Street, Floriana, Malta [LIBYA]
LOVCEN OVERSEAS SHIPPING LTD., c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta; Valletta, Malta [FRY S&M]
MARINA SAN GORG CO. LTD. (a.k.a. MARINA SAN GORG HOLIDAY COMPLEX), Malta [LIBYA]
MARINA SAN GORG HOLIDAY COMPLEX (a.k.a. MARINA SAN GORG CO. LTD.), Malta [LIBYA]
MEDAVIA (a.k.a. MEDITERRANEAN AVIATION COMPANY, LTD.), Malta [LIBYA]
MEDISAN LIMITED, R1 6A, Qasam Industrial, Limiti tai Ricasch, Kalkara, Malta [LIBYA]
MEDITERRANEAN AVIATION COMPANY, LTD. (a.k.a. MEDAVIA), Malta [LIBYA]
MEDITERRANEAN POWER ELECTRIC COMPANY LIMITED, A 18B, Industrial Estate, Marsa, Malta [LIBYA]
MILENA LINES (a.k.a. MILENA SHIP MANAGEMENT CO. LTD.), Masons Building, 86, The Strand, Sliema, Malta [FRY S&M]
MILENA SHIP MANAGEMENT CO. LTD. (a.k.a. MILENA LINES), Masons Building, 86, The Strand, Sliema, Malta [FRY S&M]
MISTRA VILLAGE LTD., (registered address) 22 Europa Centre, Floriana, Malta; (operating address) Xemija Hill, St. Paul's Bay, Malta [LIBYA]
MONTENEGRO OCEAN SHIPPING (n.k.a. SOUTH CROSS SHIPPING LTD.), Valletta, Malta, c/o Milena Ship Management Co. Ltd., Masons Building, 86, The Strand, Sliema, Malta [FRY S&M]
OKTOIH OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta [FRY S&M]
PIONEER SHIPPING LTD., c/o Anglo Caribbean Shipping Co., Ltd., 4th Floor, South Phase 2, South Quay Plaza 2, 183 Marsh Wall, London E14 9SH, England; 171 Old Bakery Street, Valletta, Malta [CUBA]
QUALITY SHOES COMPANY, UB33, Industrial Estate, San Gwann, Malta [LIBYA]
RIGEL SHIPMANAGEMENT LTD., Second Floor, Regency House, Republic Street, Valletta, Malta [FRY S&M]
SOUTH CROSS SHIPPING LTD. (f.k.a. MONTENEGRO OCEAN SHIPPING), Valletta, Malta, c/o Milena Ship Management Co. Ltd., Masons Building, 86, The Strand, Sliema, Malta [FRY S&M]
SWAN LAUNDRY AND DRY CLEANING COMPANY, LTD., 55, Racecourse Street, Marsa, Malta [LIBYA]

Mauritania

BALM (a.k.a. BANQUE ARABE LIBYENNE MAURITANIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT), Jamal Abdulnasser Street, P.O. Box 262, Nouakchott, Mauritania [LIBYA]
BANQUE ARABE LIBYENNE MAURITANIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALM), Jamal Abdulnasser Street, P.O. Box 262, Nouakchott, Mauritania [LIBYA]
EL–FIGHI, El Hadi M., Jamal Abdulnasser Street, P.O. Box 262, Nouakchott, Mauritania (individual) [LIBYA]
SALIMAUREM (a.k.a. SOCIETE ARABE LIBYENNE MAURITANIENNE DES RESSOURCES MARITIMES), Nouadhibou, Mauritania [LIBYA]
SOCIETE ARABE LIBYENNE MAURITANIENNE DES RESSOURCES MARITIMES (a.k.a. SALIMAUREM), Nouadhibou, Mauritania [LIBYA]

Mexico

CASA DE CUBA, Mexico; Spain [CUBA]
CIMEX, Emerson No. 148 Piso 7, 11570 Mexico, D.F., Mexico [CUBA]
CUBACANCUN CIGARS AND GIFT SHOPS, Cancun, Mexico [CUBA]
CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Mexico [CUBA]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Melchor Ocampo 469, 5DF Mexico City, Mexico [CUBA]
CUBANATUR, Baja California 255, Edificio B. Oficina 103, Condesa 06500, Mexico, D.F., Mexico [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Mexico [CUBA]
CUMEXINT, S.A., 1649 Adolfo Prieto, Colonia del Valle, Mexico City, Mexico [CUBA]
DE FRANCE, Naomi A., Cubanatur, Baja California 255, Edificio B., Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]
DOMINGUEZ, Carlos, Vinales Tours, Oaxaca 80, Roma, Mexico, D.F., Mexico (individual) [CUBA]
EGGLETON, Wilfred, Director General, Cubanatur, Baja California 255, Edificio B., Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Melchor Ocampo 469, 5DF Mexico City, Mexico [CUBA]
EXPORTADORA DEL CARIBE, Medira, Mexico [CUBA]
FUENTES, Fernando (COBA), Cozumel, Mexico (individual) [CUBA]
GARCIA, Daniel, Manager, Promociones Artisticas (PROARTE), Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06100, Mexico, D.F., Mexico (individual) [CUBA]
GUTIERREZ REYES, Jose, Vinales Tours, Oaxaca 80, Roma, Mexico, D.F., Mexico (individual) [CUBA]
INSTALACIONES INDUSTRIALES PENINSULARES, Calle 35 No. 498–A, ZP 97, Merida, Mexico [CUBA]
LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Mexico [CUBA]
ORTIZ, Guadalupe, Cubanatur, Baja California 255, Edificio B, Oficina 103, Condesa 06500, Mexico, D.F., Mexico (individual) [CUBA]
PONCE DE LEON, Lazaro (GOMEZ), Medira, Mexico (individual) [CUBA]
PRELASA, Mexico [CUBA]
PROARTE (a.k.a. PROMOCIONES ARTISTICAS), Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06l00, Mexico, D.F., Mexico [CUBA]
PROMOCIONES ARTISTICAS (a.k.a. PROARTE), Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06l00, Mexico, D.F., Mexico [CUBA]
SANTO, Anabel, Avenida Insurgentes Sur No. 421, Bloque B Despacho 404, C.P. 06100, Mexico, D.F., Mexico (individual) [CUBA]
VINALES TOURS, Cancun, Mexico [CUBA]
VINALES TOURS, Guadalajara, Mexico [CUBA]
VINALES TOURS, Mexico City, Mexico [CUBA]
VINALES TOURS, Monterey, Mexico [CUBA]
VINALES TOURS, Roma, Mexico [CUBA]
YAM, Melvia Isabel Gallegos, Merida, Mexico (individual) [CUBA]

Monaco

TAMOIL TRADING LTD. (f.k.a. TAMOIL [UK] LTD.), 24 Boulevard Princess Charlotte, Monte Carlo, Monaco [LIBYA]
TAMOIL [UK] LTD. (n.k.a. TAMOIL TRADING LTD.), 24 Boulevard Princess Charlotte, Monte Carlo, Monaco [LIBYA]

Mongolia

GENERALEXPORT ULAN BATOR, 6 Mikrorajon, Dom 41, Kvartira 9/4, Ulan Bator, Mongolia [FRY S&M]

Morocco

AD–DAR AL JAMAHIRIYA FOR PUBLISHING DISTRIBUTION & ADVERTISING, P.O. Box 15977, Casablanca, Morocco [LIBYA]
IRAQI AIRWAYS, Casablanca, Morocco [IRAQ]
SIAF SA, 11, rue du C Beaux, Casablanca, Morocco [FRY S&M]

Netherlands

COTRA BV, J Luykenstraat 12 3HG, 1071 CM Amsterdam, Netherlands [FRY S&M]
CUBAN FREIGHT ENTERPRISE (a.k.a. CUFLET; a.k.a. LA EMPRESA CUBANA DE FLETES), Rotterdam, Netherlands [CUBA]
CUFLET (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. LA EMPRESA CUBANA DE FLETES), Rotterdam, Netherlands [CUBA]
CUREF METAL PROCESSING BV, Boezembolcht 23, Rotterdam, Netherlands [CUBA]
HEMCL (a.k.a. HOLBORN EUROPEAN MARKETING COMPANY LIMITED), Hofplein 33, 3011 AJ Rotterdam, Netherlands [LIBYA]
HOLBORN EUROPEAN MARKETING COMPANY LIMITED (a.k.a. HEMCL), Hofplein 33, 3011 AJ Rotterdam, Netherlands [LIBYA]
IRAQI AIRWAYS, Netherlands [IRAQ]
LA EMPRESA CUBANA DE FLETES (a.k.a. CUBAN FREIGHT ENTERPRISE; a.k.a. CUFLET), Rotterdam, Netherlands [CUBA]
LAFITRADE HOLDINGS BV, P.O. Box 75265, 1070 AG Amsterdam, Netherlands; De Lairessestraat 133, 1075 HJ Amsterdam, Netherlands [LIBYA]
MOBIL OIL LIBYA, LTD. (n.k.a. VEBA OIL LIBYA GMBH; n.k.a. VEBA OIL LIBYAN BRANCH; n.k.a. VEBA OIL OPERATIONS B.V.), The Hague, Netherlands (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
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OILINVEST (NETHERLANDS) B.V. (a.k.a. OILINVEST HOLLAND B.V.), Museumpln 11, 1071 DJ Amsterdam, Netherlands [LIBYA]
OILINVEST HOLLAND B.V. (a.k.a. OILINVEST (NETHERLANDS) B.V.), Museumpln 11, 1071 DJ Amsterdam, Netherlands [LIBYA]
VEBA OIL LIBYA GMBH (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYAN BRANCH; a.k.a. VEBA OIL OPERATIONS B.V.), The Hague, Netherlands (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
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VEBA OIL OPERATIONS B.V. (f.k.a. MOBIL OIL LIBYA, LTD.; a.k.a. VEBA OIL LIBYA GMBH; a.k.a. VEBA OIL LIBYAN BRANCH), The Hague, Netherlands (Designation applies only to joint venture located in Libya and office located in the Netherlands) [LIBYA]
YUGOTOURS B.V., Buikslotermeerplein 6, 1025 EX Amsterdam, Netherlands [FRY S&M]

Netherlands Antilles

FOREIGN PETROLEUM INVESTMENT CORPORATION (a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Netherlands Antilles [LIBYA]
LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. OIIC; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Netherlands Antilles [LIBYA]
OIIC (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OILINVEST; a.k.a. OILINVEST INTERNATIONAL N.V.), Netherlands Antilles [LIBYA]
OILINVEST (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST INTERNATIONAL N.V.), Netherlands Antilles [LIBYA]
OILINVEST INTERNATIONAL N.V. (a.k.a. FOREIGN PETROLEUM INVESTMENT CORPORATION; a.k.a. LIBYAN OIL INVESTMENTS INTERNATIONAL COMPANY; a.k.a. OIIC; a.k.a. OILINVEST), Netherlands Antilles [LIBYA]

Nicaragua

AEROTAXI EJECUTIVO, S.A., Managua, Nicaragua [CUBA]

Niger

BALINEX (a.k.a. BANQUE ARABE LIBYENNE NIGERIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. BANQUE COMMERCIALE DU NIGER; a.k.a. BCN), P.O. Box 11363, Niamey, Niger [LIBYA]
BANQUE ARABE LIBYENNE NIGERIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT (a.k.a. BALINEX; a.k.a. BANQUE COMMERCIALE DU NIGER; a.k.a. BCN), P.O. Box 11363, Niamey, Niger [LIBYA]
BANQUE COMMERCIALE DU NIGER (a.k.a. BALINEX; a.k.a. BANQUE ARABE LIBYENNE NIGERIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. BCN), P.O. Box 11363, Niamey, Niger [LIBYA]
BCN (a.k.a. BALINEX; a.k.a. BANQUE ARABE LIBYENNE NIGERIENNE POUR LE COMMERCE EXTERIEUR ET LE DEVELOPPEMENT; a.k.a. BANQUE COMMERCIALE DU NIGER), P.O. Box 11363, Niamey, Niger [LIBYA]
SOCIETE ARABE LIBYO–NIGERE POUR LE DEVELOPPEMENT ET LA COMMERCIALISATION DES PRODUITS AGRICOLES, Niamey, Niger [LIBYA]

Nigeria

NIGERIAN ENGINEERING AND CONSTRUCTION CO. LTD., Ebute–Metta, Lagos, Nigeria [FRY S&M]

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JUGOSKANDIA AB, Raadhusgt 17, 0158 Oslo 1, Norway [FRY S&M]

Pakistan

PAK–LIBYAN HOLDING COMPANY LTD., Karachi, Pakistan [LIBYA]

Panama

ABASTECEADORA NAVAL Y INDUSTRIAL, S.A. (a.k.a. ANAINSA), Panama [CUBA]
ABDELNUR, Nury de Jesus, Panama (individual) [CUBA]
AGENCIA DE VIAJES GUAMA (a.k.a. GUAMA TOUR; a.k.a. GUAMATUR, S.A.; a.k.a. VIAJES GUAMA TOURS), Bal Harbour Shopping Center, Via Italia, Panama City, Panama [CUBA]
AIMOROS SHIPPING CO. LTD. (a.k.a. AIRMORES SHIPPING CO. LTD.), c/o MELFI MARINE CORPORATION S.A., Oficina 7, Edificio Senorial, Calle 50, Apartado 31, Panama City 5, Panama [CUBA]
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ALFONSO, Carlos (a.k.a. GONZALEZ, Carlos Alfonso), Panama (individual) [CUBA]
ALVAREZ, Manuel (AGUIRRE), Panama (individual) [CUBA]

ANAINSA (a.k.a. ABASTECEADORA NAVAL Y INDUSTRIAL, S.A.), Panama [CUBA]
ANGELINI, Alejandro Abood, Panama (individual) [CUBA]
AVALON, S.A., Colon Free Zone, Panama [CUBA]
AZRAK S.A., Panama [CUBA]
BANCO NACIONAL DE CUBA (a.k.a. BNC; a.k.a. NATIONAL BANK OF CUBA), Federico Boyd Avenue & 51 Street, Panama City, Panama [CUBA]
BATISTA, Miguel, Panama (individual) [CUBA]
BEWELL CORPORATION, INC., Panama [CUBA]
BNC (a.k.a. BANCO NACIONAL DE CUBA; a.k.a. NATIONAL BANK OF CUBA), Federico Boyd Avenue & 51 Street, Panama City, Panama [CUBA]
BOUTIQUE LA MAISON, 42 Via Brasil, Panama City, Panama [CUBA]
CABALLERO, Roger Montanes (a.k.a. DOOLEY, Roger Edward; a.k.a. MONTANES, Roger), Panama (individual) [CUBA]
CARBONICA, S.A., Panama [CUBA]
CARIBBEAN HAPPY LINES (a.k.a. CARIBBEAN HAPPY LINES CO.), Panama [CUBA]
CARIBBEAN HAPPY LINES CO. (a.k.a. CARIBBEAN HAPPY LINES), Panama [CUBA]
CARIBSUGAR, S.A., Panama [CUBA]
CARISUB, S.A., Panama [CUBA]
CASA DEL REPUESTO, Panama City, Panama [CUBA]
CASTELL, Osvaldo Antonio (VALDEZ), Panama (individual) [CUBA]
CECOEX, S.A., Panama City, Panama [CUBA]
CHAMET IMPORT, S.A., Panama [CUBA]
CIMEX, S.A., Panama [CUBA]
COLL, Gabriel (PRADO), Panama (individual) [CUBA]
COLON, Eduardo (BETANCOURT), Panama (individual) [CUBA]
COLONY TRADING, S.A., Panama [CUBA]
COMERCIAL CIMEX, S.A., Panama [CUBA]
COMERCIAL MURALLA, S.A. (a.k.a. MURALLA, S.A.), Panama City, Panama [CUBA]
COMPANIA DE COALICION DEL COMERCIO DE COREA, S.A., Panama [NKOREA]
COMPANIA PESQUERA INTERNACIONAL, S.A., Panama [CUBA]
CONTEX, S.A., Panama [CUBA]
CORPORACION CIMEX, S.A., Panama [CUBA]
CUBANA AIRLINES (a.k.a. EMPRESA CUBANA DE AVIACION), Calle 29 y Avda Justo Arosemena, Panama City, Panama [CUBA]
CUENCA, Ramon Cesar, Panama [CUBA]
DELGADO, Antonio (ARSENIO), Panama (individual) [CUBA]
DEPROSA, S.A. (a.k.a. DESARROLLO DE PROYECTOS, S.A.), Panama City, Panama [CUBA]
DESARROLLO DE PROYECTOS, S.A. (a.k.a. DEPROSA, S.A.), Panama City, Panama [CUBA]
DOOLEY, Michael P., Panama (individual) [CUBA]
DOOLEY, Roger Edward (a.k.a. CABALLERO, Roger Montanes; a.k.a. MONTANES, Roger), Panama (individual) [CUBA]
DUQUE, Carlos Jaen, Panama (individual) [CUBA]
ECHEVERRI, German, Panama (individual) [CUBA]
EDYJU, S.A., Panama [CUBA]
EMPRESA CUBANA DE AVIACION (a.k.a. CUBANA AIRLINES), Calle 29 y Avda Justo Arosemena, Panama City, Panama [CUBA]
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FACOBATA, Panama [CUBA]
FAMESA INTERNATIONAL, S.A., Panama [CUBA]
FRUNI TRADING CO., c/o MELFI MARINE CORPORATION S.A., Oficina 7, Edificio Senorial, Calle 50, Apartado 31, Panama City 5, Panama [CUBA]
GALLO IMPORT, Panama [CUBA]
GARCIA SANTAMARINA DE LA TORRE, Alfredo Rafael (a.k.a. SANTAMARINA DE LA TORRE, Rafael Garcia), Panama (individual) [CUBA]
GLOBAL MARINE OVERSEAS, INC., Panama [CUBA]
GONZALEZ, Carlos Alfonso (a.k.a. ALFONSO, Carlos), Panama (individual) [CUBA]
GUACA EXPORT, Panama [CUBA]
GUAMA TOUR (a.k.a. AGENCIA DE VIAJES GUAMA; a.k.a. GUAMATUR, S.A.; a.k.a. VIAJES GUAMA TOURS), Bal Harbour Shopping Center, Via Italia, Panama City, Panama [CUBA]
GUAMATUR, S.A. (a.k.a. AGENCIA DE VIAJES GUAMA; a.k.a. GUAMA TOUR; a.k.a. VIAJES GUAMA TOURS), Bal Harbour Shopping Center, Via Italia, Panama City, Panama [CUBA]
HAVANATUR, S.A., Panama City, Panama [CUBA]
HAVINPEX, S.A. (a.k.a. TRANSOVER, S.A.), Panama City, Panama [CUBA]
HAYA, Francisco, Panama (individual) [CUBA]
HERMANN SHIPPING CORP., INC., Panama [CUBA]
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IMPRISA, S.A., Panama [CUBA]
INTERCONSULT, Panama [CUBA]
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INTERNATIONAL TRANSPORT CORPORATION, Colon Free Zone, Panama [CUBA]
INVERSIONES LUPAMAR, S.A. (a.k.a. LUPAMAR INVESTMENT COMPANY), Panama [CUBA]
IPESCO (a.k.a. INTERNATIONAL PETROLEUM, S.A.), Colon Free Zone, Panama [CUBA]
JIMINEZ, Gillermo (SOLER), Panama (individual) [CUBA]
KAVE, S.A., Panama [CUBA]
LAKSHMI, Panama [CUBA]
LEYBDA CORPORATION, S.A., Panama [CUBA]
LITALIA SHIPPING S.A., Panama City, Panama; c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia [FRY S&M]
LOBATO, Julio (a.k.a. PRADO, Julio), Panama (individual) [CUBA]
LOUTH HOLDINGS, S.A., Panama [CUBA]
LUPAMAR INVESTMENT COMPANY (a.k.a. INVERSIONES LUPAMAR, S.A.), Panama [CUBA]
MANZPER CORP., Panama [CUBA]
MARINE REGISTRATION COMPANY, Panama [CUBA]
MARISCO (or MARISCOS) DE FARALLON, S.A., Panama [CUBA]
MARKETING ASSOCIATES CORPORATION, Calle 52 E, Campo Alegre, Panama City, Panama [CUBA]
MEDINA, Ana Maria or Anita, Panama (individual) [CUBA]
MERCURIUS IMPORT/EXPORT COMPANY, PANAMA, S.A., Calle C, Edificio 18, Box 4048, Colon Free Zone, Panama [CUBA]
MIDCO FINANCE S.A. (a.k.a. MIDCO FINANCIAL S.A.; a.k.a. MONTANA MANAGEMENT INC.), c/o Morgan & Morgan, Edificio Torre Swiss Bank, Piso 16, Calle 53 Este, Marbella, Panama City, Panama [IRAQ]
MIDCO FINANCIAL S.A. (a.k.a. MIDCO FINANCE S.A.; a.k.a. MONTANA MANAGEMENT INC.), c/o Morgan & Morgan, Edificio Torre Swiss Bank, Piso 16, Calle 53 Este, Marbella, Panama City, Panama [IRAQ]
MONET TRADING COMPANY, Panama [CUBA]
MONTANA MANAGEMENT INC. (a.k.a. MIDCO FINANCE S.A.; a.k.a. MIDCO FINANCIAL S.A.), c/o Morgan & Morgan, Edificio Torre Swiss Bank, Piso 16, Calle 53 Este, Marbella, Panama City, Panama [IRAQ]
MONTANES, Roger (a.k.a. CABALLERO, Roger Montanes; a.k.a. DOOLEY, Roger Edward), Panama (individual) [CUBA]
MONTANEZ, Michael, Panama (individual) [CUBA]
MOONEX INTERNATIONAL, S.A., Panama [CUBA]
MURALLA, S.A. (a.k.a. COMERCIAL MURALLA, S.A.), Panama City, Panama [CUBA]
NATIONAL BANK OF CUBA (a.k.a. BANCO NACIONAL DE CUBA; a.k.a. BNC), Federico Boyd Avenue & 51 Street, Panama City, Panama [CUBA]
NORIEGA, Manuel Antonio, Panama (individual) [CUBA]
ORTEGA, Dario (PINA), Edificio Saldivar, Panama City, Panama (individual) [CUBA]
PADRON, Amado (TRUJILLO), Panama (individual) [CUBA]
PANAMERICAN IMPORT AND EXPORT COMMERCIAL CORPORATION, Panama [CUBA]
PANOAMERICANA, Panama [CUBA]
PENA, Jose (TORRES), Panama (individual) [CUBA]
PENA, Victor, Panama (individual) [CUBA]
PEREZ, Alfonso, Panama (individual) [CUBA]
PEREZ, Manuel Martin, Panama (individual) [CUBA]
PEREZ, Osvaldo (CRUZ), Panama (individual) [CUBA]
PESCADOS Y MARISCOS DE PANAMA, S.A. (a.k.a. PESMAR (or PEZMAR), S.A.), Panama City, Panama [CUBA]

PESMAR (or PEZMAR), S.A. (a.k.a. PESCADOS Y MARISCOS DE PANAMA, S.A.), Panama City, Panama [CUBA]
PIRAMIDE INTERNATIONAL, Panama [CUBA]
PONS, Alberto, Executive Representative, Banco Nacional de Cuba, Federico Boyd Avenue & 51 Street, Panama City, Panama (Licensed pending removal by FAC) (individual) [CUBA]
PRADO, Julio (a.k.a. LOBATO, Julio), Panama (individual) [CUBA]
PRESA, S.A., Panama [CUBA]
RADIO SERVICE, S.A., Panama [CUBA]
RECICLAJE INDUSTRIAL, S.A., Panama [CUBA]
RENT–A–CAR, S.A., Panama [CUBA]
REYES, Guillermo (VERGARA), Panama City, Panama (individual) [CUBA]
ROCHA, Antonio, Panama City, Panama (individual) [CUBA]
RODRIQUEZ, Jesus (BORGES or BORJES), Panama (individual) [CUBA]
ROMEO, Charles (a.k.a. ROMEO, Charles Henri Robert), Panama (individual) [CUBA]
ROMEO, Charles Henri Robert (a.k.a. ROMEO, Charles), Panama (individual) [CUBA]
ROQUE, Roberto (PEREZ), Panama (individual) [CUBA]
RUIZ, Ramon Miguel (POO), Panama (individual) [CUBA]
SANTAMARINA DE LA TORRE, Rafael Garcia (a.k.a. GARCIA SANTAMARINA DE LA TORRE, Alfredo Rafael), Panama (individual) [CUBA]
SERVIMPEX, S.A., Panama [CUBA]
SERVINAVES, S.A., Panama [CUBA]
SHIPLEY SHIPPING CORP., Panama [CUBA]
SIBONEY INTERNACIONAL, S.A., Edificio Balmoral, 82 Via Argentina, Panama City, Panama [CUBA]
SIEIRO DE NORIEGA, Felicidad, Panama (individual) [CUBA]
SUPLIDORA LATINO AMERICANA, S.A. (a.k.a. SUPLILAT, S.A.), Panama City, Panama [CUBA]
SUPLILAT, S.A. (a.k.a. SUPLIDORA LATINO AMERICANA, S.A.), Panama City, Panama [CUBA]
TALLER DE REPARACIONES NAVALES, S.A. (a.k.a. TARENA, S.A.), Panama City, Panama [CUBA]
TARENA, S.A. (a.k.a. TALLER DE REPARACIONES NAVALES, S.A.), Panama City, Panama [CUBA]
TECHNIC DIGEMEX CORP., Calle 34 No. 4–50, Office 301, Panama City, Panama [CUBA]
TECHNIC HOLDING INC., Calle 34 No. 4–50, Office 301, Panama City, Panama [CUBA]
TEMIS SHIPPING CO., Panama [CUBA]
TORRES, Manuel, Representative, Banco Nacional de Cuba, Federico Boyd Avenue & 51 Street, Panama City, Panama (individual) [CUBA]
TOSCO, Arnaldo (GARCIA), Panama (individual) [CUBA]
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TREVISO TRADING CORPORATION, Edificio Banco de Boston, Panama City, Panama [CUBA]
TROBER, S.A. (a.k.a. TROVER, S.A.), Edificio Saldivar, Panama City, Panama [CUBA]
TROVER, S.A. (a.k.a. TROBER, S.A.), Edificio Saldivar, Panama City, Panama [CUBA]
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VIAJES GUAMA TOURS (a.k.a. AGENCIA DE VIAJES GUAMA; a.k.a. GUAMA TOUR; a.k.a. GUAMATUR, S.A.), Bal Harbour Shopping Center, Via Italia, Panama City, Panama [CUBA]
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Sri Lanka

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St. Vincent and the Grenadines

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ANO (a.k.a. ABU NIDAL ORGANIZATION; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS), Algeria; Iraq; Lebanon; Libya; Sudan [SDT]
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EL–KHALLAS, Kamel, Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]

GENERALEXPORT ISTANBUL (a.k.a. GENERALEXPORT LIAISON OFFICE), Dag. Apt. Daire No. 10, Cumhuriyet Cad. No. 10, Elmadag, Istanbul, Turkey [FRY S&M]

GENERALEXPORT LIAISON OFFICE (a.k.a. GENERALEXPORT ISTANBUL), Dag. Apt. Daire No. 10, Cumhuriyet Cad. No. 10, Elmadag, Istanbul, Turkey [FRY S&M]

GHADBAN, Mohammed Mustafa, Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]

IRAQI AIRWAYS, Ankara, Turkey [IRAQ]

JOINT TURKISH LIBYAN AGRICULTURAL LIVESTOCK COMPANY, Ankara, Turkey [LIBYA]

METALCHEM DIS TICARET LTD, Iskele Cadd., Iskele Arkasi, Sokak No 13 (Cami Yani), Uskudar–Salacak, Istanbul, Turkey [FRY S&M]

SHALLOUF, Farag Al Amin, P.O. Box 9575/11, 1st Floor, Piccadily Centre, Hamra Street, Beirut, Lebanon; Vali Conagi Cad. No. 10, 80200 Nisantasi, P.O. Box 380, 802323 Sisli, Istanbul, Turkey (individual) [LIBYA]

SHARIF, Bashir M., Vali Konagi Cad. No. 10, 80200 Nistantas, Istanbul, Turkey (individual) [LIBYA]

TURKISH–LIBYAN JOINT MARITIME TRANSPORT STOCK COMPANY (a.k.a. TURLIB), Kemeralti Caddesi 99, 80020 Karakoy, Istanbul, Turkey [LIBYA]

TURLIB (a.k.a. TURKISH–LIBYAN JOINT MARITIME TRANSPORT STOCK COMPANY), Kemeralti Caddesi 99, 80020 Karakoy, Istanbul, Turkey [LIBYA]

Uganda

LIBYAN ARAB UGANDA BANK FOR FOREIGN TRADE AND DEVELOPMENT (n.k.a. TROPICAL AFRICAN BANK LIMITED), P.O. Box 9485, Kampala, Uganda [LIBYA]

LIBYAN ARAB UGANDA HOLDING CO. LTD. (a.k.a. UGANDA LIBYAN HOLDING CO. LTD.), Kampala, Uganda [LIBYA]

TROPICAL AFRICAN BANK LIMITED (f.k.a. LIBYAN ARAB UGANDA BANK FOR FOREIGN TRADE AND DEVELOPMENT), P.O. Box 9485, Kampala, Uganda [LIBYA]
UGANDA LIBYAN HOLDING CO. LTD. (a.k.a. LIBYAN ARAB UGANDA HOLDING CO. LTD.), Kampala, Uganda [LIBYA]

Ukraine

B K HOLDING ZAPOROZHYE (a.k.a. B K HOLDING ZAPOROZJE), Prospekt Lenina, 181, kv. 35, Zaporozhye 330006, Ukraine [FRY S&M]
B K HOLDING ZAPOROZJE (a.k.a. B K HOLDING ZAPOROZHYE), Prospekt Lenina, 181, kv. 35, Zaporozhye 330006, Ukraine [FRY S&M]
GENERALEXPORT KIEV, Kiev, Ukraine [FRY S&M]
PRELIC, M., Vul. Prorizna 13, POM. 06, Kiev, Ukraine (Address of EAST POINT HOLDINGS) (individual) [FRY S&M]
SP DNJEPRO–KARIC (a.k.a. SP DNYEPRO–KARIC), ul. Nabareznaya Lenina 33, kom 313, Dnyepropetrovsk, 320081, Ukraine [FRY S&M]
SP DNJEPROMETALIN (a.k.a. SP DNYEPROMETALIN), ul. Artelyinaya 10, Dnyepropetrovsk, 320081, Ukraine [FRY S&M]
SP DNYEPRO–KARIC (a.k.a. SP DNJEPRO–KARIC), ul. Nabareznaya Lenina 33, kom 313, Dnyepropetrovsk, 320081, Ukraine [FRY S&M]
SP DNYEPROMETALIN (a.k.a. SP DNJEPROMETALIN), ul. Artelyinaya 10, Dnyepropetrovsk, 320081, Ukraine [FRY S&M]

United Arab Emirates

ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Al Masood Building, Khalifa Street, P.O. Box 7588, Abu Dhabi, United Arab Emirates [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Head Office, ARBIFT Building, Sheikh Hamdan Street, P.O. Box 2484, Abu Dhabi, United Arab Emirates [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), Khalfan Bin Rakan Building, Khalifa Street, P.O. Box 16003, Al Ain, United Arab Emirates [LIBYA]
ARAB BANK FOR INVESTMENT AND FOREIGN TRADE (a.k.a. ARBIFT), ARBIFT Tower, Baniyas Street, P.O. Box 5549, Deira, Dubai, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), ARBIFT Tower, Baniyas Street, P.O. Box 5549, Deira, Dubai, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Al Masood Building, Khalifa Street, P.O. Box 7588, Abu Dhabi, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Head Office, ARBIFT Building, Sheikh Hamdan Street, P.O. Box 2484, Abu Dhabi, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Khalfan Bin Rakan Building, Khalifa Street, P.O. Box 16003, Al Ain, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Al Masood Building, Khalifa Street, P.O. Box 7588, Abu Dhabi, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Head Office, ARBIFT Building, Sheikh Hamdan Street, P.O. Box 2484, Abu Dhabi, United Arab Emirates [LIBYA]
ARBIFT (a.k.a. ARAB BANK FOR INVESTMENT AND FOREIGN TRADE), Khalfan Bin Rakan Building, Khalifa Street, P.O. Box 16003, Al Ain, United Arab Emirates [LIBYA]
IRAQI AIRWAYS, Abu Dhabi, United Arab Emirates [IRAQ]
IRAQI TRADE CENTER, Dubai, United Arab Emirates [IRAQ]
NATIONAL GENERAL INSURANCE CO. LTD., Salah Aldin Al Ayubi Street, Deira–Dubai, United Arab Emirates [NKOREA]
OMEISH, Ramadan M., Tripoli, Libya; Abu Dhabi, United Arab Emirates (individual) [LIBYA]
RAFIDAIN BANK, Sheikh Khalifa Street, P.O. Box 2727, Abu Dhabi, United Arab Emirates [IRAQ]
ZLITNI, Dr. Abdul Hafid Mahmoud, Abu Dhabi, United Arab Emirates (individual) [LIBYA]

United States of America

AGENCIA d.d., New York, U.S.A. [FRY S&M]
AHMAD, Abu (a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]
AHMED, Abu (a.k.a. AHMAD, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]
AMERICAN AIR WAYS CHARTERS, INC., 1840 West 49th Street, Hialeah, Florida, U.S.A. [CUBA]
AMEROPA MERCHANDISING CORP., East Rockaway, New York, U.S.A. [FRY S&M]
AVRAMOVIC, Dragoslav, Governor of National Bank of Yugoslavia, Bulevar Revolucije 15, 11000 Belgrade, Serbia; 13200 Cleveland Drive, Rockville, Maryland, U.S.A. (DOB 14 Oct 19) (individual) [FRY S&M]
BAY INDUSTRIES, INC., 10100 Santa Monica Boulevard, Santa Monica, California, U.S.A. [IRAQ]
CENTROTEXTIL INC., New York, New York, U.S.A. [FRY S&M]
FERROUS EAST CORPORATION, Elizabeth, New Jersey, U.S.A. [FRY S&M]
FURNITURE AMERICANA, Hackensack, New Jersey, U.S.A. [FRY S&M]
GENERAL IKL CORPORATION, Blauvelt, New York, U.S.A. [FRY S&M]
HAVANATUR, S.A., Hialeah, Florida, U.S.A. [CUBA]
I.P.T. COMPANY, INC., Warminster, Pennsylvania, U.S.A. [FRY S&M]
IMPEX OVERSEAS CORPORATION, New York, New York, U.S.A. [FRY S&M]
INEXAMER COMMERCIAL CORPORATION, New York, New York, U.S.A. [FRY S&M]
INTERPROGRESS TRADING CORPORATION, New York, New York, U.S.A. [FRY S&M]
IRAQI AIRWAYS, 1211 Avenue of the Americas, New York, New York 10036, U.S.A. [IRAQ]
IRAQI AIRWAYS, 25040 Southfield Road, Southfield, Michigan 48075, U.S.A. [IRAQ]
IRAQI AIRWAYS, 5825 W. Sunset Blvd., ւ218, Los Angeles, California 90028, U.S.A. [IRAQ]
IRAQI AIRWAYS, Building 68, J.F.K. International Airport, Jamaica, New York 11430, U.S.A. [IRAQ]
KOL INVESTMENTS, INC., Miami, Florida, U.S.A. [CUBA]
MATRIX CHURCHILL CORPORATION, 5903 Harper Road, Cleveland, Ohio 44139, U.S.A. [IRAQ]
METALCHEMICAL COMMERCIAL CORPORATION, New York, New York, U.S.A. [FRY S&M]
NAMAN, Saalim or Sam, P.O. Box 39, Fletchamstead Highway, Coventry, England; Iraq; Amman, Jordan; 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania, U.S.A.; 5903 Harper Road, Solon, OH, U.S.A.; 3343 Woodview Lake Road, West Bloomfield, Michiga 48323, U.S.A. (individual) [IRAQ]
SALAH, Mohammad Abd El–Hamid Khalil (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abdel Hamid Halil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

SALAH, Mohammad Abdel Hamid Halil (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Muhammad A.), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

SALAH, Muhammad A. (a.k.a. AHMAD, Abu; a.k.a. AHMED, Abu; a.k.a. SALAH, Mohammad Abd El–Hamid Khalil; a.k.a. SALAH, Mohammad Abdel Hamid Halil), 9229 South Thomas, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2578, Bridgeview, Illinois 60455, U.S.A.; P.O. Box 2616, Bridgeview, Illinois 60455–661, U.S.A.; Israel (DOB 5/30/53, SSN 342–52–7612, passport no. 024296248 (U.S.A.).) (individual) [SDT]

SEVOJNO OVERSEAS CORPORATION, Englewood, New Jersey, U.S.A. [FRY S&M]

TIGAR AMERICA, Jacksonville, Florida, U.S.A. [FRY S&M]

TIGRIS TRADING, INC., 5903 Harper Road, Solon, Ohio 44139, U.S.A. [IRAQ]

TIGRIS TRADING, INC., 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania 15219, U.S.A. [IRAQ]

TRAVEL SERVICES, INC., Hialeah, Florida, U.S.A. [CUBA]

YUGOEXPORT, New York, New York, U.S.A. [FRY S&M]

Uzbekistan

B K HOLDING TASHKENT, ul. May. d.85, Tashkent, Uzbekistan [FRY S&M]

GENERALEXPORT TASHKENT, Tashkent, Uzbekistan [FRY S&M]

Venezuela

COMPANIA FENIX INTERNACIONAL, S.A., Caracas, Venezuela [CUBA]

SIBONEY INTERNACIONAL, S.A., Venezuela [CUBA]

West Bank Territories

HAMAS (a.k.a. ISLAMIC RESISTANCE MOVEMENT), Gaza; Jordan; West Bank Territories [SDT]

ISLAMIC RESISTANCE MOVEMENT (a.k.a. HAMAS), Gaza; Jordan; West Bank Territories [SDT]

Yemen Arab Republic

IRAQI AIRWAYS, Sanaa, Yemen Arab Republic [IRAQ]

RAFIDAIN BANK, P.O. Box 10023, Sanaa, Yemen Arab Republic [IRAQ]

Zambia

INTEREXPORT COMPANY LTD., Mutende Road, Woodlands Residential Area, Lusaka, Zambia [FRY S&M]

UNITED CONSULTING CO. LTD., Cester Ho, Third Fl., Lusaka, Zambia [FRY S&M]

ZAMBIA ENGINEERING AND CONTRACTING CO., Zecco Bldg. Mukwa Road, Lusaka, Zambia [FRY S&M]

Multiple or Unknown Locations

ABBAS, Abu (a.k.a. ZAYDAN, Muhammad), Director of PALESTINE LIBERATION FRONT – ABU ABBAS FACTION (DOB 10 Dec 1948) (individual) [SDT]

ABRAMOVIC, Miroslava (DOB 20 Feb 1956. Moves from country to country) (individual) [FRY S&M]

ABU–'UMAR (a.k.a. ABU MARZOOK, Mousa Mohammed; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZOOK, Mousa Mohamed Abou; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

ABU MARZOOK, Mousa Mohammed (a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZOOK, Mousa Mohamed Abou; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

ABU–MARZUQ, Dr. Musa (a.k.a. ABU MARZOOK, Mousa Mohammed; a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZOOK, Mousa Mohamed Abou; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

ABU–MARZUQ, Sa'id (a.k.a. ABU MARZOOK, Mousa Mohammed; a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. MARZOOK, Mousa Mohamed Abou; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

AGRICULTURAL BANK, THE (a.k.a. LIBYAN AGRICULTURAL BANK; a.k.a. NATIONAL AGRICULTURAL BANK OF LIBYA) (1 city branch and 27 branches in Libya) [LIBYA]

AGROBANKA BELGRADE (All offices worldwide) [FRY S&M]

AL BANNA, Sabri Khalil Abd Al Qadir (a.k.a. NIDAL, Abu), Founder and Secretary General of ABU NIDAL ORGANIZATION (DOB May 1937 or 1940, POB Jaffa, Israel) (individual) [SDT]

AL RAHMAN, Shaykh Umar Abd, Chief Ideological Figure of ISLAMIC GAMA'AT (DOB 03 May 1938, POB Egypt) (individual) [SDT]

AL–SALIH, Muhammad Mahdi (a.k.a. SALEH, Mohammed Mahdi), Minister of Trade (DOB 1947) (individual) [IRAQ]

AL ZAWAHIRI, Dr. Ayman, Operational and Military Leader of JIHAD GROUP (DOB 19 Jun 1951, POB Giza, Egypt, Passport No. 1084010 (Egypt)) (individual) [SDT]

ASSOCIATED BANK OF KOSOVO (a.k.a. UDRUZENA KOSOVSKA BANKA) (All offices worldwide) [FRY S&M] including but not limited to: Rossmarkt 14/111, 6000 Frankfurt am Main 1, Germany [FRY S&M]; Schauenbergstrasse 8, 8046 Zurich, Switzerland [FRY S&M]

ASSOCIATED BELGRADE BANK (a.k.a. BEOBANKA, d.d.; a.k.a. BEOGRADSKA BANKA d.d.; a.k.a. UDRUZENA BEOGRADSKA BANKA) (All offices worldwide) [FRY S&M] including but not limited to: 38 Rue Ali Azil, Algiers, Algeria [FRY S&M]; Landestrasse–Hauptstrasse 1/III, 1030 Vienna, Austria [FRY S&M]; 40 Rue de l'Ecuyer, BTE 8, 1000 Brussels, Belgium [FRY S&M]; Sokolovska 93/2p, Prague 8–Karlin, Czech Republic [FRY S&M]; 108 Fenchurch Street, London LEC 3M 5 JJ, England [FRY S&M]; 71 Avenue des Champs–Elysees, 75008 Paris, France [FRY S&M]; Alt Moabit 74, 1000 Berlin 21, Germany [FRY S&M]; Lange Reihe 66, 2000 Hamburg 1, Germany [FRY S&M]; Drokstre Str. 14–16, 3000 Hannover 1, Germany [FRY S&M]; Karlstrasse 31, 4000 Dusseldorf 1, Germany [FRY S&M]; Kleine Budergasse 13, 5000 Koln 1, Germany [FRY S&M]; 85–93/IV Zeil, 6000 Frankfurt am Main, Germany [FRY S&M]; Tubingerstrasse 72,7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich 2, Germany [FRY S&M]; Piazza Velasca 5, Milan, Italy [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Damrak 28–30/IV, Amsterdam, Netherlands [FRY S&M]; Przedstawicielstwo, Aleje Roz 5, Warsaw, Poland [FRY S&M]; Kungsgaten 32/VI, P.O. Box 7592, 10393 Stockholm, Sweden [FRY S&M]; Uranis Strasse 14/III, 8001 Zurich, Switzerland [FRY S&M]; P.O. Box 3502, Harrare, Zimbabwe [FRY S&M]

AWDA, Abd Al Aziz, Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD – SHIQAQI (DOB 1946) (individual) [SDT]

BANK FOR DEVELOPMENT OF KOSOVO AND METOHIJA (All offices worldwide) [FRY S&M]

BANK FOR FOREIGN TRADE AD (a.k.a. JUGOBANKA; a.k.a. JUGOBANKA d.d.; a.k.a. YUGOBANKA) (All offices worldwide) [FRY S&M] including but not limited to: Argentinenstrasse 22/II/4–11, 1040 Vienna, Austria [FRY S&M]; Salisbury House, First Floor (Rooms 378–379), London, EC2M5RT, England [FRY S&M]; 25, Rue Lauriston, 75116 Paris, France [FRY S&M]; Kurfurstenstrasse 106/II, 1000 Berlin 30, Germany [FRY S&M]; Schledusenbruecke 1–4, 2000 Hamburg 36, Germany [FRY S&M]; Georgestrasse 36/3, 3000 Hannover, Germany [FRY S&M]; Klosterstrasse 34/I, 4000 Dusseldorf, Germany [FRY S&M]; Goether Strasse 2/II, 6000 Frankfurt am Main 1, Germany [FRY S&M]; c/o BFG M–7 m No 16–17, 6800 Mannheim, Germany [FRY S&M]; Koenigstrasse 54/8, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich, Germany [FRY S&M]; Am Plaerer 2, 8500 Nuremberg, Germany [FRY S&M]; c/o Yugoslav Chamber of Economy, Saadoun Str., Shalen Bldg., Baghdad, Iraq [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Singel 512, Amsterdam 1017 AX, Netherlands [FRY S&M]; Kungsgatan 55/3, 11122 Stockholm, Sweden [FRY S&M]; Zweierstrasse 169/1, 8003 Zurich, Switzerland [FRY S&M]

BEOBANKA, d.d. (a.k.a. ASSOCIATED BELGRADE BANK; a.k.a. BEOGRADSKA BANKA d.d.; a.k.a. UDRUZENA BEOGRADSKA BANKA) (All offices worldwide) [FRY S&M] including but not limited to: 38 Rue Ali Azil, Algiers, Algeria [FRY S&M]; Landestrasse–Hauptstrasse 1/III, 1030 Vienna, Austria [FRY S&M]; 40 Rue de l'Ecuyer, BTE 8, 1000 Brussels, Belgium [FRY S&M]; Sokolovska 93/2p, Prague 8–Karlin, Czech Republic [FRY S&M]; 108 Fenchurch Street, London LEC 3M 5 JJ, England [FRY S&M]; 71 Avenue des Champs–Elysees, 75008 Paris, France [FRY S&M]; Alt Moabit 74, 1000 Berlin 21, Germany [FRY S&M]; Lange Reihe 66, 2000 Hamburg 1, Germany [FRY S&M]; Drokstre Str. 14–16, 3000 Hannover 1, Germany [FRY S&M]; Karlstrasse 31, 4000 Dusseldorf 1, Germany [FRY S&M]; Kleine Budergasse 13, 5000 Koln 1, Germany [FRY S&M]; 85–93/IV Zeil, 6000 Frankfurt am Main, Germany [FRY S&M]; Tubingerstrasse 72, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich 2, Germany [FRY S&M]; Piazza Velasca 5, Milan, Italy [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Damrak 28–30/IV, Amsterdam, Netherlands [FRY S&M]; Przedstawicielstwo, Aleje Roz 5, Warsaw, Poland [FRY S&M]; Kungsgaten 32/VI, P.O. Box 7592, 10393 Stockholm, Sweden [FRY S&M]; Uranis Strasse 14/III, 8001 Zurich, Switzerland [FRY S&M]; P.O. Box 3502, Harrare, Zimbabwe [FRY S&M]

BEOGRADSKA BANKA d.d. (a.k.a. ASSOCIATED BELGRADE BANK; a.k.a. BEOBANKA, d.d.; a.k.a. UDRUZENA BEOGRADSKA BANKA) (All offices worldwide) [FRY S&M] including but not limited to: 38 Rue Ali Azil, Algiers, Algeria [FRY S&M]; Landestrasse–Hauptstrasse 1/III, 1030 Vienna, Austria [FRY S&M]; 40 Rue de l'Ecuyer, BTE 8, 1000 Brussels, Belgium [FRY S&M]; Sokolovska 93/2p, Prague 8–Karlin, Czech Republic [FRY S&M]; 108 Fenchurch Street, London LEC 3M 5 JJ, England [FRY S&M]; 71 Avenue des Champs–Elysees, 75008 Paris, France [FRY S&M]; Alt Moabit 74, 1000 Berlin 21, Germany [FRY S&M]; Lange Reihe 66, 2000 Hamburg 1, Germany [FRY S&M]; Drokstre Str. 14–16, 3000 Hannover 1, Germany [FRY S&M]; Karlstrasse 31, 4000 Dusseldorf 1, Germany [FRY S&M]; Kleine Budergasse 13, 5000 Koln 1, Germany [FRY S&M]; 85–93/IV Zeil, 6000 Frankfurt am Main, Germany [FRY S&M]; Tubingerstrasse 72, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich 2, Germany [FRY S&M]; Piazza Velasca 5, Milan, Italy [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Damrak 28–30/IV, Amsterdam, Netherlands [FRY S&M]; Przedstawicielstwo, Aleje Roz 5, Warsaw, Poland [FRY S&M]; Kungsgaten 32/VI, P.O. Box 7592, 10393 Stockholm, Sweden [FRY S&M]; Uranis Strasse 14/III, 8001 Zurich, Switzerland [FRY S&M]; P.O. Box 3502, Harrare, Zimbabwe [FRY S&M]

BUSHWESHA, Abdullah (individual) [LIBYA]

CENTROCOOP (a.k.a. CENTROCOOP EXPORT–IMPORT ENTERPRISE) [FRY S&M]

CENTROCOOP EXPORT–IMPORT ENTERPRISE (a.k.a. CENTROCOOP) [FRY S&M]

COMBICK AUSSENHANDELS GMBH (All offices worldwide) [FRY S&M] including but not limited to: Luisenstrasse 46, 1040 Berlin, Germany [FRY S&M]; Thalkirchener Street 2, 8000 Munich, Germany [FRY S&M]; Windmuehlstrasse 1, D–6000, Frankfurt am Main, Germany [FRY S&M]

CONTROLBANK (All offices worldwide) [FRY S&M]

CREDIBEL (All offices worldwide) [FRY S&M]

DAFIMENT BANK (All offices worldwide) [FRY S&M]

DOLPHINA BANK (All offices worldwide) [FRY S&M]

EUROPA INTERNACIONAL (of Belgrade) (All offices worldwide) [FRY S&M] including but not limited to: Palmira Toljatija 3, 11070 Novi Beograd, Serbia [FRY S&M]

FADLALLAH, Shaykh Muhammad Husayn, Leading Ideological Figure of HIZBALLAH (DOB 1938 or 1936, POB Najf Al Ashraf (Najaf), Iraq) (individual) [SDT]

FIRST CORPORATE BANK (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

GATOIL SUISSE S.A. (n.k.a. TAMOIL SUISSE S.A.; n.k.a. TAMOIL SWITZERLAND) (330 gasoline retail outlets in Switzerland) [LIBYA]

GATOIL SUISSE S.A. (n.k.a. TAMOIL SUISSE S.A.; n.k.a. TAMOIL SWITZERLAND) (RSO refinery in Collombey) [LIBYA]

HABASH, George (a.k.a. HABBASH, George), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE (individual) [SDT]

HABBASH, George (a.k.a. HABASH, George), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE (individual) [SDT]

HAWATMA, Nayif (a.k.a. HAWATMAH, Nayif; a.k.a. HAWATMEH, Nayif; a.k.a. KHALID, Abu), Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (DOB 1933) (individual) [SDT]

HAWATMAH, Nayif (a.k.a. HAWATMA, Nayif; a.k.a. HAWATMEH, Nayif; a.k.a. KHALID, Abu), Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (DOB 1933) (individual) [SDT]

HAWATMEH, Nayif (a.k.a. HAWATMA, Nayif; a.k.a. HAWATMAH, Nayif; a.k.a. KHALID, Abu), Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (DOB 1933) (individual) [SDT]

HIPOZAL BANKA (All offices worldwide) [FRY S&M]

INEX BANKA d.d. (All offices worldwide) [FRY S&M]

INEX GMBH (a.k.a. INEX IMPORT EXPORT GMBH) (All offices worldwide) [FRY S&M] including but not limited to: Niederlassung, Luisenstrasse 46, 1040 Berlin, Germany [FRY S&M]; Filialgeschaefte 1, 4330 Muelheim, Germany [FRY S&M]; Schwanthaler Street 3W, 8000 Munich, Germany [FRY S&M]; Stiftstrasse 30/121, Frankfurt am Main, Germany [FRY S&M]

INEX IMPORT EXPORT GMBH (a.k.a. INEX GMBH) (All offices worldwide) [FRY S&M] including but not limited to: Niederlassung, Luisenstrasse 46, 1040 Berlin, Germany [FRY S&M]; Filialgeschaefte 1, 4330 Muelheim, Germany [FRY S&M]; Schwanthaler Street 3W, 8000 Munich, Germany [FRY S&M]; Stiftstrasse 30/121, Frankfurt am Main, Germany [FRY S&M]

INEX–INTEREXPORT (All offices worldwide) [FRY S&M] including but not limited to: Pruga e kongresit e permetit 192–196, Tirana, Albania [FRY S&M]; 24, Boulevard Youcef Zirout, Algiers, Algeria [FRY S&M]; Vienna, Austria [FRY S&M]; Road 7, House 42/F, Banani/Dhaka–13, Bangladesh [FRY S&M]; U1 Oboriste 9, Sofia, Bulgaria [FRY S&M]; 4–2–81 Jianguomenwai, Beijing, China [FRY S&M]; Linea No. 5e/NyO Vedado, Havana, Cuba [FRY S&M]; Sokolovska 93/III, Prague 3–Karlin, Czech Republic [FRY S&M]; 12, Mohamed Talaat Nooman Street, Alexandria, Egypt [FRY S&M]; 16, Cherif Street app. 21–22, Cairo, Egypt [FRY S&M]; Joanu Igrigoriadou 6 str. 55236, Thessaloniki, Greece [FRY S&M]; Dozsa Gyorgy ut 92/b, Budapest VI, Hungary [FRY S&M]; No. 149, Ave Iranshahr, Shomali Bld. 555, 5th Floor, Tehran, Iran [FRY S&M]; 6B (Duplex Annex) Saeet Hail Road, M.A.C.H.S., Karachi, Pakistan [FRY S&M]; Szpitalna 6, Warsaw, Poland [FRY S&M]; Dumitru Lemnea Nr. 3/3 ap. 7, Bucharest, Romania [FRY S&M]; Krasnogvardejski Projezd 25, Gostilnica Sojuz II, Moscow, Russia [FRY S&M]; Kutuzovski Prospekt 7/4, Korpus No. 6 Biro 38, Moscow, Russia [FRY S&M]; Lenjina 2, Tyumen, Russia [FRY S&M]; Culenova 5/1, 381646 Bratislava, Slovak Republic [FRY S&M]; Palacio de la Prenso, Plaza Callao 4–70 B, 13 Madrid, Spain [FRY S&M]

INEX ITALIANA SRL (All offices worldwide) [FRY S&M] including but not limited to: Via Antonio de Recante 4y, 20124 Milan, Italy [FRY S&M]; XX Settembre 3/2, 34121 Trieste, Italy [FRY S&M]

INTERNATIONAL GENEX BANK (All offices worldwide) [FRY S&M]

INVESTBANKA (a.k.a. OSNOVNA PRIVREDNO–INVESTICIONA BANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

INVESTBANKA BELGRADE (All offices worldwide) [FRY S&M]

INVESTICIONA BANKA TITOGRAD (a.k.a. MONTENEGROBANKA d.d.) (All offices worldwide. Bank is headquartered in Podgorica, Montenegro) [FRY S&M] including but not limited to: Bulevar Revolucije 1, P.O. Box 183, 81001 Podgorica, Montenegro [FRY S&M]

ISLAMBOULI, Mohammad Shawqi, Military Leader of ISLAMIC GAMA'AT (DOB 15 Jan 1955, POB Egypt, Passport No. 304555 (Egypt)) (individual) [SDT]

JABRIL, Ahmad (a.k.a. JIBRIL, Ahmad), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (DOB 1938, POB Ramleh, Israel) (individual) [SDT]

JAMAHIRIYA BANK (f.k.a. MASRAF AL–GUMHOURIA) (38 local branches in Libya) [LIBYA]

JIBRIL, Ahmad (a.k.a. JABRIL, Ahmad), Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (DOB 1938, POB Ramleh, Israel) (individual) [SDT]

JUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD; a.k.a. JUGOBANKA d.d.; a.k.a. YUGOBANKA) (All offices worldwide) [FRY S&M] including but not limited to: Argentinenstrasse 22/II/4–11, 1040 Vienna, Austria [FRY S&M]; Salisbury House, First Floor (Rooms 378–379), London, EC2M5RT, England [FRY S&M]; 25, Rue Lauriston, 75116 Paris, France [FRY S&M]; Kurfurstenstrasse 106/II, 1000 Berlin 30, Germany [FRY S&M]; Schledusenbruecke 1–4, 2000 Hamburg 36, Germany [FRY S&M]; Georgestrasse 36/3, 3000 Hannover, Germany [FRY S&M]; Klosterstrasse 34/I, 4000 Dusseldorf, Germany [FRY S&M]; Goether Strasse 2/II, 6000 Frankfurt am Main 1, Germany [FRY S&M]; c/o BFG M–7 m No 16–17, 6800 Mannheim, Germany [FRY S&M]; Koenigstrasse 54/8, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich, Germany [FRY S&M]; Am Plaerer 2, 8500 Nuremberg, Germany [FRY S&M]; c/o Yugoslav Chamber of Economy, Saadoun Str., Shalen Bldg., Baghdad, Iraq [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Singel 512, Amsterdam 1017 AX, Netherlands [FRY S&M]; Kungsgatan 55/3, 11122 Stockholm, Sweden [FRY S&M]; Zweierstrasse 169/1, 8003 Zurich, Switzerland [FRY S&M]

JUGOBANKA d.d. (a.k.a. BANK FOR FOREIGN TRADE AD; a.k.a. JUGOBANKA; a.k.a. YUGOBANKA) (All offices worldwide) [FRY S&M] including but not limited to: Argentinenstrasse 22/II/4–11, 1040 Vienna, Austria [FRY S&M]; Salisbury House, First Floor (Rooms 378–379), London, EC2M5RT, England [FRY S&M]; 25, Rue Lauriston, 75116 Paris, France [FRY S&M]; Kurfurstenstrasse 106/II, 1000 Berlin 30, Germany [FRY S&M]; Schledusenbruecke 1–4, 2000 Hamburg 36, Germany [FRY S&M]; Georgestrasse 36/3, 3000 Hannover, Germany [FRY S&M]; Klosterstrasse 34/I, 4000 Dusseldorf, Germany [FRY S&M]; Goether Strasse 2/II, 6000 Frankfurt am Main 1, Germany [FRY S&M]; c/o BFG M–7 m No 16–17, 6800 Mannheim, Germany [FRY S&M]; Koenigstrasse 54/8, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich, Germany [FRY S&M]; Am Plaerer 2, 8500 Nuremberg, Germany [FRY S&M]; c/o Yugoslav Chamber of Economy, Saadoun Str., Shalen Bldg., Baghdad, Iraq [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Singel 512, Amsterdam 1017 AX, Netherlands [FRY S&M]; Kungsgatan 55/3, 11122 Stockholm, Sweden [FRY S&M]; Zweierstrasse 169/1, 8003 Zurich, Switzerland [FRY S&M]

JUGOSKANDIK d.d., (All offices worldwide) [FRY S&M]

JUGOSLOVENSKA BANKA ZA MEDJUNARODNU EKONOMSKU SARADNJU (a.k.a. YUBMES; a.k.a. YUGOSLAV BANK FOR INTERNATIONAL ECONOMIC COOPERATION) (All offices worldwide) [FRY S&M]

KHALID, Abu (a.k.a. HAWATMA, Nayif; a.k.a. HAWATMAH, Nayif; a.k.a. HAWATMEH, Nayif), Secretary General of DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE – HAWATMEH FACTION (DOB 1933) (individual) [SDT]

KOSOVSKA BANKA (All offices. Bank is headquartered in Pristina, Kosovo (Serbia)) [FRY S&M]

KREDITNA BANKA BEOGRAD (All offices worldwide) [FRY S&M]

KREDITNA BANKA PRISTINA (All offices worldwide) [FRY S&M]

KREDITNA BANKA SUBOTICA (All offices worldwide) [FRY S&M]

LIBYAN AGRICULTURAL BANK (a.k.a. AGRICULTURAL BANK, THE; a.k.a. NATIONAL AGRICULTURAL BANK OF LIBYA) (1 city branch and 27 branches in Libya) [LIBYA]

LIBYAN ARAB AIRLINES (Numerous branch offices and facilities abroad) [LIBYA]

LIBYAN NATIONAL OIL CORPORATION (a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC) (Subsidiaries and joint ventures in Libya and worldwide) [LIBYA]

LNOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. NATIONAL OIL CORPORATION; a.k.a. NOC) (Subsidiaries and joint ventures in Libya and worldwide) [LIBYA]

MARZOOK, Mousa Mohamed Abou (a.k.a. ABU MARZOOK, Mousa Mohammed; a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZUK, Musa Abu), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

MARZUK, Musa Abu (a.k.a. ABU MARZOOK, Mousa Mohammed; a.k.a. ABU–'UMAR; a.k.a. ABU–MARZUQ, Dr. Musa; a.k.a. ABU–MARZUQ, Sa'id; a.k.a. MARZOOK, Mousa Mohamed Abou), Political Leader in Amman, Jordan and Damascus, Syria for HAMAS (DOB 09 February 1951; POB Gaza, Egypt; Passport No. 92/664 (Egypt); SSN 523–33–8386.) (individual) [SDT]

MASRAF AL–GUMHOURIA (n.k.a. JAMAHIRIYA BANK) (38 local branches in Libya) [LIBYA]

MEDIFINANCE BANK (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

MEDITRADE LTD. (All offices. Headquartered in Belgrade, Serbia) [FRY S&M]

MESOVITA BANKA d.d. (a.k.a. PKB BANKA; a.k.a. POLJOPRIVREDNI KREDITNA BEOGRAD BANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

MONTENEGROBANKA d.d. (a.k.a. INVESTICIONA BANKA TITOGRAD) (All offices worldwide. Bank is headquartered in Podgorica, Montenegro) [FRY S&M] including but not limited to: Bulevar Revolucije 1, P.O. Box 183, 81001 Podgorica, Montenegro [FRY S&M]

MONTEX BANKA d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH (DOB 07 Dec 1962, POB Tayr Dibba, Lebanon, Passport No. 432298 (Lebanon)) (individual) [SDT]

MUGHNIYAH, Imad Fayiz (a.k.a. MUGHNIYAH, Imad Fa'iz), Senior Intelligence Officer of HIZBALLAH (DOB 07 Dec 1962, POB Tayr Dibba, Lebanon, Passport No. 432298 (Lebanon)) (individual) [SDT]

NAJI, Talal Muhammad Rashid, Principal Deputy of POPULAR FRONT FOR THE LIBERATION OF PALESTINE – GENERAL COMMAND (DOB 1930, POB Al Nasiria, Palestine) (individual) [SDT]

NASRALLAH, Hasan, Secretary General of HIZBALLAH (DOB 31 Aug 1960 or 1953 or 1955 or 1958, POB Al Basuriyah, Lebanon, Passport No. 042833 (Lebanon)) (individual) [SDT]

NATIONAL AGRICULTURAL BANK OF LIBYA (a.k.a. AGRICULTURAL BANK, THE; a.k.a. LIBYAN AGRICULTURAL BANK) (1 city branch and 27 branches in Libya) [LIBYA]

NATIONAL COMMERCIAL BANK S.A.L. (22 branches in Libya) [LIBYA]

NATIONAL OIL CORPORATION (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NOC) (Subsidiaries and joint ventures in Libya and worldwide) [LIBYA]

NIDAL, Abu (a.k.a. AL BANNA, Sabri Khalil Abd Al Qadir), Founder and Secretary General of ABU NIDAL ORGANIZATION (DOB May 1937 or 1940, POB Jaffa, Israel) (individual) [SDT]

NIKSA BANKA (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

NOC (a.k.a. LIBYAN NATIONAL OIL CORPORATION; a.k.a. LNOC; a.k.a. NATIONAL OIL CORPORATION) (Subsidiaries and joint ventures in Libya and worldwide) [LIBYA]

NOVOSADSKA BANKA d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]

OSNOVNA PRIVREDNO–INVESTICIONA BANKA (a.k.a. INVESTBANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

PANONSKA BANKA d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]

PKB BANKA (a.k.a. MESOVITA BANKA d.d.; a.k.a. POLJOPRIVREDNI KREDITNA BEOGRAD BANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

PLJEVANSKA BANKA (All offices. Bank is headquartered in Podgorica, Montenegro) [FRY S&M]

POLJOPRIVREDNA BANKA OSNOVNA BANKA (All offices worldwide) [FRY S&M]

POLJOPRIVREDNI KREDITNA BEOGRAD BANKA (a.k.a. MESOVITA BANKA d.d.; a.k.a. PKB BANKA) (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

PREDUZETNICKA BANKA d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

PRISTINSKA BANKA d.d. (All offices. Bank is headquartered in Pristina, Kosovo (Serbia)) [FRY S&M]

PRIVATNA PRIVREDNA BANKA (All offices. Bank is headquartered in Montenegro) [FRY S&M]

PRIVREDNA BANKA BEOGRAD d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

PRIVREDNA BANKA NOVI SAD d.d. (All offices. Bank is headquartered in Novi Sad, Vojvodina (Serbia)) [FRY S&M]

PRVA SRPSKA KOMERCIALJNA BANKA (All offices. Bank is headquartered in Nis, Serbia) [FRY S&M]

QASEM, Talat Fouad, Propaganda Leader of ISLAMIC GAMA'AT (DOB 02 Jun 1957 or 03 Jun 1957, POB Al Mina, Egypt) (individual) [SDT]

SAHARA BANK (22 branches in Libya) [LIBYA]

SALEH, Mohammed Mahdi (a.k.a. AL–SALIH, Muhammad Mahdi), Minister of Trade (DOB 1947) (individual) [IRAQ]

SHAQAQI, Fathi, Secretary General of PALESTINIAN ISLAMIC JIHAD–SHIQAQI (individual) [SDT]

SLAVIJA BANKA (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

SMEDEREVSKA BANKA d.d. (All offices. Bank is headquartered in Belgrade, Serbia) [FRY S&M]

SVAJCARSKO–JUGOSLOVENSKA BANKA (All offices. Bank is headquartered in Serbia) [FRY S&M]

TAMOIL PETROLI ITALIANA S.P.A. (1,977 gasoline retail outlets in Italy) [LIBYA]

TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND) (330 gasoline retail outlets in Switzerland) [LIBYA]

TAMOIL SUISSE S.A. (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SWITZERLAND) (RSO refinery in Collombey) [LIBYA]

TAMOIL SWITZERLAND (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SUISSE S.A.) (330 gasoline retail outlets in Switzerland) [LIBYA]

TAMOIL SWITZERLAND (f.k.a. GATOIL SUISSE S.A.; a.k.a. TAMOIL SUISSE S.A.) (RSO refinery in Collombey) [LIBYA]

TUFAYLI, Subhi, Former Secretary General and Current Senior Figure of HIZBALLAH (DOB 1947, POB Biqa Valley, Lebanon) (individual) [SDT]

UDRUZENA BEOGRADSKA BANKA (a.k.a. ASSOCIATED BELGRADE BANK; a.k.a. BEOBANKA, d.d.; a.k.a. BEOGRADSKA BANKA d.d.) (All offices worldwide) [FRY S&M] including but not limited to: 38 Rue Ali Azil, Algiers, Algeria [FRY S&M]; Landestrasse–Hauptstrasse 1/III, 1030 Vienna, Austria [FRY S&M]; 40 Rue de l'Ecuyer, BTE 8, 1000 Brussels, Belgium [FRY S&M]; Sokolovska 93/2p, Prague 8–Karlin, Czech Republic [FRY S&M]; 108 Fenchurch Street, London LEC 3M 5 JJ, England [FRY S&M]; 71 Avenue des Champs–Elysees, 75008 Paris, France [FRY S&M]; Alt Moabit 74, 1000 Berlin 21, Germany [FRY S&M]; Lange Reihe 66, 2000 Hamburg 1, Germany [FRY S&M]; Drokstre Str. 14–16, 3000 Hannover 1, Germany [FRY S&M]; Karlstrasse 31, 4000 Dusseldorf 1, Germany [FRY S&M]; Kleine Budergasse 13, 5000 Koln 1, Germany [FRY S&M]; 85–93/IV Zeil, 6000 Frankfurt am Main, Germany [FRY S&M]; Tubingerstrasse 72, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich 2, Germany [FRY S&M]; Piazza Velasca 5, Milan, Italy [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Damrak 28–30/IV, Amsterdam, Netherlands [FRY S&M]; Przedstawicielstwo, Aleje Roz 5, Warsaw, Poland [FRY S&M]; Kungsgaten 32/VI, P.O. Box 7592, 10393 Stockholm, Sweden [FRY S&M]; Uranis Strasse 14/III, 8001 Zurich, Switzerland [FRY S&M]; P.O. Box 3502, Harrare, Zimbabwe [FRY S&M]

UDRUZENA KOSOVSKA BANKA (a.k.a. ASSOCIATED BANK OF KOSOVO) (All offices worldwide) [FRY S&M] including but not limited to: Rossmarkt 14/111, 6000 Frankfurt am Main 1, Germany [FRY S&M]; Schauenbergstrasse 8, 8046 Zurich, Switzerland [FRY S&M]

UMMA BANK S.A.L. (31 branches throughout Libya) [LIBYA]

WAHDA BANK (37 branches throughout Libya) [LIBYA]

YASIN, Shaykh Ahmad, Founder and Chief Ideological Figure of HAMAS (DOB 1931) (individual) [SDT]

YU POINT LTD. (All offices worldwide) [FRY S&M]

YUBMES (a.k.a. JUGOSLOVENSKA BANKA ZA MEDJUNARODNU EKONOMSKU SARADNJU; a.k.a. YUGOSLAV BANK FOR INTERNATIONAL ECONOMIC COOPERATION) (All offices worldwide) [FRY S&M]

YUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD; a.k.a. JUGOBANKA; a.k.a. JUGOBANKA d.d.) (All offices worldwide) [FRY S&M] including but not limited to: Argentinenstrasse 22/II/4–11, 1040 Vienna, Austria [FRY S&M]; Salisbury House, First Floor (Rooms 378–379), London, EC2M5RT, England [FRY S&M]; 25, Rue Lauriston, 75116 Paris, France [FRY S&M]; Kurfurstenstrasse 106/II, 1000 Berlin 30, Germany [FRY S&M]; Schledusenbruecke 1–4, 2000 Hamburg 36, Germany [FRY S&M]; Georgestrasse 36/3, 3000 Hannover, Germany [FRY S&M]; Klosterstrasse 34/I, 4000 Dusseldorf, Germany [FRY S&M]; Goether Strasse 2/II, 6000 Frankfurt am Main 1, Germany [FRY S&M]; c/o BFG M–7 m No 16–17, 6800 Mannheim, Germany [FRY S&M]; Koenigstrasse 54/8, 7000 Stuttgart 1, Germany [FRY S&M]; Sonnenstrasse 12/III, 8000 Munich, Germany [FRY S&M]; Am Plaerer 2, 8500 Nuremberg, Germany [FRY S&M]; c/o Yugoslav Chamber of Economy, Saadoun Str., Shalen Bldg., Baghdad, Iraq [FRY S&M]; P.O. Box 2869, Tripoli, Libya [FRY S&M]; Singel 512, Amsterdam 1017 AX, Netherlands [FRY S&M]; Kungsgatan 55/3, 11122 Stockholm, Sweden [FRY S&M]; Zweierstrasse 169/1, 8003 Zurich, Switzerland [FRY S&M]

YUGOSLAV BANK FOR INTERNATIONAL ECONOMIC COOPERATION (a.k.a. JUGOSLOVENSKA BANKA ZA MEDJUNARODNU EKONOMSKU SARADNJU; a.k.a. YUBMES) (All offices worldwide) [FRY S&M]

ZAYDAN, Muhammad (a.k.a. ABBAS, Abu), Director of PALESTINE LIBERATION FRONT – ABU ABBAS FACTION (DOB 10 Dec 1948) (individual) [SDT]

Appendix C to Chapter V—Alphabetical Listing of Vessels that are the Property of Blocked Persons, or Specially Designated Nationals

Blocked Vessels

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
1 ATHAR	IRAQ	Iraq	Tanker	1,502		HNAR	Iraqi Oil Tankers Company	
7 NISSAN	IRAQ	Iraq	Tanker	1,502		HNNN	Iraqi Oil Tankers Company	
ACECHILLY	CUBA						Acechilly Navigation Co., Malta	
ACEFROSTY	CUBA						Acefrosty Shipping Co., Malta	
ADMIRAL ZMAJEVIC	FRY S&M	Malta	General dry cargo		8,569	9HTX3	South Adriatic Bulk Shipping Ltd.	
AIN ZALAH	IRAQ	Iraq	Tanker	36,330		HNAZ	Iraqi Oil Tankers Company, Basrah, Iraq	
AIRE F	FRY S&M	Malta	General dry cargo		13,651	9HTG3	Oktoih Overseas Shipping Ltd.	fka *OBOD*
AL–ALYAA	IRAQ	Iraq	Tug	375		N/A	State Org. of Iraqi Ports	
AL–AMIN	IRAQ	Iraq	Tug	368		YIAM	State Org. of Iraqi Ports	
AL ANBAR	IRAQ	Iraqi flag	Tug			YIAV	Government of the Republic of Iraq. Managed by the State Organization of Iraqi Ports, Basrah, Iraq	
AL–BAATH	IRAQ	Iraq	Tanker	9,928		HNBT	Iraqi Oil Tankers Company	
AL–BAKR	IRAQ	Iraq	Research	390		YIBR	State Org. of Iraqi Ports	
AL–BAYAA	IRAQ	Iraq	Barge	1,662		HNHB	Iraqi State Enterprise for Water Transport	fka *HIBOOB*
AL–ENTISAR	IRAQ	Iraq	Tug	375		N/A	State Org. of Iraqi Ports	
AL FAO	IRAQ	Iraq	Research	80		YIAN	State Org. of Iraqi Ports	
AL–HATHER	IRAQ	Iraq	Tug	368		YIHR	State Org. of Iraqi Ports	
AL KARAMAH	IRAQ	Iraq	Tanker	12,882		HNKM	Iraqi Oil Tankers Company	
AL–KARRKH	IRAQ	Iraq	Tug	368		YIKH	State Org. of Iraqi Ports	
AL KHALIDA	IRAQ	Iraq	Tanker	7,155		HNKD	Iraqi Oil Tankers Company	
AL–KHALIJ–AL–ARABI	IRAQ	Iraq	Service	4,740		YIKA	State Org. of Iraqi Ports	
AL MANSUR	IRAQ	Iraq	Yacht	1,223		HNMR	Iraqi State Enterprise for Water Transport	
AL MERBID	IRAQ	Iraq	Service	4,649		YIMD	State Org. of Iraqi Ports	
AL MOSUL	IRAQ	Iraq	Service	1,219		YIAS	State Org. of Iraqi Ports	
AL NAJAF	IRAQ	Iraq	Service	4,740		YINF	State Org. of Iraqi Ports	
AL NASR	IRAQ	Iraq	Tanker	1,502		HNNR	Iraqi Oil Tanker Company	
AL NASR	IRAQ	Iraq	Service	2,444		DDRH	State Org. of Iraqi Ports	

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
AL–NOHOODH	IRAQ	Iraq	Tug	375		YINU	State Org. of Iraqi Ports	
AL OMARAH	IRAQ	Iraq	Tug	320		YIAW	State Org. of Iraqi Ports	
AL–QADISIYA	IRAQ	Iraq	Yacht	100		HNKS	Iraqi State Enterprise for Water Transport	
AL RAMADI	IRAQ	Iraq	Tug	320		YIAY	State Org. of Iraqi Ports	
AL RASHEED	IRAQ	Iraq	Service	304		YIBE	State Org. of Iraqi Ports	
AL RATBA	IRAQ	Iraq	Tanker	544		YIBA	State Org. of Iraqi Ports	
AL–RESSAFA	IRAQ	Iraq	Tug	368		YIRF	State Org. of Iraqi Ports	
AL–SAHIL–AL–ARABI	IRAQ	Iraq	Service	6,396		HNSA	Iraqi State Enterprise for Sea Fisheries, Basrah Iraq	
AL SHUMOOKH	IRAQ	Iraq	Tug	375		N/A	State Org. of Iraqi Ports	
AL–THIRTHAR	IRAQ	Iraq	Tanker	524		YITH	State Org. of Iraqi Ports	
AL–WAHDAH	IRAQ	Iraq	Tug	149		YIWH	State Org. of Iraqi Ports	
AL WALEED	IRAQ	Iraq	Research			YIBF	State Org. of Iraqi Ports	
AL ZAB	IRAQ	Iraq	Tug			YIBH	State Org. of Iraqi Ports	
AL–ZAHRAA	IRAQ	Iraq	RO/RO	3,985		HNNZ	Iraqi State Enterprise for Water Transport	
AL ZAWRAA	IRAQ	Iraq	Cargo	3,549		HNZW	Iraqi State Enterprise for Water Transport, Baghdad	
ALABID	IRAQ	Iraq	Barge	1,662		HNDB	Iraqi State Enterprise for Water Transport	fka *SANABUL*
ALAMINOS	CUBA	Cyprus	General Cargo	15088	8909	P32C3	Alaminos Shipping Co. Ltd.	fka *RUBY ISLANDS*
ALBA	FRY S&M	Saint Vincent	RO/RO Cargo		915	J8FM9	Montenegro Overseas Navigation Ltd.	
ALBAHR ALARABI	IRAQ	Belizean flag	Fish/Carrier	6,953		V3ML6		fka *BAHAR AL ARABI*; aka *BAROON*; fka *SEABANK*
ALEDREESI	IRAQ	Iraq	Cargo	3,550		HNID	Iraqi State Enterprise for Water Transport	
ALEGRIA DE PIO	CUBA						Naviera Maritima de Arosa, Spain	
ALFARABI	IRAQ	Iraq	Cargo	8,342		HNFB	Iraqi State Enterprise for Water Transport	
ALFARAHIDI	IRAQ	Iraq	Tanker	149,441		HNFR	Iraqi Oil Tankers Company	
ALFIDAA	IRAQ	Iraq	Barge	1,662		HNFD	Iraqi State Enterprise for Water Transport	fka *SILOWAT*
ALKHANSAA	IRAQ	Iraq	Cargo	3,525		HNKN	Iraqi State Enterprise for Water Transport	
ALKINDI	IRAQ	Iraq	Cargo	8,342		HNKI	Iraqi State Enterprise for Water Transport	
ALMUSTANSIRIYAH	IRAQ	Iraqi flag	Tanker	155,210		HNMS	Iraqi Oil Tankers Company	
ALMUTANABBI	IRAQ	Iraq	Tanker	130,241		HNMB	Iraqi Oil Tankers Company	
ALNAJAF	IRAQ	Iraq	Service	4,740		YINF	State Org. of Iraqi Ports	
ALQADISIYAH	IRAQ	Iraq	Tanker	155,210		HNQS	Iraqi Oil Tankers Company	
ALSUMOOD	IRAQ	Iraq	Service	6,977		YISD	State Org. of Iraqi Ports	
ALTAAWIN–ALARABI	IRAQ	Iraq	Cargo	13,634		HNAI	Iraqi State Enterprise for Water Transport	
ALWAHDA	IRAQ	Iraq	Barge	1,662		HNAD	Iraqi State Enterprise for Water Transport	
ALWASITTI	IRAQ	Iraq	Cargo	8,343		HNWS	Iraqi State Enterprise for Water Transport	
ALYARMUK	IRAQ	Iraq	Tanker	149,371		HNYK	Iraqi Oil Tankers Company	
ALZUBAIR	IRAQ	Iraq	Service	4,640		YIZR	State Org. of Iraqi Ports	
AMURIYAH	IRAQ	Iraq	Tanker	155,210		HNAM	Iraqi Oil Tankers Company	
ANTARA	IRAQ	Iraq	Service	508		YIBD	State Org. of Iraqi Ports	
ARBEEL	IRAQ	Iraq	Tug	320		YIBB	State Org. of Iraqi Ports	
BABA GURGUR	IRAQ	Iraq	Tanker	36,397		HNGR	Iraqi Oil Tankers Company	
BABYLON	IRAQ	Iraq	Cargo	13,656		HNBB	Iraqi State Enterprise for Water Transport	
BADR 7	IRAQ	Saudi Arabia	Service	647		N/A	Government of the Republic of Iraq, Ministry of Oil, StateCompany for Oil Projects, Baghdad, Iraq	
BAGHDAD	IRAQ	Iraq	Cargo	13,656		HNBD	Iraqi State Enterprise for Water Transport	
BAGHDAD	IRAQ	Iraq	Service	2,900		YIAD	State Org. of Iraqi Ports	
BALQEES	IRAQ	Iraq	RO/RO	3,985		HNBL	State Organization for Iraq Government	

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
BAR	FRY S&M	Malta	Bulk carrier		17,460	9HSU3	Bar Overseas Shipping Ltd.	
BASRA	IRAQ	Iraq	Service	2,906		YIAB	State Org. of Iraqi Ports	
BASRAH	IRAQ	Iraq	Cargo	13,656		HNBS	Iraqi State Enterprise for Water Transport	
BAYAMO	FRY S&M	Malta	Bulk carrier		9,916	9HTF3	Lovcen Overseas Shipping Ltd.	fka *NIKSIC*
BRISA	FRY S&M	Malta	General dry cargo		13,651	9HTB3	Oktoih Overseas Shipping Ltd	fka *IVANGRAD*
BROTHERS	CUBA	Cyprus	Bulk Carrier	25573	16605	C4QK	Ciflare Shipping Co. Ltd.	fka *TULIP ISLANDS*
BUZURGAN	IRAQ	Iraq	Tanker	36,400		HNBR	Iraqi Oil Tankers Company	
C. BLANCO	FRY S&M	Malta	Bulk carrier		17,460	9HSW3	Bar Overseas Shipping Ltd.	fka *BIJELO POLJE*
CARIBBEAN PRINCESS	CUBA	Cyprus	General Cargo	24155	16794	C4GL	CARIBBEAN PRINCESS SHIPPING (SDN)	
CARIBBEAN QUEEN	CUBA	Cyprus	General Cargo	24106	16794	C4JO	CARIBBEAN QUEEN SHIPPING (SDN)	
CARIBBEAN SALVOR	CUBA	Malta	Tug	669	856	9H2275	Compania Navegacion Golfo S.A.	
CASABLANCA	CUBA						Epamac Shipping Co., Ltd., Malta	
CELTIC	CUBA	Cyprus	Bulk Carrier	27652	16582	C4WU	Atlantic Marie Shipping Co. Ltd.	fka *VIOLET ISLANDS*
CESTAR	FRY S&M	Yugoslavia	RO/RO Cargo/ ferry		121	Unknown	Mostogradnja – Gradjevno Preduzece	
CICLON	CUBA						Senanque Shipping Co., Ltd., Cyprus	
COTTY	CUBA						Heywood Navigation Corp., Panama	
CRIOLLO	CUBA	Cuba	Tug	NA	181	CL2257	Samir de Navegacion S.A.	
CRNA GORA	FRY S&M	Malta	Bulk carrier		36,223	9HUL3	Zeta Ocean Shipping Ltd.	
DAMASCUS	IRAQ	Iraq	Tug	149		YIDS	State Org. of Iraqi Ports	
DAMEN GORINCHEM 5716	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
DAMEN GORINCHEM 5717	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
DAMEN GORINCHEM 5718	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
DAN	FRY S&M	Denmark (Saint Vincent)	Bulk carrier		27,069	J8FN7	Leonela Shipping (Sunbow Maritime S.A.)	fka *AVALA*; fka *GOLD STAR*
DEYALA	IRAQ	Iraq	Tug	350		YIBJ	State Org. of Iraqi Ports	
DIJLAH	IRAQ	Iraq	Tug	356		HNDJ	State Org. of Iraqi Ports	
DIVING LAUNCH 1	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
DIWANIYA	IRAQ	Iraq	Tug	350		YIBK	State Org. of Iraqi Ports	
DOCKAN	IRAQ	Iraq	Tanker	528		YIDN	State Org. of Iraqi Ports	
DUMP BARGE I	IRAQ	Gibralter	Service	1,330		J8IY	Whale Shipping Ltd., c/o State Org. of Iraqi Ports	
DUMP BARGE II	IRAQ	Gibralter	Service	1,330		J8IZ	Whale Shipping Ltd., c/o State Org. of Iraqi Ports	
DUMP BARGE III	IRAQ	Gibralter	Service	1,330		J8JA	Whale Shipping Ltd., c/o State Org. of Iraqi Ports	
DURMITOR	FRY S&M	Malta	General dry cargo		12,375	9HUR3	South Cross Shipping Ltd.	
EAST ISLANDS	CUBA	Cyprus	General cargo	15120	8996	C4QB	EAST ISLAND SHIPPING CO. LTD. (SDN)	
EMERALD ISLANDS	CUBA	Malta	General cargo	15088	8909	9HRP2	BETTINA SHIPPING CO. LTD. (SDN)	
FIRE BOAT No. 705	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
FIRE BOAT No. 706	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
FLYING DRAGON	CUBA						Flight Dragon Shipping Ltd., Malta	
FOREL	IRAQ	Iraqi flag	Fishing	1,163		HNFL	Rafidain Fisheries Co. Ltd., Basrah, Iraq	
FRIGO HISPANIA	CUBA						Ace Indic Navigation Co., Malta	
FURAT	IRAQ	Iraq	Tug	350		HNFT	State Org. of Iraqi Ports	

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
GAZA	IRAQ	Iraq	Service	2,422		YIGZ	State Org. of Iraqi Ports	
GRETE STAR	CUBA	Panama	Container ship	17820	11318	HOQD	Avisfaith Shipping	fka *AVIS FAITH*
GUANA	FRY S&M	Malta	Bulk carrier		9,916	Unknown	Lovcen Overseas Shipping Ltd.	fka *KOLASIN*
HAMDAN	IRAQ	Iraq	Tug	387		YIHM	State Org. of Iraqi Ports	
HARNMAN H	CUBA	Cyprus	Bulk cargo	26400	15864	5BXH	PEONY SHIPPING CO. LTD. (SDN)	fka *PEONY ISLANDS*
HEET	IRAQ	Iraq	Tug	89		N/A	State Org. of Iraqi Ports	
HERCEG NOVI	FRY S&M	Malta	General dry cargo		9,698	9HUN3	South Cross Shipping Ltd.	
HERMANN	CUBA	Cuba	General cargo	2597	1098	CL2685	Compania Navegacion Golfo S.A.	
HILLAH	IRAQ	Iraq	Service	6,709		YIAR	State Org. of Iraqi Ports	
HIMREEN	IRAQ	Iraq	Service	508		YIHN	State Org. of Iraqi Ports	
HITTIN	IRAQ	Iraq	Tanker	155,210		HNHT	Iraqi Oil Tankers Company	
HUNTSLAND	CUBA						Huntsland Navigation Co., Ltd., Malta	
HUNTSVILLE	CUBA						Huntsville Navigation Co., Ltd., Malta	
HURACAN	CUBA						Senanque Shipping Co., Ltd., Cyprus	
HYALITE	CUBA						Whiteswan Shipping Co., Ltd., Cyprus	
IBN KHALDOON	IRAQ	Iraq	Service	12,670		HNIN	State Org. of Iraqi Ports	
IBN MAJID 6	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
IGALO	FRY S&M	Yugoslavia	Ferry		299	YUFC	Komunalno Poduzece	
IMHEJRAN	IRAQ	Iraq	Tug	386		YIMH	State Org. of Iraqi Ports	
JABHA	IRAQ	Iraq	Tug	244		YIJA	State Org. of Iraqi Ports	
JAMBUR	IRAQ	Iraq	Tanker	35,338		HNJM	Iraqi Oil Tankers Company	
JAMHORIA	IRAQ	Iraq	Tug	368		YIJR	State Org. of Iraqi Ports	
KAMENARI	FRY S&M	Yugoslavia	RO/RO Cargo/ ferry		161	Unknown	Komunalno Poduzece	
KEFAL	IRAQ	Iraqi flag	Fishing	1,170		HNKL	Rafidain Fisheries Co. Ltd.	
KERBALA	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
KHALID IBIN AL WALEED	IRAQ	Iraq	Service	2,235		YIBM	State Org. of Iraqi Ports	
KHANAQIN	IRAQ	Iraq	Tanker	35,338		HNKQ	Iraqi Oil Tankers Company	
KHAWLA BINT AL ZAWRA	IRAQ	Iraq	RO/RO	3,985		HNKH	Iraqi State Enterprise for Water Transport	
KIRKUK	IRAQ	Iraq	Tanker	35,338		HNKK	Iraqi Oil Tankers Company	
KOLUBARA 1	FRY S&M	Yugoslavia	Dredger		958	Unknown	Bagersko Brodarsko Preduzece	
KORDUN	FRY S&M	Malta	General dry cargo		38,551	9HSQ3	Kotor Overseas Shipping Ltd.	
KOSMAJ	FRY S&M	Malta	Bulk carrier		38,550	9HSP3	Kotor Overseas Shipping Ltd.	
LAS COLORADOS	CUBA						Naviera Maritima de Arosa, Spain	
LAURA I	CUBA	Panama	Container ship	2213	1843	HP7988	Naviera Polovina S.A.	fka *LAURA*
LEPETANE	FRY S&M	Yugoslavia	RO/RO Cargo/ ferry		132	Unknown	Komunalno Poduzece	
LILAC ISLANDS	CUBA	Panama	General cargo	15175	8976	3FIM2	VALETTA SHIPPING CORPORATION (SDN)	
LOTUS ISLANDS	CUBA	Panama	General cargo	15175	8976	3FIL2	WADENA SHIPPING CORPORATION (SDN)	
LOVCEN	FRY S&M	Malta	General dry cargo		12,375	9HTU3	South Cross Shipping Ltd.	
LUCIANO HOPE	FRY S&M	Liberia (Panama)	Bulk carrier		20,904	3EIE4	Citimark Shipping Limited (Oceanic Bulk Shipping S.A.)	fka *POMORAC*
MANDALI	IRAQ	Iraq	Service	6,977		YIQS	State Org. of Iraqi Ports	fka *ALKADISIYAH*
MAR AZUL	CUBA	Cuba	Tug	NA	212	CL2192	Samir de Navegacion S.A.	
MARIEL	FRY S&M	Malta	Bulk carrier		15,396	9HSV3	Lovcen Overseas Shipping Ltd.	fka *BEOGRAD*

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
MAYSALOON	IRAQ	Iraq	Tug	368		YIMY	State Org. of Iraqi Ports	
MEASAN	IRAQ	Iraq	Tug	310		YIMN	State Org. of Iraqi Ports	
METHAQ	IRAQ	Iraq	Tug	248		YIMQ	State Org. of Iraqi Ports	
MOA	FRY S&M	Malta	General dry cargo		9,201	9HTM3	Bar Overseas Shipping Ltd.	fka *VIRPAZAR*
MONTE	FRY S&M	Malta	General dry cargo		9,183	9HTD3	Bar Overseas Shipping Ltd.	fka *KOMOVI*
MORACA	FRY S&M	Malta	General dry cargo		13,651	9HTE3	Oktoih Overseas Shipping Ltd.	
MOSLAVINA	FRY S&M	Malta	General dry cargo		11,771	9HTW3	South Adriatic Bulk Shipping Ltd.	
NAGROOR	IRAQ	Iraqi flag	Fishing	140		N/A	Government of the Republic of Iraq, Ministry of Agriculture &Agrarian Reform, State Fisheries Company, Baghdad, Iraq	
NAINAWA	IRAQ	Iraq	Tug	310		YINW	State Org. of Iraqi Ports	
NEW GROVE	CUBA	Cyprus	General cargo	1909	754	P3QJ3	Oakgrove Shipping Co. Ltd.	fka *KASPAR*
NIPE	FRY S&M	Malta	Bulk carrier		9,028	9HTL3	Lovcen Overseas Shipping Ltd.	fka *ULCINJ*
NISR	IRAQ	Iraq	Service	744		YISR	State Org. of Iraqi Ports	
NO. 1	IRAQ	Iraq	Service	30		N/A	State Org. of Iraqi Ports	
NO. 2	IRAQ	Iraq	Service	30		N/A	State Org. of Iraqi Ports	
NORTH ISLANDS	CUBA	Cyprus	General cargo	15136	8996	P3CH2	NORTH ISLAND SHIPPING CO. LTD. (SDN)	
NUWAIBI	IRAQ	Iraqi flag	Fishing	140		N/A	Iraqi State Fisheries Co.	
OHOD 5	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
OHOD 6	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
OHOD 7	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
ONYX ISLANDS	CUBA						Maryol Enterprises, Inc., Panama	
ORE STAR	FRY S&M	Saint Vincent	Ore/Oil Carrier		86,401	J8FN9	Glimmer Maritime S.A.	fka *SMEDEREVO*
ORJEN	FRY S&M	Malta	Bulk carrier		38,551	9HSO3	Kotor Overseas Shipping Ltd.	
OROOBA	IRAQ	Iraq	Tug	368		YIOB	State Org. of Iraqi Ports	
OTORI MARU No. 2	IRAQ		Service			N/A	State Org. of Iraqi Ports	
PALESTINE	IRAQ	Iraq	Service	4,649		YIFN	State Org. of Iraqi Ports	
PALMA MOCHA	CUBA						Naviera Maritima de Arosa, Spain	
PERAST	FRY S&M	Yugoslavia	RO/RO Cargo/ferry		131	Unknown	Komunalno Poduzece	
PILOT 393	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
PILOT 394	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
PINECONE	CUBA	Cyprus	General cargo	1941	753	P3QH3	Pinecone Shipping Co. Ltd.	fka *GRETE*
PINO DEL AGUA	CUBA						Naviera Maritima de Arosa, Spain	
PIONEER	CUBA						Tramp Pioneer Shipping Co., Ltd., Panama	
PLAYA	FRY S&M	Malta	Bulk carrier		9,028	9HSY3	Lovcen Overseas Shipping Ltd.	fka *CETINJE*
POLICE 1	IRAQ	Iraq	Patrol			N/A	State Org. of Iraqi Ports	
POLICE 2	IRAQ	Iraq	Patrol			N/A	State Org. of Iraqi Ports	
POLICE 3	IRAQ	Iraq	Patrol			N/A	State Org. of Iraqi Ports	
PRVI FEBRUAR	FRY S&M	Malta	Bulk carrier		17,233	9HTZ3	South Adriatic Bulk Shipping Ltd.	
RADHWA 18	IRAQ	Iraq	Tug			N/A	Iraqi State Company for Oil Projects	
RADHWA 19	IRAQ	Iraq	Tug			N/A	Iraqi State Company for Oil Projects	
RADHWA 20	IRAQ	Saudi Arabia	Tug			N/A	Iraqi State Company for Oil Projects	
RAHIM 3	CUBA						Pioneer Shipping Ltd., Malta	

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
RAMA	FRY S&M	Cyprus (Malta)	General dry cargo		13,688	9HUP3	White Star Shipping Co. Ltd. (South Adriatic Bulk ShippingLtd.)	fka *KUPRES*
RAVENS	CUBA	Malta	General cargo	2468	1586	9H2485	ATAMALLO SHIPPING CO. LTD. (a.k.a. ANTAMALLO SHIPPING CO. LTD.) (SDN)	
REDESTOS	CUBA	Cyprus	General Cargo	15180	8953	H2SA	REDESTOS SHIPPING CO. LTD. (SDN)	
RIO B	FRY S&M	Malta	General dry cargo		9,324	9HTH3	Bar Overseas Shipping Ltd.	fka *PIVA*
RIO G	FRY S&M	Malta	General dry cargo		9,201	9HTK3	Bar Overseas Shipping Ltd.	fka *TARA*
RISAN	FRY S&M	Malta	General dry cargo		9,698	9HUD3	Zeta Ocean Shipping Ltd.	
ROBIAN	IRAQ	Iraqi flag	Fishing	129		N/A	Iraqi State Fisheries Company	
ROSE ISLANDS	CUBA						Shipley Shipping Corp., Panama	
RUMAILA	IRAQ	Iraq	Tanker	36,330		HNRM	Iraqi Oil Tankers Company	
RUMIJA	FRY S&M	Malta	General dry cargo		8,954	9HTI3	Lovcen Overseas Shipping Ltd.	
SAIF SAAD	IRAQ	Iraq	Service	742		N/A	State Org. of Iraqi Ports	
SAMARRA	IRAQ	Iraq	Ferry			YIBC	State Org. of Iraqi Ports	
SANAM	IRAQ	Iraq	Service	508		YISM	State Org. of Iraqi Ports	
SAND SWAN	CUBA	Cyprus	General cargo	2595	1116	P3QG3	Sand & Swan Navigation Co. Ltd.	fka *ANA I*
SBOOR	IRAQ	Iraqi flag	Fishing	129		HRN2	Iraqi State Fisheries Company	
SEAMUSIC II	IRAQ	Malta	Cargo	26,732		9HYH2	Seamusic Shipping Co. Ltd., c/o Thenamaris Ships ManagementInc., Athens, Greece. Vessel seized by Government of Iraq	
SEBAA NISSAN	IRAQ	Iraq	Tug	368		YISN	State Org. of Iraqi Ports	
SENANQUE	CUBA	Cyprus	General cargo	5479	2974	5BJR	SENANQUE SHIPPING CO. LTD. (SDN)	
SERIFOS	FRY S&M	Panama (Saint Vincent)	Bulk carrier		15,847	JIFN3	Brilliant Night Shipping S.A. (Novi Shipping Company S.A.)	fka *LAKE STAR*; fka *SKADARLIJA*
SHABOOT	IRAQ	Iraq	Fish	1,163		HNLK	Rafidain Fisheries Co. Ltd.	
SHATT AL BASRAH	IRAQ	Iraqi flag	Fishing	404		HNSR	Iraqi State Fisheries Company	
SHOROOK	IRAQ	Iraq	Service	403		YISH	State Org. of Iraqi Ports	
SHU' ALAH	IRAQ	Iraq	Tug			N/A	State Org. of Iraqi Ports	
SIHAN	IRAQ	Iraq	Tug	387		YISI	State Org. of Iraqi Ports	
SINAI	IRAQ	Iraq	Service	1,286		N/A	State Org. of Iraqi Ports	
SINJAR	IRAQ	Iraq	Service			YIAY	State Org. of Iraqi Ports	
SKY SEA	IRAQ	Honduras flag	Cargo	8,334		HNRZ	Pandora Shipping Co. S.A., Honduras. Managed by PetraNavigation & International Trading Co. Ltd., Amman, Jordan.	fka *ALRAZI*
SLAVEN	FRY S&M	Yugoslavia	Tanker		126	YTMP	Komunalno Poduzece	
SOLNECHNIK	IRAQ	Iraqi flag	Fishing	404		UOJE	Iraqi State Fisheries Company	
SOPHIE HOPE	FRY S&M	Liberia (Panama)	Bulk carrier		17,882	3ELK3	Pocatelo Shipping Ltd. (Oceanic Bulk Shipping S.A.)	fka *RADNIK*
SOUTH ISLANDS	CUBA	Cyprus	General cargo	15147	8996	C4AN	SOUTH ISLAND SHIPPING CO. LTD. (SDN)	
SOZINA	FRY S&M	Yugoslavia	Tug		169	YTCS	Luka Bar–Preduzece	
STANDWEAR	CUBA	Cyprus	Bulk carrier	19095	12147	5BQH	STANDWEAR SHIPPING CO. LTD. (SDN)	
STAR 1	CUBA						Canapel, S.A., Panama	
SULAIMANIYAH	IRAQ	Iraq	Service			YIAG	State Org. of Iraqi Ports	
SURVEY LAUNCH No. 1	IRAQ		Research			N/A	State Org. of Iraqi Ports	

Blocked Vessels—Continued

Vessel Name	Program	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
SURVEY LAUNCH No. 2	IRAQ		research			N/A	State Org. of Iraqi Ports	
SURVEY LAUNCH No. 3	IRAQ		Research			N/A	State Org. of Iraqi Ports	
SUTJESKA	FRY S&M	Malta	Bulk carrier		38,551	9HSN3	Kotor Overseas Shipping Ltd.	
SVETI STEFAN	FRY S&M	Malta	Pax/RO/RO Cargo/ Ferry		1,637	9HTJ3	Lovcen Overseas Shipping Ltd.	
TADMUR	IRAQ	Iraq	Tanker	3,627		HNTD	Iraqi Oil Tankers Company	
TAHREER	IRAQ	Iraq	Service	4,649		YITR	State Org. of Iraqi Ports	
TAMMANY H	CUBA	Cyprus	Bulk carrier	26400	15864	5BXG	Odielo Shipping Co. Ltd.	fka *PRIMROSE ISLANDS*
TARIK IBN ZIYAD	IRAQ	Iraq	Tanker	118,139		HNTZ	Iraqi Oil Tankers Company	
TEPHYS	CUBA	Cyprus	General cargo	15123	8935	H2RZ	Tephys Shipping Co. Ltd.	fka *PAMIT C*
THEEQAR	IRAQ	Iraq	Tug	220		YIAC	State Org. of Iraqi Ports	
TIFON	CUBA	Cuba	Tug	NA	164	CL2059	Samir de Navegacion S.A.	
TIVAT	FRY S&M	Malta	General dry cargo		9,698	9HUM3	Zeta Ocean Shipping Ltd.	
TOPOLICA	FRY S&M	Yugo-slavia	Tug		169	Unknown	Luka Bar–Preduzece	
TRINAESTI JULI	FRY S&M	Malta	Bulk carrier		17,233	9HTQ3	Zeta Ocean Shipping Ltd.	aka *13th JULY*
UR	IRAQ	Iraq	Tug	368		YIUR	State Org. of Iraqi Ports	
VEDADO	FRY S&M	Malta	Ore Carrier		15,396	9HSZ3	Lovcen Overseas Shipping Ltd.	fka *DANILOVGRAD*
WEST ISLANDS	CUBA	Cyprus	General Cargo	15136	9112	C4IB	WEST ISLAND SHIPPING CO. LTD. (SDN)	
WORK BOAT No. 6	IRAQ	Iraq	Barge			N/A	State Org. of Iraqi Ports	
WORKSHIP 3	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
YANBU 31	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
YOUSIFAN	IRAQ	Iraq	Tug	386		YIYN	State Org. of Iraqi Ports	
ZAIN AL QAWS	IRAQ	Iraq	Cargo	9,247		HNZQ	Iraqi State Enterprise for Water Transport	
ZAMZAM	IRAQ	Iraq	Tanker	544		YIAZ	State Org. of Iraqi Ports	
ZANOOBIA	IRAQ	Iraqi flag	Cargo	3,549		HNZN	Iraqi State Enterprise for Water Transport. Represented byCeylon Shipping Co., Colombo, Sri Lanka	
ZETA	FRY S&M	Malta	General dry cargo		9,862	9HTV3	South Cross Shipping Ltd.	
ZUBAIDY	IRAQ	Iraqi flag	Fishing			YIBO	State Org. of Iraqi Ports	

Dated: June 12, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 17, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Law Enforcement).

[FR Doc. 96–16284 Filed 6–25–96; 8:45 am]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95–054]

RIN 2115–AF17

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule and notice of availability of environmental assessment.

SUMMARY: In keeping with the National Performance Review and the President's Regulatory Reinvention Initiative, the Coast Guard is revising its marine event regulations to eliminate unnecessary requirements while continuing to protect the safety of life. The rule more precisely identifies those events which require a permit, those which require only written notice to the Coast Guard, and those which require neither. The environmental assessment and proposed finding of no significant impact which support this rulemaking are also made available to the public.

DATES: This rule is effective on January 1, 1997. Comments must be received on or before August 26, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 95–054), U.S. Coast Guard headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to

room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

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

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Office of Boating Safety, (202) 267–0979. A copy of this rule may be obtained by calling the Coast Guard Customer Infoline, 1–800–368–5647 or, in Washington, DC, 267–0780.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments on the interim rule and environmental assessment. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95–054) and the specific section of this rule or the assessment to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards of envelopes.

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

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

Regulatory History

On December 26, 1995, the Coast Guard published in the Federal Register an advance notice of proposed rulemaking (ANPRM) (CGD 95–054) entitled ''Regattas and Marine Parades; Permit Application Procedures'' (60 FR 66773). The ANPRM focused on how the existing program could be improved and to what extent permitting should be required. Twenty-five comments were received.

On review of the comments, the Coast Guard decided that a fundamental revision of its existing marine event program was warranted. Subsequently, on April 17, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) (61 FR 16732) and 20 comments were received. A public hearing was not requested and none was held.

Advisory Committee Consultation

The National Boating Safety Advisory Council (NBSAC) and the Navigation Safety Council (NAVSAC) have been consulted in the formulation of this proposal. A copy of the NPRM was provided to the members of NBSAC and NAVSAC for review before a joint meeting held on April 27–29, 1996, in San Francisco, CA. At that meeting, the NBSAC and NAVSAC members were briefed on the proposed changes but did not submit comments to the docket. A copy of the minutes of that meeting, when available, will be entered in the docket at the address under **ADDRESSES.**

Background and Purpose

Under the Act of April 28, 1908, the Coast Guard is authorized, when necessary, to issue regulations to promote safety of life on navigable waters during regattas and marine parades (33 U.S.C. 1233). Though not required by Congress to do so, the Coast Guard chose to exercise this discretionary authority by implementing a permitting system for regattas or marine parades and, in certain instances, issuing temporary special local regulations (SLR's) in conjunction with those permits.

In keeping with the President's Regulatory Reinvention Initiative, the Coast Guard reviewed its regatta and marine parade regulations in 33 CFR part 100 and determined that certain revisions are needed to eliminate overly burdensome, unnecessary, and obsolete requirements. To that end, this rule eliminates the need for permits, unless they are necessary to advance the statutory purpose of promoting safety of life during marine events. The rule establishes various categories of events: those which do not require any notice or a permit because they clearly pose no extra or unusual hazard to safety of life; those which require written notice because they may pose such a hazard; and those which require a permit because they clearly pose such a hazard.

The statutory authority and the reasons for this rulemaking are documented in detail in the ANPRM and NPRM and, therefore, are not repeated in this preamble.

Discussion of General Comments

1. Several comments agreed with the proposed revisions to the Coast Guard's marine event permitting program and noted that they will remove the undue burden of the current requirements, without adversely affecting safety or environmental concerns.

2. Two comments opposed the proposed revisions because the Coast Guard's permitting system had an indirect benefit on the environment. Based on the Coast Guard's preliminary analysis and on comments received from the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), the Coast Guard has initiated consultation with FWS and NMFS to address protected species and habitat concerns.

The Coast Guard's authority to regulate marine events is limited by law to those circumstances necessary to promote the safety of life on navigable waters during those events (33 U.S.C. 1233). Although the Coast Guard previously has chosen to implement section 1233 authority through a permitting system, the law neither mentions nor mandates permits as the necessary or appropriate procedure to be used. While certain environmental benefits may have inured from the permitting process, the Coast Guard is not authorized to regulate marine events to protect the environment. Nevertheless, in an effort to preserve the incidental environmental benefits of the old permitting system and in response to several comments received from Federal and State environmental agencies, the Coast Guard will provide a copy of the notice (§ 100.17(d)) to those Federal authorities that Congress has specifically charged with protecting affected resources with respect to these events, as well as to State and local authorities with similar jurisdiction. The rule also provides that, when a Coast Guard permit is required, the sponsor must submit to the Coast Guard additional information on environmental impacts (§ 100.18(a)). This information can then be used by the Coast Guard to give notice to, and consult with, appropriate Federal, State, and local authorities and to prepare any necessary environmental documentation.

Discussion of Comments and Changes to Specific Sections

Section 100.5 Definitions

1. Several commenters stated that the rule should define the term ''participating vessel'' and indicate whether a spectator watercraft would be considered a ''participating vessel.''

The Coast Guard agrees and has amended the section by adding definitions of ''participating vessel'' and ''spectator vessel.''

2. Definitions of ''Designated Officer'' and ''local authority'' have been added.

3. The following environmental terms have been defined to assist sponsors in complying with the notice requirements: ''area of historic, cultural, or archeological significance,'' ''critical habitat,'' ''environmentally sensitive area,'' and ''threatened or endangered species.'' During the Coast Guard's consultation with FWS and NMFS, the Services recommended that the Coast Guard's proposed definition of ''environmentally sensitive area'' be expanded to cover environmental laws not specified in the Coast Guard's definition. In response, paragraphs (b) and (d) were added to the definition. The Coast Guard is requesting comments particularly on whether paragraphs (b) and (d) of the definition provide event sponsors with useful guidance to meet the notice provisions of § 100.17(a)(2) or are overly broad.

Section 100.15 General Requirements for Events

One commenter recommended that the proposed rule be revised to specifically state that marine event participants may not violate any Federal, State, or local rule or regulation, rather than just a ''navigational rule.'' Another commenter objected to the condition, explaining that complying with the Inland Navigation Rules would effectively prohibit all races due to requirements for signalling and giving way during overtaking situations.

The Act of April 28, 1908 (33 U.S.C. 1233) does not preempt the States from adopting their own laws and regulations regarding waters within their jurisdiction. In fact, some States have exercised their authority over these waters to require, among other things, State permits for marine events or to prohibit marine events in certain waters. The Coast Guard does not intend, by promulgation of this rule, to imply that compliance with Coast Guard regulations and permits will shield marine event sponsors or participating vessels from other Federal, State, and local requirements. Accordingly, the Coast Guard has amended the section to clarify that participating vessels must comply with all applicable Federal, State, and local laws and regulations. The Coast Guard will continue to notify event sponsors if the proposed event potentially violates other statutes or regulations for which the Coast Guard has authority or responsibility. The Coast Guard has not in the past enforced technical violations of the Inland Navigation Rules against vessels participating in an organized race under racing rules and does not envision a change to this policy.

Section 100.17 Notice of event

1. Several commenters stated that the proposed numeric criterion of 50 vessels in § 100.17(a) is insufficient to determine when the Coast Guard should receive notice of a marine event. Many of these commenters noted that, for example, an event with 51 sailboats often presents less of a threat to the safety of life that an event with 49 powerboats travelling at speeds of greater than 30 knots or miles per hour. Another commenter suggested adding ''more than 200 spectator vessels'' as a criterion to learn of those events with a small number of participants, but where the event's large number of anticipated spectator vessels may result in negative navigation safety or environmental impacts. Both Federal and State authorities submitted comments recommending criteria to address high-speed events and interference with navigation. Similarly, an environmental group suggested that it was most concerned about high-speed events in critical habitat areas.

The Coast Guard agrees and, as a result, has added several new criteria to § 100.17(a) for triggering the need to give notice. In addition to events that will involve more than 50 participating vessels, paragraph (1) now includes events (1) that will involve more than 200 spectator vessels; (2) that will take place in or near a designated environmentally sensitive area (including a critical habitat of a threatened or endangered species), or other area of historic, cultural, or archeological significance, including an area of significance to Native Americans; (3) that will involve participating vessels travelling at speeds of greater than 30 miles per hour; (4) that will cause participating vessels or spectator vessels to cross a designated shipping lane or otherwise block or cause substantial interference with navigation on a body of water; (5) that could present a substantial threat to the safety of human life on navigable waters; or (6) for which the sponsor is requesting the assignment of Coast Guard resources or the issuance of a special local regulation under § 100.35.

2. One commenter suggested that the numeric threshold in § 100.17(a)(1) should be raised from 50 vessels to 100 vessels.

The Coast Guard supports any revision which will remove overly-burdensome regulatory requirements, while maintaining the safety of life on navigable waters. Since the Coast Guard has amended the rule to include several qualitative criteria, in addition to the quantitative threshold of 50 vessels, the Coast Guard seeks comment on whether the suggested threshold of 100 vessels, or some other number, is more appropriate than the 50-participating-vessel criterion originally proposed. Likewise, the Coast Guard seeks comment on whether the suggested threshold of 200 spectator vessels, or some other number, is appropriate.

3. One Federal authority suggested that the Coast Guard receive notice of all marine events; another was concerned about the cumulative effects of multiple marine events occurring in a single location; several suggested requiring notice for any event to be held in specific listed waterways, such as the Atlantic Intracoastal Waterway, San Francisco Harbor, and Puget Sound.

Each of these suggestions, although well-intentioned, would create the very all-pervasive command and control regulatory structure that this rule is intended to eliminate. If the Coast Guard were to regulate consistent with these comments, it would have to require notice of each vessel entering the waters in order to measure fully the cumulative effects. This is contrary to the Coast Guard's statutory mandate, which is limited to regulating marine events only when necessary to protect the safety of human life. Because the additional criteria for requiring notice of a marine event take these commenters' concerns into account, the specific changes suggested have not been adopted.

4. One commenter stated that a sponsor of a sailboat race might encounter difficulties in complying with the requirement in § 100.17(b)(5) to give notice of the location of the event, because the course might change as the winds shift during the event.

The rule requires only information regarding the general location of the event, as indicated on a chart or drawing, to assist in determining whether a permit is needed. This information should be reasonably within the knowledge of a sponsor and, even without the Coast Guard's requirements, should be determined by

the sponsor in advance. Therefore, this suggestion was not adopted.

5. Several comments on proposed § 100.17(c), concerning the length of the notice period, suggested that shorter periods be allowed in certain instances. Many of these commenters, including Federal and State authorities, supported a tiered notice period, because, among other things, longer notice would be warranted if environmental concerns were involved. Specifically, one Federal authority noted that consultation provisions of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) may be triggered by the issuance of some Coast Guard permits and that ESA implementing regulations require a 135-day period for consultation and opinion submittal.

The Coast Guard agrees and has amended paragraph (c) to create a tiered notice period consistent with the mandate of ESA. The rule provides that a sponsor may submit notice at least 60 days before an event if (1) the sponsor submitted notice of the event in the year immediately proceding; (2) the nature, location, scheduling, and other relevant information contained in the prior notice is essentially the same; and (3) no Coast Guard permit was required in the prior year. If these conditions are not met, the sponsor must submit notice at least 135 days before the event.

6. One commenter supported the single-notice period of 120 days in proposed paragraph(c) for annual events, but also stated that some sponsors might encounter difficulties meeting that requirement. Other commenters supported shorter notice periods ranging from same-day to 90-days notice.

As stated above, the Coast Guard has determined that the tiered notice requirement in new paragraph(c) for recurring events will reduce the burden on event sponsors, while not jeopardizing the safety of human life on navigable waters.

7. One State authority commented that a State with an approved Coastal Zone Management Plan must have 6 months notice to make a Federal consistency determination and the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 *et seq.*) before the issuance of a Federal permit directly affecting a coastal zone. Another State authority requested time to make a Federal consistency determination regarding the entire Coast Guard marine event program.

The Coast Guard has determined that the CZMA applies, if at all, to individual permits issued under this rule and not to the rulemaking itself. CZMA section 1456(c) requires the applicant for a Federal license or permit to submit, with its application to the Federal agency, a certification that the proposed action is consistent with the State's Coastal Zone Management Plan (CZMP). To that end, this rule requires each applicant to submit proof of a Federal consistency determination and because the CZMA places the burden on the applicant, the CZMA timeframes are not calculated into this rule.

By contrast, the CZMA imposes on Federal agencies a lesser burden than it imposes on applicants. The CZMA provides that each Federal agency which conducts or supports an activity ''directly affecting'' the coastal zone of a State with an approved CZMP to comply with the CZMP ''to the maximum extent practicable'' (16 U.S.C. 1456(c)(1)). The Coast Guard has determined that the CZMA is not triggered by this rulemaking because it is the underlying event that may affect coastal resources. This rule, in accordance with our statutory authority, is limited to protecting safety of human life on the navigable waters during marine events. Therefore, the effects of this rule, if any, on coastal resources is merely incidental and would be addressed for the specific event. Even if the CZMA were triggered, the Coast Guard has complied ''to the maximum extent practicable'' because this rule includes environmental criteria in its notice provision and requires a consistency determination to be submitted for each permit.

8. As regards the collection-of-information requirements, one Federal authority opposed additional requirements. In contrast, a State authority supported the Coast Guard's proposal to require additional information on the impacts to threatened or endangered species, critical habitats or other designated environmentally sensitive areas, and areas of historic, cultural, or archaeological significance.

As stated in the ''Discussion of General Comments'' section of this preamble, the Coast Guard is aware that, through the previous permitting system, the Coast Guard served as a conduit, between various authorities, for information regarding environmental impacts. To that end, the Coast Guard has added paragraph (d) to provide that the Coast Guard will provide a copy of the notice to those Federal authorities that Congress has specifically charged with protecting affected resources in this instance, as well as to the State and local authorities having similar jurisdiction. Of course, once the Coast Guard decides that a permit is required to protect the safety of human life, the Coast Guard must comply with several environmental laws, including the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), which may require the Coast Guard to consult with other Federal authorities. In furtherance of NEPA's required analysis and ESA's consultation, § 100.18(a) provides that, when a Coast Guard permit is required, the sponsor must submit to the Coast Guard additional information on environmental impacts.

9. New paragraph (d) was added as a result of several comments by Federal and State authorities. Most of these commenters supported the Coast Guard's efforts to streamline the marine event permitting process and noted the Coast Guard is authorized only to issue permits to protect the safety of human life on navigable waters. Some of these commenters also indicated, however, that the permitting process has created indirect benefits to the environment.

The Coast Guard agrees that the scope of its authority is limited. Nevertheless, the Coast Guard will provide a copy of the notice, under paragraph (d), to each relevant Federal, State, or local authority having jurisdiction over a threatened or endangered species, a critical habitat or other designated environmentally sensitive area, or an area of historic, cultural, or archeological significance (including an area of significance to Native Americans), as well as to each authority having navigational or other jurisdiction over the waters.

10. One environmental group requested that the Coast Guard notify the public of all high-speed marine events.

Though the Coast Guard is not required to provide pubic notice of marine events, it has routinely given public notice of its special local regulations by means of its local and broadcast notices to mariners. Under § 100.17(d), the Coast Guard will continue this practice for events on which it receives notice, as well as provide notice to pertinent Federal, State, and local authorities.

11. The Coast Guard is considering other methods to further reduce the paperwork burden imposed on event sponsors, including whether to allow notice under § 100.17 to be submitted by a tollfree information line or via Internet, rather than in writing. Additionally, to better serve its customers, the Coast Guard may establish an Internet site for the posting of information regarding marine events. The Coast Guard believes that an on-line site would be useful for event sponsors,

who would have a clearinghouse for free publicity of their events; for owners and operators of participating and spectator vessels; for commercial vessel owners and operators, who would learn of marine events to be held in nearby waters; and for other regulatory agencies. The Coast Guard seeks comment on the usefulness and feasibility of these proposals.

Section 100.19 Appeals

Several commenters apparently were confused as to whether interested parties, such as State authorities or environmental groups, could participate in the permit appeal process.

The rule has been revised to clarify that only the event sponsor may appeal under § 100.19.

Section 100.50 Penalties

One commenter suggested that the Coast Guard should not assess monetary penalties for violations of these regulations and permits issued thereunder. One Federal authority proposed that the Coast Guard should impose a penalty on those who conduct an event without appropriate notice.

The Act of 1908, as amended (33 U.S.C. 1236), specifies the penalties that shall be incurred for any violation of regulations issued under 33 U.S.C. 1233, the authority for this part.

Regulatory Evaluation

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

Some States authorities commented that they believe that they may incur costs by virtue of this streamlining measure. The Coast Guard notes that the effect of this rule is to eliminate certain Federal requirements and that it does not shift any regulatory burden to State authorities. Therefore, it will impose no costs on State authorities.

This rule eliminates the cost of preparing and submitting an application for the thousands of events that will no longer be permitted. Even for events that just require written notice to the Coast Guard, the only cost will be the time required to gather the readily available information and the cost of postage. Despite these costs, this rule reduces the overall regulatory burden, because fewer sponsors will be required to submit notice than previously were required to submit permit applications.

For the few events that will require a permit, there would be an increase in the amount of information that must be included in the application. However, this additional information will allow the Coast Guard to conduct the required environmental analysis in a more timely manner. Because of the drastic decrease in the number of permits, the additional information required for a permit will still lead to a markedly reduced burden on most sponsors. This additional information concerns the potential impacts of the event on the environment and is needed to assist the Coast Guard in analyzing those impacts and evidencing compliance with environmental laws. The cost of compiling this information will vary greatly depending on the nature and location of the event.

Small Entities

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

One environmental group, which claimed to be a small entity, submitted a comment stating that it would face an economic impact because it would have to devote more resources to monitoring high speed marine events. The Coast Guard disagrees. None of the requirements imposed by this rule have been shifted to environmental groups. Additionally, the rule has been revised to require sponsors of high-speed events to give notice to the Coast Guard, which notice the Coast Guard will forward to appropriate Federal, State, and local authorities (in addition to any local and broadcast notices to mariners it may issue). Any benefit the environmental group received from the old program was incidental.

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

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

Collection of Information

Under the Paperwork Reduction Act (PRA) 44 U.S.C. 3401 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements. The collection-of-information requirements for his rulemaking have been submitted to the Department of Transportation. The requirements have not yet been approved by OMB under section 3504(h) of the PRA and cannot become effective until that approval. Notice of approval will be published in the Federal Register.

This interim rule will reduce the number of respondents (sponsors of events) required to provide information to the Coast Guard from about 3,100 a year to less than 1,500 a year. This reduction will result from limiting the requirement for written notice to only certain events (new § 100.17(a)). As to those respondents required to submit notices and to have a permit, the collection-of-information burden will remain about the same as under the previous permit application requirements in 46 CFR 100.15(c), except for minor new collection-of-information requirements in §§ 100.17, 100.18 and 100.19.

The following particulars apply to the increase in the OMB-approved burden that will result from collection of additional (mostly environmental) information by sponsors required to give notice under § 100.17 and to submit additional information for a permit under § 100.18:

DOT No.: 2115.

OMB Control No.: 2115–0017

Administration: U.S. Coast Guard.

Title: Regattas and Marine Parades.

Need for Information: To comply with various laws, including the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act.

Use of Information: To assist in the preparation of documentation required

by law before the Coast Guard may issue a permit.

Frequency for Response: Once for each event requiring notice and once for each event requiring a permit.

Burden Estimate: The burden will be in preparing and submitting the written notice for each event and the additional environmental information required to obtain a permit, the impact of which will vary with the event.

Respondents: Sponsors of events. Approximately 1,500 per year nationwide will be required to give notice. Of those, about 20 per year nationwide will be required to submit additional information to obtain Coast Guard permits.

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

Average Burden Hours Per Respondent: This will vary depending on the potential impact of the event.

Federalism

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

Environment

The Coast Guard has prepared an environmental assessment (EA) and proposed finding of no significant impact (FONSI) for this rule. The EA and proposed FONSI are available in the rulemaking docket for inspection or copying and are open to public comment where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

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

PART 100—MARINE EVENTS

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

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

2. The heading for part 100 is revised to read as set forth above.

3. Before § 100.01, add a subpart heading to read as set forth above.

Subpart A—General

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

§ 100.01 Purpose.

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

§ 100.05 Definitions.

As used in this part—

Area of historic, cultural, or archeological significance means a place or structure that is listed, or is eligible for listing, in the National Register of Historic Places under the National Historic Preservation Act of 1966 (16 U.S.C. 661 *et seq.*); an area that is designated under other applicable Federal, State, or local historic preservation law or regulation; or an area of significance to Native Americans.

Critical habitat means a geographical area formally identified under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) that is considered essential to the conservation of a species listed as threatened or endangered under the Act and that may require special management considerations or protection.

Designated Officer means a Coast Guard officer designated by the District Commander to carry out the functions assigned in this part to the Designated Officer.

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

Environmentally sensitive area means a geographical area that is designated—

(1) As a critical habitat of a threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*);

(2) For protection under a State endangered or protected species statute;

(3) As a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.* and 33 U.S.C. 1401 *et seq.*); or

(4) As a wildlife sanctuary, refuge, or special natural resource conservation area under Federal or State law.

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

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

Participating vessel means a vessel that is participating in a marine event.

Regatta or marine parade means a marine event.

Spectator vessel means a vessel at a marine event, other than a participating vessel, and includes support and safety patrol vessels.

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

Threatened or endangered species means a species that is listed, or proposed for listing, as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or other species of plant or wildlife protected by an equivalent State statute.

5. Section 100.15 is revised to read as follows:

§ 100.15 General requirements for events.

No marine event may be conducted in such a manner that a participating vessel violates any Federal, State, or local law or regulation that applies during the time and at the location of the event.

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

§ 100.17 Notice of event.

(a) The sponsor of a marine event shall notify the Designated Officer if—

(1) The event will involve more than 50 participating vessels or more than 200 spectator vessels;

(2) The event will take place in or near a designated environmentally sensitive area (including a critical habitat of a threatened or endangered species), or other area of historic, cultural, or archeological significance, including an area of significance to Native Americans;

(3) The event will involve participating vessels travelling at speeds of greater than 30 miles per hour;

(4) The event will cause participating vessels or spectator vessels to cross a designated shipping lane or otherwise block or cause substantial interference with navigation on a body of water;

(5) The event could present a substantial threat to the safety of human life on navigable waters; or

(6) The sponsor is requesting the use of Coast Guard resources or the issuance of a special local regulation under § 100.35.

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

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

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

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

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

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

(6) The number and type (e.g., powerboat or sailboat) of participating vessels and spectator vessels expected.

(7) An explanation of why the event does not present a substantial threat to the safety of human life on navigable waters and what steps will be taken to ensure that result.

(8) The expected effect, if any, of the event on the following resources:

(i) A threatened or endangered species.

(ii) A critical habitat or other designated environmentally sensitive area.

(iii) The coastal zone of a State with a Federally-approved Coastal Zone Management plan under 16 U.S.C. 1451 *et seq.*

(iv) An area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(c) A sponsor of an event meeting the criteria of paragraph (a) of this section must submit notice to the Designated Officer at least 135 days before the event. However, a sponsor may submit the notice no later than 60 days before the event if—

(1) The sponsor submitted a notice of the event in the year immediately preceding;

(2) The nature, location, scheduling, and other relevant information contained in the prior notice is essentially the same; and

(3) The Coast Guard required no permit for the prior event.

(d) The Coast Guard will provide a copy of the notice to the appropriate Federal, State, and local authorities having jurisdiction over the affected waters and also to the appropriate Federal, State, or local authorities having jurisdiction over potentially affected critical habitat of a threatened or endangered species or other designated environmentally sensitive area or an area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(e) If, after reviewing the notice, the Designated Officer determines that the event is likely to present a substantial threat to the safety of human life on navigable waters, the Designated Officer will notify the sponsor that the event may not be held unless the sponsor first obtains a Coast Guard permit for the event.

§ 100.18 Permits.

(a) When a permit is required under § 100.17(e), the sponsor of the event shall submit the following additional information to the Designated Officer within 30 days after the date of notice of the decision that a permit will be required:

(1) A detailed plan of how the sponsor plans to conduct the event so as to minimize the risk to the safety of human life on the navigable waters.

(2) A statement that the event will be conducted in compliance with all requirements under the Clean Air Act (42 U.S.C. 1857 *et seq.*), the Clean Water Act (33 U.S.C. 1321), and the Noise Control Act (42 U.S.C. 4901 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and other applicable Federal, State and local laws, regulations, and ordinances.

(3) If the event is subject to a State's Federally approved coastal zone management plan, a determination from the event sponsor that the event is consistent with the enforceable policies of that plan, as well as evidence showing when the State concurred, or was asked to concur, in that determination.

(4) The name of all Federal, State, or local authorities contacted about the event, the date of each contact, whether any agency indicated that the event will have an adverse impact on a resource, any steps an agency recommended to mitigate the impact, and the sponsor's plan to mitigate the impact.

(5) Any other information deemed necessary by the Designated Officer, such as information to assist the Coast Guard in preparing required environmental documents on the event, including, when appropriate, an agreement to implement any mitigation measures suggested by any Federal, State, or local authority.

(b) The Designated Officer will forward the information to the District Commander, who reviews the information submitted and issues a permit to the sponsor or notifies the sponsor that a permit has been denied and states the reasons for the denial. The sponsor may, within 15 days of the date of notice of the decision to deny a permit, request reconsideration and submit revised or additional information to show that the event has been modified. The District Commander reviews the information submitted for reconsideration and issues a permit or notifies the sponsor that a permit is denied.

§ 100.19 Appeals.

The sponsor of a marine event for which the District Commander has denied a permit may appeal that decision in writing to Chief, Operations, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, within 7 days of the date of the determination. After considering all material presented, the Chief, Office of Operations, notifies the petitioner of the decision. The decision by the Chief, Office of Operations, is final agency action.

§§ 100.25 and 100.30 [Removed]

7. Sections 100.25 and 100.30 are removed.

8. Section 100.35 is revised to read as follows:

§ 100.35 Special local regulations.

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

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

(c) The District Commander will provide notice of the regulations to the State and local authorities having jurisdiction over the affected navigable waters and may provide notice of the regulations by means of local or broadcast notices to mariners.

9. Section 100.50 is revised to read as follows:

§ 100.50 Penalties.

Any person who violates a provision of this part or a regulation issued under this part shall be subject to a penalty assessed under 33 U.S.C. 1236.

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

Subpart B—Special Local Regulations

§ 100.100 Purpose of subpart.

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

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

J.A. Creech,

Captain, U.S. Coast Guard, Director, Operations Policy.

[FR Doc. 96–16319 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–5522–3]

RIN 2060–AG43

Regulation of Fuels and Fuel Additives: Controls Applicable to Gasoline Retailers and Wholesale Purchaser-Consumers; 10 Gallon Per Minute Fuel Dispensing Limit Requirement Implementation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 20, 1993 EPA finalized a requirement limiting vehicle service station fuel dispensing rates to 10 gallons per minute (gpm) maximum, beginning January 1, 1996, for retailers and wholesale purchaser-consumers handling over 10,000 gallons of fuel per month (55 FR 16002, March 24, 1993). In 1995, various groups in the petroleum industry requested that EPA delay the January 1, 1996 deadline, due mainly to the lack of available retrofit parts needed for compliance with the 10gpm requirement. This direct final rule delays the implementation date of the 10gpm requirement from January 1, 1996 until July 1, 1996. In addition, this direct final rule clarifies that the hardware/software for controlling the fuel dispensing rate may be located anywhere in the pump/dispenser system and that refueling facilities are exempt from the 10gpm requirement if used exclusively to refuel heavy-duty vehicles, boats or airplanes.

Today's action is beneficial to affected parties which are not already in compliance with the 10gpm requirement. It provides additional time for manufacturers of fuel dispensing hardware to certify and produce the necessary equipment; and provides additional time for service station owners and fleet managers handling over 10,000 gallons of fuel per month to install the equipment where it is needed. It is not expected to result in any significant economic impact to any of the affected parties. Today's action has no impact on service station owners and fleet managers handling less than 10,000 gallons of fuel per month because they are not required to meet the 10gpm requirement until January 1, 1998.

Today's action does not result in any significant environmental impacts. The six-month delay will only increase fuel spillage during refueling events (on a fleet average basis) by approximately .03 grams per gallon (or less) of fuel dispensed. For comparison purposes, the onboard refueling vapor recovery refueling (ORVR) emission standard is .20 grams per gallon of fuel dispensed for 1998 light-duty vehicles.

DATES: This rule will be effective August 26, 1996, unless adverse comments are received by July 26, 1996. If such adverse comments are received, EPA will publish a timely notice in the Federal Register withdrawing this rule.

ADDRESSES: Materials relevant to the initial final rule, and today's action are available for inspection in Public Dockets A–89–18 and A–95–53 at Air Docket Section, U.S. Environmental Protection Agency, First Floor, Waterside Mall, Room M–1500, 401 M Street SW, Washington, DC 20460 (telephone 202–260–7548, fax 202–260–4400) between the hours of 8 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket material. Any such notice or comments per the requirements of this action should be submitted to this same address, with a complimentary copy, if possible, to Karl Simon or Dave Good at the address listed below.

FOR FURTHER INFORMATION CONTACT: Karl Simon at the U.S. EPA, 401 M Street SW (mail code 6405J), Washington DC, 20460, telephone (202) 233–9299; or Dave Good at the U. S. EPA, 2565 Plymouth Rd, Ann Arbor, Michigan, 48105, telephone (313) 668–4450.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are retailers and wholesale purchaser-consumers of gasoline and methanol which handle over 10,000 gallons of fuel per month, for the purpose of refueling passenger cars and light-duty trucks. Regulated entities would include the following:

Category	Examples of regulated entities
Industry	Service station owners, service station managers, fleet managers who operate a refueling facility to refuel motor vehicles.
Federal Government	Federal facilities, including military bases, who operate a refueling facility to refuel motor vehicles.
State, Local and Tribal Governments	State, local and tribal governments who operate a refueling facilities to refuel motor vehicles.

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 facility is regulated by this action, you should carefully examine the criteria contained in § 80.22(j) of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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I. Need for Delayed Implementation

A. Introduction and Background

On March 24, 1993 the Environmental Protection Agency (EPA) published a final rule establishing the requirement to limit fuel pump dispensing rates to 10 gallons per minute (37.9 liters per minute) beginning January 1, 1996 for most facilities (58 FR 16002). This requirement applies to retailers and wholesale purchaser-consumers of gasoline and methanol. For businesses handling 10,000 gallons or less of fuel per month, implementation of the limit on dispensing rates was delayed until January 1, 1998.

The 10gpm requirement was originally proposed in the onboard refueling vapor recovery (ORVR) Notice of Proposed Rulemaking (NPRM) see 52 FR 31162, August 19, 1987. The final ORVR requirements for cars and light trucks were published in 59 FR 16262, April 6, 1994. However, to achieve earlier spillage emission reductions, the 10 gpm requirement was finalized in the enhanced evaporative emission final rule along with a spitback emissions test, and published on March 24, 1993.

The spitback test procedure was designed to ensure that no spillage

occurs when a vehicle is refueled at a rate of up to 10gpm. Fuel spitback can be a problem when the design of the fuel filler neck is inadequate to accommodate in-use fuel fill rates. The result can be fuel spillage, which is both an environmental and a safety hazard.

In the rulemaking process, it was determined that the service station pumping rates needed to be limited to assure compatibility with the new ORVR systems. Note that approximately 20 percent of 1996 model year vehicles are already subject to spitback emission standards. ORVR requirements are scheduled to begin phase-in with the 1998 model year, with the earliest models entering the marketplace as early as January 2, 1997.

During the summer of 1995, various groups in the petroleum industry requested that EPA delay the January 1, 1996 deadline.[1] [2] [3] [4] Some of the reasons cited for this request were the lack of available parts for retrofitting gas pumps to meet this requirement, and the need for EPA enforcement guidance regarding procedures for determining compliance with the 10gpm limit. EPA has reviewed the need for and the potential impacts of delaying the January 1, 1996 deadline and concluded that the date of implementation should be delayed until July 1, 1996. This direct final rule extends the deadline from January 1, 1996 until July 1, 1996.

EPA concurs with the industry's belief that there was insufficient product availability of retrofit devices to ensure industry compliance with the January 1, 1996 deadline for that segment of the industry not already in compliance before January 1, 1996. While the Agency believes that a large percentage of nozzles do not dispense fuel in excess of 10 gallons per minute, this shortfall of retrofit devices prevented the affected companies from procuring and installing the necessary equipment in the required time limit. Manufacturers of fuel dispensing hardware, including nozzles, dispensers, pumps and other items, have developed several widely differing designs to meet the dispensing limit. However, most of these products were not available in sufficient quantity until after January 1, 1996 as product development and certification reached a conclusion. For example, the American Petroleum Institute indicated in a November 8, 1995 letter to EPA, that ''industry has already begun to respond with the introduction of devices, but many companies are just now gearing up for production.'' [5] The attachment to that letter contains a table showing the types of 10gpm flow limiters which will be marketed by seven manufacturers, for both conventional and stage II nozzles. As shown in the table, several of those devices are scheduled to begin production in November/December, 1995 and several devices were awaiting approval by Underwriters Laboratory and the California Air Resources Board. Since manufacturers were just beginning production of these devices in the last quarter of 1996, the Agency believes that a substantial number of service stations were unable to comply with the 10gpm dispensing limit before the January 1, 1996 deadline. The Agency believes that six months additional lead time given to comply with the 10gpm dispensing limit will provide manufacturers of fuel dispensing hardware sufficient time to certify and produce any necessary equipment; and will allow affected facilities to determine if they are in compliance with the 10gpm limit and if necessary, select the most appropriate control technology and safely install the equipment where it is needed. The Agency believes that delaying the implementation of the 10gpm requirement for more than six months is unnecessary because flow limiting devices are currently widely available, and a longer delay would tend to penalize the facilities which were in compliance prior to January 1, 1996 or shortly thereafter. As will be discussed later, EPA believes that the environmental impact of today's action will be minimal.

B. Impact on the Automobile Industry

Automobile manufacturers have indicated that they would not be opposed to a six month delay of the 10gpm requirement.[6] They are primarily concerned about the compatibility of in-use fuel dispensing rates with vehicle ORVR systems (which are required on some 1998 model year vehicles). These systems are designed and developed on the presumption of a 10gpm maximum dispensing rate. Automobile manufacturers also indicated that fuel dispensing rates greater than 10gpm ''may cause system problems that manufacturers have had little or no time to evaluate.'' [7] EPA has determined that a six month delay in the 10gpm requirement would not be detrimental to the automobile manufacturers' design and development of ORVR systems. These systems could be introduced as early as January 2, 1997. Therefore, a six month delay in the 10gpm requirement effective date will not be detrimental.

C. Impact on State and Local Government Programs

This direct final rule is not expected to adversely impact state and local programs, with respect to State Implementation Plans (SIPs) or with respect to any fuel dispensing requirements which are imposed separately by state or local governments.

The Agency believes that this direct final rule will have no effect (or a minimal effect) on SIPs since the environmental impact is very minimal.

The limitation on in-use dispensing rates in section 80.22(j) of the regulations was issued under section 211(c) of the Act. As such, non-identical state fuel controls are generally preempted under section 211(c)(4)(A) of the Act. This does not apply to state controls in California, as California is not subject to this preemption provision.[8] In addition, non-identical state controls in other states are not preempted where they have been submitted and approved as a revision to the State Implementation Plan, based on a showing that the state control is necessary to achieve the National Ambient Air Quality Standard that the Plan implements.[9]

Today's direct final rule is not expected to have any impact on the fuel dispensing requirements which are already in place for the State of California. Currently, the California Air

[1] Letter from Michael A. McCord, Esq. on behalf of the Gasoline Pump Manufacturers Association; to Ms. Mary D. Nichols, Assistant Administrator, Office of Air and Radiation, EPA; July 10, 1995; Docket A–95–53, document no. II–D–06.

[2] Letter from C. J. Krambuhl, Director of Manufacturing, Distribution and Marketing, American Petroleum Institute; to Ms. Mary D. Nichols, Assistant Administrator, Office of Air and Radiation, EPA; August 15, 1995; Docket A–95–53, document no. II–D–10.

[3] Letter from Gene Mittermaier, President, Data Action Company; on behalf of the Petroleum Marketers Association of America; to Ms. Mary D. Nichols, Assistant Administrator, Office of Air and Radiation, EPA; July 1, 1995; Docket A–95–53, document no. II–D–12.

[4] Letter from S.D. Dermott, Manager of Marketing Department, Legislative & Regulatory Affairs, Exxon Company, U.S.A.; to Ms. Mary D. Nichols, Assistant Administrator, Office of Air and Radiation, EPA; July 28, 1995; Docket A–95–53, document no. II–D–03.

[5] Letter from C.J. Krambuhl, Director, Manufacturing, Distribution and Marketing, American Petroleum Institute; to Ms. Margo Oge, Director of the Office of Mobile Sources, EPA; November 8, 1995; Docket A–95–53, document no. II–D–11, page 3 of Attachment.

[6] Letter from Gerald A. Esper, Director of Vehicle Environment Department, American Automobile Manufacturers Association, and Gregory J. Dana, Vice President and Technical Director, Association of International Automobile Manufacturers; to Alan Stout, EPA, dated October 12, 1995; Docket A–95–53, document no. II–D–05.

[7] Esper and Dana. See reference 6.

[8] Section 211(c)(4)(B) of the Clean Air Act, 42 U.S.C. 7545.

[9] Section 211(c)(4)(C) of the Clean Air Act, 42 U.S.C. 7545.

Resources Board requires certification of stage II vapor recovery systems, including a requirement that the dispensing rate of the system not exceed 10gpm when only one nozzle associated with the product supply pump is operating. Today's direct final rule does not affect this requirement, either before or after the federal 10gpm requirements are implemented.

The California Bay Area Air Quality Management District (BAAQMD) expressed concern that the petroleum industry's request for a two-year delay ''should not apply to any area mandated to install Stage II vapor recovery systems,'' [10] based on their belief that a two year delay would result in increased fuel spillage emissions. Although the BAAQMD letter supplied supporting fuel spillage data on one vehicle which was refueled at 12.8 gpm, the Agency believes that the vast majority of stage II nozzles are already in compliance with the 10gpm maximum flow rate requirement, and that a separate phase-in schedule is not justified for stage II nozzles. For the few possible cases of noncompliance (only two stage II systems have been certified above 10gpm) the Agency believes that the incremental regulatory and enforcement complexity to set up a separate compliance schedule for stage II nozzles is not beneficial, especially since the delay period is only six months. For these reasons, and because the State of California is not preempted from regulating fuel dispensing rates, the Agency believes that this direct final rule will have no impact on California programs.

D. Implementation Issues

A ''Question and Answer'' (Q&A) document has been prepared by the EPA Mobile Source Enforcement Branch of the Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, Air Enforcement Division to provide implementation guidance on the 10gpm requirements. The most recent version of this document (as of today's publication date) is available in Docket A–95–53 and also on the EPA electronic bulletin board (TTN BBS) and the internet (http://www.epa.gov/omswww).

This direct final rule revises the regulations to incorporate certain elements of this Agency guidance document. The changes clarify that the hardware/software for controlling the fuel dispensing rate may be located anywhere in the pump/dispenser system and that refueling facilities are exempt from the 10gpm requirement if used exclusively to refuel heavy-duty vehicles, boats or airplanes. [The provisions of 40 CFR 80.22(j) previously exempted facilities used exclusively to refuel heavy-duty vehicles; this direct final rule and the Q & A document clarify that facilities used to refuel boats and airplanes are also exempt.]

Additionally, the Q&A document provides a description of the test procedure that EPA intends to use to determine compliance with 10gpm requirements. This guidance makes clear that the 10gpm requirement is a maximum amount that must be met under all circumstances, including ''worst case'' conditions such as having no other nozzles in operation.

E. Outreach Efforts

The Agency and petroleum industry personnel are committed to (and have already begun) communication outreach efforts to implement the 10gpm requirements, including today's action. For example, the American Petroleum Institute (API) states in a November 8, 1995 letter to EPA, that the ''Gasoline Pump Manufacturers Association, the American Petroleum Institute and the Petroleum Marketers Association are committed to helping the EPA ensure that all stakeholders are notified of the pending requirements. This process has already begun through communications with our memberships, conferences such as the Petroleum Equipment Institute conference in Denver, Colorado in October, 1995 and interviews with the trade press.'' [11]

The API letter also describes how information about the 10gpm requirements will be disseminated to large volume and small volume retailers and wholesale purchaser-consumers through various trade associations and trade magazines. The EPA intends to provide supporting information to these trade associations and magazines.

F. Environmental Impact

The Agency believes that the environmental impact of this direct final rule will be minimal. The Agency estimates that this direct final rule will result in a slight increase in the spitback emissions. Spitback emission reductions were originally estimated to be ''a fleet average value of .15 grams per gallon (0.04 g/liter)'' [12] of dispensed fuel. Using this estimate, spitback spillage was originally estimated (in 1987) to be 3.7 million gallons of gasoline spilled in 1995. The Agency estimates the environmental impact of this direct final rule to be approximately 20 percent or less of the .15 grams per gallon and the 3.7 million gallon estimates, for the following reasons:

First, while EPA data ''indicate that higher flow rates are associated with a more frequent occurrence of spitback,[13] the Agency has no data quantifying only the effect of limiting in-use dispensing rates to 10 gpm. The previously quoted spitback benefits assume that vehicles are designed to meet applicable spitback emission standards and the in-use dispensing rates are less than the 10gpm used in the spitback compliance testing. Based on the types of vehicles and the refueling rates in the field today, the effect of limiting in-use dispensing rates to 10 gpm (by itself) is expected to be a small portion of the original estimates. However, to be conservative and also consistent with the original estimate [14], today's environmental impact estimate assumed that a 10gpm dispensing rate limit would have eliminated spitback from approximately one-half of the vehicles in the field during the delayed time period.

Second, the Agency believes that the majority of in-use facilities are now in compliance with the 10gpm requirement. EPA's original 1987 data indicate that ''most in-use dispensing rates fall in the range of 8 to 10 gpm with evidence of a trend toward higher rates in new stations using higher horsepower pumps.'' [15] Since 1987, the trend in non-stage II areas seems to have continued toward higher rates, however the trend in stage II areas is toward dispensing rates which are already in compliance with the 10gpm dispensing rate. All states subject to Stage II mandates require Stage II systems which have been certified by the California Air Resources Board (CARB). Except for two systems which were CARB certified at 12 and 13 gpm, all CARB-certified systems are limited to 10gpm or less. Today's environmental impact estimate assumed that there has been no significant change from the original estimate in the total number of nozzles

[10] Letter from Milton Feldstein, Air Pollution Control Officer, California Bay Area Air Quality Management District; to Ms. Mary D. Nichols, Assistant Administrator, Office of Air and Radiation, EPA; August 31, 1995; Docket A–95–53, document no. II–D–04.

[11] C. J. Krambuhl; p. 3 of Attachment. See reference 5.

[12] ''Final Regulatory Impact Analysis and Summary and Analysis of Comments'' February, 1993; for the enhanced evaporative final rule, 58 FR 16002, March 24, 1993; Docket No. A–89–18, document no. V–B–1, p. 40, 41.

[13] ''Final Regulatory Impact Analysis and Summary and Analysis of Comments;'' p. 42. See reference 10.

[14] Technical Report ''Investigation of the Need for In-Use Dispensing Rate Limits and Fuel Nozzle Geometry Standardization;'' May, 1987; Docket No. A–89–18, document no. IV–A–2, p. 13.

[15] Technical Report, p. 6. See reference 12.

in the field which are already in compliance with the 10gpm requirements.

Third, data supplied by API[16] indicate that ''since 1987 940,000 new nozzle positions have been shipped and installed that exceed the 10 gallon per minute restriction under normal conditions with clean fuel filters and no other nozzles in use at the site.'' Based on the station count supplied in the April, 1995 issue of ''National Petroleum News'' (of approximately 195,455 total stations in the U.S. in 1995) and assuming a conservative average of 10 nozzles per station, this would equate to approximately 48 percent of the nozzles in the field today. The actual figure would be less than 48 percent, because some of these nozzles would replace non-complying nozzles. Additionally, the Agency believes many of these nozzles may actually be in compliance during normal use, for the following reasons:

* In-use filters tend to clog up with residue which reduces the actual flow rate.

* Nozzles located farthest from the pump tend to have a reduced flow rate than nozzles which are located near the pump.

* Operating several nozzles at the same time tends to reduce the flow rate.

While the Agency is not contesting API's data that up to 940,000 nozzles may need retrofitting to assure compliance, the Agency still believes that the majority of nozzles in the field today are operated at or below the 10gpm limit. This rationale supports the assumption that there has been no significant change from the original estimate in the total number of nozzles in the field which are already in compliance with the 10gpm requirements.

Fourth, since May, 1992, one nozzle manufacturer representing approximately one-third of the U.S. market, has been marketing nozzles which are meeting the 10gpm requirement.[17] The fact that this manufacturer's nozzles continue to be in compliance also supports the assumption that there has been no significant change from the original estimate in the total number of nozzles in the field which are already in compliance with the 10gpm requirements.

Fifth, today's action has no impact on retailers and wholesale purchaser-consumers handling 10,000 gallons per month or less, since they are not required to meet the 10gpm requirement until January 1, 1998. However, to be conservative, today's environmental impact estimate assumed that the effect of delaying 10gpm dispensing rate requirements would apply to all nozzles in the field.

Sixth, it seems unlikely that service station owners will wait until July 1, 1996 to comply with the 10gpm requirement. The Agency believes that some service station owners will install retrofit hardware several months prior to the delayed implementation date of this direct final rule, as more and more hardware becomes available in late 1995 and early 1996. Today's environmental impact estimate assumed that on the average, all nozzles will be in compliance by May 15, 1995. For this reason, the environmental impact of this direct final rule is estimated to be a factor of nine-twenty-fourths of the estimate contained in the 1993 rulemaking; based on an assumed delay in compliance of 4½ months for today's action as compared to a one year basis for the 1993 estimate.

Therefore, the total impact of this direct final rule is estimated to be approximately 20 percent (or less) of the original estimate for spitback savings contained in the March 24, 1993 final rule, or approximately .03 grams per gallon of fuel dispensed (or less) on a fleet average basis. The 20 percent is the product of the (1/2) factor and the (9/24) factor previously discussed in the first and sixth points of this section. The total impact =.15 g/gal x 1/2 x 9/24=.03 g/gal or less.

G. Economic Impact

This direct final rule is expected to have a slight economic impact on consumers, due to fuel spillage. As stated previously, this direct final rule is expected to delay fuel spillage benefits to consumers, estimated to be a small percentage (approximately 20 percent or less) of approximately 3.7 million gallons of gasoline spilled per year. Thus, the environmental impact of this direct final rule could conceivably increase consumer costs by the cost of approximately 740,000 gallons of gasoline, i.e. approximately $1 million (or less) due to reduced fuel spillage benefits.

H. Conclusion

The Agency believes that a six month delay in the original January 1, 1996 effective date of the 10gpm requirement is appropriate given the logistical limits on the feasibility of achieving compliance by January 1, 1996, and the limited environmental impacts of the delay. The Agency believes that a six month delay (combined with increased EPA and industry outreach efforts to make service station owners aware of the 10gpm requirement) will have very little (if any) effect on the environment. Therefore, for the reasons discussed previously, the Agency intends to delay the implementation of the 10gpm requirements for six months. EPA expects no negative impact for any of the affected parties.

II. Public Participation and Effective Date

The Agency is publishing this action as a direct final rule because it views the changes contained herein as non-controversial and based on outreach efforts with all affected parties, EPA anticipates no adverse or critical comments. Representatives of automobile and petroleum industry associations have indicated that their constituents will not be adversely affected by this direct final rule and therefore the Agency expects no adverse comments from the members of those associations. Similarly, the Agency does not expect adverse comments from the environmental community or state and local governments, since the environmental impact is very minimal.

This action will become effective August 26, 1996. If the Agency receives adverse comments by July 26, 1996, EPA will publish a subsequent Federal Register document withdrawing this rule. In the event that adverse or critical comments are received, EPA is also publishing a Notice of Proposed Rulemaking (NPRM) in a separate action today, which proposes the same rule changes contained in this direct final rule. Any adverse comments received by the date listed above will be addressed in a subsequent final rule. That final rule will be based on the relevant portion of the rule revision that is noticed as a proposed rule in the Proposed Rule Section of this Federal Register and that is identical to this direct final rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective August 26, 1996.

III. Administrative Requirements

A. Administrative Designation

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the

[16] C. J. Krambuhl, p. 2 of Attachment. See reference 5.

[17] Telephone contact between Alan Stout, EPA and Arthur Fink, Husky Corporation, May 29, 1992. Docket No. A–89–18, document no. IV-E–27.

requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, the Agency has determined that this direct final rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. This direct final rule will not have an adverse effect on either the refueling facilities or the manufacturers of fuel dispensing equipment.

B. Reporting and Recordkeeping Requirements

This direct final rule does not change the information collection requirements submitted to and approved by OMB in association with the Evaporative Emissions Final Rule (58 FR 16002, March 24, 1993) which was approved by the Office of Management and Budget on May 9, 1994.

C. Impact on Small Entities

The Regulatory Flexibility Act of 1980 requires federal agencies to examine the impact of federal regulations on small entities. The Small Business Regulatory Enforcement Fairness Act of 1996 amended these requirements.

Today's action to delay the implementation of the 10gpm fuel dispensing requirements until July 1, 1996 will not result in any additional economic burden on any of the affected parties, including small entities involved in the oil industry, the automobile industry and the automobile service industry. EPA is not imposing any new requirements on regulated entities, but instead is revising a current requirement to make it less restrictive.

Today's action is applicable to, and beneficial to retailers and wholesale purchaser-consumers handling over 10,000 gallons of fuel per month. It provides these affected parties with six months additional lead time, allowing affected parties to determine if they are in compliance with the 10gpm limit and if necessary, select the most appropriate control technology and safely install the equipment where needed. As previously discussed in section I.F., EPA believes that a substantial number of these facilities are already in compliance and thus are unaffected by today's action. Retailers and wholesale purchaser-consumers handling 10,000 gallons of fuel per month or less are also unaffected by today's action, because they are not required to meet the 10gpm fuel dispensing requirements until January 1, 1998.

Today's action is also expected to have a beneficial effect on gas pump equipment manufacturers, who are the main beneficiaries of the change in the fuel dispensing limit's effective date. While these entities had, before the original effective date of January 1, 1996, produced equipment that would limit fuel dispensing rates, they had not produced such equipment in sufficient quantities that would allow all affected fuel dispensing facilities time to purchase and safely install it. Today's action provides these manufacturers with six months additional lead time to produce and certify equipment necessary for compliance with the 10gpm dispensing limit. The introduction of this equipment into the marketplace has already begun and EPA does not expect the gas pump manufacturers to experience any significant difficulty in meeting market demand for their products. Today's action has given these entities sufficient time to produce the necessary equipment.

Therefore, pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, the Administrator certifies that this direct final rule will not have a significant impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 544 U.S.C. 3501 et seq., and implementing regulations, 5 CFR Part 1320, do not apply to this direct final rule as it does not involve the collection of information as defined therein.

E. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

F. Electronic Copies of Rulemaking Documents

A copy of this document is also available electronically from the EPA internet site and via dial-up modem on the Technology Transfer Network (TTN), which is an electronic bulletin board system (BBS) operated by EPA's Office of Air Quality Planning and Standards. Both services are free of charge, except for your existing cost of internet connectivity or the cost of the phone call to TTN. Users are able to access and download files on their first call using a personal computer per the following information. Any one of the following Internet addresses may be used:

World Wide Web:
http://www.epa.gov/OMSWWW/
Gopher:
gopher://gopher.epa.gov/ Follow menus for: Offices/Air/OMS
FTP:
ftp://ftp.epa.gov/ Change Directory to pub/gopher/OMS

The steps required to access information on this rulemaking on the TTN bulletin board system are listed below.

TTN BBS: 919–541–5742 (1,200–14,400 bps, no parity, eight data bits, one stop bit)
Voice help: 919–541–5384
Internet address: TELNET ttnbbs.rtpnc.epa.gov
Off-line: Mondays from 8:00–12:00 Noon ET

1. Technology Transfer Network Top Menu: <T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards) (Command: T)
2. TTN TECHNICAL INFORMATION AREAS: <M> OMS—Mobile Sources Information (Command: M)
3. *OMS BBS === MAIN MENU FILE TRANSFERS: <O> Other OMS Documents (Command: O)*

At this stage, the system will list all available files in this area. To download a file, select a transfer protocol that will match the terminal software on your computer, then set your own software to receive the file using that same protocol. If unfamiliar with handling compressed (that is, ZIP'd) files, go to the TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can

quit TTN BBS with the <G>oodbye command.

IV. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate with estimated costs to the private sector of $100 million or more, or to state, local, or tribal governments of $100 million or more in the aggregate. 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 this direct final rule imposes no new federal requirements and does not include any federal mandate with costs to the private sector or to state, local, or tribal governments. Therefore, the Administrator certifies that this direct final rule does not require a budgetary impact statement.

V. Judicial Review

Under section 307(b) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements that are the subject of this document may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Gasoline, Motor vehicle pollution.

Dated: June 12, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 80 of the *Code of Federal Regulations*, is amended as set forth below.

PART 80—[AMENDED]

1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 114, 211, and 301(a), Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.22 is amended by revising paragraph (j) to read as follows:

§ 80.22 Controls and prohibitions.

* * * * *

(j) After July 1, 1996 every retailer and wholesale purchaser-consumer handling over 10,000 gallons (37,854 liters) of fuel per month shall limit each nozzle from which gasoline or methanol is introduced into motor vehicles to a maximum fuel flow rate not to exceed 10 gallons per minute (37.9 liters per minute). The flow rate may be controlled through any means in the pump/dispenser system, provided the nozzle flow rate does not exceed 10 gallons per minute (37.9 liters per minute). After January 1, 1998 this requirement applies to every retailer and wholesale purchaser-consumer. Any dispensing pump that is dedicated exclusively to heavy-duty vehicles, boats, or airplanes is exempt from this requirement.

[FR Doc. 96–16205 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 152

[OPP–300110; FRL–5372–8]

RIN 2070–AC98

Notification Procedures for Pesticide Registration Modifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends EPA's notification and non-notification procedures for certain registration modifications. The rule no longer specifies the types of modifications that may be accomplished by notification or without notification to EPA. The rule provides that EPA will issue procedures for notification and non-notification. EPA will thereafter designate modifications that may be accomplished through the notification and non-notification procedures by notice to registrants. This revision will streamline the regulations by eliminating listings of very specific modifications, and provide greater flexibility to expand the scope of the notification/non-notification process.

DATES: This action is effective on August 26, 1996 unless adverse comments are received by July 26, 1996. If the final rule is withdrawn, timely notice will be published in the Federal Register.

ADDRESSES: The Agency invites any interested person to submit written comments to: By mail: Program Resources Section, Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–30110.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VI. of this preamble.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 713, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, Telephone: 703–305-5448, e-mail: kempter.carlton@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated entities. Entities potentially regulated by this action are pesticide producers who register pesticides.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether you are subject to regulation by this action, you should carefully examine 40 CFR 152.44.

I. Background

In March 1995, President Clinton announced a new initiative under which all Federal agencies, including EPA, would review their existing regulations. This Regulatory Reinvention initiative is intended to identify opportunities for streamlining, simplifying, reducing reporting and recordkeeping burdens, and promoting partnerships and stakeholder involvement in EPA's regulation review.

In connection with this initiative, EPA has identified changes which could be made to its processes for reviewing and approving revisions to pesticide registration. One of these changes would be to give EPA greater flexibility to permit certain low risk, minor modifications to be accomplished by notification or without notification rather than by the amendment process. Today's action implements those changes to the regulations to provide this flexibility.

The provisions in today's rule affect the process through which the Agency approves or permits certain minor modifications to pesticide registrations and do not affect the substance of the types of amendments which may be made to pesticide registrations. Because EPA views this rule as non-controversial, it anticipates no adverse comments and is therefore publishing this action without prior proposal. If EPA receives such comments, the final rule will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. The public comments received will then be addressed in a subsequent final rule or EPA will seek additional comments. Any parties interested in commenting on this action should do so at this time in accordance with the instructions set forth above.

II. Rule Changes

The significant portion of today's action amends existing 40 CFR 152.46. Section 152.46 currently provides that the Agency will permit registrants to make certain minor changes to their registrations without prior Agency review and approval. Section 152.46(a) lists seven separate registration actions that may be accomplished by notifying the Agency of those changes before the product is distributed or sold. These actions are commonly referred to as ''notifications.'' Section 152.46(b) allows five other minor changes in labeling or packaging to be made without notification to the Agency. These actions are commonly referred to as ''non-notifications.''

This rule amends § 152.46 so that it no longer lists the specific actions that may be accomplished through notification or non-notification. Rather, the rule as amended today provides that EPA will issue procedures, following an opportunity for public comment, specifying the types of registration amendments that may be accomplished by notification or non-notification. In fact, these procedures were issued following an opportunity for public comment in advance of this rule on May 31, 1995, as Pesticide Regulation (PR) Notice 95-2, which clarifies and expands the types of registration actions that may be made through notification. If EPA changes the procedures, it will issue a revised PR Notice (first in draft for public comment, then final) and a technical amendment to the rule.

As with current § 152.46(a), today's amendment continues to provide that upon the Agency's receipt of a notification, a registrant may distribute or sell the modified product. Similarly, as with current § 152.46(b), if the product is modified under the ''non-notification'' provisions of that section, a registrant is not required to notify the Agency before it distributes or sells the modified product.

In addition, consistent with the current § 152.46(a), § 152.46(a)(2) of today's amendments provides that EPA may, upon receipt of a notification, require the registrant to submit an application for amended registration. If it does so, the Agency will notify the registrant and request that the registrant submit an application for amended registration. If the registrant thereafter fails to submit an application, the Agency may determine that the product is not in compliance with the requirements of the Act.

It is important to note that the provision of § 152.46(a)(2) described above, as with current § 152.46, only applies to those notifications that are consistent with EPA instructions. It reserves EPA's right to request registrants to submit applications for amended registration for modifications that could otherwise be made through notification. It was not intended and does not provide registrants with a means to attempt to make modifications to registrations by notification that are not permitted by Agency procedures. Accordingly, new § 152.46(c) is intended to clarify this point by providing that if a registrant modifies a product by notification or non-notification in a manner inconsistent with § 152.46(a) and (b) and the procedures issued thereunder, the Agency may initiate regulatory and/or enforcement action without first providing the registrant with an opportunity to submit an application for amended registration.

III. Statutory Review Requirements

In accordance with FIFRA section 25(a), a copy of this rule was provided to appropriate Congressional Committees, the U.S. Department of Agriculture and the FIFRA Scientific Advisory Panel.

IV. Public Record

A record has been established for this rule under docket number ''OPP–30110'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the rule as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

V. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), EPA has determined that this regulatory action does not impose any adverse economic impacts on small entities. Any comments regarding the economic

impacts that this regulatory action may impose on small entities should be submitted to the Agency at the address listed under the ADDRESSES unit.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been previously approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB Control No. 2070-0060. A copy may be obtained from the Information Policy Branch (7405), EPA, 401 M St., SW., Washington, DC 20460, or by calling (202) 260-2744.

D. Unfunded Mandates

Under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any ''unfunded mandates'' as defined by Title II. The costs associated with this action are described in the Executive Order 12866 unit above.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in Part 152

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

Dated: June 20, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR part 152 is amended as follows:

PART 152—[AMENDED]

1. The authority citation for part 152 continues to read as follows:

Authority: 7 U.S.C. 136-136y; subpart U is also issued under 31 U.S.C. 9701.

2. Section 152.44 is amended by adding new paragraph (b)(4), to read as follows:

§ 152.44 Applications for amended registration.

* * * * *

(b) * * *

(4) Permit an applicant to modify a registration by notification or non-notification in accordance with § 152.46.

3. Section 152.46 is revised to read as follows:

§ 152.46 Notification and non-notification changes to registrations.

(a) *Changes permitted by notification.* (1) EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished by notification to the Agency, without requiring that the registrant obtain Agency approval. If EPA so determines, it will issue procedures following an opportunity for public comment describing the types of modifications permitted by notification and any conditions and procedures for submitting notifications.

(2) A registrant may modify a registration consistent with paragraph (a)(1) of this section and any procedures issued thereunder and distribute or sell the modified product as soon as the Agency has received the notification. Based upon the notification, the Agency may require that the registrant submit an application for amended registration. If it does so, the Agency will notify the registrant and state its reasons for requiring an application for amended registration. Thereafter, if the registrant fails to submit an application the Agency may determine that the product is not in compliance with the requirements of the Act. Notification under this paragraph is considered a report filed under the Act for the purposes of FIFRA section 12(a)(2)(M).

(b) *Changes permitted without notification.* EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished without notification to or approval by the Agency. If EPA so determines, it will issue procedures following an opportunity for public comment describing the types of amendments permitted without notification (also known as non-notification). A registrant may distribute or sell a product changed in a manner consistent with such procedures without notification to or approval by the Agency.

(c) *Effect of non-compliance.* Notwithstanding any other provision of this section, if the Agency determines that a product has been modified through notification or without notification in a manner inconsistent with paragraphs (a) or (b) of this section and any procedures issued thereunder, the Agency may initiate regulatory and/or enforcement action without first providing the registrant with an opportunity to submit an application for amended registration.

[FR Doc. 96–16335 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 185

[PP 4F4380 and FAP 4H5703/R2240; FRL–5369–7]

RIN 2070–AB78

Flutolanil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a time-limited tolerance, to expire on April 30, 1998 for combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm; and in or on the processed food commodities rice hull at 7.0 ppm and rice bran at 3.0 ppm, when present therein as a result of application of the fungicide to growing crops. The regulation to establish a maximum permissible level for residues of the fungicide was requested in a petition submitted by the AgrEvo USA Company.

EFFECTIVE DATE: This regulation became effective April 30, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4380, FAP 4H5703/R2240], may be submitted

to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4380, FAP 4H5703/R2240] . No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-6226; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice (FRL–4926–4), published in theFederal Register of February 8, 1995 (60 FR 7539), which announced that AgrEvo USA Company had submitted pesticide petitions (PP) 4F4380 and FAP 4H5703 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil, in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm; and in or on the processed food commodities rice hull at 7.0 ppm and rice bran at 3.0 ppm, when present therein as a result of application of the fungicide to growing crops.

There were no comments received in response to the notice of filing. The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance include:

1. Several acute toxicity studies that place technical flutolanil in Toxicity Category III (Caution). Data show minimal to slight irritation to the eye.

2. A 90–day rat feeding study with a systemic no-observed effect level (NOEL) of 37 mg/kg/day for males and 44 mg/kg/day for females and a systemic lowest effect level (LEL) of 299 mg/kg/day for males and 339 mg/kg/day for females based on increased absolute and relative liver weights in both the 299 mg/kg/day males and 339 mg/kg/day females and the 1,512 mg/kg/day males and 1,743 mg/kg/day females, along with a slight decrease in body weight in 1,512 mg/kg/day males.

3. A 90–day oral study in dogs with a systemic NOEL of 80 mg/kg/day and a systemic LEL of 400 mg/kg/day based on enlarged livers and increased glycogen deposition in the livers of both males and females. High dose (2,000 mg/kg/day) males and females showed increased alkaline phosphatase levels and cholesterol thyroid/parathyroid organ weights.

4. A 2–year feeding/carcinogenicity study in rats with a systemic NOEL of 86.9 mg/kg/day for males and 103.1 mg/kg/day for females and a systemic LEL of 460.5 mg/kg/day for males and 535.8 mg/kg/day for females based on reduced body weight and body weight gain in males along with decreased and absolute relative weights in females. Flutolanil was not carcinogenic under the conditions of this study.

5. A carcinogenicity study in mice with a systemic NOEL of 735 mg/kg/day for males and 1,168 mg/kg/day for females and a systemic LEL of 13,333 mg/kg/day for males and 1,839 mg/kg/day for females based on body weight gains in the high dose females which were significantly lower than those of controls during the first 24 weeks of treatment. There were no effects of biological importance on survival, clinical signs, food intake, hematology, gross pathology, or histopathology. Flutolanil was not carcinogenic under the conditions of this study.

6. A 2–year oral feeding study in dogs with a systemic NOEL of 50 mg/kg/day for males and females and a systemic LEL of 250 mg/kg/day based on increased incidence of clinical signs (emesis, salivation, soft stools, lower body weight gains and decreased food consumption in the 250 and 1,250 mg/kg group males and females.

7. A rat developmental toxicity study with a maternal NOEL of 1,000 mg/kg/day (limit dose) and a developmental toxicity NOEL of 1,000 mg/kg/day (limit dose). Developmental toxicity was not observed at any dose level.

8. A rabbit developmental toxicity study with a maternal NOEL of 40 mg/kg/day and a maternal LEL of 200 mg/kg/day based on increased resorptions in the 200 and 1,000 mg/kg group. A developmental NOEL of 40 mg/kg/day, and a developmental LEL of 200 mg/kg/day were based on increased resorptions in the 200 and 1,000 mg/kg/day group.

9. A 2–generation rat reproduction study with a parental toxicity NOEL of 1,936 mg/kg/day (limit dose) and a reproductive toxicity NOEL of 1,936 mg/kg/day (limit dose).

10. Mutagenicity studies included: An Ames Assay which was negative; Chromosome Aberration studies which showed flutolanil induced chromosomal aberrations in cultured Chinese Hamster lung cells in the presence of metabolic activation; Reverse Data which showed that flutolanil did not cause an increase in revertant colonies using Salmonella and *E.coli* strains; Micronucleus Assay data which indicated that flutolanil, up to a dose of 10 gm/kg, did not induce micronuclei in the bone marrow erythrocytes of male and female mice; Unscheduled DNA Synthesis (UDS) data which showed that flutolanil did not induce UDS because the test compound failed to induce a genotoxic response in the *in vitro* assay; and Lymphoma mutation test data which showed that flutolanil was found to be nonmutagenic in the Mammalian Cell Gene Mutation Assay.

The Reference Dose (RfD) used in the analysis is 0.2 mg/kg bwt/day, based on an LEL of 63.7 mg/kg bwt/day from a three generation rat reproductive study with an uncertainty factor of 300 that demonstrated decreased body weight gains and increased liver weights at the high dose of 661.8 mg/kg. Flutolanil is classified as a group E carcinogen, showing no evidence of cancer in rats or mice.

The Theoretical Maximum Residue Contribution (TMRC) from the current

action is estimated at 0.000810 mg/kg bwt/day and utilizes less than 1 percent of the RfD for the general population of the 48 States. The TMRCs for the most highly exposed subgroups, children (1 to 6 years old) is 0.003577 mg/kg bwt/day (1.8% of the RfD).

The residue analytical method will not be forwarded to FDA for publication at this time. This method is available for limited distribution from Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–5232. It has the following disclaimer: The method is for use only by experienced chemists who have demonstrated knowledge of the principles of trace organic analysis; and have proven skills and abilities to run a complex residue analytical method obtaining accurate results at the part per billion level. Users of this method are expected to perform additional method validation prior to using the method for either monitoring or enforcement. The method can detect gross misuse.

There are presently no actions pending against the continued registration of this chemical. The pesticide is considered useful for the purpose for which the tolerance is sought.

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

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under the docket number [PP 4F4380 FAP 5H5703/R2240] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 9–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

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

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides

and pests, Reporting and recordkeeping requirements.

40 CFR Part 185

Food additive, Pesticide and pest.

Dated: April 30, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.484 by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read a follows:

§ 180.484 Flutolanil N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil; tolerances for residues.

* * * * *

(b) Time-limited tolerances are established for the combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the following raw agricultural commodities:

Commodities	Parts per million	Expiration date
Rice, grain	2.0	April 30, 1998
Rice, straw	8.0	April 30, 1998

PART 185—[AMENDED]

2. In part 185

a. The authority citation for part 185 continues to read as follows:

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

b. In § 185.3385 by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 185.3385 Flutolanil N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil; tolerances for residues.

* * * * *

(b) A time-limited food additive regulation is established permitting the combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the following raw processed food commodity:

Commodities	Parts per million	Expiration date
Rice, hull	7.0	April 30, 1998
Rice, bran	3.0	April 30, 1998

[FR Doc. 96–16338 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 799

[OPPTS–00173A; FRL–5379–5]

Technical Amendments to TSCA Regulations to Update Addresses; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final rule.

SUMMARY: EPA issued a final rule document (FR Doc. 95–16287) published in the Federal Register of July 3, 1995 (60 FR 34462) (FRL–4964–5), inadvertently amending § 799.1285. This document removes that amendment. Section 799.1285 was removed at 60 FR 31924, June 19, 1995 (FRL–4955–2). Because this is a nonsubstantive change, notice and public comment are not required.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., NW, Washington, DC 20460, telephone: (202) 554–1404, TDD: (554–0551); e-mail: TSCA Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

In FR Doc. 95–16287 published in the Federal Register of July 3, 1995 (60 FR 34462), § 799.1285 was inadvertently amended. EPA issued a document in the Federal Register of June 19, 1995 (60 FR 31924) removing § 799.1285. This document removes the amendment published on July 3, 1995.

List of Subjects in 40 CFR Part 799

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

Correction of Publication

Accordingly, the publication on July 3, 1995, of the final regulation, which was the subject of FR Doc. 95–16287, is corrected as follows:

§ 799.1285 [Corrected]

In the final rule published on July 3, 1995, at 60 FR 34462, make the following correction. On page 34467, in the first column, remove amendatory instruction c. and the amendment to § 799.1285.

Dated: June 14, 1996.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96–16199 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 108, 110, 111, 112, 113, and 161

[CGD 94–108]

RIN 2115–AF24

Electrical Engineering Requirements for Merchant Vessels

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim rule.

SUMMARY: This document contains corrections to the interim rule that was published June 4, 1996, as part of the President's Regulatory Reinvention Initiative. The interim rule amends the Coast Guard's electrical engineering regulations.

EFFECTIVE DATE: June 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Miante, Project Manager, Office of Design and Engineering Standards (G–MSE), (202) 267–2206.

SUPPLEMENTARY INFORMATION:

Background

The interim rule that is the subject of these corrections amends the Coast Guard's electrical engineering regulations to reduce the regulatory burden on the marine industry, purge obsolete regulation, and replace prescriptive requirements with performance-based regulations that incorporate international standards.

Need for Correction

As published, the interim rule contains typographical errors and omissions which may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication on June 4, 1996, of the interim rule at 61 FR 28260, which was the subject of FR Doc. 96–13416, is corrected as follows:

1. On page 28261, in the first column, in the paragraph numbered ''(3)'', ninth line, remove the number ''45'' and add, in its place, the number ''60''.

2. On page 28263, in the second column, in the paragraph entitled ''§ 111.05–9,'' third line, remove ''E–2'' and add, in its place, ''E–4''.

3. On page 28266, in the first column, in the paragraph entitled ''§ 111.75–17,'' twelfth line, remove ''(d)(3)(1)'' and add, in its place, ''(d)(3)(i)''.

4. On the same page, in the first column, in the paragraph entitled ''§ 111.75–17,'' fifteenth line, remove the word ''figure'' and add, in its place, the word ''fixture''.

5. On the same page, in the first column, in the paragraph entitled ''§ 111.75–17,'' sixteenth line, remove ''(d)(3)(1)'' and add, in its place, ''(d)(3)(i)''.

6. On the same page, in the third column, in the paragraph entitled ''§ 111.87–3'', eighth line, after the words ''construction standards'', add the words ''or equivalent standards under § 110.20–1 of this chapter''.

7. On page 28272, in the list of International Electrotechnical Commission standards, in the list of sections affected for IEC 92–101, remove ''111.15–1(a)'' and add, in its place, ''110.15–1(a)''.

8. On page 28276, in the second column, in § 111.05–27, fourth line, remove the word ''be'' and add, in its place, the word ''is''.

§ 111.10–9 [Corrected]

9. On page 28277, in the second column, in § 111.10–9, the heading should read ''Ship's service supply transformer; two required.''

§ 111.12–1 [Corrected]

10. On the same page, in the second column, in § 111.12–1(a), third line, remove ''Rules, and'' and add, in its place, ''Rules and,''.

§ 111.12–5 [Corrected]

11. On the same page, in the third column, in § 111.12–5, fourth line, remove ''Rules, or'' and add, in its place, ''Rules or,''.

§ 111.12–7 [Corrected]

12. On the same page, in the third column, in § 111.12–7, third line, remove ''Rules, or'' and add, in its place, ''Rules or,''.

§ 111.53 [Corrected]

13. On page 28279, in the third column, in § 111.53–1(a)(2), third line, remove the words ''short circuit'' and add, in its place, the word ''short-circuit''.

§ 111.54–1 [Corrected]

14. On page 28280, in the first column, in § 111.54–1(b), fifth line, remove the word ''breaks'' and add, in its place, the word ''breakers''.

§ 111.60–23 [Corrected]

15. On page 28281, in the second column, in § 111.60–23(d), third line, after ''article 318'', add ''and table 402–5'' and, in § 111.60–23(d), fifth line, after ''IEEE Std 45 may'', add the word ''not''.

§ 111.70–3 [Corrected]

16. On page 28282, in the first column, in § 111.70–3(d)(2), third line, remove the word ''diagram'' and add, in its place, the word ''diagrams''.

17. On the same page, in the second column, in the paragraph numbered ''97,'' remove the words ''paragraph (c) and the note are removed'' and add, in their place, the words ''paragraph (c) is removed and the note following paragraph (c) is retained''.

§ 111.75–17 [Corrected]

18. On the same page, in the third column, in § 111.75–17(d)(2), fourth line, after ''UL 1104'' add the words ''or an equivalent standard under § 110.20–1 of this chapter''.

§ 111.77–3 [Corrected]

19. On page 28283, in the first column, in § 111.77–3, in the sixth line, after the word ''standards'' add the words ''or equivalent standards under § 110.20–1 of this chapter''.

§ 111.87–3 [Corrected]

20. On the same page, in the third column, in § 111.87–3(a), second line, after the word ''standards'' add the words ''or equivalent standards under § 100.20–1 of this chapter''.

§ 111.99–3 [Corrected]

21. On page 28284, in the first column, in § 111.99–3, in the definition for ''central control panel'', fifth line, remove '';'' and add, in its place, ''.''.

§ 111.105–31 [Corrected]

22. On page 28285, in the first column, in § 111.105–31(e)(2), remove the word ''pumps'' and add, in its place, the words ''pump motors''.

23. On the same page, in the second column, in § 111.105–31(n)(1), third line, remove the word ''Rule'' and add, in its place, the word ''Rules''.

§ 111.105–40 [Corrected]

24. On the same page, in the third column, in § 111.105–40, remove ''Class 1'', wherever it appears, and add, in its place, ''Class I''.

§ 113.30–25 [Corrected]

25. On page 28290, in the first column, in § 113.30–25(h), second line, add ''IEC'' before ''IP 67 requirements''.

26. On page 28293, in the third column, remove ''161.004–2'', wherever it appears, and add, in its place, ''161.004–1''.

Dated: June 20, 1996.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96–16318 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 061796C]

Groundfish of the Bering Sea and Aleutian Islands Area; Atka Mackerel in the Central and Eastern Aleutian District and the Bering Sea Subarea

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Atka mackerel in the Central and Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of Atka mackerel in these areas.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 1, 1996, until 12 midnight, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 600 and 679.

The Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI and subsequent reserve apportionment (61 FR 16085, April 11, 1996) established 33,600 metric tons (mt) and 26,700 mt as the total allowable catches of Atka mackerel for the Central Aleutian District and the Eastern Aleutian District and the Bering Sea subarea, respectively. See § 679.20(c)(3)(iii). The directed fisheries for Atka mackerel for the Central Aleutian District and the Eastern Aleutian District and the Bering Sea subarea were closed to directed fishing in order to reserve amounts anticipated to be needed for incidental catch in other fisheries (61 FR 16883, April 18, 1996 and 61 FR 6323, February 20,1996; see also § 679.20(d)(1)). NMFS has determined that as of June 8, 1996, 1,800 mt in the Central Aleutian District and 6,000 mt in the Eastern Aleutian District and Bering Sea subarea remain in the respective directed fishing allowances.

The Director, Alaska Region, NMFS, has determined that the 1996 directed fishing allowances for Atka mackerel in the Central Aleutian District and Eastern Aleutian District and the Bering Sea subarea have not been reached. Therefore, NMFS is terminating the previous closures and is reopening directed fishing for Atka mackerel in the Central Aleutian District and Eastern Aleutian District and the Bering Sea subarea.

All other closures remain in full force and effect.

Classification

This action is taken under § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 20, 1996.

Richard W. Surdi,

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

[FR Doc. 96–16237 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 124
Wednesday, June 26, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 944

[Docket No. FV96–911–2PR]

Limes Grown in Florida and Imported Limes; Reopening of Comment Period To File Written Comments to the Change in Regulatory Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening of the comment period to file written comments to the proposed rule.

SUMMARY: Notice is hereby given that the time period for filing written comments on the proposed changes to the regulatory period currently prescribed under the lime marketing order and the lime import regulations is reopened until July 8, 1996.

DATES: Comments must be received by July 8, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, FAX Number (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456: telephone: (202) 720–5127; or Aleck Jonas, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299–4770.

SUPPLEMENTARY INFORMATION: A proposed rule was issued on May 2, 1996, and published in the Federal Register (61 FR 20754). The proposed rule would modify language in both the domestic and import regulations to change the regulatory period to January 1 through May 31, from its current continuous, year round, implementation. A 30-day comment period was provided for interested persons to respond to the proposed rule. The comment period ended June 7, 1996. One comment was received.

The Department of Agriculture (Department) has received a request from Gail A. Knodel, Manager of the Florida Lime Administrative Committee, asking that additional time be provided for interested persons to analyze the proposed rule. Manager Knodel stated that the proposal is a major change in the industry. Reopening the comment period to July 8, 1996, would allow interested person more time to review the proposed rule and address their concerns.

This delay should not substantially add to the time required to complete this action. Accordingly, the period in which to file written comments is reopened until July 8, 1996. This notice is issued pursuant to the Agricultural Marketing Agreement Act of 1937.

Authority: 7 U.S.C. 601–674.

Dated: June 19, 1996.

Sharon Bomer Lauritsen,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 96–16207 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 927

[Docket No. AO–99–A7; FV96–927–1]

Winter Pears Grown in Oregon, Washington, and California; Hearings on Proposed Amendment of Marketing Order No. 927

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearings on proposed rulemaking.

SUMMARY: Notice is hereby given of public hearings to consider amending Marketing Agreement and Order No. 927 (order). The order regulates the handling of winter pears grown in Oregon, Washington, and California. The purpose of the hearings is to receive evidence on proposed amendments to provisions of the order. With the exception of a proposal submitted by the Fruit and Vegetable Division, Agricultural Marketing Service (AMS), to make conforming changes and necessary revisions, the proposed amendments were submitted by the Winter Pear Control Committee (Committee), the agency responsible for the local administration of the order. The proposals would remove the State of California from the order and make related changes to the key provisions concerning the production area, districts and establishment and membership of the Committee. Another proposal would allow use of ''Telecopiers'' in the mail voting procedures. The Committee believes that the proposed changes would improve the administration, operation, and functioning of the order.

DATES: The hearings will begin July 9, 1996, at the Red Lion Inn, 1401 Arden Way, Sacramento, California, and July 10, 1996, at the Holiday Inn Airport, 8439 N. East Columbia Blvd., Portland, Oregon. Both hearing sessions will begin at 9:00 am.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523–S., P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–5127 or FAX (202) 720–5698; or Teresa Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, OR 97204–2807; telephone: (509) 326–2724 or FAX (509) 326–7440.

SUPPLEMENTARY INFORMATION: This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and is therefore excluded from the requirements of Executive Order 12866. The hearings are called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

The Regulatory Flexibility Act (95 U.S.C. 601 et seq.) seeks to ensure that within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the

hearings on the regulatory and informational impact of the proposed amendments on small businesses.

The notice of hearing herein has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. The notice of hearing would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this notice to consider an amendment.

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 requesting 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 the date of the entry of the ruling.

The Committee submitted the proposed amendment to remove California from the winter pear order. The suggested changes are as follows: (1) Revise the definition of ''production area'' to mean only the States of Oregon and Washington; (2) revise ''district'' by removing California and have only those districts designated in the States of Oregon and Washington; (3) revise ''establishment and membership'' of the Committee to be consistent with the reduction in size of the regulated production area; (4) revise ''procedure of Control Committee'', ''(a) quorum and voting'', so that the number of members present for a quorum and voting is consistent with Committee representation and amend ''(b) mail voting'', to allow for the use of ''telecopiers''; and (5) revise the definition of ''pears'' to exclude pears produced in California. These proposals were submitted by the Committee, which works with the Department in administering the order. These proposals have not received the approval of the Secretary of Agriculture.

The Committee believes that the proposed changes would improve the administration, operation, and function of the winter pear marketing order.

In addition, proposals submitted by the Fruit and Vegetable Division, AMS, are included to make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Public hearings are being held for the purpose of: (i) receiving evidence about the economic and marketing conditions which relate to the proposed amendments of the order; (ii) determining whether there is a need for the proposed amendments to the order; and (iii) determining whether the proposed amendments or appropriate modifications thereof will tend to effectuate the declared policy of the Act.

All persons wishing to submit written material as evidence at the hearing should submit at least four copies of such material and should be present at the hearing to present oral testimony concerning the material.

From the time the notice of hearing is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an *ex parte* basis with any persons having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General Counsel, and the Fruit and Vegetable Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 927 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. Testimony is invited on the following proposed amendments or appropriate alternatives or modifications to such amendments. Proposed amendments submitted by the Winter Pear Control Committee are as follows:

Amend §§ 927.4, 927.10, 927.11, 927.20, and 927.33 as follows:

Proposal No. 1

§ 927.4 Pears.

Pears means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Forelle, and Seckel varieties of pears, and any other winter pear varieties or subvarieties that are recognized by the Control Committee and approved by the Secretary.

Proposal No. 2

§ 927.10 Production area.

Amend § 927.10 by deleting the comma after the word ''Oregon'', placing the word ''and'' after the word ''Oregon'', deleting the comma after the word ''Washington'', and removing the words ''and California'' at the end of the sentence.

Proposal No. 3

§ 927.11 District.

Amending § 927.11 by removing paragraph (e).

Proposal No. 4

§ 927.20 Establishment and membership.

Amend § 927.20 by removing the number ''14'' in the first sentence and adding in its place the number ''12''; and by removing the word ''seven'' and adding in its place the word ''six'' at the beginning of the sentence and before the word ''members'' in the third sentence.

Proposal No. 5

§ 927.33 Procedure of Control Committee.

Amend § 927.33 paragraph (a) by removing the word ''ten'' in the first sentence and adding in its place the word ''nine''; and amending paragraph (b) by adding the word ''telecopier'' and a comma after the word ''mail'' in the first sentence.

The Fruit and Vegetable Division, AMS, submitted the following proposal:

Proposal No. 6

Make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Dated: June 24, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16430 Filed 6–24–96; 12:40 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–23–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes. This proposal would require inspections to detect bent or damaged tie links and washers of the elevator feel and centering unit, and replacement of the centering unit with a new or serviceable unit, if necessary. This action also would provide an optional replacement of the centering unit, which, if accomplished with the installation of supports and a stop bolt, would constitute terminating action for the repetitive inspections. This proposal is prompted by a report of high control column forces that occurred during takeoff and landing. The actions specified by the proposed AD are intended to prevent such high forces, which could result in restriction of elevator control during takeoff, climbout, and landing.

DATES: Comments must be received by August 5, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kristin Larson, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–1760; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–23–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of high control column forces during takeoff and landing of a Model 737 series airplane. Investigation revealed that the high forces were caused by bent tie links in the elevator centering unit. Further investigation indicated that, when hydraulic pressure is removed from the elevator feel actuator, the actuator extends to its full length. If the control column is then pulled back to the aft stop and then pushed forward with sufficient force, the tie links in the centering unit can become bent. Bent tie links can cause the elevator control forces to be higher than normal. This will be noticeable when larger elevator inputs are necessary, such as during takeoff and landing. This condition, if not corrected, could result in restriction of elevator control during takeoff, climbout, and landing.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996, which describes procedures for repetitive visual inspections for bent or damaged tie links of the elevator feel and centering unit, and replacement of the centering unit with a new or serviceable unit, if necessary. The alert service bulletin also describes procedures for installation of supports and a stop-bolt on the elevator centering unit. Such installation eliminates the need for repetitive inspections for airplanes on which no damaged tie links or washers are found. The alert service bulletin also indicates that replacement of the elevator centering unit with a new unit, or one on which serviceable tie links, supports, and a stop-bolt are installed, would eliminate the need for the repetitive inspections.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive visual inspections to detect bent or damaged tie links of the elevator centering unit, and replacement of the elevator centering unit with a new or serviceable unit, if necessary. Replacement of the elevator centering unit with a new or serviceable unit on which serviceable tie links, supports, and a stop-bolt are installed constitutes terminating action for the repetitive inspections. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 1,618 Boeing Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 684 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $140 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $218,880, or $320 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to replace the elevator centering unit rather than continue the repetitive inspections, it would take approximately 10 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $640 per airplane. Based on these figures, the cost impact of the replacement is estimated to be $1,240 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 96–NM–23–AD.

Applicability: Model 737–300, –400 and –500 series airplanes through line position 2764 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent restriction of elevator control during takeoff, climbout, and landing, due to higher than normal elevator control forces caused by damaged tie links in the elevator centering unit, accomplish the following:

(a) Within 6 months after the effective date of this AD: Perform a visual inspection to detect any bent or damaged tie links of the elevator feel and centering unit, in accordance with Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996.

(b) If no tie link is found to be broken, bent, or damaged during the inspection required by paragraph (a) of this AD: Accomplish either paragraph (b)(1) or (b)(2) of this AD, in accordance with Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996:

(1) Prior to further flight, install supports and a stop-bolt on the elevator centering unit. Once this installation is accomplished, no further action is required by this AD. Or

(2) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 1,000 flight cycles. Installation of supports and a stop-bolt in accordance with the alert service bulletin, constitutes terminating action for the repetitive inspections required by this AD, provided that no damage is detected during any inspection required by paragraph (a) of this AD.

(c) If any tie link is found to be bent or damaged during the inspection required by paragraph (a) of this AD, and damage is within the limits specified in Figure 1 of Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996: Accomplish paragraphs (c)(1) and (c)(2) of this AD in accordance with the alert service bulletin:

(1) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed those specified in Figure 1 of the alert service bulletin. And

(2) Within 6 months after the effective date of this AD, install supports and a stop-bolt on the elevator centering unit. This installation does not terminate the repetitive inspection requirements of this paragraph.

(d) If any tie link is found to be bent or damaged during any inspection required by this AD, and the damage is beyond the limits specified in Figure 1 of Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996: Prior to further flight, replace the elevator centering unit with a new or serviceable unit and accomplish either paragraph (d)(1) or (d)(2) of this AD in accordance with the alert service bulletin:

(1) Install supports and a stop-bolt on the elevator centering unit; or

(2) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 1,000 flight cycles until the installation specified in paragraph (d)(1) of this AD is accomplished.

(e) Replacement of the elevator centering unit with a unit in which the tie links have been inspected and determined to be acceptable and in which supports and a stop-bolt have been installed, in accordance with Boeing Service Bulletin 737–27A1194, dated February 1, 1996, constitutes terminating action for the requirements of this AD.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

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

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–16244 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–226–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 and 767 series

airplanes, that currently requires inspection of the door opening thrusters and door opening/snubbing actuators for proper oil quantity, and modification of the off-wing compartment latching assemblies. This action would add a requirement for replacement of the currently installed door opening thrusters with new, improved thrusters for Model 747 series airplanes. This action also would remove Model 767 series airplanes from the applicability of the existing AD. This proposal is prompted by reports indicating that the requirements of the existing AD do not adequately preclude leakage of fluid from the actuators. The actions specified by the proposed AD are intended to prevent such leakage, which could result in failure of the escape slide to deploy; such failure could delay and possibly jeopardize the successful emergency evacuation of an airplane.

DATES: Comments must be received by August 5, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gregory L. Schneider, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2028; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–226–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On July 15, 1992, the FAA issued AD 92–16–17, amendment 39–8327 (57 FR 47987, October 21, 1992), which is applicable to certain Model 747 and 767 series airplanes. That AD requires repetitive inspections (weighing program) of the door opening thrusters and door opening/snubbing actuators for proper oil quantity, and modification of the off-wing compartment latching assemblies. That action was prompted by reports of failure of the off-wing escape slide system to deploy when commanded. The requirements of that AD are intended to prevent such failure, which could delay and possibly jeopardize the successful emergency evacuation of an airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA received a report from an operator of Model 767 series airplanes indicating that several actuators leaked following accomplishment of the modification required by AD 92–16–17. Consequently, the FAA determined that the modification requirements of that AD do not adequately preclude leakage from the actuators. Additionally, the operator reported that, during inspections (weighing program) of the actuators, the weight of several actuators increased from the original weight measured during the initial inspection required by AD 92–16–17. Therefore, the FAA determined that the inspection requirements of AD 92–16–17 cannot reliably determine the fluid level of these actuators.

Subsequently, the manufacturer developed a new, improved actuator for Model 767 series airplanes. On April 10, 1995, the FAA issued AD 95–08–11, amendment 39–9200 (60 FR 20013, April 24, 1995), to require replacement of the currently installed door opening actuators of the off-wing emergency escape system on Model 767 series airplanes with new, improved actuators. Accomplishment of that replacement constitutes terminating action for the repetitive inspections (weighing program) of the door opening/snubbing actuators for those airplanes. The FAA indicated in AD 95–08–11 that it was considering a separate rulemaking action to remove the requirements for Model 767 series airplanes from AD 92–16–17.

The door opening thrusters installed on Model 747 series airplanes are similar in design to the door opening/snubbing actuators installed on Model 767 series airplanes in that both require a small quantity of oil to operate, and both have a tendency to leak oil from the chamber. Such leakage can result in failure of an actuator or thruster.

Explanation of Relevant Service Information

Boeing has issued Service Bulletin 747–25–3073, dated September 21, 1995, which describes procedures for replacement of existing door opening thrusters on Model 747 series airplanes with new, improved thrusters. Since the new, improved thruster is not fluid filled, accomplishment of the replacement eliminates the need for inspections of the door opening thrusters and door opening/snubbing actuators for proper oil quantity.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 92–16–17 to continue to require repetitive inspections of the door opening thrusters and door opening/snubbing actuators for proper oil quantity, and modification of the off-wing compartment latching assemblies for Model 747 series airplanes. For those airplanes, this proposed AD would add a requirement for replacement of existing door opening thrusters with new, improved thrusters. Accomplishment of the replacement constitutes terminating action for the repetitive inspections. The actions would be required to be accomplished

in accordance with the service bulletin described previously.

Additionally, the proposed AD would remove Model 767 series airplanes from the applicability of the existing AD, since the subject unsafe condition on those airplanes is addressed in AD 95–08–11.

Cost Impact

There are approximately 400 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 125 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 92–16–17 take approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $510 per airplane. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $153,750, or $1,230 per airplane.

The new actions that are proposed in this AD action would take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $6,400 per airplane. Based on these figures, the cost impact on U.S. operators of the proposed requirements of this AD is estimated to be $815,000, or $6,520 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8327 (57 FR 47987, October 21, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 95–NM–226–AD. Supersedes AD 92–16–17, Amendment 39–8327.

Applicability: Model 747–100, –200, and –300 series airplanes equipped with an off-wing, two-piece escape slide on Door 3; 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 (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 as indicated, unless accomplished previously.

To prevent failure of the escape slide to deploy, which could delay and possibly jeopardize the successful emergency evacuation of an airplane, accomplish the following:

(a) Within 18 months after November 25, 1992 (the effective date of AD 92–16–17, amendment 39–8327), perform an inspection of the door opening thrusters of the escape system in accordance with OEA Service Bulletin 2174200–25–013, dated July 29, 1991. Repeat this inspection thereafter at intervals not to exceed 20 months until the replacement required by paragraph (c) of this AD is accomplished.

(b) Within 18 months after November 25, 1992, inspect and modify the door latching mechanism of the escape slide compartment in accordance with Boeing Service Bulletin 747–25–2951, dated August 15, 1991.

(c) Within 2 years after the effective date of this AD, replace the door opening thrusters having part number (P/N) 60B50077–14 or –17 with new thrusters having P/N 60B50077–19 in accordance with Boeing Service Bulletin 747–25–3073, dated September 21, 1995. Accomplishment of this replacement terminates the repetitive inspections required by this AD.

(d) As of the effective date of this AD, no person shall install a door opening thruster having P/N 60B50077–14 or –17 on any airplane.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

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

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–16243 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–13–U

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM 95–7A]

Registration of Claims to Copyright, Group Registration of Photographs

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public hearing; correction.

SUMMARY: This document corrects the July 15, 1996, deadline for submission of written comments concerning the rulemaking on claims to copyright group registration of photographs that was published in the Federal Register of June 6, 1996 (61 FR 28829).

DATES: Submission of all written comments is on or before Thursday, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Facsimile: (202) 707–8366.

Dated: June 20, 1996.

Marilyn J. Kretsinger,

Acting General Counsel.

[FR Doc. 96–16194 Filed 6–25–96; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–5527–3]

National Emission Standards for Hazardous Air Pollutants; National Emission Standard for Radon Emissions From Phosphogypsum Stacks

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing.

SUMMARY: The Office of Radiation and Indoor Air, Radiation Protection Division will hold a public hearing on the proposed rule for 40 CFR Part 61, Subpart R, (Subpart R) the National Emission Standard for Radon Emissions from Phosphogypsum Stacks—Notice of Reconsideration. This proposed rule was in response to The Fertilizer Institute's Petition for Reconsideration of the National Emission Standards for Hazardous Air Pollutants regulating radon emissions from phosphogypsum stacks. EPA partially granted and partially denied the TFI petition for reconsideration. Pursuant to that decision, EPA is convening this rulemaking to reconsider 40 CFR 61.205, the provision of the final rule which governs distribution and use of phosphogypsum for research and development, and the methodology utilized under 40 CFR Section 61.207 to establish the average radium-226 concentration for phosphogypsum removed from a phosphogypsum stack.

In the May 8, 1996 Federal Register notice, EPA stated that the hearing, if requested, would be in Washington, D.C.; however, in order to provide the public with a more convenient location setting, the hearing will be held in Orlando, Florida.

DATES: The hearing will be held on Thursday, August 1, 1996, beginning at 9:00 am and will continue until concluded. In addition, pursuant to Section 307(d)(5), the public may submit rebuttal and supplemental information to the docket for thirty (30) days after the public hearing. This comment period will end on August 31, 1996.

ADDRESSES: The hearing will take place at the Holiday Inn International Drive Resort, 6515 International Drive, Orlando, Florida 32819. Comments should be submitted (in duplicate) to: Central Docket Section (6101), Environmental Protection Agency, ATTN: Air Docket No. 94–57, Washington, D.C. 20460. The docket is available for public inspection between the hours of 8:00 am and 5:30 pm, Monday through Friday, in Room M1500 of Waterside Mall, 401 M Street, SW, Washington, DC 20460. A reasonable fee may be charged for copying. The FAX number is (202) 260–4400.

FOR FURTHER INFORMATION CONTACT: Rita Cestaric, Project Officer, Center for Federal Guidance and Air Standards, Radiation Protection Division, Office of Radiation and Indoor Air (6602J), Environmental Protection Agency, Washington, DC 20460, (202) 233–9762.

SUPPLEMENTARY INFORMATION: This meeting is open to all members of the public. Requests to attend and participate in the public hearing on the proposed rule for 40 CFR Part 61, Subpart R, the National Emission Standard for Radon Emissions from Phosphogypsum Stacks—Notice of Reconsideration (61 FR 20775, No. 90, May 8, 1996), should be made by July 16, 1996 and submitted in writing to Eleanor Thornton, Program Analyst, Center for Office of Radiation and Indoor Air (6602J), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Requests may also be faxed to EPA at (202) 233–9629 or 233–9626. Requests to participate in the public hearing should also include an outline of the topics to be addressed, the amount of time requested, and the names of the participants. EPA may also allow testimony to be given at the hearing without prior notice, subject to time restraints and at the discretion of the hearing officer. Three (3) copies of testimony should be submitted at the time of appearance at the hearings. An agenda will be available at the hearing.

Dated: June 20, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–16331 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 80

[FRL–5522–2]

RIN 2060–AG43

Regulation of Fuels and Fuel Additives: Controls Applicable to Gasoline Retailers and Wholesale Purchaser-Consumers; 10 Gallon Per Minute Fuel Dispensing Limit Requirement Implementation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: On January 20, 1993 EPA finalized a requirement limiting vehicle service station fuel dispensing rates to 10 gallons per minute (gpm) maximum, beginning January 1, 1996 for retailers and wholesale purchaser-consumers handling over 10,000 gallons of fuel per month (55 FR 16002, March 24, 1993). In 1995, various groups in the petroleum industry requested that EPA delay the January 1, 1996 deadline, due mainly to the lack of available retrofit parts needed for compliance with the 10gpm requirement. EPA is proposing to delay the implementation date of the 10gpm requirement from January 1, 1996 until July 1, 1996. In addition, EPA is proposing regulation changes to clarify that the hardware/software for controlling the fuel dispensing rate may be located anywhere in the pump/dispenser system and that refueling facilities are exempt from the 10gpm requirement if used exclusively to refuel heavy-duty vehicles, boats or airplanes.

Because the rule revision is not expected to receive any adverse comments, the revision is also being issued as a direct final rule in the Final Rules section of this Federal Register.

DATES: Comments on the regulations proposed by this action must be received on or before July 26, 1996.

ADDRESSES: Materials relevant to the initial final rule, and today's action are available for inspection in Public Dockets A–89–18 and A–95–53 at Air Docket Section, U.S. Environmental Protection Agency, EPA Air Docket Section (6102), First Floor, Waterside Mall, Room M–1500, 401 M Street S.W., Washington, D.C. 20460 (telephone 202–260–7549, fax 202–260–4400) between the hours of 8 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket material.

All written comments must be identified with the appropriate docket number (Docket No. A–95–53) and must be submitted in duplicate to the address listed above, with a complimentary

copy to Karl Simon or Dave Good at the address listed below.

FOR FURTHER INFORMATION CONTACT: Karl Simon at the U.S. EPA, 401 M Street S.W. (mail code 6405J), Washington D.C., 20460, telephone (202) 233–9299; or Dave Good at the U.S. EPA, 2565 Plymouth Rd, Ann Arbor, Michigan, 48105, telephone (313) 668–4450.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are retailers and wholesale purchaser-consumers of gasoline and methanol which handle over 10,000 gallons of fuel per month, for the purpose of refueling passenger cars and light-duty trucks. Regulated entities would include the following:

Category	Examples of regulated entities
Industry	Service station owners, service station managers, fleet managers who operate a refueling facility to refuel motor vehicles.
Federal Government	Federal facilities, including military bases, who operate a refueling facility to refuel motor vehicles.
State, Local and Tribal Governments	State, local and tribal governments who operate a refueling facilities to refuel motor vehicles.

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 facility is regulated by this action, you should carefully examine the criteria contained in § 80.22(j) of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the Final Rules section of this Federal Register will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule revisions, see the information provided in the direct final rule in the Final Rules section of this Federal Register.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Gasoline, Motor vehicle pollution.

Dated: June 12, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–16204 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300424; FRL–5368–7]

RIN 2070–AC18

Linuron; Proposed Revision of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Decision document (RED) for the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. This proposed action updates and corrects the tolerance actions indicated in the RED. Based on the RED, tolerance assessment for linuron, and subsequent comments and analyses, EPA is proposing to revise food tolerance levels, revoke some linuron tolerances, and to revise the tolerance expression for residues of linuron (40 CFR 180.184).

DATES: Written comments, identified by the docket number [OPP–300424], must be received on or before August 26, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–300424]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Paul Parsons, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. By telephone: (703) 308–8037. Office location: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202, e-mail: parsons.paul@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 301 et seq.] authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. To establish food additive regulations (FARs) to cover pesticide residues in processed foods under section 409 of FFDCA, EPA must determine that the proposed use of the food additive will be safe (21 U.S.C. 348). For a pesticide to be sold, distributed, and used in the production of food crops, animals, or processed food, the pesticide must not only have appropriate tolerances or FARs under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.). In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration and if any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or repealing tolerances or exemptions from the requirement of tolerances is set forth in the Code of Federal Regulations at 40 CFR parts 177 through 180. The Administrator of EPA or any person may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee or a request for a waiver of such fee. Current Agency policy on tolerance actions arising from the reregistration process is to administratively process some actions without requiring payment of a fee; this waiver of fees applies to revisions or revocations of established tolerances, and to proposed exemptions from the requirement of a tolerance if the proposed exemption requires the concurrent revocation of an established tolerance. Comments submitted in response to the Agency's published proposals are reviewed; the Agency then publishes its final determination regarding the specific tolerance actions.

II. Regulatory Background and Proposed Actions

A. Regulatory Background

The proposals described in this action follow the Agency's tolerance reassessment that was completed and included in the RED for linuron dated March 1995. While the reassessment determined that many tolerances established for linuron are adequate and supported by sufficient data, changes are needed to other linuron tolerances for various reasons, including: increasing or decreasing tolerances based on new data and revising commodity terminology, crop group designations, and definitions that are not in accordance with the revised crop group regulation (40 CFR part 180, 60 FR 26625, May 17, 1995) or with Table II of Subdivision O of the Pesticide Assessment Guidelines.

The section of the CFR to be amended by this document is § 180.184.

B. Proposed Actions

1. *Tolerance expression.* The tolerance expression under 40 CFR § 180.184 would be revised to: ''Tolerances are established for the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1- methylurea) and its metabolites convertible to 3,4-dichloraniline, calculated as linuron....''.

The food tolerances currently listed in 40 CFR 180.184(a) and (b) are for residues of linuron per se. Plant and animal metabolism studies indicate the presence of unidentified metabolites of linuron that are hydrolyzed to 3,4-dichloroaniline (3,4-DCA) under the enforcement analytical method. Since the Agency believes in this case that the metabolites converted to 3,4-DCA are unlikely to be more toxic than the parent compound, and since the enforcement analytical method detects compounds convertible to 3,4-DCA, it is reasonable to express the tolerance as the combined residues of linuron and its metabolites convertible to 3,4-DCA. Because of the very low levels of 3,4-DCA found, the Agency has determined that 3,4-DCA poses no greater than a negligible risk in connection with the registered use of linuron and it is not necessary to regulate 3,4-DCA separately.

Adequate enforcement methods are available for the determination of linuron residues of concern in/on plant and animal tissues. The current enforcement methods determine linuron and all metabolites hydrolyzable to 3,4-DCA.

2. *Tolerance revocations.* The Agency proposes to revoke the tolerances for: barley, forage; barley, grain; barley, hay; barley, straw; corn, pop, fodder; corn, pop, forage; oats, forage; oats, grain; oats, hay; oats, straw; rye, forage; rye, grain; rye, hay; and rye, straw. There are no registered products for these uses, and it is the Agency's policy to revoke tolerances in such cases.

In addition, the Agency proposes to revoke the linuron tolerance for parsnips, tops. This commodity is no longer listed as a raw agricultural commodity of parsnips, since it has been determined to be an insignificant feed item (see Table II of Subdivision O of the Pesticide Assessment Guidelines).

3. *Revisions to tolerances and food and feed additive regulations.* The proposed increases and decreases in linuron tolerances are based on new data which indicate that a change is needed in the tolerances. To determine whether the proposed tolerance changes are protective of the public health, EPA considered all available health effects data. Dietary exposure resulting from the changes in this proposed action are protective of the public health and do not result in an unreasonable chronic or acute risk.

The reference dose (RfD) is established at 0.0077 mg/kg body weight/day based on a no-observed-effect-level (NOEL) of 0.77 mg/kg body weight/day for hematological changes and is derived from a 1–year chronic toxicity study in dogs. An uncertainty factor of 100 was used to account for interspecies extrapolation and intraspecies variability. Chronic dietary exposure to the general population with existing and proposed tolerances utilize only 2 percent of the RfD. For the two subgroups with the highest exposures, non-nursing infants less than 1 year old and children 1 through 6 years, residues are expected to utilize 6 percent and 4 percent of the RfD, respectively.

The acute dietary toxicological endpoint is based on a NOEL of 25 mg/

kg body weight/day, derived from a developmental toxicity study in rabbits. Acute, high-end, exposure to women of childbearing age (females 13 years of age or older) results in a Margin of Exposure (MOE) of 1,667 for developmental toxicity. The Agency generally considers an MOE of 100 adequate to protect the public health. Thus, dietary exposure to linuron is not expected to result in an unreasonable acute effect.

The Agency considers that linuron ''induces cancer'' within the meaning of section 409 of the FFDCA, based on a dose-related increase in interstitial cell hyperplasia and adenomas in a two–year rat feeding study, and hepatocellular tumors in a two–year mouse feeding study. However, the Agency believes that the weight of evidence for the carcinogenic potential of linuron in humans is weak and it should not be regulated using a linearized multi-stage risk assessment model. Therefore, no quantitative assessment of the dietary cancer risk has been conducted for linuron; however, such risk is considered to be negligible.

The following section describes the proposed substantive changes in the linuron tolerances for food or feed additive regulations.

a. *Field corn grain.* EPA has reviewed new data analyzed by a method with a lower level of quantitation (0.05 ppm). These data support a lower linuron tolerance on field corn grain. The Agency therefore proposes to lower the linuron tolerance on field corn grain from 0.25 ppm to 0.1 ppm.

b. *Field corn fodder (stover).* The Agency proposes to increase the tolerance on corn, field, fodder from 1 ppm to 6 ppm. A review of data based on residue trials indicated the presence of residues ranging from 0.1 to 5.5 ppm.

c. *Livestock commodities.* For meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, the established tolerances are set at 1.0 ppm. Based on its review of data on residues of linuron in these commodities, which show that residues in meat, fat, and meat byproducts (except kidney and liver) are at least an order of magnitude lower than previously believed, the Agency proposes to lower the current tolerances for the meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, and sheep to 0.1 ppm, and to establish tolerances for the liver and kidney of cattle, goats, hogs, horses, and sheep at 1.0 ppm.

d. *Potatoes.* The Agency proposes to reduce the tolerance on potatoes from 1 ppm to 0.2 ppm. Residue data submitted to support reregistration of the potato use support this reduction.

e. *Wheat.* EPA has reviewed new data using an analytical method with a lower level of quantitation (0.05 ppm). These data support a lower linuron tolerance, and therefore the Agency proposes to lower the linuron tolerance on wheat grain from 0.25 ppm to 0.1 ppm. The Agency also proposes to raise the linuron tolerance on wheat straw from 0.5 ppm to 2.0 ppm based on a reassessment of residue data which showed residues of up to 2 ppm on wheat straw.

4. *Changes from the RED—a. Food additive regulations related to potatoes.* The RED stated that food and feed additive regulation petitions (409 tolerances) would be required for potatoes, granules; potatoes, chips; and potatoes, waste from processing. As a result of the revised Agency policy (60 FR 31300, June 14, 1995) or with Table II of Subdivision O concerning when a food or feed additive regulation is needed, the Agency has re-examined its decision in the Linuron RED on food or feed additive regulations for potato-related commodities. EPA has also considered new data on residue levels of linuron in potatoes submitted to support reregistration. These data show that residues of linuron in potato processed commodities are unlikely to exceed the section 408 tolerance. Therefore, food or feed additive regulations are not needed for these commodities.

b. *Sorghum.* The tolerance for linuron residues on sorghum grain should remain at 0.25 ppm rather than be lowered to 0.2 ppm as proposed in the RED. Field studies show that residues are close to the current tolerance level of 0.25 ppm.

c. *Wheat, hay, and corn, sweet, fodder.* In the RED, the Agency stated that the linuron tolerances for wheat, hay, and corn, sweet, fodder, should be revoked, since these commodities were no longer raw agricultural commodities. However, these commodities are listed as RACs in updated versions of Table II of Subdivision O of the Pesticide Assessment Guidelines. Consequently, the Agency will not propose to revoke the associated tolerances since these tolerances are needed.

5. *Reassessment of tolerances for uses with outstanding data requirements.* In the RED, the Agency has required additional studies to support reassessment of tolerances for: corn, field, grain; corn, field, fodder; corn, field, forage; corn, sweet (K + CWHR); corn, sweet, forage; sorghum, fodder; sorghum, forage; soybeans, forage; soybeans, hay; and wheat, forage. EPA will reassess these tolerances once the required data have been submitted and reviewed. Two registrants for the cotton use have requested voluntary cancellation of this use, but other registrants may support the use. If the use is supported, the Agency will require a processing study to support reassessment of the tolerance for cottonseed; if the use is not supported, the Agency will propose to revoke the cottonseed tolerance. In addition, data to support establishing a tolerance for aspirated grain fractions for field corn are outstanding; and data are needed to support tolerances for corn, sweet, stover and wheat, hay.

6. *Revising commodity definitions.* Current linuron tolerances include commodity terminology, Crop Group designations, or definitions that are not in accordance with the revised Crop Group Regulation (40 CFR part 180, 60 FR 26625, May 17, 1995) or with Table II of Subdivision O of the Pesticide Assessment Guidelines. Most of these changes are slight, and not likely to result in any confusion; the exception is corn fodder, which has been changed to corn stover for both field and sweet corn. The amendments at the end of this notice show all changes in commodity terminology.

III. Public Comment Procedures

EPA invites interested persons to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by August 26. 1996. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either location listed under ADDRESSES.

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

A record has been established for this rulemaking under docket number [OPP–300424] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs,

Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IV. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency 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 a rule: (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this rule is not a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 [Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 et seq.] and EPA has determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

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

List of Subjects in 40 CFR Part 180

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

Dated: June 11, 1996.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR, chapter I, part 180 is proposed to be amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.184 is revised to read as follows:

§ 180.184 Linuron, tolerances for residues.

(a) Tolerances are established for the residues of the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)- 1-methoxy-1-methylurea) and its metabolites convertible to 3,4- dichloroaniline, calculated as linuron, in or on the following raw agricultural commodities:

Commodity	Parts per million
Asparagus	7
Carrot	1
Cattle, fat	0.1
Cattle, kidney	1
Cattle, liver	1
Cattle, meat	0.1
Cattle, mbyp (except liver and kidney)	0.1
Celery	0.5
Corn, field, forage	0.1
Corn, field, grain	0.1
Corn, field, stover	6
Corn, sweet (K+CWHR)	0.25
Corn, sweet, forage	1
Corn, sweet, stover	1
Cottonseed	0.75
Goats, fat	0.1
Goats, kidney	1
Goats, liver	1
Goats, meat	0.1
Goats, mbyp (except liver and kidney)	0.1
Hogs, fat	0.1
Hogs, kidney	1
Hogs, liver	1
Hogs, meat	0.1
Hogs, mbyp (except liver and kidney)	0.1
Horses, fat	0.1
Horses, kidney	1
Horses, liver	1
Horses, meat	0.1
Horses, mbyp (except liver and kidney)	0.1
Parsnips, roots	0.5
Potatoes	0.2
Sheep, fat	0.1
Sheep, kidney	1
Sheep, liver	1
Sheep, meat	0.1
Sheep, mbyp (except liver and kidney)	0.1
Sorghum, fodder	1
Sorghum, forage	1
Sorghum, grain	0.25
Soybeans	1
Soybeans, forage	1
Soybeans, hay	1
Wheat, forage	0.5
Wheat, grain	0.1
Wheat, hay	0.5
Wheat, straw	2.0

(b) Tolerances with regional registration, as defined in § 180.1(n) are established for the residues of the combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1- methylurea) and its metabolites convertible to 3,4-dichloroaniline, calculated as linuron, in or on the following raw agricultural commodities:

Commodity	Parts per million
Parsley	0.25

[FR Doc. 96–15597 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP–5E4472/P667; FRL–5378–2]

RIN 2070–AC18

Copper 8-quinolinolate; Proposed Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that residues of copper 8-quinolinolate (CAS Reg. No. 10380–28–6) be exempted from the requirement of a tolerance when used as an inert ingredient (preservative) in pesticidally treated paper products used on growing crops. This proposed regulation was requested by American Agricultural Services Inc., pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: Comments, identified by the docket number [PP 5E4472/P667], must be received on or before July 26, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PP 5E4472/P667]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, North Tower, Arlington, VA, (703)308–8375, e-mail: acierto.amelia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: American Agricultural Services, Inc., 404 E. Chatham St., Cary, NC 27511, has submitted pesticide petition (PP) 5E4472 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for copper 8-quinolinolate (CAS Reg. No. 10380–28–6) when used as an inert ingredient (preservative) in pesticidally treated paper products used on growing crops under 40 CFR 180.1001(d).

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for copper 8-quinolinolate will need to be submitted. The rationale for this decision is described below:

1. Copper 8-quinolinolate is cleared by the U.S. Food and Drug Administration (FDA) as an indirect food additive for use as a component in food packaging adhesives [21 CFR 175.105(c)]; in paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170); and in paper and paperboard in contact with dry foods (21 CFR 176.180).

2. Copper 8-quinolinolate is currently registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as a fungicide/preservative for (a) wood treatment including food contact surfaces, for fruit and vegetable, food and feed containers, and bushel baskets to protect the wood against mold, mildew, wood rot/decay fungi and wood stain fungi; (b) agricultural paper mulch to protect against mildew, fungal rot/decay (c) potato storage, handling, cutting and planting equipment to protect against bacterial ring rot; and (d) for fabric, cardboard and paper to protect against mold/mildew.

3. The toxicity data available from the open literature indicates that copper 8-quinolinolate has a moderate acute toxicity in mice when administered by intraperitoneal injection; it gave negative results in a limited mice oral carcinogenicity studies; and has weak mutagenicity in a bacterial Ames test.

Based on the expected low exposure and the similarity of the proposed use pattern to the existing use, as an indirect food additive, already approved by the FDA, and as an active ingredient registered under FIFRA as preservative for wood, cardboard and paper intended for storage and handling potatoes, fruits and vegetables, and the available toxicology data, the EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

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

accordance with section 408(e) of FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [PP 5E4472/P667].

A record has been established for this rulemaking under docket number [PP 5E4472/P667] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

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

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1955 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: June 12, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. In § 180.1001 the table in paragraph (d) is amended by adding alphabetically the inert ingredient Copper 8-quinolinolate (CAS Reg. No. 10380–28–6), to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(d) * * *

Inert Ingredients	Limits	Uses
* *	* * *	* *
Copper 8-quinolinolate (CAS Reg. No. 10380–28–6) ...	Not to exceed 4% by weight of pesticide formulation.	Preservative in pesticidally treated paper.
* *	* * *	* *

* * * * *

[FR Doc. 96–16334 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94–06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to remove its current $15 million coverage ceiling for nonperformance of transportation by passenger vessel operators. The Commission would replace the ceiling with sliding-scale coverage requirements keyed to passenger vessel operators' financial rating, length of operation in United States trades and satisfactory explanation of claims for nonperformance of transportation. For self-insuring passenger vessel operators, the Commission proposes to reestablish a working capital requirement and to require third-party coverage for 25 percent of unearned passenger revenue. In order to clarify that the escrow agreement is for the exclusive benefit of passengers' deposits and prepaid fares, the Commission proposes revising the form escrow agreement it publishes as a guideline for the industry. The Commission also proposes to require applications for Certificates (Performance) to be filed at least 90 days in advance of the arranging, offering, advertising or providing of water transportation or tickets in connection therewith, unless good cause is shown. Finally, the Commission again solicits suggestions for other alternatives to consider under its Public Law 89–777 program, as well as suggestions for scheduling the phasing-in of the proposed rule's revised coverage requirements. These changes are deemed necessary to enhance the travelling public's protection against nonperformance of transportation.

DATES: Comments due on or before August 26, 1996.

ADDRESSES: Send comments (original and 15 copies) to: [1] Joseph C. Polking,

[1] The Commission also requests, but does not require, that commenters submit an electronic copy

Continued

Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT:
Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Maritime Commission (''Commission'' or ''FMC'') administers section 3, Public Law 89–777, 46 U.S.C. app. 817e (''section 3''). Section 3 requires certain passenger vessel operators (''PVOs'')[2] to establish financial responsibility for nonperformance of transportation.[3] The Commission's regulations implementing section 3 (46 CFR 540, Subpart A) generally provide that a PVO may evidence financial responsibility by one or more of the following methods: A guaranty, escrow arrangement, surety bond, insurance or self-insurance. The Commission requires coverage of at least 110 percent of a PVO's highest unearned passenger revenue (''UPR'')[4] over a two-year period. However, the maximum coverage amount currently required is $15 million. Also, non-self-insuring PVOs that can evidence a minimum of five years operation in U.S. trades with a satisfactory explanation of any claims for nonperformance of transportation are entitled to reduced coverage requirements under the following sliding scale:[5]

Unearned passenger revenue (''UPR'')	Required coverage
$0–$5,000,000	100% of UPR up to $5,000,000.
$5,000,001 to $15,000,000	$5,000,000 plus 50% of excess UPR over $5,000,000 subject to an overall maximum of $5,000,000 per vessel.
$15,000,001 to $35,000,000	$10,000,000 plus 25% of excess of UPR over $15,000,000 subject to an overall maximum of $5,000,000 per vessel and a $15,000,000 overall maximum.
Over $35,000,000	$15,000,000 overall maximum.

Under the Commission's present rules, self-insuring PVOs are required to demonstrate, among other things, net worth equal to at least 110 percent of their UPR. At an earlier stage of this proceeding, as discussed below, the Commission had proposed to phase out self-insurance except for PVOs which are state and Federal entities.

The Commission monitors activity of PVOs who are subject to Public Law 89–777 and by rule requires semiannual UPR reports.[6] Additionally, the Commission periodically surveys PVOs' future U.S. cruise schedules and fare structures.

II. Background

A. Docket No. 94–6

These proceedings were instituted with a March 1994 Notice of Proposed Rulemaking (''1994 NPR'' or ''1994 Proposed Rule'').[7] The 1994 NPR addressed the Commission's concerns about the adequacy of its coverage requirements in the light of several recent developments, including $700 million in uncovered UPR, the voluntary bankruptcy of one PVO and the dislocation of a self-insured carrier's operations as a result of the 1993 floods in the Mississippi River system. The 1994 NPR therefore proposed:

(1) removing the current $15 million UPR coverage ceiling;

(2) revising the current UPR sliding scale to require coverage of 110 percent of UPR up to $25 million per operator, with coverage of 90 percent of UPR for amounts exceeding $25 million (the NPR also put forth an alternative proposal which would require coverage of 110 percent of UPR up to $25 million per operator; 75 percent of UPR between $25 million and $50 million per operator; and 50 percent coverage for UPR over $50 million per operator); and

(3) removing self-insurance as an option for section 3 coverage (except for state or federal entities). Existing self-insured commercial operators would be provided one year following the effective date of any final rule in this matter to obtain other evidence of financial responsibility.

The 1994 NPR drew twelve comments. There was virtually unanimous support for the Commission's existing coverage requirements, and widespread questioning of the need for the 1994 Proposed Rule. Many commenters drew attention to the Commission's earlier series of proceedings in this area,[8] and

of their comments in ASCII, WordPerfect or Microsoft Word format.

[2] For the purposes of section 3, a PVO is any person in the United States that arranges, offers, advertises or provides passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports.

[3] Section 3 provides, in pertinent part:

(a) No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports without there first having been filed with the Federal Maritime Commission such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or, in lieu thereof, a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

[4] UPR is defined under 46 CFR 540.2(i) as:

* * * passenger revenue received for water transportation and all other accommodations, services, and facilities relating thereto not yet performed.

[5] The Commission, in Docket No. 92–19, *Revision of Financial Responsibility Requirements for Non-Performance of Transportation*, amended 46 CFR Part 540, Subpart A, to (1) institute this sliding scale formula for determining the amount of financial responsibility coverage required for operators meeting certain requirements; (2) exclude, under certain conditions, revenue from ''whole-ship'' arrangements from being considered UPR; and (3) publish a suggested form escrow arrangement as a guideline for the industry (57 FR 51887 (September 14, 1992)).

[6] 46 CFR 540.9(h) provides, in pertinent part:

Every person who has been issued a Certificate (Performance) must submit to the Commission a semiannual statement of any changes that have taken place with respect to the information contained in the application or documents submitted in support thereof. Negative statements are required to indicate no change. Such statements must cover every 6-month period of the fiscal year immediately subsequent to the date of the issuance of the Certificate (Performance), and include a statement of the highest unearned passenger revenue accrued for each month in the 6-month reporting period. In addition, the statement will be due within 30 days after the close of every such 6-month period.

[7] 59 FR 15149 (March 31, 1994).

[8] Docket No. 90–1, *Security for the Protection of the Public, Maximum Required Performance Amount;* Proposed Rule, 55 FR 1850 (January 19, 1990); Final Rule, 55 FR 34564 (August 23, 1990); Correction, 55 FR 35983 (September 4, 1990).

Fact Finding Investigation No. 19, *Passenger Vessel Financial Responsibility Requirements,* Order of Investigation, 55 FR 34610 (August 23, 1990).

asserted that there have been no industry changes warranting this proposal. Positions ranged from strong Congressional and U.S.-flag PVO opposition to any further changes to current coverage requirements, to conditional support of a modified version of the 1994 Proposed Rule by foreign-flag interests. There was no support for the 1994 Proposed Rule outright; however, a foreign-flag PVO supported the 1994 Proposed Rule's coverage requirements for those PVOs unable to meet that PVO's self-insurance proposal.

B. Docket No. 94–21

Given the concerns expressed in the industry comments to the 1994 NPR, the Commission determined to hold it in abeyance pending a formal Inquiry under Docket No. 94–21, *Inquiry into Alternative Forms of Financial Responsibility for Nonperformance of Transportation* (''1994 *Inquiry*'').[9] The 1994 *Inquiry*'s purpose was to determine whether an acceptable alternative could be fashioned to both address the industry's concerns with the 1994 NPR and ensure appropriate protection for passengers. The 1994 *Inquiry* therefore solicited comment on covering UPR liability through:

(1) voluntary association(s) (such association(s) would be in addition to the current individual methods of evidencing financial responsibility for non-performance); [10] and

(2) retained but strengthened self-insurance requirements.

In general terms, the association(s) envisioned by the 1994 *Inquiry* would accept liability for all or a part of a PVO's section 3 liability, using a Commission-approved surety bond or guaranty in an amount equal to the combined UPR of the two members having the highest amount of UPR during the past two years. Because these associations would necessarily involve concerted carrier activity, comments were also invited on whether this approach could present issues under the antitrust laws, to the extent such activity is not immunized under Shipping Act agreements.[11]

The reinforced self-insurance approach envisioned by the 1994 *Inquiry* would have worked in a manner whereby the Commission would restore its former standard,[12] but require prospective self-insurers to provide alternative coverage for a percentage (*e.g.*, 50% or 25%) of their uncovered UPR, through either a traditional guaranty, surety, escrow agreement or lien or other security instrument, or through participation in a coverage association along the above-described lines. This approach would, however, still require qualifying assets to be located in the United States.

The 1994 *Inquiry* was subsequently revised to clarify that the Commission was also seeking comment on accepting liens, mortgages or other security instruments as evidence of financial responsibility.[13]

Five comments on the 1994 *Inquiry* were submitted by three trade associations (one representing surety interests,[14] one representing foreign-flag vessel operators [15] and one representing U.S.-flag vessel operators)[16], a foreign-flag vessel operator [17] and a U.S.-flag vessel operator.[18]

All of the 1994 *Inquiry*'s commenters had also commented on the NPR, and indicate that their comments on the 1994 *Inquiry* supplement or incorporate by reference those earlier comments, which generally opposed the 1994 Proposed Rule and urged retaining current regulations. Many commenters express appreciation for the Commission's efforts to arrive at creative solutions to the financial responsibility issue. At the same time, they reiterate their NPR comments that current requirements are working well, and that no passengers have lost any money.

The commenters' general opposition to the NPR carried over to the alternatives proffered under the 1994 *Inquiry*: virtually all foresee problems of one sort or another with the voluntary association approach, ranging from skepticism about the availability of the large bonds necessary, to a number of difficult risk management and competitive factors. No commenter offers outright support for the vessel lien concept, for a number of reasons generally based on opposition to a requirement that qualifying assets be located in the U.S. Commenters urge the Commission not to change its current self-insurance standards, or to discontinue the requirement that qualifying assets be based in the U.S.

1. Voluntary Associations

The comments opposing the 1994 *Inquiry*'s voluntary association proposal suggest that, although this general approach seems to be viable for NVOCCs, it may not be feasible for PVOs. In particular, these comments address the operational and fiscal

Docket No. 91–32, *Passenger Vessel Financial Responsibility Requirements for Indemnification of Passengers for Nonperformance of Transportation—Advance Notice of Proposed Rulemaking and Notice of Inquiry,* 56 FR 40586 (August 15, 1991).

Docket No. 92–19, *Revision of Financial Responsibility Requirements for Nonperformance of Transportation;* Proposed Rule, 57 FR 19097 (May 4, 1992); Final Rule, 57 FR 41887 (September 14, 1992).

Docket No. 92–50, *Financial Responsibility Requirements for Nonperformance of Transportation—Revision of Self-Insurance Qualification Standards;* Proposed Rule, 57 FR 47830 (October 20, 1992); Final Rule, 57 FR 62479 (December 31, 1992).

[9] 59 FR 52133 (October 26, 1994).

[10] In this connection, the Commission noted its approach in Docket No. 92–37, *Financial Responsibility for Non-Vessel-Operating Common Carriers,* Final Rule, 58 FR 5618 (January 22, 1993), which permits groups or associations of non-vessel-operating common carriers (''NVOCCs'') to collectively issue bonds to meet financial responsibility coverage requirements imposed upon NVOCCs by the Shipping Act of 1984. Because this approach had proven successful with respect to NVOCCs, a purpose of the 1994 *Inquiry* was to consider its applicability and adaptability to PVO requirements under Pub. L. 89–777.

[11] The Shipping Act of 1984, 46 U.S.C. app. 1701, (''1984 Act'') governs concerted ocean common carrier activity in the U. S. foreign waterborne trades. The Shipping Act, 1916, 46 U.S.C. app. 801, (''1916 Act'') governs concerted activity of common carriers by water in interstate commerce in the transportation by water of passengers on the high seas or the Great Lakes on regular routes from port to port between one U.S. State, Territory, District or possession and any other U.S. State, Territory, District or possession or between places in the same Territory, District or possession. Effective September 30, 1996, the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, repeals among other things the 1916 Act provisions applicable to agreements.

[12] The Commission previously required the maintenance of working capital and net worth, each equal to 110 percent of the operator's UPR. This standard provided that the Commission could, for good cause shown, waive the requirement as to the amount of working capital.

[13] 59 FR 54878 (November 2, 1994).

[14] The Surety Association of America (''Surety Association'') is a trade association that represents 650 surety companies that provide 95% of the surety bonds written in the United States.

[15] The International Council of Cruise Lines (''ICCL'') states that its members have the vast majority of the cruise industry berth capacity. Its letterhead lists Carnival Cruise Lines; Celebrity Cruise Lines; Commodore Cruise Line; Costa Cruise Lines NV; Crown Cruise Line; Crystal Cruises; Cunard Line Ltd.; Dolphin Cruise Line; Epirotiki Lines; Fantasy Cruise Lines; Holland America Line; Majesty Cruise Line; Norwegian Cruise Line; Premier Cruise Lines, Ltd.; Princess Cruises; Regency Cruises, Inc. (''Regency''); Royal Caribbean Cruises, Ltd.; Royal Cruise Line; Royal Viking Line; Seabourn Cruise Line; Sun Line Cruises, Inc.; and Windstar Cruises.

[16] The Transportation Institute stated in its NPR comments that it represents 140 U.S.-flag shipping companies engaged in foreign and domestic trades, including American Classic Voyages Co. The U.S.-flag PVOs under the Commission's section 3 program presently consist of American Classic Voyages, Alaska Sightseeing/Cruise West, Clipper Cruise Line, Special Expeditions, Alaska Marine Highway, and American Canadian Caribbean Line.

[17] Carnival Corporation (''Carnival''). Carnival's comments are filed on behalf of Carnival Cruise Lines, Holland America Lines and Windstar Cruises. Carnival is an ICCL member.

[18] American Classic Voyages Co. (''AMCV''). AMCV is the corporate parent of The Delta Queen Steamboat Co. (''Delta Queen'') and Great Hawaiian Cruise Line, Inc. (''American Hawaii''). AMCV is a section 3 self-insurer.

[11] The Shipping Act of 1984, 46 U.S.C. app. 1701,

distinctions between the NVOCC and the PVO industries and make a credible argument as to why in this particular case a mechanism which works for one industry might not for another.[19]

In short, the comments contend that an association approach would not work at the coverage levels contemplated under the NPR (either the original proposal or the alternative), due to the concentrated capital structures, operational diversity and competitive considerations inherent in the contemporary cruise industry.[20] Also, ICCL comments that the nature of the cruise business does not lend itself to the mutuality inherent in the association approach, which seems to be borne out by AMCV's explanation of the drawbacks it sees in the association approach.[21] It therefore appears unlikely that the market could support the magnitude of risk exposure inherent in the sort of voluntary association envisioned by the 1994 *Inquiry*.

Another material difference between these two industries is prepayment: NVOCCs do not require their customers to fully prepay for their services anywhere from two to six weeks (or, in some cases, eight or more weeks) before they are performed, as is the practice with PVOs. It is this practice which accounts for the approximately $700 million shortfall in uncovered UPR that prompted these proceedings. The shortfall's size more than anything else would appear ultimately to render the voluntary association approach unworkable.

With regard to possible antitrust issues under this approach, AMCV notes that an association attempting to limit membership to financially sound PVOs could be subject to antitrust claims by excluded PVOs, and that there is an inherent potential for detrimental disclosure of confidential information.[22]

In view of the foregoing considerations, the Commission has determined not to pursue a voluntary association approach for the purposes of its Pub. L. 89–777 program.

2. Self-Insurance

The self-insurance requirements currently in place were established by the Commission's Final Rule in Docket No. 92–50, which became effective February 1, 1993. Previously, self-insurers needed to demonstrate net worth and working capital each equal to 110% of the PVO's UPR—the standard the 1994 *Inquiry* suggested that the Commission might restore.

Current self-insurance standards provide that PVOs demonstrating a minimum of five years' operation in U.S. trades, with a satisfactory explanation of any claims for nonperformance of transportation, need only demonstrate net worth equal to 110% of their UPR to qualify for self-insurance. Self-insurers are not, however, entitled to the sliding scale UPR coverage requirements that had been adopted in the Final Rule in Docket No. 92–19,[23] and qualifying assets still must be located in the U.S.

The comments on the 1994 *Inquiry* urge the Commission not to repeal self-insurance for private operators. AMCV has offered a rationale why the Commission should neither terminate self-insurance for commercial PVOs, as proposed in the NPR, nor implement the 1994 *Inquiry*'s suggested restoration of the Commission's former and more rigorous standard.

Foreign-flag operators take a different tack, urging repeal of the U.S.-based asset requirement. Carnival proposes a standard that would not only repeal the U.S.-based asset requirement but also provide for self-insurance qualification for PVOs which either (1) have earned investment grade ratings by the bonding rating agencies; or (2) meet both (a) a three times tangible net worth test and (b) a liquidity test (cash, short term investments and undrawn lines of credit equal to at least 100% UPR).

The foreign-flag operators, and Carnival in particular, seek a system that appears to be well suited for assessing a company's investment risk. However, Carnival's ''investment risk'' test may not be appropriate for a statute that contemplates indemnification of passengers in the event a carrier does not fulfill its obligations.

In this regard, we note that Carnival's proposed test is conditioned upon the Commission removing the U.S.-based asset requirement. We believe this requirement is critical to the self insurance standard. Unless passengers have the ability to attach a defaulting carrier's assets, self insurance under any standard is problematic.[24] As the Commission remarked in its Final Rule in Docket 92–50:

> Although AHC and ICCL have requested the Commission to relax the requirement that the assets used to qualify as a self-insurer be physically located in the United States, the final rule herein continues existing requirements for the location of those assets. The Commission remains concerned that passengers may not have the ability or resources to pursue foreign-domiciled assets, and that such efforts would not be cost-effective in the majority of instances.* Moreover, as noted in the NPR, ''self-insurance presents a greater risk of loss to the travelling public than do other forms of coverage that are backed by independent interests holding sums of money for the protection of the public.''

On the other hand, AMCV's comments appear to provide a basis to ameliorate some of the concerns that originally prompted the Commission to propose withdrawing self-insurance as

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[19] In this regard, the comments point out that P&I Clubs, which are mutual insurance associations, were developed initially to provide mutual insurance for casualty and other losses. Thus, they are structured on the assumption that a member will survive a casualty, and the P&I mechanism is designed to eventually recover casualty losses from the member suffering that loss. (P&I Clubs issue performance guaranties only as an accommodation to the membership, and then only on a fully-collateralized basis.) The NVOCC industry uses commercial instruments and does not have mutual associations similar to P&I Clubs.

[20] The Surety Association advises that, depending on the actual make-up and financial strength of the passenger vessel associations, some associations may find it extremely difficult to qualify for a group surety bond and some may not be able to qualify at all.

[21] AMCV described the undesirability of PVOs becoming exposed to liability for other PVOs' nonperformance; fiduciary risks to PVO management for assuming liability for events within the sole control of its competitors; the difficulties of allocating the levels of risk involved and the narrowness of the base upon which that risk would be shared; and the inherent susceptibility of weaker members to termination—either for competitive reasons or because of normal operational risks inherent in a seasonal industry that is ultimately dependent upon discretionary income for all of its revenues.

[22] Those PVOs subject to the 1984 Act could avail themselves of agreement immunity to protect themselves from whatever exposure such concerted activity would cause under antitrust laws. Thus, the Shipping Act's antitrust exemption could result in uneven antitrust exposure as between those PVOs entitled to the wide scope of 1984 Act agreement antitrust exemption (transportation between U.S. and foreign locations), which would obtain either with the filing or regulatory exemption of the Association agreement(s); and those purely domestic PVOs (transportation solely within the U.S.), which may not be entitled to any Shipping Act antitrust exemption at all. (The immunity afforded by the 1916 Act is repealed September 30, 1996, by virtue of the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803.)

[23] Please refer to footnote 5, *infra*.

[24] Although Carnival has proposed that self-insuring PVOs assent to U.S. jurisdiction in disputes with passengers over UPR and that PVOs designate agents for service of process, we do not believe that these measures would be sufficient for a passenger to attach a carrier's foreign-based assets. Moreover, this would not add anything new because section 3 UPR is already protected by U.S. Law (Pub. L. 89–777) and all section 3 applicants are required to appoint agents for service of process before they are certificated. Also, the Commission's concern is not limited to disputes between viable PVOs and passengers over UPR; rather, the Commission is concerned with a failing PVO's ability to indemnify passengers for nonperformance, which goes well beyond U.S. jurisdiction over simple disputes.

* Docket No. 92–19, Notice of Proposed Rulemaking, p. 9.

Docket No. 92–50, *Financial Responsibility Requirements for Nonperformance of Transportation—Revision of Self-Insurance Qualification Standards*, 57 FR 47830 (October 20, 1992), Final Rule, 57 FR 62480 (December 31, 1992).

an available option for commercial PVOs.[25] AMCV explains that traditional maritime liens and preferred mortgages, which have priority over passenger claims, are first deducted prior to calculating net worth under the existing rule; therefore, the resultant net worth used to qualify for section 3 self-insurance has already accounted for those liabilities.[26]

After further consideration, the Commission has determined to withdraw its proposal to discontinue self-insurance for commercial operators. Instead, the Commission proposes to continue self-insurance, but with revised criteria. To this end, the proposed rule herein would revise Part 540 to permit PVOs other than state or Federal instrumentalities to qualify for a Performance Certificate using U.S.-based net worth and working capital each equal to or greater than their outstanding UPR, plus an additional cushion of 25% of UPR backed by a traditional guaranty, surety bond, insurance or escrow account. Such an approach would permit commercial operators, like AMCV, to continue to use the self-insurance option currently set forth in the Commission's rules, provided they also can evidence working capital equal to their outstanding UPR and can acquire a guaranty, surety bond, insurance or escrow account for 25% of their outstanding UPR.

3. Liens, Mortgages and Other Security Instruments

This aspect of the 1994 *Inquiry* drew no support in the comments. In fact, commenters provided sound reasons why it should not be pursued further. Accordingly, the Commission intends to take no further action with respect to this option.

[25] AMCV also suggested that the widespread use of credit cards and the protection offered by the Truth-in-Lending Laws and private travel insurance programs, act to buttress any shortfalls in the Commission's self-insurance options. While this may or may not be true, the Commission nevertheless has an independent obligation to make certain that PVOs have established their financial responsibility to indemnify passengers for nonperformance of transportation. Accordingly, we do not believe that the statutes or programs referred to by AMCV obviate the need for the Commission to fulfill its statutory responsibilities.

[26] Although AMCV may have addressed some of the Commission's concerns with respect to self-insurance, it did not address other potential payables that may have priority over passengers claims, *e.g.*, employee salaries, benefits, legal fees. However, the proposed restoration of the former working capital standard, together with the additional requirement suggested below, should suffice to establish the requisite level of financial responsibility.

III. Discussion

Notwithstanding the industry's general position that changes are not necessary, the Commission's concern about the adequacy of its financial responsibility standards has, if anything, increased. Subsequent to the close of the comment period in the 1994 *Inquiry*, three additional passenger vessel operators have sought protection under the Bankruptcy Code:

—In late December 1994, Gold Star Cruises ceased operations and filed for Chapter 7 bankruptcy.
—As of October 29, 1995, Regency Cruises ceased operations. It subsequently filed for Chapter 11 protection on November 7, 1995.
—On October 30, 1995, Palm Beach Cruises filed for Chapter 11 protection to reorganize.

In each of these cases, there appear to be sufficient funds set aside to indemnify passengers scheduled to embark at U.S. ports. At the same time, it should be noted that there was some concern regarding Regency because its unearned passenger revenue had from time to time exceeded the current ceiling; however, Regency ceased operations at a time when its unearned passenger revenue was below the ceiling.

Accordingly, in light of the foregoing the Commission believes that it must now proceed to revise its coverage requirements to narrow the gap between coverage and UPR as a means of enhancing protection for the public.

A. Revised Coverage Requirements

1. Coverage Levels

As aforementioned, the Commission remains concerned about the increased exposure to risk of the travelling public's deposits and prepaid fares in the event that a PVO holding UPR levels above the current ceiling defaults, possibly leaving passengers unprotected and subject to financial losses. The Commission therefore proposes to remove the $15 million ceiling in 46 CFR 540.9(j). Adjustments will also be proposed to the sliding scale and eligibility requirements currently set forth in 540.5(e). The Commission also proposes to introduce a new sliding scale coverage table that would apply to all operators.

a. *Reduced Coverage Scale.* The revised sliding scale in 46 CFR 540.5(e) would continue to be available to passenger vessel operators that can provide evidence of at least five years' operation in United States trades, with a satisfactory explanation of any claims for nonperformance of transportation. Operators opting to use this reduced coverage sliding scale would, in addition, have to demonstrate that their debt is rated ''Aa'' or better by Moody's Investors Service. For those who qualify, this reduced coverage sliding scale would require 100 percent coverage for UPR up to $15 million and, when fully phased in, 60 percent coverage for UPR between $15 and $50 million; 20 percent coverage for amounts between $50 and $100 million; and 10 percent for amounts over $100 million. The reduced coverage sliding scale would be phased in over a 3-year period to minimize the impact of the new coverage requirements.[27]

The Commission believes that this approach would give more weight to third-party, marketplace assessments of a PVO's financial strength in determining its section 3 risk. Moreover, this approach relies, albeit indirectly, upon foreign-based assets as urged by foreign-flag PVOs in connection with the self-insurance standards.

b. *Standard Coverage Scale.* The new standard coverage sliding scale would be available to all PVOs, regardless of the extent of their operational experience, their financial standing or their explanations for instances of nonperformance. When fully phased in, the standard coverage sliding scale would ultimately require 100 percent coverage for UPR up to $50 million; 75 percent coverage for amounts between $50 and $100 million; and 25 percent coverage for amounts over $100 million. The standard coverage sliding scale would be phased in over a 3-year period to minimize the impact of the new coverage requirements.[28]

[27] The proposed reduced coverage sliding scale would require 100 percent coverage for a PVO's first $15 million in UPR and phase in this revised coverage requirement in three increments:

First, effective March 1, 1997, it would require 60 percent coverage for UPR between $15 and $25 million; 20 percent coverage for amounts between $25 and $50 million and 10 percent coverage for amounts over $50 million.

Second, effective March 1, 1998, it would require 60 percent coverage for UPR between $15 and $35 million; 20 percent coverage for amounts between $35 and $75 million and 10 percent coverage for amounts over $75 million.

Finally, effective March 1, 1999, it would require 60 percent coverage for UPR between $15 and $50 million; 20 percent coverage for amounts between $50 and $100 million; and 10 percent coverage for amounts over $100 million.

[28] The proposed rule would phase in this revised coverage requirement in three increments:

First, effective March 1, 1997, it would require 100 percent coverage for UPR up to $25 million; 75 percent coverage for amounts between $25 and $35 million; and 25 percent coverage for amounts over $35 million.

Second, effective March 1, 1998, it would require 100 percent coverage for UPR up to $35 million; 75 percent coverage for amounts between $35 and $50

Continued

2. Self-Insurance

The Commission has determined to propose the restoration of self-insurance for private PVOs that can demonstrate both U.S.-based net worth *and* working capital each equal to their outstanding UPR,[29] with an additional cushion of 25% of UPR backed by a traditional guaranty, surety bond, insurance or escrow account.

3. Effective Date

While the Commission wishes to revise section 3, Public Law 89–777, requirements at the earliest practicable date, it does not wish to do so in a manner that unnecessarily disrupts the passenger vessel industry. In this connection, the Commission acknowledges the widespread practice of P&I Clubs to require members to fully countersecure their section 3, Public Law 89–777, guaranties as well as the P&I Club practice of renewing coverages during February of each year. Therefore, the proposed rule herein would phase in the revised coverage requirements over a 3-year period beginning March 1, 1997, and ending March 1, 1999.

B. Revision of Part 540's Escrow Agreement Guideline

In a recent bankruptcy involving a PVO that had used an escrow agreement to meet its section 3, Public Law 89–777 financial responsibility requirements, the question arose as to whether the escrow's assets should be considered debtor's property. The escrow agreement at issue contained language that the Commission has changed in other escrow agreements it has since approved so as to address this issue. Therefore, we are proposing a change to paragraph 12 to require language that makes clear that escrow funds are not debtor's property and should be made available to passengers.

C. Filing Deadline

Section 540.4(b) requires that an application for a Certificate (Performance) shall be filed at least 60 days in advance of the arranging, offering, advertising, or providing of any water transportation or tickets in connection therewith. Late filing of the application is permitted only for good cause shown. With the growth of the passenger vessel industry over the years since this requirement was first promulgated, together with the industry's increasing reliance on complex financial responsibility proposals requiring case-by-case assessment by the Commission, a 60-day period can be insufficient. Accordingly, this is being changed to a 90-day period, absent good cause shown.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental organizations. The passenger vessel operators impacted by the rule are generally not small businesses.

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3507 of the Paperwork Reduction Act of 1995. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 14.91 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments concerning the information collection requirements of this rule within 60 days of this notice to Bruce A. Dombrowski, Deputy Managing Director, Federal Maritime Commission, Washington, D.C. 20573 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, Washington, D.C. 20503.

List of Subjects in 46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds, Transportation.

Therefore, pursuant to 5 U.S.C. 553; section 3, Pub. L. 89–777, 80 Stat. 1356–1358 (46 U.S.C. app. 817e); section 43 of the Shipping Act, 1916 (46 U.S.C. app. 841a); and section 17 of the Shipping Act of 1984 (46 U.S.C. app. 1716), the Federal Maritime Commission proposes to amend Part 540 of Title 46 of the Code of Federal Regulations as follows:

PART 540—[AMENDED]

1. The authority citation to Part 540 continues to read:

Authority: 5 U.S.C. 552, 553; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358 (46 U.S.C. app. 817e, 817d); sec. 43 of the Shipping Act, 1916 (46 U.S.C. app. 841a); sec 17 of the Shipping Act of 1984 (46 U.S.C. app. 1716).

§ 540.4 [Amended]

2. In section 540.4(b), the reference to ''60 days'' in the first sentence is amended to read ''90 days.''

3. Section 540.5 is amended by revising the introductory text, the introductory text of paragraph (d), paragraph (d)(6), and (e) to read as follows:

§ 540.5 Insurance, guaranties, escrow accounts, and self-insurance.

Except with regard to escrow accounts and self-insurers, the amount of coverage required under this section and § 540.6(b) shall be in an amount determined by the Commission to be no less than 100 percent of the unearned passenger revenue of the applicant on the date within the 2 fiscal years immediately prior to the filing of the application which reflects the greatest amount of unearned passenger revenue, subject to the following schedule:

million; and 25 percent coverage for amounts over $50 million.

Finally, effective March 1, 1999, it would require 100 percent coverage for UPR up to $50 million; 75 percent coverage for amounts between $50 and $100 million; and 25 percent coverage for amounts over $100 million.

[29] The Commission also proposes restoring the procedure to waive, for good cause shown, the requirement as to the amount of working capital appearing in the former § 540.5(d).

Unearned passenger revenue ("UPR")	Required coverage
Effective March 1, 1997:	
$0–$25,000,000	100% of UPR.
$25,000,001–$35,000,000	$25,000,000 plus 75% of excess UPR over $25,000,000.
Over $35,000,000	$32,500,000 plus 25% of excess UPR over $35,000,000.
Effective March 1, 1998:	
$0-$35,000,000	100% of UPR.
$35,000,001–$50,000,000	$35,000,000 plus 75% of excess UPR over $35,000,000.
Over $50,000,000	$46,250,000 plus 25% of excess UPR over $50,000,000.
Effective March 1, 1999:	
$0-$50,000,000	100% of UPR.
$50,000,001–$100,000,000	$50,000,000 plus 75% of excess UPR over $50,000,000.
Over $100,000,000	$87,500,000 plus 25% of excess UPR over $100,000,000.

The Commission, for good cause shown, may consider a time period other than the previous 2-fiscal-year period requirement in this section or other methods acceptable to the Commission to determine the amount of coverage required. Evidence of adequate financial responsibility for the purposes of this subpart may be established by one or a combination (including § 540.6 Surety Bonds) of the following methods:

* * * * *

(d) Filing with the Commission for qualification as a self-insurer such evidence acceptable to the Commission as will demonstrate continued and stable passenger operations over an extended period of time in the foreign or domestic trade of the United States. In addition, applicants other than state or Federal entities must demonstrate financial responsibility by maintenance of working capital and net worth, each in an amount no less than 100 percent of the unearned passenger revenue of the applicant on the date within the 2 fiscal years immediately prior to the filing of the application which reflects the greatest amount of unearned passenger revenue. The Commission will take into consideration all current contractual requirements with respect to the maintenance of such working capital and/or net worth to which the applicant is bound. Evidence must be submitted that the working capital and net worth required above are physically located in the United States. This evidence of financial responsibility shall be supplemented by evidence demonstrating that twenty-five percent of applicant's unearned passenger revenue is covered by one or a combination of the following: evidence of insurance pursuant to § 540.5(a); evidence of an escrow account pursuant to § 540.5(b); a guaranty pursuant to § 540.5(c); or a surety bond pursuant to § 540.6. This evidence of financial responsibility shall be supported by and be subject to the following which are to be submitted on a continuing basis for each year or portion thereof while the Certificate (Performance) is in effect;

* * * * *

(6) A list filed semiannually of all contractual requirements or other encumbrances (and to whom the applicant is bound in this regard) relating to the maintenance of working capital and net worth;

* * * * *

(e) (1) The following schedule may be applied to determine the minimum coverage required for indemnification of passengers in the event of nonperformance of water transportation for those operators who have not elected to qualify by an escrow account or self-insurance; and can provide evidence (in the form of an affidavit by the operator's Chief Executive Officer or other responsible corporate officer) that applicant's debt is rated by Moody's Investors Service at Aa or higher; and of a minimum of five years of operation in United States trades with a satisfactory explanation of any claims for nonperformance of transportation.

Unearned passenger revenue ("UPR")	Required coverage
$0–$15,000,000	100% of UPR.
Effective March 1, 1997:	
$15,000,001–$25,000,000	$15,000,000 plus 60% of excess UPR over $15,000,000.
$25,000,001–$50,000,000	$21,000,000 plus 20% of excess UPR over $25,000,000.
Over $50,000,000	$26,000,000 plus 10% of excess UPR over $50,000,000.
Effective March 1, 1998:	
$15,000,001–$35,000,000	$15,000,000 plus 60% of excess UPR over $15,000,000.
$35,000,001–$75,000,000	$27,000,000 plus 20% of excess UPR over $35,000,000.
Over $75,000,000	$35,000,000 plus 10% of excess UPR over $75,000,000.
Effective March 1, 1999:	
$15,000,001–$50,000,000	$15,000,000 plus 60% of excess UPR over $15,000,000.
$50,000,001–$100,000,000	$36,000,000 plus 20% of excess UPR over $50,000,000.
Over $100,000,000	$46,000,000 plus 10% of excess UPR over $100,000,000.

(2) The qualifications of applicants seeking consideration under the coverage requirements of this paragraph shall be supported by and subject to the following which are to be submitted on a continuing basis for each year or portion thereof while the Certificate (Performance) is in effect:

(i) A report filed semiannually evidencing that Moody's Investors Service rates applicant's debt at Aa or higher; and

(ii) Such additional evidence of financial responsibility as the Commission may deem necessary in appropriate cases.

§ 540.9 [Amended]

5. In section 540.9, paragraph (j) is removed, and paragraph (k) is redesignated as paragraph (j).

Appendix A to Subpart A—[Amended]

6. The following sentence is added at the end of Paragraph 12 of Appendix A to subpart A—Example of Escrow Agreement for Use Under 46 CFR 540.5(b):

The Operator and/or Ticket Issuer are not entitled to, nor have any interest in, any funds payable from this account to the extent such funds represent unearned passenger revenue, as that term is defined in subpart A of part 540 of title 46, Code of Federal Regulations.

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–16210 Filed 6–25–96; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[General Docket No 96–113; FCC 96–216]

Identifying and Eliminating Market Entry Barriers for Small Businesses

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; notice of inquiry.

SUMMARY: The attached Notice of Inquiry (NOI) commences a proceeding to examine barriers to small business entry into the telecommunications marketplace. Section 101 of the Telecommunications Act of 1996 (1996 Telecommunications Act) adds new Section 257 to the Communications Act, which requires the Commission, within 15 months after enactment, to complete a proceeding to identify and eliminate market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services. Through this NOI, the Commission initiates an omnibus Section 257 proceeding and will undertake specific initiatives that further the objective of reducing market entry barriers for small businesses. The record developed in connection with these intiatives also will, assist us in achieving our mandate under Section 309(j) of the Communications Act of 1934 to disseminate licenses for auctionable spectrum-based services to small businesses, rural telephone companies, and businesses owned by women and minorities, as well as in fulfilling our general obligation to serve the public interest.

DATES: Comments must be submitted on or before July 24, 1996 and reply comments are due on or before August 23, 1996.

ADDRESSES: Comments and reply comments may be mailed to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda L. Haller, Office of General Counsel, at (202) 418–1720 or S. Jenell Trigg, Office of Communications Business Opportunities, at (202) 418–0990.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Inquiry* which was adopted on May 10, 1996, and released on May 21, 1996. The complete text of this NOI is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, N.W., Washington, D.C., on-line at the Office of Communications Business Opportunities' web site via the FCC's Internet Home Page at www.fcc.gov., and may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

I. Introduction

1. Section 101 of the Telecommunications Act of 1996 (1996 Telecommunications Act),[1] adds new Section 257 to the Communications Act of 1934.[2] Section 257 requires the Commission, within 15 months after enactment, to complete a proceeding ''for the purpose of identifying and eliminating, by regulations pursuant to its authority under this Act * * * market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services.'' [3] In implementing Section 257, the Commission must ''promote the policies and purposes of this Act favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience and necessity.'' [4] Every three years following the completion of the market entry barriers proceeding, the Commission must report to Congress on regulations that have been issued to eliminate barriers and any statutory barriers that the Commission recommends be eliminated.[5]

2. This *Notice of Inquiry* (NOI) commences the Commission's omnibus Section 257 proceeding. We also will undertake specific initiatives that further the objective of Section 257 to reduce market entry barriers for small businesses. The record developed in connection with these initiatives also will assist us in achieving our mandate under Section 309(j) of the Act [6] to disseminate licenses for auctionable spectrum-based services to small businesses, rural telephone companies, and businesses owned by women and minorities, as well as in fulfilling our general obligation to serve the public interest.[7]

3. We also inquire whether small businesses owned by minorities or women face unique entry barriers. We explore this area because the legislative history of Section 257 suggests that Congress was concerned about the underrepresentation of minority or women-owned small businesses in the telecommunications market and sought to increase competition by diversifying ownership.[8] In addition, Section 309(j) specifically requires that we further opportunities for businesses owned by women and minorities in the provision of spectrum-based services, because a portion of small telecommunications businesses under Section 257 are owned by women and minorities, and because

[1] Telecommunications Act of 1996, Public Law No. 104–104, 110 Stat. 56 (1996).

[2] 47 U.S.C. 151 *et seq.*

[3] 47 U.S.C. 257(a).

[4] 47 U.S.C. 257(b).

[5] 47 U.S.C. 257(c).

[6] 47 U.S.C. 309(j).

[7] *See, e.g.,* 47 U.S.C. § 214 (Commission must certify that public convenience or necessity requires construction or extension of lines); 47 CFR § 303 (Commission must regulate radio as public interest, convenience or necessity requires); 47 U.S.C. 307(a) (Commission must grant radio licenses that serve the public convenience, interest, or necessity).

[8] The Congressional Record provides:

[W]hile we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace. I refer to the well-documented fact that minority and women-owned small businesses continue to be extremely under represented in the telecommunications field. * * * Underlying this amendment [Section 257] is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace.

142 Cong. Rec. H1141 at H1176–77 (daily ed. Feb. 1, 1996) (statement of Rep. Collins).

evidence suggests that these entities encounter unique market barriers.

II. Background

4. The primary purpose of this inquiry is to fulfill our mandate under Section 257 to identify and eliminate market barriers for small businesses in the provision and ownership of telecommunications and information services, and in the provision of parts or services to providers of telecommunications services and information services. We interpret ''market entry barriers'' to include obstacles that deter entrepreneurs from forming small businesses, barriers that impede entry into the telecommunications market by existing small businesses, and obstacles that small telecommunications businesses face in providing service or expanding within the telecommunications industry, e.g., those that inhibit a paging company from expanding into a new geographic area or new service such as cellular.

5. The legislative history of Section 257 essentially parallels the language of the enacted provision. The Conference Report states: ''The conference agreement adopts the House provisions with minor modifications as a new Section 257 of the Communications Act.'' [9] There was no provision in the Senate bill and the House amendment stated: ''Section 250 [now Section 257] requires the Commission to adopt rules that identify and eliminate market entry barriers for entrepreneurs and small businesses in the provision and ownership of telecommunications and information services. The Commission must review these rules and report to Congress every three years on how it might prescribe or eliminate rules to promote the purposes of this section.'' [10]

6. Small businesses play a significant role in the U.S. economy. According to the U.S. Small Business Administration (SBA), in 1992 (the last year for which information is available), small businesses constituted the vast majority of all employers, employed 53% of the private work force, and provided 50% of all receipts. Research also has shown that small firms innovate at a per person rate twice that of large firms, spend more money on research and development (R&D), and more efficiently convert R&D efforts to new products than large firms.[11] Furthermore, small businesses are able to serve narrower niche markets that may not be easily or profitably served by large corporations, especially as large telecommunications expand globally. Despite the role of small businesses in the economy, and the growth of the telecommunications market,[12] small businesses currently constitute only a small portion of telecommunications companies.[13]

III. Identifying Market Barriers

A. General Market Barriers

7. In this section, we first request commenters to provide profile data about small telecommunications businesses, including financing sources and terms, services provided, markets served, geographic areas of operation, and employee workforce. This information will assist us in identifying market barriers and designing appropriate measures to eliminate barriers. Commenters may submit individualized or aggregated data. We request commenters to provide the following information in as much detail as possible regarding particular services, including but not limited to PCS, cellular, paging, SMR, satellite, radio, television, wired cable, wireless cable, local exchange, long-distance, access, on-line, messaging, and international services, and resale of any such service, as well as information regarding businesses that provide parts or services to providers of telecommunications services and information services:

(1) Ownership structure, including identity of owner(s) by gender and racial group,[14] as well as percentage of minority or female control;

(2) Communications service(s) provided;

(3) Geographic region(s) served;

(4) Primary markets (e.g., businesses, residences, government);

(5) Number of employees, job categories (i.e., officials and managers, professionals, technicians, clerical), and employee composition in job categories by race and gender.

(6) Capital requirements for entry or expansion;

(7) Funding sources and methods of raising capital;

(8) Revenue, income and profit levels.

8. To help fulfill our responsibilities under Sections 257 and 309(j), we request comment on the following questions regarding market barriers.

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[9] 142 Cong. Rec. H1078–03, H1113–14, *Joint Explanatory Statement of the Committee of Conference* at 23.

[10] 142 Cong. Rec. H1078–03 at H1113. In debates preceding passage of the 1996 Telecommunications Act, two members of Congress expressed the view that Section 257 would cover conduct including that precluded by new Section 222(e), 47 U.S.C. § 222(e), which prohibits local telephone service providers from charging discriminatory or unreasonable rates, or setting discriminatory or unreasonable terms or conditions, in selling subscriber lists to independent directory publishers. 142 Cong. Rec. H1145–06 at H1160 (daily ed. Feb. 1, 1996) (statement of Rep. Barton); 142 Cong. Rec. E184–03 (daily ed. Feb. 6, 1996) (extension of remarks by Rep. Paxon).

[11] ''Report of the FCC Small Business Advisory Committee to the Federal Communications Commission Regarding Gen Docket 90–314,'' *reprinted at* 8 FCC Rcd 7820, 7828 (1993) (*SBAC PCS Report*) (citing *Joint Petition for Further Rulemaking of Advanced Mobilecomm Technologies, Inc. and Digital Spread Spectrum Technologies, Inc.*, in Gen Docket 90–314, Exhibit # 3, at 12–13).

[12] For example, according to Edge Media, worldwide revenues for Personal Communications Services (PCS) could grow to $31 billion for equipment and services by the year 2000, *The Telecommunications Industry A Market Opportunity Analysis,* Federal Communications Commission, Office of Communications Business Opportunities (June 1995) (*1995 OCBO Analysis*) at 17 & n.30 (citing *1995 Telecommunications Market Review and Forecast,* North American Telecommunications Association), and PCS is expected to have 13.5 million subscribers by the year 2000, *id.* at 1. The cellular market itself is growing rapidly: subscribership increased from approximately 5 million in 1990 to over 24 million in 1994. *Id.* The cable industry generated nearly $23 billion in 1994 and revenues will likely continue to climb, given that over 65% of all households with television sets subscribe to cable for video programming and over 95% of the country is wired for cable. *Id.* at 3.

[13] For example, the SBAC noted that SBA sales and employment data for the period 1989–1991 indicated that while the total number of small telecommunications enterprises had increased, cumulative market share possessed by those businesses decreased significantly. ''Report of the FCC Small Business Advisory Committee to the Federal Communications Commission Regarding Gen Docket 90–314,'' reprinted at 8 FCC Rcd 7820, 7826 (1993) (SBAC PCS Report). Stated differently, bigger businesses were commanding larger portions of telecommunications revenues. Of a total of 990 firms in Standard Industrial Code 4812 (radiotelephone industries) in 1989, 971 firms with 249 employees or less possessed a 35.1% cumulative market share in 1991, compared to 927 firms in the same employment size range with a cumulative market share of 52.5% in 1989. *Id.* In contrast, there were a total of 19 firms with over 249 employees commanding a 64.9% cumulative market share in 1991, compared to 21 firms of the same size range with a cumulative market share of 47.5% in 1989. *Id.*; *see also* FCC, ''Telecommunications Industry Revenue: TRS Fund Worksheet Data'' (February 1996) at Table 21 (of all 1,347 local exchange carriers (LEC) filing FCC Form 431 Telecommunications Relay Service (TRS) Fund Worksheets, the top fifth represent 98% of all LEC revenues; of all 97 interexchange carriers (IXC) filing TRS Fund Worksheets, the top fifth represent 99% of all IXC revenues); *Implementation of Section 309(j) of the Communications Act—Competitive Bidding,* Fifth Report and Order, 9 FCC Rcd 5532, 5578, 59 Fed. Reg. 37,566 (1994) (*Competitive Bidding Fifth Report and Order*) (comments of DCR Communications asserting that ten large companies—the six RBOCs, AirTouch (formerly owned by Pacific Telesis), McCaw (now owned by AT&T), GTE and Sprint—control nearly 86 percent of the cellular industry, and that nine of these ten companies control 95% of the cellular population and licenses in the 50 BTAs that have one million or more people).

[14] Consistent with the definition of ''minority'' in our rules, minority identification should be Black, Hispanic, American Indian, Alaskan Native, Asian, or Pacific Islander, as appropriate. *See, e.g.,* 47 CFR §§ 1.1621(b) and 24.720(i); *see also Race and Ethnic Standards for Federal Statistics and Administration Reporting,* OMB Statistical Policy Directive, No. 15 (1977).

Comments should be as specific as possible and identify with particularity the types of services and geographic regions covered.

(1) What obstacles do small businesses face in accessing capital and credit?

(2) Do small businesses obtain capital and credit under terms and conditions less favorable than those provided large businesses? If so, why?

(3) What difficulties do small businesses face in their dealings with suppliers, vendors, contractors, or FCC licensees?

(4) What obstacles do small businesses face in their abilities to resell, interconnect, or benefit from economies of scale?

(5) Do high deposit requirements deter small business entry into resale?

(6) Do small businesses have difficulty attracting or retaining clients?

(7) Do small businesses have difficulty dealing with trade associations and other private entities?

(8) Do small businesses have particular difficulties in obtaining government contracts, licenses, franchises, or other government benefits? Have small businesses faced any such problems regarding FCC policies or rules?

(9) Do contracts for a single bidder to serve a large volume and diversity of companies through one contract disadvantage small businesses?

(10) Do small businesses encounter difficulties attracting strategic partners?

(11) In forming alliances with other entities, are small businesses required to do so under unfavorable terms and conditions for the small business?

(12) Are there unique obstacles that small businesses face in entering or operating in the telecommunications field that are not faced by small businesses operating in other sectors (for example, in the retail or service sectors)?

(13) Do small businesses experience difficulties identifying and obtaining access to spectrum?

9. We request comment on how these impediments vary depending on the particular service provided. What particular types of businesses have difficulty getting started, operating, and expanding? Does the cost of capital differ for small broadcast stations versus small wireless providers? Does the cost of capital vary depending on the particular type of wireless (paging, SMR, PCS, etc.) or broadcast (television or radio) service offered? Do any other market entry barriers exist? For what services? Parties should comment on the geographic scope of any identified barrier, i.e., does the barrier exist nationwide, or in particular regions or locales? For any barrier, commenters also should identify whether it is a statutory requirement,[15] government regulation, or external factor, e.g., difficulty obtaining loans.

10. We also request comment on how these difficulties are influenced by size. Are impediments to entry and expansion greater for very small businesses? For example, does the cost of capital increase as the size of a small business decreases? Do very small businesses encounter greater difficulties in dealings with suppliers, vendors, or contractors than larger small businesses?

B. Unique Market Entry Barriers

11. In this section, we seek information to help us identify any unique obstacles that small telecommunications businesses owned by women or minorities encounter in forming firms, providing service, or expanding in the telecommunications market. We explore this area because first, the legislative history of Section 257 suggests Congress was concerned about the underrepresentation of minority and women-owned small businesses in the telecommunications market and sought to increase competition by diversifying ownership. Second, Section 309(j) specifically requires that we further opportunities for businesses owned by women and minorities in the provision of spectrum-based services. Third, based on our licensing information and other statistical data, we know that a portion of small communications businesses are owned by women and minorities and there is evidence that these entities encounter unique market barriers.

12. Evidence demonstrates that a principal barrier is minority or female status, rather than race or gender-neutral factors, and that this barrier contributes directly to low participation rates. For example, in the 1992 Small Business Act, Congress found that businesses owned by minorities or women have particular difficulties in obtaining capital.[16] In the Women's Business Ownership Act of 1988,[17] Congress found that women as a group are subject to discrimination that adversely affects their ability to raise or secure capital. In 1993, the National Foundation for Women Business Owners found that women-owned firms are 22% more likely to report difficulties with banks than are businesses at large, and that removal of financial barriers would encourage stronger growth among women-owned businesses, resulting in much greater growth throughout the economy.[18] Further, in a 1992 Report to the President and Congress, the National Women's Business Council cited lack of access to capital as the most pervasive barrier to success for women business owners.[19]

13. As to communications businesses specifically, the American Women in Radio and Television, Inc. asserts that ''[b]ased on their gender, women today confront significant barriers in raising the amount of capital necessary to seize the ownership opportunity. This lack of access to capital has contributed directly to the low level of female ownership of mass media facilities.'' The Commission has recognized that ''considerable evidence has been presented showing that the primary impediment to minorities seeking to enter the communications industry or to increase their mass media holdings has been lack of access to capital.'' In April 1995, the National Telecommunications and Information Administration (NTIA) found that ''there are real barriers to minority participation in telecommunications, and that minorities often lack access to the types and amount of capital required to form and expand telecommunications businesses.'' Congressional testimony regarding minority discrimination in telecommunications shows that controlling for education, work experience, age, gender, and other factors, bank loan dollars, per dollar of owner equity investment, are 160% higher for white firms ($1.85) than black firms ($1.16).[20]

14. The relatively low representation of women or minority-owned communications businesses also suggests that these types of businesses encounter unique obstacles in entering the telecommunications industry. According to the U.S. Census Bureau, in 1987 women owned and controlled 1.9% (27) of 1,342 commercial television stations and 3.8% (394) of 10,244 commercial radio stations in the

[15] Section 257 requires that we report to Congress any statutory barriers that the Commission recommends be eliminated. 47 U.S.C. 257(c).

[16] 1992 Small Business Act, sections 112(4) and 33(a)(4).

[17] Public Law No. 100–533 (1988).

[18] ''Financing the Business, A Report on Financial Issues from the 1992 Biennial Membership Survey of Women Business Owners,'' The National Foundation for Women Business Owners (October 1993).

[19] ''Annual Report to the President and Congress,'' National Women's Business Council (1992) at 11.

[20] *Policies and Rules Regarding Minority and Female Mass Media Ownership of Mass Media Facilities*, Notice of Proposed Rulemaking, 10 FCC Rcd 2788, 2791, 60 Fed. Reg. 6,068 (1995) *(Minority/Female Mass Media Ownership NPRM).*

United States.[21] In 1994, minorities owned and controlled 2.7% of the commercial television stations and 2.9% of the commercial radio stations in the United States.[22] According to the Census Bureau, in 1992, Blacks owned 3.5% of the entities characterized generally as communications firms [23] and women owned 31%; and most of these businesses were solely-owned.[24]

15. Finally, the participation level of minority or women-owned businesses in the Commission's spectrum auctions so far suggests that these entities may face unique obstacles. Because auctions will continue and various factors influence participation,[25] we are not able to fully assess participation by women and minorities. Figures preliminarily indicate, however, that participation in auctions without bidding incentives for minorities and women is lower than participation in auctions with incentives. For example, in the broadband PCS auction for A and B blocks, which concluded in March 1995, no minority-owned businesses won a broadband PCS license and only one license (for one of the lower-priced markets) was won by a woman-owned business. In the MDS auction, which concluded on March 28, 1996, 7.7% of the eligible bidders claimed woman-owned status; 8.4% of the eligible bidders claimed minority-owned status. Of the 67 winners, 5.9% indicated they were women-owned; 7.5% indicated they were minority-owned.[26] In the 900 MHz SMR auction, which concluded on April 15, 1996, 7.8% of the eligible bidders claimed woman-owned status and 3.9% claimed minority-owned status. Of the 80 successful bidders, 6.3% indicated they were women-owned; 5% indicated they were minority-owned. Statistics for the PCS C block auction, which ended May 6, 1996, were higher, even though no competitive bidding incentives were available for businesses owned by minorities or women: [27] 13.3% of the eligible bidders claimed woman-owned status, 18.0% claimed minority-owned status; [28] and of the 89 successful bidders, 16.9% indicated they were woman-owned; 28.1% indicated they were minority-owned.[29]

16. By comparison, auctions that offered incentives for women and minority-owned businesses yielded higher participation by those entities (both as bidders and winners).

For example, in the July 1994 IVDS auction, 22.5% of the registered bidders claimed status as minority-owned, and 33.2% as women-owned; of the auctioned licenses, 23.6% were awarded to bidders claiming minority-owned status, and 38.2% to bidders claiming women-owned status.[30] In the nationwide narrowband PCS auction, also held in July 1994, of the 29 qualified bidders, 20.1% claimed minority-owned status and 10.3% claimed women-owned status.[31] None of the winners were minority or women-owned businesses. In the Fall 1994 regional narrowband PCS auction, which offered a larger bidding credit than was available in the nationwide narrowband PCS auction, of the 28 qualified bidders, 35.7% claimed minority-owned status, and 28.6 % claimed women-owned status.[32] Of the nine winners, 22.2% claimed minority-owned status, and 33.3% claimed women-owned status.[33]

17. We seek a broad and comprehensive record from which to determine whether the experiences of women and particular minority groups in entering and participating in the telecommunications market warrant adopting more significant gender or race-based incentives for minority or women-owned small businesses. Parties may submit personal accounts of individual experiences, studies, reports, statistical data, or any other relevant information.

18. Commenters should address whether there are particular barriers to entry and expansion based on a small business owner's race or gender. If so, for which services? Do barriers differ by service, e.g., radio, television, advanced television, DBS, PCS, equipment manufacturing? What specific obstacles do women and minorities encounter in trying to start small communications businesses? Are there problems endemic to small women and minority-owned telecommunications businesses but not to small businesses owned by women and minorities in other industries (e.g., retail, real estate), and if so, why? Are any such difficulties the result of race/gender neutral factors such as economic status, geographic location, level of experience? Are differences in capital requirements determinative? What other factors play a role? Commenters should address to what extent any impediments are unique to small businesses owned by women or minorities, rather than small businesses generally.

19. Discrimination can be a market entry barrier. Parties may submit evidence of past or current discrimination based on race or gender. Judicial findings of discrimination are

[21] *See* Comments of American Women in Radio and Television, Inc. in MM Docket No. 94–149 and MM Docket No. 91–140, at 4 n.4 (filed May 17, 1995), citing 1987 Economic Censuses, ''Women-Owned Business,'' WB87–1, U.S. Department of Commerce, Bureau of the Census, August 1990 (based on 1987 Census).

After the 1987 Census report, the Census Bureau did not provide data by particular communications services (four-digit Standard Industrial Classification (SIC) Code), but rather by the general two-digit SIC Code for communications (#48). Consequently, since 1987, the U.S. Census Bureau has not updated data on ownership of broadcast facilities by women, nor does the FCC collect such data. However, we sought comment on whether the Annual Ownership Report Form 323 should be amended to include information on the gender and race of broadcast license owners. *Minority/Female Mass Media Ownership NPRM,* 10 FCC Rcd at 2797.

[22] ''Analysis and Compilation of Minority-Owned Commercial Broadcast Stations in the United States,'' U.S. Department of Commerce, National Telecommunications and Information Administration, The Minority Telecommunications Development Program (MTDP) (September 1994). These percentages are based on reported ownership of 1,155 commercial television stations and 9,973 commercial radio stations. MTDP considers ''minority ownership'' as ownership of more than 50% of a broadcast corporation's stock, or have voting control in a broadcast partnership.'' *Id.* Of the 11,128 combined radio and television stations nationwide, minorities owned 2.9% (323). *Id.*

[23] ''Communications'' firms are a subcategory in a larger grouping called ''transportation and public utilities.''

[24] ''1992 Survey of Black-Owned Businesses,'' U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census (''1992 Black-Owned Businesses''); ''1992 Survey of Women-Owned Businesses,'' U. S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census (1992 Women-Owned Businesses''). These figures represent firms classified by the Census Bureau as Standard Industrial Classification Code (SIC) #48 and 1,517 Black-owned firms out of 43,666 total communications firms and 13,592 women-owned firms out of 43,665 total communications firms.

[25] Factors that may influence participation, include for example, the type of service, presence of incumbents, projected cost of a successful bid, capital requirements for offering service, access to capital, license coverage area, availability of Commission bidding incentives, and the extent of Commission outreach to small minority or women-owned businesses and new entrants.

[26] ''Multipoint Distribution Service Questions and Answers,'' FCC Auctions, Press Information (released March 29, 1996) at 3.

[27] In the *Competitive Bidding Sixth Report and Order,* the Commission noted that many minority-owned and women-owned applicants prepared to bid in the C Block auction in reliance on race and gender-based incentives. Thus, their rate of participation is likely higher than it would have been in the absence of any pre-auction incentives. *See Amendment of Part 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Radio Service Spectrum Cap,* Notice of Proposed Rulemaking, WT Docket No. 96–59, GN Docket No. 90–314, 61 Fed. Reg. 13,133 (released March 20, 1996) (*D, E & F Block NPRM*) at ¶ 27 (citing *Implementation of Section 309(j) of the Communications Act—Competitive Bidding,* Sixth Report and Order, 11 FCC Rcd 136, 60 Fed. Reg. 37,786 (1996).

[28] Id.

[29] ''Distribution of Licenses in PCS C-Block Auction,'' FCC Auctions, Press Information (released May 6, 1996).

[30] ''*Visitor's Auction Guide, FCC Auction, Broadband Personal Communications Services*'' (December 5, 1994) *(1994 FCC Visitor's Auction Guide)* at Section IX.

[31] *Id.* at Section VIII.

[32] *Id.* at Section VII.

[33] *Id.*

not required.[34] Evidence of discrimination can be derived from a variety of sources, including academic research studies, adjudications, legislative findings, statistical data, and personal accounts. To the extent possible, evidence should relate to a particular racial, ethnic, or gender group.

20. Women and minority owned businesses may have experienced discrimination or difficulty in obtaining government licenses. These experiences may have impeded the ability of such entities to enter the communications market, and consequently, impeded subsequent opportunities. We seek evidence of discrimination or unfavorable treatment by any governmental or public entity with respect to communications-related licenses, contracts or other benefits. It has been argued to the Commission that as a result of our system of awarding broadcast licenses in the 1940s and 1950s, no minority held a broadcast license until 1956 or won a comparative hearing until 1975[35] and that special incentives for minority businesses ''are needed in order to compensate for a very long history of official actions which deprived minorities of meaningful access to the radiofrequency spectrum.''[36] We solicit comment on this particular argument.

21. Race or gender discrimination in employment may impede participation and advancement in the communications industry. Employment provides business knowledge, judgment, technical expertise, and entrepreneurial acumen, and other experience that is valuable in attaining ownership positions. For example, the Commission has found that employment in the broadcast industry is a valuable stepping stone to broadcast ownership.[37]

22. We seek any evidence that employment discrimination in the communications industry has been a barrier to entry in the telecommunications market by small businesses owned by minorities or women. Submissions should be detailed and should explain why the commenter believes the conduct at issue (e.g., failure to hire or promote) was based on race or gender discrimination, rather than the result of a race or gender-neutral factor (e.g., no job vacancy, job applicant not qualified for the position).

IV. Eliminating Market Barriers

A. Small Businesses Generally

23. Section 257 requires that after identifying market barriers, we prescribe regulations to eliminate those barriers. In implementing this mandate, first, how should we define small businesses under Section 257? By number of employees, gross revenue, net revenue, assets, or any other factor? Should we adopt a general size standard or specific standards for particular services (e.g., broadcast, PCS)? For example, the Commission's current Section 309(j) definitions are based on gross revenues and assets. Are there other factors the Commission should consider in defining what constitutes a small business? Should the Commission explore minimum capital requirements, debt/equity ratios, cash flow, net worth or other indicia of a business' ability to enter and compete in the marketplace? To formulate a policy using such indicia, the Commission would need specific financial information for small businesses generally, and requests that commenters recommending new approaches indicate the type of information needed by the Commission.

24. Second, we seek comments and proposals regarding ways to eliminate market entry barriers and enhance opportunities for small businesses in communications services, including, e.g., wireline, wireless, mass media, cable, satellite. What types of incentives or requirements would be most effective in eliminating market entry barriers? Commenters may propose new initiatives or suggest changes to existing rules or make any other recommendation. Proposals may address, for example, sale of subscriber lists to independent directory publishers as recognized by Congress in enacting Section 257,[38] or any other area. Commenters should provide data to support their proposals. Because Section 257 states that in prescribing rules to eliminate barriers we must rely on our rulemaking authority under provisions of the Act other than Section 257, we also request that commenters identify specific rulemaking provisions in the Act, e.g., Section 4(i)[39] that would support any such proposals.

25. Our Section 309(j) competitive bidding incentives for small businesses are examples of the types of mechanisms we could adopt in furtherance of our Section 257 mandate. Have bidding credits, installment payments, and reduced upfront payments enhanced opportunities for small business participation? Did the Commission's outreach efforts in providing information to prospective bidders enhance small business participation in each auction? If commenters believe the Commission's existing mechanisms could be modified to enhance opportunities for small businesses, please explain how, or suggest new approaches. In addition, we seek preliminary views on how the Section 309(j) incentives have operated in the five completed auctions employing small business incentives.[40] For example, we are aware of concerns that due to the high level of bidding in the PCS C Block auction successful bidders may find it difficult later on to secure the necessary financial resources to build out their systems, and may ultimately encounter problems in the market against established competitors like incumbent cellular providers and the generally large, well-financed winners of PCS A and B block licenses.[41] How do we balance the

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[34] Parties should be mindful, however, that to the extent it is applicable to federal action, *Croson* requires that the government have a '''strong basis in evidence for its conclusion that remedial action was necessary,''' *City of Richmond* v. *J.A.Croson*, 488 U.S. 469, 500 (1989) (quoting *Wygant*, 476 U.S. at 277); *see also* Memorandum Regarding *Adarand* to General Counsels from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice (dated June 28, 1995) (DOJ Memorandum) at 11.

[35] *See* ''Statement of David Honig, Executive Director, Minority Media and Telecommunications Council,'' *En Banc* Advanced Television Hearing, MM Docket No. 87–268 (December 12, 1995) at 2–3 & n.2.

[36] *Id.* at n.2 citing *Southland Television Co.*, 10 RR 699, 750, *recon. denied*, 20 FCC 159 (1955) (awarding a Shreveport VHF license to the owner of a segregated movie theaters because such segregation 'would be legal under the laws of [Louisiana]').''

[37] *See Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include Forfeiture Guidelines*, MM Docket No. 96–16, FCC 96–49, 61 Fed. Reg. 9,964 (released February 16, 1996) (*1996 EEO Order & NPRM*) at ¶ 4 (''employment discrimination in the broadcast industry . . . imped[es] opportunities for minorities and women to learn the operating and management skills necessary to become media owners and entrepreneurs''); *see also Policy Statement, Standards for Assessing Forfeitures for Violations of the Broadcast EEO Rules*, 9 FCC Rcd 929, 930, 59 Fed. Reg. 12,606 (1994) (*EEO Forfeiture Policy Statement*), *vacated on other grounds, 1996 EEO Order and NPRM* (''increased employment opportunities are the foundation for increasing opportunities for minorities and women in all facets of the communications industry, including participation in ownership'').

[38] *See supra* note 10 (citing legislative history of Section 257).

[39] 47 U.S.C. 154(i).

[40] Bidding ended in the IVDS MSA auction on July 29, 1994, regional narrowband PCS auction on November 8, 1994, MDS auction on March 28, 1996, 900 MHz SMR auction on April 15, 1996, and the C Block auction on May 6, 1996.

[41] ''$6 Billion Bid so Far in Latest F.C.C. Auction For Airwaves,'' N.Y. Times, February 14, 1996, at D1 Column 6 (noting concerns of one industry consultant that the C Block auction was overvaluing the wireless market by 20%); ''Billions Pledged at Wireless License Auction,'' Washington Post, February 17, 1996 at B1 Column 1 (noting that even with the Commission's liberal payment terms for

desire to do more with the need to ensure that larger businesses do not usurp measures designed to aid small businesses? Do we need to do more to make sure that small businesses have meaningful opportunities to participate in the provision of spectrum-based services?

B. Minority or Women-Owned Small Businesses

26. In Part III.B. above, we request data to identify whether small businesses owned by minorities or women experience unique market barriers. In this section, we explore whether there is sufficient evidence of market barriers to justify special incentives to eliminate those barriers. We do so because governmental action that takes race or gender into account is subject to particular constitutional standards: strict scrutiny for race-based incentives; intermediate scrutiny for gender-based incentives. We discuss these standards below and then seek comment on possible incentives that would satisfy the standards while at the same time furthering the mandate of Section 257.

1. Constitutional Standards

27. The Constitution limits the power of government to classify individuals based on race or gender. Thus, federal incentive programs that take race or gender into account must satisfy constitutional standards. Courts reviewing government programs have applied different standards of review and reached various results depending on whether the classification covers race or gender and whether the classification burdens or benefits its subjects. Race-based programs must be narrowly tailored to further a compelling governmental interest. Gender-based programs must be substantially related to serve an important governmental interest.

28. In *Adarand Constructors, Inc.* v. *Peña,* [42] the Supreme Court held that the federal government's use of race-based criteria for decisionmaking must satisfy the requirements of strict scrutiny.[43] The Court wrote:

[W]e hold today that all racial classifications, imposed by whatever federal, state, or local governmental actor, must be analyzed by a reviewing court under strict scrutiny. In other words, such classifications are constitutional only if they are narrowly tailored measures that further compelling governmental interests.[44]

By this decision, the Court rejected its earlier legal analysis in *Metro Broadcasting, Inc.* v. *FCC,*[45] which had applied the intermediate scrutiny standard of judicial review to the Commission's broadcasting distress sale and comparative preference policies for minorities.[46]

29. Overruling this aspect of *Metro Broadcasting,* the Court in *Adarand* clarified the permissible scope of affirmative action. First, the Court rejected the notion that the characterization of a racial classification as ''benign'' should entitle it a lower level of judicial review. Second, the Court applied to federal minority preference programs the strict scrutiny standard it had applied to a local contracting set-aside program in *City of Richmond* v. *J.A. Croson Co.*[47] Yet in doing so, the Court emphasized its intention not to impinge upon the federal government's ability to actively combat both the practice and the continuing effects of discrimination. A majority of the Court rejected any notion that strict scrutiny review is ''strict in theory, but fatal in fact.'' As Justice O'Connor stated in *Adarand,* ''[t]he unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it.'' [48] In rejecting the *Metro Broadcasting* standard, the Court nonetheless reasoned that because the Constitution protects individuals rather than groups, any governmental action based upon a racial group classification should be subject to ''detailed judicial inquiry.'' [49]

30. Thus, *Adarand* established a new strict scrutiny standard for federal minority programs, based upon the two prong analysis of *Croson:* (1) the governmental interest underlying the affirmative action measure be ''compelling;'' and (2) the measure adopted must be ''narrowly tailored'' to serve that interest. Because a federal minority program has not yet been subjected to strict scrutiny pursuant to *Adarand,* judicial guidance regarding the strict scrutiny standard thus far is limited to *Croson* and lower court decisions applying strict scrutiny to state and local programs.[50]

31. Under these cases, the most clearly permissible compelling governmental interest is remedying the effects of present or past discrimination. Thus, federal minority incentive programs that serve a remedial interest are likely to satisfy the compelling governmental interest prong. Discrimination can be that committed by the government itself, or by private actors within the government's jurisdiction (such that the government was a ''passive participant'' or facilitated the perpetuation of a system of exclusion). The government must identify with some precision the discrimination to be redressed,[51] including evidence of discrimination against particular minority groups.[52] General, historical discrimination is an insufficient predicate. ''[A]n amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota.'' [53] In addition, the government should have a ''strong basis,'' approaching a ''prima facie case of constitutional or statutory violation'' [54] of the rights of minorities. *Croson* permits remedial relief on the basis of ''evidence of a pattern of individual discriminatory acts * * * supported by appropriate statistical proof.'' [55] Post-*Croson* cases have held that statistical evidence can be probative of discrimination in the remedial setting,[56] and that anecdotal evidence can buttress statistical evidence.[57]

small businesses, which some analysts figure amounts to a 40–60% discount, small businesses may find difficulty surviving if the market proves soft or glutted with competitors).

[42] 115 S. Ct. 2097 (1995).

[43] Prior to *Adarand,* the standard differed for federal and state programs. *Compare Fullilove v. Klutznick,* 448 U.S. 448 (1980) (federal program evaluated under intermediate scrutiny) with *City of Richmond v. J.A. Croson Co.,* 488 U.S. 469 (1989) (state program evaluated under strict scrutiny).

[44] *Id.* at 2113.

[45] 497 U.S. 547 (1990).

[46] In *Metro Broadcasting,* the Court held:

[B]enign race-conscious measures mandated by Congress—even if those measures are not ''remedial'' in the sense of being designed to compensate victims of past governmental or societal discrimination—are constitutionally permissible to the extent that they serve important governmental objectives within the power of Congress and are substantially related to achievement of those objectives.

Id. at 564–65.

[47] 488 U.S. 469 (1989).

[48] *Adarand,* 115 S. Ct. at 2117.

[49] *Id.* at 2113.

[50] *See Hopwood v. Texas,* 78 F.3d 932 (5th Cir. 1996) *petition for cert. filed* (holding that the University of Texas School of Law may not use race as a factor in law school admissions).

[51] *Croson* requires that a government ''identif[y] discrimination with the particularity required by the Fourteenth Amendment.'' *Croson,* 488 U.S at 492, 499, 509; *see also* DOJ Memorandum at 22.

[52] *Croson* 488 U.S. at 506 (''The random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggests that perhaps the city's purpose was not in fact to remedy past discrimination.'')

[53] *Id.* at 499.

[54] *Id.* at 500.

[55] *Id.* at 509.

[56] *See, e.g., Peightal v. Metropolitan Dade County,* 26 F.3d 1548, 1556 (11th Cir. 1994) (statistical evidence constitutes ''requisite 'strong basis in evidence' mandated by *Croson*'').

[57] *See, e.g., Coral Construction Co.,* 941 F.2d at 919 (convincing anecdotal and statistical evidence

Continued

32. Courts generally give more deference to Congressional race-based remedial action than to state action because of Congress' special remedial powers under the Fourteenth Amendment. Thus, it is possible that the *Croson* standards for remedial action, e.g., the degree of discrimination required to justify remedial action,[58] might be lower where Congressional findings are involved.[59]

33. A government may adopt race or gender based programs for reasons other than to remedy discrimination. Such objectives are nonremedial. For example, in *Regents of the University of California* v. *Bakke*,[60] the purpose of the state of California's college admissions program was to diversify the student body. No majority opinion of the Court has addressed the sufficiency of nonremedial objectives. Because *Croson* addressed the authority of a local government to engage in remedial action, it did not decide the sufficiency of nonremedial objectives as a compelling interest. In *Croson*, Justice O'Connor stated that affirmative action must be ''strictly reserved for the remedial setting.'' [61] In Justice Stevens' dissent in *Adarand*, however, he stated that *Adarand* does not expressly adopt the view that past discrimination is the only valid compelling governmental interest; nor does it prohibit nonremedial objectives.[62] In *Bakke*, Justice Powell found that a university has a compelling interest in taking the race of applicants into account in its admission process in order to foster greater diversity among the student body to enhance the exchange of ideas on campus,[63] and in *Wygant* v. *Jackson Board of Education*,[64] Justice O'Connor expressed approval of that view.[65]

34. The second prong of strict scrutiny analysis requires that the use of any racial classification be ''narrowly tailored,'' to ensure that ''the means chosen 'fit' [the] compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate racial prejudice or stereotype.'' [66] In *Adarand*, the Court identified two factors in determining whether the use of a racial classification is narrowly-tailored: (1) Whether race-neutral alternatives were considered, and (2) whether the measure is appropriately limited in duration so that it will not continue longer than purposes for which it was adopted. Additional factors, identified in post-*Croson* cases, are: (3) the flexibility of the program, e.g., whether it contains a waiver provision that may narrow its scope; (4) the manner in which race is used, whether as a determinant, or as one of several factors; (5) whether any numerical target is compared to the relevant number of qualified minorities or to the population of minorities as a whole; (6) the extent of the burden on nonminorities.

35. Since *Adarand*, the Supreme Court has not ruled on the standard of review for federal gender-based programs, although the issue is before it in a pending case.[67] Prior to *Adarand*, the Court applied intermediate scrutiny; that standard currently applies.[68] Under the intermediate scrutiny standard, ''[t]o withstand constitutional challenge * * * classifications by gender must serve important governmental objectives and must be substantially related to those objectives.'' [69]

36. In applying intermediate scrutiny to invidious gender-based classifications, the Court has expressed concern that such classifications are, in fact ''reflective of 'archaic and overbroad' generalizations about gender'' or are ''based on 'outdated misconceptions concerning the role of females in the home rather than in the marketplace and world of ideas.' '' [70]

37. It is unclear what standard would apply to benign gender classifications. In *Adarand*, the Court refused to apply a less strict standard to benign race-based classifications than the standard applied to ''invidious'' race-based classifications. Although *Adarand* did not address gender, its rejection of a lower standard for benign action in the race context suggests that the same standard applied to invidious gender classifications should apply to benign gender classifications. This conclusion is supported by the Court's analysis in *Mississippi University for Woman* v. *Hogan*,[71] which held that a state university's exclusion of men from its nursing program violated the Equal Protection Clause under a test of intermediate scrutiny.

38. In evaluating the second prong of the intermediate scrutiny test—whether a gender classification is substantially related to the government's objective—courts consider several factors, including the correlation between gender and the actual activity the government seeks to regulate and the practical effect of the program.[72]

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can be ''potent''); *see also* DOJ Memorandum at 12–13.

[58] *Croson*, however, involved a race preference program adopted at the local, rather than federal, level. *See Croson*, 488 U.S. at 469.

[59] In the DOJ Memorandum, Justice states that *Adarand* ''hinted'' that where a federal preference program is congressionally mandated, the *Croson* standards may apply more loosely. DOJ Memorandum at 30. The *Adarand* majority confronted the issue of congressional versus state remedial power, noting that various Members of the Court have taken different views of the authority that Section 5 of the Fourteenth Amendment confers upon Congress—power not delegated to the states—and the extent to which courts should defer to congressional exercise of that authority. *Adarand*, 115 S. Ct. at 2114. The Court concluded it did not need to resolve those differences in *Adarand*, and rejecting Justice Stevens' assertion to the contrary, stated that none of the Justices in *Adarand* repudiated previously expressed views on this subject. *Croson* suggested that Congress has broader authority than the states—a positive grant of legislative power—and rejected the City of Richmond's finding that it was remedying the present effects of past discrimination. *Croson*, 488 U.S. at 498.

[60] 438 U.S. 265 (1978) (*plurality*).

[61] *Croson*, 488 U.S. at 493.

[62] *Adarand*, 115 S. Ct. at 2127–28 (Stevens, J., dissenting).

[63] 438 U.S. at 311–14.

[64] 476 U.S. 267 (1986).

[65] *Id.* at 286. In *Hopwood*, a panel of the Fifth Circuit held that the University of Texas ''law school has presented no compelling justification, under the Fourteenth Amendment or Supreme Court precedent, that allows it to continue to elevate some races over others, even for the wholesome purpose of correcting perceived racial imbalance in the student body.'' *Hopwood*, 78 F.3d at 934. A majority of the *Hopwood* panel specifically rejected Justice Powell's opinion in *Bakke* that diversity can be a compelling interest as ''not binding precedent'' and concluded that ''any consideration of race or ethnicity by the law school for the purpose of achieving a diverse student body is not a compelling interest under the Fourteenth Amendment.'' *Id.* at 944. In a concurring opinion, Judge Wiener disagreed with the panel's opinion that diversity can never be a compelling governmental interest, but concluded that the program in question was not narrowly tailored because it singled out only two minority groups—Blacks and Mexican Americans. *Id.* at 962–68.

[66] *Croson*, 488 U.S. at 493.

[67] *United States* v. *Commonwealth of Virginia*, 44 F.3d 1229 (1995), *cert. granted* 116 S. Ct. 281 (1995) (No. 94–1941) (argued Jan. 17, 1996). The case presents the question whether the Equal Protection Clause permits a state to maintain single-sex military-style educational programs.

[68] *Craig* v. *Boren*, 429 U.S. 190, 197 (1976). Thus far, the Court has not decided whether gender is a suspect category. *See, e.g., J.E.B.* v. *Alabama ex rel. T.B.*, 114 S. Ct. at 1419, 1425 n.6 (1992) (concluding that gender-based peremptory challenges are not substantially related to an important governmental objective and finding ''once again'' that the Court need not decide whether gender classifications are inherently suspect''); *Mississippi University for Women* v. *Hogan*, 458 U.S. 718, 724 n.9 (1982) (finding it ''unnecessary'' to decide whether classifications based upon gender are inherently suspect).

[69] *Boren*, 429 U.S. at 197; *see also J.E.B.* v. *Alabama ex rel. T.B.*, 114 S. Ct. 1419, 1425 (1994) (''our Nation has had a long and unfortunate history of sex discrimination, a history which warrants the heightened scrutiny we afford all gender-based classifications today''); *City of Cleburne* v. *Cleburne Living Center*, 473 U.S. 432, 440 (1985) (''[l]egislative classifications based on gender * * * call for a heightened standard of review'').

[70] *J.E.B.*, 114 S. Ct. at 1424–25 (citations omitted). The Court has rejected attempts to exclude or protect one gender based on presumptions. *See Hogan*, 458 U.S. at 725.

[71] 458 U.S. 718 (1982).

[72] *See, e.g., Boren*, 429 U.S. at 200–04 (finding that the low disparity between drunk driving statistics for men and women ''exemplifies the ultimate unpersuasiveness of this evidentiary

2. Possible Incentives

39. As described above, a record of discrimination against a particular group is necessary to support remedial measures to remedy such discrimination. We seek comment on whether under the compelling governmental interest prong, there is sufficient evidence of discrimination in the communications industry against any particular minority group to support race-based incentives to eliminate market entry barriers for such group. As discussed above, minority groups include African Americans, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.[73] We also ask whether there is sufficient evidence of discrimination against women in telecommunications to justify remedial-based mechanisms to eliminate market entry barriers for women, under either the compelling governmental interest prong (strict scrutiny) or important governmental interest (intermediate scrutiny). Parties may use any data submitted in response to Part III above to support their comments.

40. We also seek comment on any nonremedial objectives that would justify the use of race and gender-based incentives and also serve the Section 257 mandate of decreasing market entry barriers for small telecommunications firms owned by minorities and women. Nonremedial objectives could be in addition to the objective of remedying past discrimination; thus, they may provide a separate basis for governmental action that takes race and gender into account. For example, the Commission has sought to fulfill the nonremedial objective of increasing diversity of voices and viewpoints over the airwaves through various minority and women-based programs.[74] Those programs also decrease market entry barriers by providing new opportunities for women and minorities and by increasing incentives for other firms to do business with those entities. Other nonremedial objectives that could justify taking race or gender into account in Commission programs and also help eliminate market entry barriers might include favoring diversity of media voices as required by Section 257(b),[75] promoting economic opportunity and competition as encouraged in the legislative history of Section 257[76] and Section 257(b),[77] and as required by Section 309(j),[78] or promoting the public interest.[79] We seek comment on these nonremedial objectives[80] and request commenters to suggest other nonremedial objectives that would satisfy the governmental interest prong under strict (race) or intermediate (gender) scrutiny.

41. We also request that parties propose incentives to meet these remedial or nonremedial objectives. Commenters may address incentives that the Commission has adopted in the past that eliminated or reduced barriers to market entry, e.g., designated entity rules for Section 309(j) services, as well as propose new incentives. We also seek comment on whether incentives that foster ownership or employment of women or minorities in telecommunications would further these objectives.[81] Parties should explain what objective an incentive would be intended to achieve and whether it is properly designed to achieve that objective, i.e., narrowly tailored (strict scrutiny); substantially related (intermediate scrutiny). Parties may support their proposals with data and should identify specific provisions of the Act that would authorize us to implement those proposals.

C. Furthering Section 257(b) Objectives

42. As described in the Introduction to this NOI, in Section 257(b), Congress required that in implementing our market barriers initiatives, the Commission must ''promote the policies and purposes of this Act favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.''[82] We ask for comment on how the Commission should foster these objectives in its efforts to eliminate market barriers for entrepreneurs and small businesses.

V. Administrative Matters

43. *Reason for Action:* Section 101 of the Telecommunications Act of 1996 (1996 Telecommunications Act),[83] adds new Section 257 to the Communications Act of 1934.[84] Section 257 requires the Commission, within 15 months after enactment, to complete a proceeding ''for the purpose of identifying and eliminating, by regulations pursuant to its authority under this Act * * * market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and

record''); *Hogan*, 458 U.S. at 730–32 (finding that presence of men in nursing school would not have negative effect on women students, and that the record is ''flatly inconsistent'' with the claim that excluding men is necessary to reach the state's educational goals and falls ''far short'' of the '''exceedingly persuasive justification''' needed to sustain a gender-based classification).

[73] *See supra* n.14 (definition of minority). When considering incentives for Native Americans, the Commission looks for guidance to the Indian Commerce clause, which recognizes the status of tribes as sovereign nations. *See Competitive Bidding Sixth Report and Order*, 11 FCC Rcd at 155–56. *See also* DOJ Memorandum at 8 (''*Adarand* does not require strict scrutiny review for programs benefiting Native Americans as members of federally recognized Indian tribes'').

[74] *See, e.g.*, the broadcast licensing policy which was adopted following the D.C. Circuit decision in *TV 9, Inc.* v. *FCC*, 495 F.2d 929 (D.C. Cir. 1973), *cert. denied*, 419 U.S. 986 (1974). The Commission considered a minority applicant's proposed participation in station operation as one of several factors in comparing applicants for mutually exclusive broadcast licenses. In *Metro Broadcasting, Inc.* v. *FCC*, 497 U.S. 547, 567 (1990), the Supreme Court upheld our licensing policy, however, in *Lamprecht* v. *FCC*, 958 F.2d 395, 398 (D.C. Cir. 1992), the D.C. Circuit found the policy for women to be unconstitutional. Thereafter, in *Bechtel* v. *FCC*, 10 F.3d 875, 877, 887 (D.C. Cir. 1993), the D.C. Circuit held that the integration credit, upon which the minority/female licensing policy is based, was arbitrary and capricious. Following *Bechtel*, the Commission suspended comparative hearings altogether.

[75] 47 U.S.C. 257(b).

[76] *See supra* ¶ 3 and n.8.

[77] Section 257(b) provides: ''In carrying out subsection (a), the Commission shall seek to promote the policies and purposes of this Act favoring * * * vigorous economic competition.'' 47 U.S.C. § 257(b).

[78] 47 U.S.C. 309(j).

[79] *See, e.g.*, 47 U.S.C. 201 (public interest regulation of common carriers); 47 U.S.C. 257(b) (promotion of public interest, convenience and necessity in carrying out Section 257(a)); 47 U.S.C. 303 (public interest regulation of radio services).

[80] Depending on the record of discrimination developed, any such nonremedial objectives could be remedial in nature. For example, if there were a strong record of discrimination against women-owned small businesses in the telecommunications market (which itself would be an entry barrier), we could adopt a mechanism intended to increase ownership opportunities for those businesses. The immediate objective—increasing ownership—would be a means of achieving the ultimate objective—remedying discrimination.

[81] The legislative history of Section 257 indicates that Congress recognized a nexus between ownership and competition: ''[M]inority and women-owned small businesses continue to be extremely under represented in the telecommunications field * * *. Underlying this amendment [Section 257] is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace.'' 142 Cong. Rec. H1141 at H1177–78 (daily ed. Feb. 1, 1996) (statement of Rep. Collins).

We note that communications is among a handful of industries with the highest expected growth between the year 1990 and 2005, and is predicted to provide women opportunities for advancement into management and decisionmaking positions. *A Solid Investment: Making Full Use of the Nation's Human Capital*, Recommendations of the Federal Glass Ceiling Commission (November 1995) (*Glass Ceiling Report*), Special Supplement at S–9. In addition, facilitating employment could serve the public interest by enhancing productivity: the Glass Ceiling Commission found that ''[o]rganizations that excel at leveraging diversity (including hiring and promoting minorities and women into senior positions) can experience better financial performance in the long run than those which are not effective in managing diversity.'' *Glass Ceiling Report*, Special Supplement at S–8.

[82] 47 U.S.C. 257(b).

[83] Telecommunications Act of 1996, Public Law No. 104–104, 110 Stat. 56 (1996).

[84] 47 U.S.C. 151 *et seq.*

information services, or in the provision of parts or services to providers of telecommunications services and information services.'' In implementing Section 257, the Commission must ''promote the policies and purposes of this Act favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience and necessity.'' Every three years following the completion of the market barriers proceeding, the Commission must report to Congress on regulations that have been issued to eliminate barriers and any statutory barriers that the Commission recommends be eliminated. This *Notice of Inquiry* commences our omnibus Section 257 proceeding.

44. *Objectives:* The Commission seeks to develop a full record of profile data on the type and scope of market entry barriers in the telecommunications industry faced by small businesses. To this end, the Commission solicits specific information regarding financing sources and terms, services provided, markets served, geographic areas of operation, and employee workforce. The Commission also seeks information concerning obstacles small telecommunications businesses encounter, as well as any unique obstacles that such businesses owned by women and minorities encounter. We also will undertake specific initiatives that further the objective of Section 257 to eliminate market entry barriers for small businesses. The record developed in connection with these initiatives also will assist us in achieving our mandate under Section 309(j) of the Communications Act to disseminate licenses for auctionable spectrum-based services to small businesses, rural telephone companies, and businesses owned by women and minorities, as well as in fulfilling our general obligation to serve the public interest.

45. *Legal Basis:* The proposed action is authorized under the Communications Act of 1934, 47 U.S.C. 257.

46. *Reporting, Recordkeeping, and Other Compliance Requirements:* None

47. Description, Potential Impact and Number of Small Entities Effected: None

48. *Federal Rules Which Overlap, Duplicate or Conflict With These Rules:* None

49. *Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives:* This NOI solicits comment on a variety of issues and recommendations that impact small businesses. Any additional significant issues or recommendations related to small businesses in the telecommunications industry presented in the comments also will be considered.

50. *Paperwork Reduction Act:* The requirements proposed herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified information collection requirements.

VI. Procedural Matters

51. This proceeding is exempt from *ex parte* restraints or disclosure requirements, as provided in Section 1.1204(a)(4) of our rules.

52. Parties must file initial comments on or before July 24, 1996 and reply comments on or before August 23, 1996. To file formally in this proceeding, interested parties must file an original and six copies of all comments. If parties want each Commissioner to receive a personal copy of their comments, they must file an original plus ten copies.

53. Parties should send comments to: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Parties also should send one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Room 246, 1919 M Street, N.W., Washington, D.C. 20554. Comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. For further information, contact Linda L. Haller in the Office of General Counsel at (202) 418–1720 or S. Jenell Trigg in the Office of Communications Business Opportunities at (202) 418–0990.

54. We also ask parties to submit comments and reply comments on diskette in addition to and not as a substitute for the formal filing requirements stated above. Parties submitting diskettes should submit them to S. Jenell Trigg, Office of Communications Business Opportunities, Federal Communications Commission, Suite 644, 1919 M Street, N.W., Washington D.C. 20554. Submissions should be on a 3.5 inch diskette formatted in an IBM compatible form using WordPerfect 5.1 for Windows software. The diskette should be submitted in ''read only'' mode. The diskette should be accompanied by a cover letter and clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), and the date of submission.

VII. Ordering Clause

55. Accordingly, IT IS ORDERED that, pursuant to our authority under the Communications Act of 1934, 47 U.S.C. 4(i) and 403, an inquiry IS COMMENCED to identify and eliminate market entry barriers for small businesses in the provision and ownership of telecommunications and information services in the telecommunications market.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–16259 Filed 6–25–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 64

[CC Docket No. 96–128; DA 96–983]

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: In this Order, we are extending the comments and reply comments deadlines in order to grant to the parties more time to address all issues raised in the Notice of Proposed Rulemaking. This Order is issued on the Commission's own motion because of the relatively short time that was accorded to the parties to comment on the important issues.

DATES: *Comments due:* July 1, 1996; Reply *Comments due:* July 15, 1996.

ADDRESSES: In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 - 17th Street, N.W., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Michael Carowitz, Enforcement Division, Common Carrier Bureau, (202) 418–0960. For additional information concerning the information collections contained in this Further Notice of Proposed Rule Making contact Dorothy Conway at 202–418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

Order

Adopted: June 20, 1996; Released: June 20, 1996.

1. On June 14, 1996, the American Public Communications Council (''APCC'') filed a motion asking that we extend the deadline for filing comments in the above-captioned proceeding[1] from June 27, 1996, to July 1, 1996, a period of four days. APCC also requests a corresponding extension of the due date for reply comments from July 8, 1996, to July 12, 1996. In support of its motion, APCC states that virtually every issue in the proceeding vitally affects its members and that, as a result, additional days are required to effectively prepare comments.[2] Also on June 14, 1996, Southwestern Bell Telephone Company (''SWBT'') filed a motion for an extension of the deadline for reply comments to July 12, 1996, although it does not request a change in the deadline for the initial comment cycle. SWBT argues that due to the forthcoming federal holiday, there will not be a sufficient number of business days for parties to respond adequately to the initial comments.

2. It is the policy of the Commission that extensions of time are not routinely granted.[3] However, in light of the important issues presented in this proceeding and the relatively short period of time accorded to the parties to comment on those issues, we believe that the public interest would be served by granting all parties a brief extension of the deadlines for the comments and reply comments. While we take this action on our motion, we nevertheless believe that this Order will grant relief that is substantially similar to that requested by APCC and SWBT.

3. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 155(c), and the authority delegated thereunder pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, that the deadline for filing comments in the above-captioned proceeding is extended to July 1, 1996, and the deadline for filing reply comments is extended to July 15, 1996. Because they concern issues that are now moot, the motions of APCC and SWBT for an extension of time are dismissed.

Federal Communications Commission.

Robert W. Spangler

Deputy Chief (Policy), Enforcement Division, Common Carrier Bureau.

[FR Doc. 96–16396 Filed 6–25–96; 8:45 am]

BILLING CODE 6712–01–P

[1] Notice of Proposed Rulemaking, FCC 96–254 (rel. Jun. 6, 1996); 61 FR 31481, June 20, 1996.

[2] As a national trade association of independent pay telephone companies, APCC claims that the comment process will require coordination with member companies and allied state associations. APCC claims that this process cannot be completed effectively in the time allotted.

[3] See 47 CFR § 1.46(a).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 7

[Docket No. OST–96–1430; Notice 96–17]

RIN 2105–AC58

Public Availability of Information

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Department of Transportation proposes to revise regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552. This revision updates organizational changes since the last revision and streamlines the regulations in order to make the regulations more useful.

DATES: Comments are due August 26, 1996.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket No. OST–96–1430, 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 10:00 AM to 5:00 PM ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dorothy A. Chambers, Chief, FOIA Division, 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 needs of users. In response to this initiative, we have reviewed part 7 and are proposing to revise this section to update and streamline information on public availability of information. We propose to reorganize this part by combining in subpart B sections that relate to information that is publicly available without a specific request. Similarly, we have combined sections in subpart C that address information that must be requested under FOIA. We have shortened the descriptions of FOIA exemptions and propose to delete the Appendices that set forth redundant information concerning document inspection facilities. We propose to replace these appendices with provisions in §§ 7.10 and 7.15, which set forth necessary information regarding public records available at Department Docket locations and FOIA contacts for records requested under the FOIA.

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, as amended.

List of Subjects in 49 CFR Part 7

Freedom of information.

In accordance with the above, DOT proposes to revise 49 CFR part 7 to read as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—General Provisions

Sec.
7.1 General.
7.2 Definitions.

Subpart B—Information Required to be Made Public by the Department

7.3 Publication in the Federal Register.
7.4 Publication Required.

7.5 Availability of Opinions, Orders, Staff Manuals, Statements of Policy and Interpretations and Indices.
7.6 Deletion of Identifying Detail.
7.7 Access to Materials and Indices.
7.8 Copies.
7.9 Protection of Records.
7.10 Public Records Available at Department Docket Locations.

Subpart C—Availability of Reasonably Described Records Under the Freedom of Information Act

7.11 Applicability.
7.12 Administration of Part.
7.13 Records Available.
7.14 Requests for Records.
7.15 Contacts for Records Requested Under the FOIA.
7.16 Requests for Records of Concern to More than One Government Organization.
7.17 Consultation with Submitters of Commercial and Financial Information.

Subpart D—Procedures for Appealing Decisions Not To Disclose Records and/or Waive Fees

7.21 General.

Subpart E—Time Limits

7.31 Initial Determinations.
7.32 Final Determinations.
7.33 Extension.

Subpart F—Fees

7.41 General.
7.42 Payment of Fees.
7.43 Fee Schedule.
7.44 Services Performed Without Charge or at a Reduced Charge.
7.45 Transcripts.
7.46 Alternative Sources of Information.

Authority: 5 U.S.C. 552; 31 U.S.C. 9701; 49 U.S.C. 322; E.O. 12600

Subpart A—General Provisions

§ 7.1 General.

(a) This part implements 5 U.S.C. 552, and prescribes rules governing the availability to the public of records of the Department of Transportation. Many documents are made available to the public for inspection and copying through the Department Docket locations that are listed in subpart B, which contains the regulations of the Department of Transportation concerning the availability to the public of opinions issued in the adjudication of cases, policy issuances, administrative manuals, and other information made available to the public.

(b) Subpart C of this part describes the records that are not required to be disclosed on the Department's own action under this part, but that may be available upon request under the Freedom of Information Act.

(c) Indices are maintained to reflect all records subject to subpart B of this part, and are available for public inspection and copying as provided in subpart B.

§ 7.2 Definitions.

As used in this part—

Act and *FOIA* mean the Freedom of Information Act, 5 U.S.C. 552.

Administrator means the head of each operating element of the Department and includes the Commandant of the Coast Guard and the Director of the Bureau of Transportation Statistics.

Department or *DOT* means the Department of Transportation, including the Office of the Secretary of Transportation, the Office of the Inspector General, and the following operating elements:

(1) United States Coast Guard.
(2) Federal Aviation Administration.
(3) Federal Highway Administration.
(4) Federal Railroad Administration.
(5) National Highway Traffic Safety Administration.
(6) Federal Transit Administration.
(7) Saint Lawrence Seaway Development Corporation.
(8) Maritime Administration.
(9) Research and Special Programs Administration.
(10) Bureau of Transportation Statistics.

Record includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved. The term also includes any such documentary material stored by computer.

Secretary means the Secretary of Transportation or any person to whom the Secretary has delegated authority in the matter concerned.

Subpart B—Information Required To Be Made Public by the Department

§ 7.3 Publication in the Federal Register.

This section implements 5 U.S.C. 552(a)(1), and prescribes rules governing the publication in the Federal Register of the following:

(a) Descriptions of the organization of the Department, including its operating elements and the established places at which, the officers from whom, and the methods by which, the public may secure information and make submittals or obtain decisions;

(b) Statements of the general course and methods by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law and statements of general policy or interpretations of general applicability formulated and adopted by the Department; and

(e) Each amendment, revision, or repeal of any material listed in paragraphs (a) through (d) of this section.

§ 7.4 Publication Required.

(a) *General.* The material described in § 7.3 shall be published in the Federal Register. For the purposes of this paragraph, material that will reasonably be available to the class of persons affected by it will be considered to be published in the Federal Register if it has been incorporated by reference therein with the approval of the Director of the Federal Register.

(b) *Effect of nonpublication.* Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the Federal Register, but not so published.

§ 7.5 Availability of Opinions, Orders, Staff Manuals, Statements of Policy, and Interpretations and Indices.

(a) This section implements 5 U.S.C. 552(a)(2). It prescribes the rules governing the availability for public inspection and copying of the following:

(1) Any final opinion (including a concurring or dissenting opinion) or order made in the adjudication of a case.

(2) Any policy or interpretation that has been adopted under the authority of the Department, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(3) Any administrative staff manual or instruction to staff that affects any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. However, this does not include staff manuals or instructions to staff concerning internal operating rules, practices, guidelines, and procedures for Departmental inspectors, investigators, law enforcement officers, examiners, auditors, and negotiators and other information developed predominantly for internal use, the release of which

could significantly risk circumvention of agency regulations or statutes.

(b) Any material listed in paragraph (a) of this section that is not made available for public inspection and copying, or that is not indexed as required by § 7.7, may not be cited, relied on, or used as precedent by the Department to affect any member of the public adversely unless the person to whose detriment it is relied on, used, or cited has had actual timely notice of the material.

(c) This section does not apply to material that is published in the Federal Register or covered by subpart C of this part.

§ 7.6 Deletion of Identifying Detail.

Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details will be deleted from any record covered by this subpart that is published or made available for inspection. A full explanation of the justification for the deletion will accompany the record published or made available for inspection.

§ 7.7 Access to Materials and Indices.

(a) Except as provided in paragraph (b) of this section, material listed in § 7.5 will be made available for inspection and copying to any member of the public at document inspection facilities of the Department. It has been determined that it is unnecessary and impracticable to publish the index of materials in the Federal Register. Information as to the kinds of materials available at each facility may be obtained from the facility or the headquarters of the operating element of which it is a part.

(b) The material listed in § 7.5 that is published and offered for sale will be indexed, but is not required to be kept available for public inspection. Whenever practicable, however, it will be made available for public inspection at any document inspection facility maintained by the Office of the Secretary or an operating element, as appropriate.

§ 7.8 Copies.

Copies of any material covered by this subpart that is not published and offered for sale may be ordered, upon payment of the appropriate fee, from the Docket Offices listed in § 7.10. Copies will be certified upon request and payment of the fee prescribed in § 7.43.

§ 7.9 Protection of Records.

(a) Records made available for inspection and copying may not be removed, altered, destroyed, or mutilated.

(b) 18 U.S.C. 641 provides, in pertinent part, for criminal penalties for embezzlement or theft of government records.

(c) 18 U.S.C. 2071 provides, in pertinent part, for criminal penalties for the willful and unlawful concealment, mutilation or destruction of, or the attempt to conceal, mutilate, or destroy, government records.

§ 7.10 Public Records Available at Department Docket Locations.

Publicly available records are located in DOT Docket Units as follows (all times are eastern time zone, and are Monday—Friday except Federal holidays):

(a) Docket Units located at 400 7th Street, S.W., Washington, D.C. 20590 include:

(1) Office of the Secretary and former Civil Aeronautics Board material, Plaza 401, Hours 10:00–5:00.

(2) Federal Highway Administration, Room 4232, Hours 8:30–5:00.

(3) Federal Railroad Administration, Room 8209, Hours 9:30–4:00

(4) National Highway Traffic Safety Administration, Room 5111, Hours 9:30–4:00.

(5) Federal Transit Administration, Room 9316A, Hours 8:30–5:00.

(6) Maritime Administration, Room 7210, Hours 8:30–5:00.

(7) Research and Special Programs Administration, Room 8421, Hours 8:30–5:00.

(b) Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D. C. 20591:

(1) Rules Dockets Room 915–G, Hours 8:30–5:00.

(2) Enforcement Dockets, Room 924–C, Hours 8:30–5:00.

(c) United States Coast Guard, Room 3406, Hours 8:30–5:00, 2100 2nd Street, S.W., Washington, D. C. 20593–0001.

(d) Operating elements also maintain public record units at regional offices and at the offices of the Commandant and District Commanders of the United States Coast Guard. These facilities are open to the public Monday through Friday except Federal holidays, during regular working hours.

(e) Additional information on the location and hours of operations for Department Docket Offices can be obtained through the Office of the Secretary Docket Unit, mentioned above, at (202) 366–9322.

Subpart C—Availability of Reasonably Described Records Under the Freedom of Information Act

§ 7.11 Applicability.

(a) This subpart implements 5 U.S.C 552(a)(3), and prescribes the regulations governing public inspection and copying of reasonably described records under the Freedom of Information Act.

(b) This subpart does not apply to:

(1) Records published in the Federal Register, opinions in the adjudication of cases, statements of policy and interpretations, and administrative staff manuals that have been published or made available under subpart B of this part.

(2) Records or information compiled for law enforcement purposes and covered by the disclosure exemption described in § 7.13(c)(7) if—

(i) The investigation or proceeding involves a possible violation of criminal law; and

(ii) There is reason to believe that—

(A) The subject of the investigation or proceeding is not aware of its pendency, and

(B) Disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings.

(3) Informant records maintained by a criminal law enforcement component of the Department under an informant's name or personal identifier, if requested by a third party according to the informant's name or personal identifier, unless the informant's status as an informant has been officially confirmed.

§ 7.12 Administration of Part.

Authority to administer this part and to issue determinations with respect to initial requests is delegated as follows:

(a) to the General Counsel for the records of the Office of the Secretary other than the Office of the Inspector General.

(b) to the Inspector General for records of the Office of the Inspector General.

(c) to the Administrator of each operating element, who may redelegate to officers of that element the authority to administer this part in connection with defined groups of records. However, each Administrator may redelegate the duties under subpart D of this part to consider appeals of initial denials of requests for records only to his or her deputy or to not more than one other officer who reports directly to the Administrator and who is located at the headquarters of that operating element.

§ 7.13 Records Available.

(a) *Policy.* It is the policy of the Department of Transportation to make

the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act. This includes providing reasonably segregable information from documents that contain information that may be withheld.

(b) *Statutory disclosure requirement.* The Act requires that the Department, on a request from a member of the public submitted in accordance with the procedures in this subpart, make requested records available for inspection and copying.

(c) *Statutory exemptions.* Exempted from the Act's statutory disclosure requirement are matters that are:

(1)(i) Specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy, and

(ii) In fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from mandatory disclosure by statute (other than the Privacy Act), provided that such statute—

(i) Requires that the matters be withheld from the public in such a manner as to leave not any discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information—

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(vi) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 7.14 Requests for Records.

(a) Each person desiring access to or a copy of a record covered by this subpart shall comply with the following provisions:

(1) A written request must be made for the record.

(2) Such request should indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent should be prominently marked: ''FOIA.''

(4) The request should be addressed to the appropriate office as set forth in § 7.15.

(b) If the requirements of paragraph (a) of this section are not met, treatment of the request will be at the discretion of the agency. The ten-day limit for responding to requests, described in § 7.31, will not start to run until the request has been identified, or would have been identified with the exercise of due diligence, by an employee of the Department as a request pursuant to the Freedom of Information Act and has been received by the office to which it should have been originally sent.

(c) *Form of Requests.* (1) Each request should describe the particular record to the fullest extent possible. The request should describe the subject matter of the record, and, if known, indicate the date when it was made, the place where it was made, and the person or office that made it. If the description does not enable the office handling the request to identify or locate the record sought, that office will notify the person making the request and, to the extent possible, indicate the additional data required.

(2) Each request shall—

(i) Specify the fee category (commercial use, news media, educational institution, noncommercial scientific institution, or other) in which the requester claims the request to fall and the basis of this claim (see subpart F for fees and fee waiver requirements), and

(ii) State the maximum amount of fees that the requester is willing to pay or include a request for a fee waiver.

(iii) Requesters are advised that the time for responding to requests set forth in subpart E may be delayed—

(A) If a requester has not sufficiently identified the fee category applicable to the request,

(B) If a requester has not stated a willingness to pay fees as high as anticipated by the Department, or

(C) If a fee waiver request is denied and the requester has not included an alternative statement of willingness to pay fees as high as anticipated by the Department.

(iv) A request seeking a fee waiver shall, to the extent possible, address why the requester believes that the criteria for fee waivers set out in § 7.44(f) are met.

(d) *Creation of records.* A request may seek only records that are in existence at the time the request is received. A request may not seek records that come into existence after the date on which it is received and may not require that new records be created in response to the request by, for example, combining or compiling selected items from manual files, preparing a new computer program, or calculating proportions, percentages, frequency distributions, trends, or comparisons. In those instances where the Department determines that creating a new record will be less burdensome than disclosing large volumes of unassembled material, the Department may, in its discretion, agree to creation of a new record as an alternative to disclosing existing records.

(e) Each record made available under this subpart will be made available for inspection and copying during regular business hours at the place where it is located, or photocopying may be arranged with the copied materials being mailed to the requester upon payment of the appropriate fee. Original records ordinarily will be copied except in this instances where, in the Department's judgment, copying would endanger the quality of the original or raise the reasonable possibility of irreparable harm to the record. In these instances, copying of the original would not be in the public interest. In any

event, original records will not be released from Department custody.

(f) If a requested record is known not to exist in the files of the agency, or to have been destroyed or otherwise disposed of, the requester will be so notified.

(g) Fees will be determined in accordance with subpart F of this part.

(h) Notwithstanding paragraphs (a) through (g) of this section, informational material, such as news releases, pamphlets, and other materials of that nature that are ordinarily made available to the public as a part of any information program of the Government will be available upon oral or written request. A fee will not be charged for individual copies of that material so long as the material is in supply. In addition the Department will continue to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

§ 7.15 Contacts for Records Requested Under the FOIA.

Each person desiring a record under this subpart should submit a request in writing to the Departmental element where the records are located:

(a) FOIA Offices at 400 7th Street, S.W., Washington, D.C. 20590:

(1) Office of the Secretary of Transportation, Room 5432

(2) Federal Highway Administration, Room 4428

(3) Federal Railroad Administration, Room 8201

(4) National Highway Traffic Safety Administration, Room 5219

(5) Federal Transit Administration, Room 9400

(6) Maritime Administration, Room 7221

(7) Research and Special Programs Administration, Room 8419

(8) St. Lawrence Seaway Development Corporation, Room 5424

(9) Bureau of Transportation Statistics, Room 2104

(10) Office of the Inspector General, Room 9210

(b) Federal Aviation Administration, 800 Independence Avenue, S.W., Room 906A, Washington, D. C. 20591.

(c) United States Coast Guard, 2100 2nd Street, S.W., Room 6418, Washington, D. C. 20593–0001.

(d) Operating elements also maintain FOIA contacts at regional offices and at the offices of the Commandant and District Commanders of the United States Coast Guard. Additional information on the location of these offices can be obtained through the FOIA contact offices listed above.

(e) If the person making the request does not know where in the Department the record is located, he or she may make inquiry to the Chief, FOIA Division, Office of the General Counsel.

§ 7.16 Requests for Records of Concern to More Than One Government Organization.

(a) If the release of a record covered by this subpart would be of concern to both this Department and another Federal agency, the determination as to release will be made only after consultation with the other interested agency.

(b) If the release of the record covered by this subpart would be of concern to both this Department and a State or local government, a territory or possession of the United States, or a foreign government, the determination as to release will be made by the Department only after consultation with the other interested State or local government or foreign government.

(c) As an alternative to consultation, the Department may refer the request (or relevant portion thereof) to a Federal agency that originated or is substantially concerned with the records. Such referrals shall be made expeditiously and the requester shall be notified in writing that a referral has been made.

§ 7.17 Consultation With Submitters of Commercial and Financial Information.

(a) If a request is received for information that has been designated by the submitter as confidential commercial information, or which the Department has some other reason to believe may contain trade secrets or other commercial or financial information of the type described in § 7.13(c)(4), the submitter of such information will, except as is provided in paragraphs (c) and (d) of this section, be notified expeditiously and asked to submit any written objections to release. At the same time, the requester will be notified that notice and an opportunity to comment are being provided to the submitter. The submitter will, to the extent permitted by law, be afforded a reasonable period of time within which to provide a detailed statement of any such objections. The submitter's statement shall specify all grounds for withholding any of the information. The burden shall be on the submitter to identify all information for which exempt treatment is sought and to persuade the agency that the information should not be disclosed.

(b) The Office of the Secretary or the responsible operating element, as appropriate, will, to the extent permitted by law, consider carefully a submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever a decision is made to disclose such information over the objection of a submitter, the office responsible for the decision will forward to the submitter a written notice that will include:

(1) A statement of the reasons for which the submitter's disclosure objections were not accepted;

(2) A description of the business information to be disclosed; and

(3) A specific disclosure date. Such notice of intent to disclose will, to the extent permitted by law, be forwarded to the submitter a reasonable number of days prior to the specified date upon which disclosure is intended. At the same time the submitter is notified, the requester will be notified of the decision to disclose information.

(c) The notice requirements of this section will not apply if:

(1) The office responsible for the decision determines that the information should not be disclosed;

(2) The information lawfully has been published or otherwise made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(d) The procedures established in this section shall not apply in the case of:

(1) Business information submitted to the National Highway Traffic Safety Administration and addressed in 49 CFR part 512.

(2) Information contained in a document to be filed or in oral testimony that is sought to be withheld pursuant to Rule 39 of the Rules of Practice (14 CFR 302.39) in Aviation Economic Proceedings.

(e) Whenever a requester brings suit seeking to compel disclosure of confidential commercial information, the Office of the Secretary or the responsible operating element, whichever the case may be, will promptly notify the submitter.

Subpart D—Procedures for Appealing Decisions Not To Disclose Records and/or Waive Fees

§ 7.21 General.

(a) Each officer or employee of the Department who, upon a request by a member of the public for a record under this part, makes a determination that the record is not to be disclosed, either because it is subject to an exemption or not in the Department's custody and control, will give a written statement of the reasons for that determination to the person making the request; and indicate the names and titles or positions of each person responsible for the initial determination not to comply with such

request, and the availability of an appeal within the Department.

(b) When a request for a waiver of fees, pursuant to § 7.44, has been denied in whole or in part, the requester may appeal the denial.

(c) Any person to whom a record has not been made available within the time limits established by § 7.31 and any person who has been given a determination pursuant to paragraph (a) of this section that a record will not be disclosed may appeal to the head of the operating element concerned or, in the case of the Office of the Secretary, to the General Counsel of the Department, and in the case of the Office of Inspector General, to the Inspector General. Any person who has not received an initial determination on his or her request within the time limits established by § 7.31 can seek immediate judicial review, which may be sought without the need first to submit an administrative appeal. Judicial review may be sought in the United States District Court for the judicial district in which the requester resides or has his or her principal place of business, the judicial district in which the records are located, or in the District of Columbia. A determination that a record will not be disclosed and/or that a request for a fee waiver or reduction will not be granted does not constitute final agency action for the purposes of judicial review unless:

(1) It was made by the head of the operating element concerned (or his or her designee), or the General Counsel or the Inspector General, as the case may be; or

(2) The applicable time limit has passed without a determination on the initial request or the appeal, as the case may be, having been made.

(d) Each appeal must be made in writing within thirty days from the date of receipt of the original denial and should include all information and arguments relied upon by the person making the request. Such letter should indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the appeal is sent should be prominently marked: ''FOIA Appeal.'' If these requirements are not met, the twenty-day limit described in § 7.32 will not begin to run until the appeal has been identified, or would have been identified with the exercise of due diligence, by an employee of the Department as an appeal under the Freedom of Information Act, and has been received by the appropriate office.

(e) Whenever the head of the operating element concerned, or the General Counsel or the Inspector General, as the case may be, determines it to be necessary, he/she may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating element concerned, or the General Counsel or the Inspector General, as the case may be, as to the availability of the record or the appropriateness of a fee waiver or reduction constitutes final agency action for the purpose of judicial review.

(f) The decision of the head of the operating element concerned, or the General Counsel or Inspector General, as the case may be, not to disclose a record under this part or not to grant a request for a fee waiver or reduction is considered to be a denial by the Secretary for the purpose of 5 U.S.C. 552(a)(4)(B).

(g) Any final determination by the head of an operating element or his or her delegate, not to disclose a record under this part, or not to grant a request for a fee waiver or reduction, is subject to concurrence by the General Counsel or his/her designee.

(h) Upon a determination that an appeal will be denied, the requester will be informed in writing of the reasons for the denial of the request and the names and titles or positions of each person responsible for the determination, and that judicial review of the determination is available in the United States District Court for the judicial district in which the requester resides or has his or her principal place of business, the judicial district in which the requested records are located, or the District of Columbia.

Subpart E—Time Limits

§ 7.31 Initial Determinations.

An initial determination whether to release a record requested pursuant to subpart C will be made within ten Federal working days after the request is received by the appropriate office in accordance with § 7.14, except that this time limit may be extended by up to ten Federal working days in accordance with § 7.33. The person making the request will be notified immediately of such determination. If the determination is to grant this request, the desired record will be made available as promptly as possible. If the determination is to deny the request, the person making the request will be notified in writing, at the same time he or she is notified of such determination, of the reason for the determination, the right of such person to appeal the determination, and the name and title of each person responsible for the initial determination to deny the request.

§ 7.32 Final Determination.

A determination with respect to any appeal made pursuant to § 7.21 will be made within twenty Federal working days after receipt of such appeal except that this time limit may be extended by up to ten Federal working days in accordance with § 7.33. The person making the request will be notified immediately of such determination pursuant to § 7.21.

§ 7.33 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in § 7.31 and § 7.32 may be extended by written notice to the person making the request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice may not specify a date that would result in a cumulative extension of more than ten Federal working days. As used in this subparagraph, ''unusual circumstances'' means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; or

(c) The need for consultation, which will be conducted with all practicable speed, with any other agency or DOT element having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Subpart F—Fees

§ 7.41 General.

(a) This subpart prescribes fees for services performed for the public under subparts B and C of this part by the Department.

(b) All terms defined by the Freedom of Information Act apply to this subpart, and the term ''hourly rate'' means the actual hourly base pay for a civilian employee or, for members of the Coast Guard, the equivalent hourly pay rate computed using a 40-hour week and the member's normal basic pay and allowances.

(c) This subpart applies to all employees of the Department, including those of non-appropriated fund

activities of the Coast Guard and the Maritime Administration.

(d) This subpart does not apply to any special study, special statistical compilation, table, or other record requested under 49 U.S.C. 329(c). The fee for the performance of such a service is the actual cost of the work involved in compiling the record. All such fees received by the Department in payment of the cost of such work are deposited in a separate account administered under the direction of the Secretary, and may be used for the ordinary expenses incidental to providing the information.

(e) This subpart does not apply to requests from record subjects for records about themselves in Departmental systems of records. Fees for such requests are to be determined in accordance with the Privacy Act of 1974, as implemented by Department of Transportation regulations (49 CFR part 10).

§ 7.42 Payment of Fees.

(a) The fees prescribed in this subpart may be paid by check, draft, or money order, payable to the Treasury of the United States; except that, in the case of the Saint Lawrence Seaway Development Corporation, all fees resulting from a request to that operating element shall be made payable to the Saint Lawrence Seaway Development Corporation.

(b) Charges may be assessed by the Department for time spent searching for requested records even if the search fails to locate records or the records located are determined to be exempt from disclosure. In addition, if records are requested for commercial use, the Department may assess a fee for time spent reviewing any responsive records located to determine whether they are exempt from disclosure.

(c) When it is estimated that the search charges, review charges, duplication fees or any combination of fees that could be charged to the requester will likely exceed $25, the requester will be notified of the estimated amount of the fees, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. The notice will also inform the requester how to consult with the appropriate Departmental officials with the object of reformulating the request to meet his or her needs at a lower cost.

(d) Payment of fees may be required by the Department prior to actual duplication or delivery of any releasable records to a requester. However, advance payment of fees, i.e., payment before work is commenced or continued on a request, may not be required unless:

(1) Allowable charges that a requester may be required to pay are likely to exceed $250; or

(2) The requester has failed to pay within 30 days of the billing date fees charged for a previous request to any part of the Department.

(e) When paragraph (d)(1) of this section applies, the requester will be notified of the likely cost and, where he/she has a history of prompt payment of FOIA fees, requested to furnish satisfactory assurance of full payment of FOIA fees. Where the requestor does not have any history of payment, he or she may be required to make advance payment of any amount up to the full estimated charges.

(f) When paragraph (d)(2) of this section applies, the requester will be required to demonstrate that the fee has, in fact, been paid or to pay the full amount owed, including any applicable interest, late handling charges, and penalty charges as discussed below. The requester will also be required to make an advance payment of the full amount of the estimated fee before processing of a new request or continuation of a pending request is begun.

(g) The Department will assess interest on an unpaid bill starting on the 31st day following the day on which the notice of the amount due is first mailed to the requester. Interest will accrue from the date of the notice of amount due and will be at the rate prescribed in 31 U.S.C. 3717. Receipt by the Department of a payment for the full amount of the fees owed within 30 calendar days after the date of the initial billing will stay the accrual of interest, even if the payment has not been processed.

(h) If payment of fees charged is not received within 30 calendar days after the date the initial notice of the amount due is first mailed to the requester, an administrative charge will be assessed by the Department to cover the cost of processing and handling the delinquent claim. In addition, a penalty charge will be applied with respect to any principal amount of a debt that is more than 90 days past due. Where appropriate, other steps permitted by Federal debt collection statutes, including disclosure to consumer reporting agencies and use of collection agencies, will be used by the Department to encourage payment of amounts overdue.

(i) In any instance where the Department reasonably believes that a requester or a group of requesters acting in concert is attempting to break down a single FOIA request into a series of requests for the sole purpose of evading the payment of otherwise applicable fees, the Department will aggregate the requests and determine the applicable fees on the basis of the aggregation.

(j) Notwithstanding any other provision of this subpart, when the total amount of fees that could be charged for a particular request (or aggregation of requests) under subpart C, after taking into account all services that must be provided free of, or at a reduced, charge, is less than $10.00 the Department will not make any charge for fees.

§ 7.43 Fee Schedule.

(a) The standard fee for a manual search to locate a record requested under subpart C of this part, including making it available for inspection, will be determined by multiplying each searcher's hourly rate plus 16 percent by the time spent conducting the search.

(b) The standard fee for a computer search for a record requested under subpart C of this part is the actual cost. This includes the cost of operating the central processing unit for the time directly attributable to searching for records responsive to a FOIA request and the operator/programmer salary (hourly plus 16 percent) costs apportionable to the search.

(c) The standard fee for review of records requested under subpart C of this part is the reviewer's hourly rate plus 16 percent multiplied by the time he or she spent determining whether the requested records are exempt from mandatory disclosure.

(d) The standard fee for duplication of a record requested under subpart C of this part is determined as follows:

(1) Per copy of each page (not larger than 8 1/2 x 14 inches) reproduced by photocopy or similar methods (includes costs of personnel and equipment)—$0.10.

(2) Per copy prepared by computer such as tapes or printout—actual costs, including operator time.

(3) Per copy prepared by any other method of duplication—actual direct cost of production.

(e) Depending upon the category of requester, and the use for which the records are requested, in some cases the fees computed in accordance with the above standard fee schedule will either be reduced or not charged, as prescribed by other provisions of this subpart.

(f) The following special services not required by the FOIA may be made available upon request, at the stated fees: Certified copies of documents, with Department of Transportation or operating element seal (where authorized)—$4.00; or true copy, without seal—$2.00

§ 7.44 Services Performed Without Charge or at a Reduced Charge.

(a) A fee is not to be charged to any requester making a request under subpart C for the first two hours of search time unless the records are requested for commercial use. For purposes of this subpart, when a computer search is required two hours of search time will be considered spent when the hourly costs of operating the central processing unit used to perform the search added to the computer operator's salary cost (hourly rate plus 16 percent) equals two hours of the computer operator's salary costs (hourly rate plus 16 percent).

(b) A fee is not to be charged for any time spent searching for a record requested under subpart C if the records are not for commercial use and the requester is a representative of the news media, an educational institution whose purpose is scholarly research, or a non-commercial scientific institution whose purpose is scientific research.

(c) A fee is not to be charged for duplication of the first 100 pages (standard paper, not larger than 8.5 x 14 inches) of records provided to any requester in response to a request under subpart C unless the records are requested for commercial use.

(d) A fee is not to be charged to any requester under subpart C to determine whether a record is exempt from mandatory disclosure unless the record is requested for commercial use. A review charge may not be charged except with respect to an initial review to determine the applicability of a particular exemption to a particular record or portion of a record. A review charge may not be assessed for review at the administrative appeal level. When records or portions of records withheld in full under an exemption that is subsequently determined not to apply are reviewed again to determine the applicability of other exemptions not previously considered, this is considered an initial review for purposes of assessing a review charge.

(e) Documents will be furnished without charge or at a reduced charge if the official having initial denial authority determines that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(f) Factors to be considered by officials of the Department authorized to determine whether a waiver or reduction of fees will be granted include:

(1) Whether the subject matter of the requested records concerns the operations or activities of the Federal government;

(2) Whether the disclosure is likely to contribute to an understanding of Federal government operations or activities;

(3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons;

(4) Whether the contribution to public understanding of Federal government operations or activities will be significant;

(5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure that disclosure is primarily in the commercial interest of the requester.

§ 7.45 Transcripts.

Transcripts of hearings or oral arguments are available for inspection. Where transcripts are prepared by a nongovernmental contractor, and the contract permits the Department to handle the reproduction of further copies, § 7.43 applies. Where the contract for transcription services reserves the sales privilege to the reporting service, any duplicate copies must be purchased directly from the reporting service.

§ 7.46 Alternative Sources of Information.

In the interest of making documents of general interest publicly available at as low a cost as possible, alternative sources shall be arranged whenever possible. In appropriate instances, material that is published and offered for sale may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; U.S. Department of Commerce's National Technical Information Service (NTIS), Springfield, Virginia 22151; or National Audio-Visual Center, National Archives and Records Administration, Capital Heights, MD 20743–3701.

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

Federico Pẽna,

Secretary of Transportation.

[FR Doc. 96–16248 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE INTERIOR

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Comment Period on Proposed Threatened and Endangered Status for Five Plants and a Lizard From Monterey County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of a public hearing on the proposed endangered status for coastal dunes milkvetch (*Astragalus tener* var. *titi*), Yadon's piperia (*Piperia yadonii*), Hickman's potentilla (*Potentilla hickmanii*), Monterey clover (*Trifolium trichocalyx*) and the black legless lizard (*Anniella pulchra nigra*); and threatened status for Gowen cypress (*Cupressus goveniana* ssp. *goveniana*). In addition, the Service has reopened the comment period. All parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 6 p.m. to 8 p.m. on Wednesday, July 17, 1996, in Monterey, California. The public comment period now closes August 30, 1996. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held at the Hyatt Regency Hotel, One Golf Course Road, Monterey, California. Written comments and materials concerning this proposal may be submitted at the hearing or sent directly to the Field Supervisor, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Connie Rutherford (see **ADDRESSES** section) or at 805/644–1766.

SUPPLEMENTARY INFORMATION:

Background

Most of the habitat for the plants and lizard is found in coastal habitats in northern Monterey County. Coastal dunes milk-vetch and Monterey clover are restricted to private lands on the Monterey Peninsula. Hickman's potentilla is restricted to two populations: one on the Monterey

Peninsula, and one recently discovered near Devil's Slide in San Mateo County. Gowen cypress stands occur on the Monterey Peninsula, and at Point Lobos State Reserve five miles to the south. Yadon's piperia occurs primarily on private lands on the Monterey Peninsula, with other populations extending as far south as Palo Colorado Canyon, and as far north as Blohm Ranch north of Prunedale. The black legless lizard occurs on private and State Park lands between the Salinas and Carmel Rivers, on the Monterey Peninsula, and along Monterey Bay. A few populations of Yadon's piperia and the black legless lizard occur on Federal lands at Fort Ord.

The five plant taxa and the lizard are threatened by one or more of the following: alteration, destruction, and fragmentation of habitat resulting from urban and golf course development; recreational activities; highway widening; military activities; competition with non-native species; and alteration of natural fire cycles. All taxa are also threatened with stochastic extinction due to the small numbers of populations or individuals.

On August 2, 1995, the Service published a proposed rule on proposed endangered status for *Astragalus tener* var. *titi*, *Piperia yadonii*, Potentilla hickmanii, *Trifolium trichocalyx*, and the black legless lizard (*Anniella pulchra nigra*); and threatened status for Gowen cypress (*Cupressus goveniana* ssp. *goveniana* (60 FR 39326). Section 4(b)(5)(E) of the Act requires that a public hearing be held if one is requested within 45 days of the publication of the proposed rule in the Federal Register. Public hearing requests were received within the allotted time period from Robert D. Thornton of Nossaman, Guthner, Knox, and Elliot in Irvine, California. Because a Congressional moratorium on the Service's activities associated with final listing actions was in effect from April 1995 to April 1996, scheduling of the hearing had been delayed. The Service has scheduled a public hearing on July 17, 1996, at the Hyatt Regency Hotel, One Golf Course Road, Monterey, California.

Anyone wishing to make statements for the record should bring a written copy of their statements to the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. Oral and written comments receive equal consideration. The Service places no limits to the length of written comments or materials presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing are being published in newspapers concurrently with this Federal Register notice.

The comment period on the proposal was initially closed on October 17, 1995. To accommodate the hearing, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until August 30, 1996, to the Service office in the **ADDRESSES** section.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 19, 1996.

Thomas J. Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 96–16240 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 61, No. 124
Wednesday, June 26, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket Number FV–96–354]

North American Free Trade Agreement (NAFTA) Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Notice of intent to establish a NAFTA Committee.

SUMMARY: This notice describes the application procedures for the members of the public volunteering for service as U.S. Representatives on the NAFTA Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods.

DATES: Applications and comments must be received on or before July 26, 1996.

ADDRESSES: Applications and comments should be sent to Mr. David L. Priester, International Standards Coordinator, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, P.O. Box 96456, Room 2071–South, Washington, DC 20090–6456. Application forms may be obtained by writing to the above address or by calling 202–720–2184 or faxing 202–720–0016.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Tele: 202–720–2184, Fax: 202–720–0016.

SUPPLEMENTARY INFORMATION: As provided for in Article 707, of the North American Free Trade Agreement (NAFTA), an Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods will be established to provide recommendations on possible systems to achieve the prompt and effective resolution of commercial disputes regarding agricultural goods. This Advisory Committee will work on disputes for all agricultural commodities, but initially it will focus its attention on perishable fruits and vegetables.

The Committee will be comprised of up to ten (10) members (and ten (10) alternates), of which up to eight (8) members (and eight (8) alternates) may be selected from outside the Government. The Secretary of Agriculture will appoint the members and alternates.

Application Process

Candidates must complete the Advisory Committee Membership Background Information Form AD–755 (8/31/95). It is important that all questions are answered and the information requested is as complete as possible. This information will be treated as confidential and is used to complete background clearance checks.

Selection Criteria

Committee members shall be appointed by the Secretary of Agriculture. The Committee will be comprised of up to ten (10) members (and ten (10) alternates) including producers, shippers, receivers, packers, attorneys, and other interested and knowledgeable parties. The Secretary invites those individuals, organizations, and groups affiliated with the above industries, to nominate individuals for membership on the Committee. Nominees should have expertise or experience in the resolution of private commercial disputes in agricultural trade.

Equal opportunity practices will be followed in all appointments to the Committee in accordance with USDA policies. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Compensation

The members of the Advisory Committee will not be paid a salary, or any other compensation, and will be responsible for their own travel and per diem expenses for their service on the Advisory Committee.

Time and Travel Requirement

Members should be prepared to spend time for one or two meetings a year, plus time for meeting preparation. Applicants should be fully prepared to travel to locations in Canada, Mexico, and the United States.

Dated: June 20, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–16302 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

Forest Service

Revision of the Land and Resource Management Plan for the Chequamegon and Nicolet National Forests; Ashland, Bayfield, Florence, Forest, Langlade, Oconto, Oneida, Price, Sawyer, Taylor, and Vilas Counties, Wisconsin

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service intends to prepare an environmental impact statement for revising the Chequamegon and Nicolet Land and Resource Management Plans (Forest Plan) pursuant to 16 U.S.C. 1604(f)(5) and 36 CFR 219.12. The Forest Service will prepare one environmental impact statement and one revised Forest Plan that encompasses both National Forests (36 CFR 219.4(b)(3)).

The current Forest Plans for both the Chequamegon and Nicolet were originally approved on August 11, 1986. These Plans guide the overall management of these National Forests. The six primary decisions made in Forest Plans are:

(1) Forestwide Multiple-use Goals and Objectives (36 CFR 219.11(b));

(2) Forestwide Management Requirements (36 CFR 219.27);

(3) Management Area Direction (36 CFR 219.11(c)),

(4) Lands Suited/not Suited for Timber Management (36 CFR 219.14, 219.16, 219.21);

(5) Monitoring and Evaluation Requirements (36 CFR 219.11(d)); and

(6) Recommendations to Congress, (such as recommendations, if any, for additional Wilderness (36 CFR 219.27)).

Forest Plans must be revised every 10 to 15 years (U.S.C. 1604(f)(5) and 36

CFR 219.10(g)). In addition, the Forest Service has determined there is a need to revise these Forest Plans to adjust to changed conditions, incorporate new information, and consider the management of National Forest System lands in the context of the larger landscape in which these lands are situated.

In looking at the Chequamegon and Nicolet National Forests in a landscape context and based on the monitoring and evaluation done and public comment received, the Forest Service has determined that there is a need to make some changes to the primary decisions made in the 1986 Forest Plans. A revised Plan will be developed to address the following major revision topics that have been identified through monitoring, evaluation, and public comment:

(1) Access and Recreational Opportunities;
(2) Biological Diversity;
(3) Special Land Allocation; and
(4) Timber Production.

Some inconsistencies between the two 1986 plans that are not directly related to the main revision topics will be resolved as the two separate Forest Plans are combined into one. To achieve this consistency, it will be necessary to make many minor changes, particularly in Forest standards and guidelines.

When making decisions in the revised Plan, we will examine the economic and social impacts to local communities, and the impacts at a broader regional level. We will also examine biological impacts at similar levels. In northern Wisconsin communities, the relationship between people and the natural environment in which the needs of people are met typically centers around the forest products and tourism industries.

The purpose of this notice is to inform you that the Forest Service is now soliciting comments and suggestions from American Indian tribes, Federal agencies, State and local governments, individuals, and organizations on the scope of the analysis to be included in the draft environmental impact statement for the Revised Forest Plan (40 CFR 1501.7). Comments relevant to scoping include: (1) identifying potential issues, (2) identifying those issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a previous environmental analysis, and (4) identifying possible alternatives for addressing the issues. General notice to the public concerning the scope of the analysis will be provided by mailings, news releases, and public meetings.

The environmental analysis and decision-making process will include many further opportunities for public participation and comment so that people interested in this proposal may contribute to the final decision. The draft environmental impact statement is tentatively scheduled for release in November, 1997 and the final environmental impact statement and decision are scheduled for December, 1998.

The Forest Service will host a series of open house meetings to provide information about the process of revising the Forest Plans and to gather public input on the scope of the decision to be made. Meetings will be held as follows:

Date	Time	Location
July 9, 1996	4 pm–7 pm	Laona District Office.
July 15, 1996	4 pm–7 pm	Medford District Office.
July 16, 1996	4 pm–7 pm	Lakewood District Office.
July 16, 1996	4 pm–7 pm	Park Falls District Office.
July 24, 1996	3 pm–8 pm	Washburn District Office.
August 7, 1996	4 pm–7 pm	Glidden District Office.
August 8, 1996	4 pm–7 pm	Eagle River District Office.
August 8, 1996	4 pm–7 pm	Hayward District Office.
August 12, 1996	4 pm–7 pm	Florence District Office.

DATES: Comments concerning the scope of the analysis should be received in writing by August 26, 1996.

ADDRESSES: Send written comments to: Forest Plan Revision, Chequamegon and Nicolet National Forest, Federal Building, 68 S. Stevens Street, Rhinelander, WI 54501.

FOR FURTHER INFORMATION CONTACT: George Probasco, Forest Planning Group Leader; (715) 762–2461.

SUPPLEMENTARY INFORMATION: This section contains more detailed information about the process to revise the Forest Plans for the Chequamegon and Nicolet National Forests. The section is organized as follows:

A. Need for change—Why the Forest Service believes that changes need to be made to the existing Plans.

B. Working with others in revising the Forest Plan—Describes the public involvement plan.

C. The nature and scope of the decision to be made—What decisions are made in Forest Plans, what decisions will be revisited in a revised Plan, and who makes the decision.

D. Description of preliminary issues and changes that may result from addressing the issues—This is the heart of the Notice of Intent. It provides information about the four major revision topics, preliminary issues and what changes or decisions will be made to address the issues.

E. What will not be addressed or changed in the revised Forest Plan—Describes those items outside the scope of Plan revision.

F. Alternatives in the draft environmental impact statement—Because the major revision topics can be addressed in more than one way, this section describes how the Forest Service will develop and consider alternative ways of addressing the related issues.

A. Need For Change

The Forest Service proposes to prepare one revised Forest Plan for both the Chequamegon and Nicolet National Forests. In doing so, we intend to concentrate on those areas of the existing Plans that truly need changing. Each Forest currently has a Forest Plan that has been in effect for the past 10 years. Many parts of the existing Plans have been working well, and we propose to carry those parts forward into a revised Forest Plan with little if any change (some changes may be necessary for consistency as we merge the two Plans together). There are several reasons for revising the Forest Plans for the Chequamegon and Nicolet National Forests:

The law requires Forest Plans be revised at least every 15 years. The original Plans were approved in 1986, so it is now time to begin the revision process.

Conditions have changed. Monitoring since 1986 shows conditions we did not anticipate or project. For example, a harvest level study on the Nicolet revealed inaccuracies in growth and yield projections, and thus in the sustainable level of timber harvest projected

in the 1986 Forest Plan. There is an increased demand for the variety of goods, services and uses produced by the Chequamegon and Nicolet National Forests (Revision Topics and Need for Change report, USDA, Forest Service, 1996). For example, an increase in gathering of special/miscellaneous forest products indicates a need for standards and guidelines to manage these resources.

New information is available. New information and scientific understanding regarding biological diversity have become available since the Plans were approved. The Forest Service has also conducted Scientific Roundtables on Biological Diversity and Socio/Economics which provided new information and recommendations (New Information report, USDA Forest Service, 1995).

Change in Policy. The 1986 Forest Plans focused mainly on the capabilities of and resource utilization on National Forest lands within the proclaimed boundaries of the Chequamegon and Nicolet National Forests. In revising Forest Plans for the next decade, it will be important to describe the management of these National Forests in the context of the larger landscape in which they are situated. Furthermore, decisions about the management of the two National Forests need to be made based in part on the ongoing and future management of interspersed and adjoining private and public lands. Revised Plans will only provide direction for federally-owned lands. Looking beyond the boundaries of the Chequamegon and Nicolet Forests is important in developing complementary management strategies across multiple ownerships, addressing issues at a broader or regional scale, and looking at cumulative effects at a landscape level.

B. Working With Others in Revising the Forest Plan

The Forest Service intends to involve the public in the revision effort to the fullest extent practical, given the time and resource constraints under which the work is proceeding. This dialog will include both keeping the public informed about the work as it progresses, and listening to and considering the opinions and suggestions offered by the public. This dialog will occur with American Indian tribes, other Federal, State, County and local governments and agencies, and with groups and individuals interested in or affected by the Plan revision. The input received will be used throughout the revision process.

As part of its overall efforts to ensure that it honors treaty rights and its responsibilities toward nearby Indian Tribes, the Forest Service routinely will consult and exchange information with Tribes on a government-to-government basis throughout the Forest Plan revision process. This consultation will include the development of goals, standards, and guidelines needed to ensure the exercise of tribal hunting, gathering and fishing rights. In addition, the Forest Service will be sensitive to American Indian religious beliefs.

The Forest Service will work collaboratively with other public forest managers, especially other national forests in the three-state area of Wisconsin, Michigan, and Minnesota, the Wisconsin Department of Natural Resources, and the Wisconsin county Forest Association. Many forest management issues cross administrative boundaries and must be dealt with on a scale larger than a single national forest.

There are several ways people can become informed about and involved in the Plan revision process. These include, but are not necessarily limited to, periodic newsletters, news releases, workshops, and open house meetings. The Forest Service is maintaining a mailing list which contains the names and addresses of individuals and groups that have expressed an interest in Forest Plan revision or in national forest management in general. Those on this list will be kept informed of the status of the revision effort and of upcoming public involvement activities. To have your name added to the list, phone or write to: Forest Plan Revision, Chequamegon and Nicolet National Forests, 68 South Stevens Street, Rhinelander, WI 54501.

Although the Forest Service will be working with individuals, groups, land owning entities, tribal governments, and other government agencies throughout the entire planning process, there are some specific points at which we will be inviting participation or comment:

Notice of Intent—At the time of this publication of the notice of intent, people are invited to comment on the scope of the analysis, including: (1) identifying potential issues, (2) identifying those issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a previous environmental analysis, and (4) identifying possible alternatives for addressing the issues. A series of ''open house'' meetings will provide a forum for comments during July and August. To be most useful, comments on the notice of intent should be submitted in writing, and be received by August 27, 1996. Comments should be mailed to: Forest Plan Revision, Chequamegon and Nicolet National Forests, 68 S. Stevens Street, Rhinelander, WI 54501.

Alternative Development—During this stage, the Forest Service will be developing a range of alternatives for a revised Forest Plan. People will be invited to participate in a facilitated meeting and open house to help develop the alternatives.

Analysis of Environmental Effects—During this stage, the Forest Service will analyze the probable environmental effects of each of the alternatives considered. The results of that analysis will be displayed in an environmental impact statement. People will be invited to participate in a facilitated meeting and open house to help ensure that all of the applicable effects are identified and adequately described.

Publication of the Draft Environmental Impact Statement (DEIS)—This document will be filed with the Environmental Protection Agency (EPA), which will publish a notice in the Federal Register. The Forest Service will invite written comments on the DEIS for 90 days. The DEIS is expected to be published and filed with the EPA in November of 1997. Recent court rulings emphasize the importance of people providing comments by the close of the 90-day period.

The 90-day comment period for the DEIS starts on the date the EPA publishes a notice in the Federal Register. It is very important that those interested in the revision participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and should address the merits of the alternatives discussed. It is also helpful if comments refer to specific pages or chapters of the draft statement (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The Forest Service believes that, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC U.S. 519, 533 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period on the draft environmental impact statement, so that

substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

After the end of the 90-day comment period on the DEIS, the Forest Service will review, consider, analyze, and respond to the comments in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed in December of 1998. The responsible official will consider the comments, responses, and environmental consequences discussed in the final environmental impact statement, together with applicable laws, regulations, and policies in making a decision regarding this revision. The responsible official will document the decision and reasons for the decision in the record of decision. That decision will be subject to appeal in accordance with Federal regulations at 36 CFR 217. The responsible official is Robert T. Jacobs, Regional Forester, Eastern Region, 310 W. Wisconsin Ave., Milwaukee, Wisconsin 53203.

C. The Nature and Scope of the Decision To Be Made

Separate Forest Plans for the Chequamegon and Nicolet National Forests were approved in 1986. Since that time, the two National Forests have merged their administrative operations, and one Forest Supervisor oversees both National Forests. Since planning regulations allow one Forest Plan to be prepared for all lands for which a Forest Supervisor has responsibility (36 CFR 219.4(b)(3)), the two existing Plans will be revised into one Forest Plan that covers both National Forests. The scope of this decision is limited to revisiting any those portions of decisions that need revision, update, or correction. The following decisions are made in a Forest Plan:

(1) Multiple-use goals and objectives for the two National Forests (Chequamegon and Nicolet) in Wisconsin. Goals are statements that describe a desired condition to be achieved sometime in the future. Objectives are concise, time-specific statements of measurable planned results that respond to the goals.

(2) Forest-wide management requirements (standards and guidelines). These are limitations on management activities, or advisable courses of action that apply across the entire forest.

(3) Management area direction applying to future activities in each management area. This is the desired future condition specified for certain portions of the forest, and the accompanying standards and guidelines to help achieve that condition.

(4) Lands suited or not suited for activities. For example, the Forest Plan must identity those lands suited and not suited for timber production.

(5) Monitoring and evaluation requirements. Forest Plans are required to identify certain key items that will be monitored and evaluated to gauge how well the plan is being implemented.

(6) Recommendations to Congress. For example, Forest Plans may contain recommendations that additional Wilderness (if any) be recommended for designation by Congress.

These decisions will be re-visited only in how they apply to the revision issues that are identified. In addition, some minor changes in goals, objectives, management area descriptions, standards and guidelines, definitions, and monitoring requirements will be necessary to achieve consistency between the Chequamegon and Nicolet. Through the Plan revision process, we will also add some direction that is currently lacking in either Plan. For example, we will provide direction for the gathering of miscellaneous forest products and for management of rare plant species. We will expand the direction for use of prescribed fire and change direction for management of riparian areas to incorporate guidelines in Wisconsin Forestry Best Management Practices. These changes would normally be insignificant amendments to the Forest Plans.

Mnay items are beyond the scope of what can or should be changed in a Revised Forest Plan. See Section F, titled ''What will not be addressed or changed in the Revised Plan'' for a list of those items.

D. Description of Preliminary Issues Identified and Changes That May Result From Addressing the Issues

The portions of the Forest Plans to be revised focus on four major revision topics that were identified through monitoring, evaluation, and public comments. Those topics are access and recreational opportunities, biological diversity, special land allocation, and timber production.

When making decisions concerning the revised Forest Plan, we will examine the economic and social effects at a local level and at broader levels. We will also examine biological effects at similar levels. Community sustainability reflects long-term relationships between people and the natural environment in which the needs of people are met without compromising ecological capacities. In northern Wisconsin communities, these associations typically center around the forest products and tourism industries, but also include a range of service enterprises, social organizations, and governmental institutions.

The four major revision topics were derived from a list of potential revision topics made available for public comment in July and August of 1995. A series of 13 open house meetings were held, and over 100 individuals responded with written comments. While opinions were divided about how an issue should be addressed in a revised Plan (ie. have more or have less), most people who commented generally agreed these key topics needed to be considered. The access and recreation topics were combined because they are very closely related. The topic of sustainability of local communities is a vital consideration in all of the topics and will be incorporated into the effects analysis.

The section that follows describes the major revision topics to be addressed. The decisions made on key topics will result in changes to Forestwide goals and objectives, Forestwide standards and guidelines, and management area allocations, prescriptions, and guidelines.

Topic: Access and Recreation Opportunities

Access for people to use the Forests has become an increasingly controversial topic in recent years as a result of increasing visitors, changes in land use, costs of road management and impacts on fish and wildlife habitat. The number of people visiting the Forests is one on the rise, as projected. However, the large increase in motorized use in and through the Forests, primarily that of all-terrain vehicles (ATVs) was not anticipated. More people visiting the Forests has resulted in greater conflict between motorized and non-motorized users. In addition, concerns have been raised about the variety and distribution of recreation opportunities offered by the Plans. Changes in Plan direction are needed in order to improve the quality of recreation experiences while providing access for all users.

Some preliminary issues for which decisions will be made:

All-Terrain Vehicles (ATVs)—Presently, the two National Forests have different approaches for the use of ATVs. All areas on the Nicolet are closed to ATVs with the exception of use by Forest Service personnel and use by permit to persons with disabilities. On the Chequamegon, all areas are open unless posted closed. The revised Plan

will include direction for ATV use that can be uniformly enforced on both Forests, emphasizes quality experiences for both motorized and non-motorized uses, and reduces conflicts between motorized and non-motorized users.

The revised Plan will determine which areas of both Forests are potentially available for ATV use. Some areas may be allocated as open for ATVs, some areas as closed to ATVs, and some areas in which ATV use will be limited to designated trails. Compared to the current Plan, it is likely that more land may be available for ATV use on the Nicolet, while less land may be available for this use on the Chequamegon.

Motorized and Non-motorized Use—There is an extensive system of roads and trails open to motorized vehicles (eg. cars, trucks, ATVs, snowmobiles, 4-wheel drive vehicles) which allows access to nearly every part of both Forests. The use of motorized vehicles is often in conflict with uses by people who are seeking more solitude. Motorized use can also reduce the quality of habitat for some wildlife, because there is a greater potential for human encounters. The revised Plan will specify in which parts of the Forests motorized or non-motorized uses will be emphasized. This would enhance the overall recreation quality; provide adequate access for recreation, transporting wood products, and gathering special/miscellaneous forest products; protect fish and wildlife habitat; and conserve biological diversity. The Plan will also set standards for road density and road management.

Mix of Recreation Opportunities—The Chequamegon and Nicolet National Forests are managed to provide recreation opportunities within a wide range of settings. These settings are categorized using criteria such as the level of motorized access to lakes and streams, the scenic conditions, the level of vegetative management, and the remoteness of the area. Concerns have been raised that the present Forest Plan direction favors roaded and motorized recreation settings at the expense of semi-primitive and non-motorized opportunities. Implementing standards and guidelines in the current Plans has not produced visible differences among recreation settings because there is little difference in harvest size limits, silvicultural practices, road density, and recreational developments between semi-primitive and roaded-natural areas.

The revised Forest Plan will change standards and guidelines for size of timber harvests and silvicultural prescriptions so that there is a more distinct difference in recreation opportunities between semi-primitive and roaded-natural areas. The present land allocations will be reconsidered, with an emphasis on allocating some additional semi-primitive, non-motorized acres and reducing incompatible uses where possible. The locations of some present semi-primitive, non-motorized areas on the Nicolet may change to improve their compatibility with surrounding Forest and road settings.

Economic, Social and Biological Considerations—Year-round outdoor recreation continues as an important part of northern Wisconsin's economy. As one of many recreation providers in northern Wisconsin, the Chequamegon and Nicolet offer a variety of public forest settings for local and out-of-town customers. Changes in these opportunities or in the type or level of access could result in either growth or loss of visitors, disruption or local user activities and impacts on local communities. For example, a change in management that alters motorized access could restrict where and how some people use the woods. At the same time, other users may find additional opportunities. These effects and other biological effects will be addressed during Plan revision in perspective with the Forests' role for providing access and outdoor recreation.

Topic: Biological Diversity

The term biological diversity is used to describe the variety and variability of life and the ecological complexes in which they occur. The issue includes many aspects and is very complex. A conceptual model identifies three interrelated components of diversity—composition, structure and function—operating at multiple scales and changing through time. For National Forest management, it is important that biological diversity be considered on a regional (Great Lake States) or sub-regional (Northwoods) scale that includes several National Forests and the public lands around and between forests that are managed by other agencies. This kind of analysis is important because National Forest lands may be able to compensate for declining trends in biological diversity on other lands, or may be able to provide complementary management opportunities along Forest boundaries.

The biological diversity issue has assumed an increasingly important place in natural resource management issues. There is a greater awareness of the complexity of the subject and of the extent to which some elements of biological diversity are declining due to habitat loss or alteration. Some see the National Forest as playing a role in slowing the rate at which species are becoming extinct, slowing the rate at which biological communities are becoming simplified and declining in abundance or size, and in conserving biological diversity. Other people are concerned that efforts to protect biological diversity may result in lower levels of timber production, limits on motorized access to some areas, or lower populations of some game animals. This subject touches the core values of people in matters such as relative importance of commodity and non-commodity forest products, and forest development versus conservation.

When applied to Chequamegon and Nicolet National Forest management, the biological diversity issue results from a concern that broad-scale landscape patterns have changed substantially from a baseline condition that presumably sustained species and communities now in decline due to habitat loss or alteration.

In a forest landscape, the term ''landscape patterns'' refers to the spatial arrangement of forest patches composed or different species or successional stages. The terms may also be applied to patches of different land uses, such as residential, commercial or agricultural. The change in landscape patterns that has arisen from human influences has had a negative effect on some plant and animal species. Some effects are direct, such as when primary habitat is altered. Other changes are indirect, as when a change in landscape patterns affects the ability of a species to disperse or propagate, or when a species achieves a different competitive ability relative to other species with which it formerly coexisted. Some of these effects are apparent immediate, while others take many years before they can be detected.

Current Forest Plans (1986) did not take a broad-scale approach to the analysis of biological diversity, nor did they consider landscape patterns. Rather, biological diversity was addressed primarily at small scales as tree diversity (species, within-stand vertical structure and age of vegetation) and as individual species (Endangered, Threatened, Sensitive and Indicator). Concern for biological diversity has been at the heart of challenges to the current Chequamegon and Nicolet Forest Plans, both from administrative appeals and later through a lawsuit. The Forest Plan needs to be revised to incorporate these new approaches for addressing concerns about biological diversity.

Some preliminary issues for which decisions will be made:

Spatial Scale of Reference-Lake States Area—New scientific information has shown that maximizing biological diversity at a small scale may reduce biological diversity at a broader scale. An analysis of regional biological diversity may highlight unique conditions or capabilities of the National Forests. The revised Plan will address the unique role of the Chequamegon and Nicolet Forests in conserving biological diversity regionally. In some cases, this may mean that National Forest management may compensate for trends on other lands by providing habitat that is scarce regionally.

Old Growth—Old growth forests are characterized in part by older trees, trees with cavities, and sizeable coarse woody material on the forest floor, and provide ecosystem conditions necessary for some species. Old growth forests provide aesthetic values prized by many people, and in some cases may contribute to the overall quality of the forest condition and productivity. For example, since they typically contain many snags which provide habitat for insect eating birds, old growth forest may play a role in checking the spread of forest pests. The two 1986 Forest Plans defined old growth in different ways, had different standards and guidelines, and did not contain specific direction on location. Today, little true old growth (remnants of original forest) remains on either forest. The revised Forest Plan will provide common definition and specific direction for the amount, type, distribution, location and management of old growth. Some alternatives may provide for old growth forest within a network of natural areas to provide older vegetative communities of forested and non-forested types through time in a setting where human influence is minimized on the Chequamegon and Nicolet National Forests.

Fragmented Habitats—Fragmentation, when applied to land management, results when a large and contiguous ecosystem is converted to a network of small patches isolated from each other by areas of a different ecosystem condition. Activities such as road building, logging and agriculture can contribute to fragmentation. In escsystem that were formerly openlands or savannah, widespread planting of jack pine by the Civilian Conservation Corp created fragmentation in these ecosystems. At a landscape scale, the cumulative effects of small-scale projects are a reduction in patch size, increased distance between isolated patches, and an increase in the amount of edge habitat. Increased edge habitat affects species requiring large patches, (including forest species as well as open-land species) and can interrupt species dispersal. Using an ecological classification system, we will decide on the amount, location and management of areas where large forest patches within the landscape will be maintained, and we will also maintain a continuum of other patch sizes. Mimicking the natural disturbances of fire, wind, and water in some areas will also help avoid fragmentation of the landscape.

Habitat Linkages—This aspect refers to linking blocks of habitat by corridors that allow or encourage movement between them and may increase the effective size of total habitat for some species. In some cases, linkages allow spread of exotic species and undesirable predators, insects or diseases, so both positive and negative effects and characteristic patterns of linkages among historic ecosystems must be considered. The revised Plan will specify what habitats should be linked to provide for movement of plants and animals and to increase the effective size of habitats that are now separated in space. It will also state how much area is needed to link habitats with suitable types of management in the various corridors.

Ecosystem restoration—This aspect describes management direction that would restore and maintain the structure, function, and composition of native terrestrial and aquatic ecosystems. This will involve managing to maintain species and communities at risk, to promote old growth or old forest, to reduce fragmentation, and to restore ecosystems that are under-represented within the regional landscape. Ecosystem restoration may use management activities that mimic natural disturbance regimes such as fire in barrens ecosystems. The revised Plan will specify the amount, location, and management for ecosystems that require restoration work.

Management Indicator Species—Management indicator species (MIS) are selected to serve as indicators of change to the conditions of the habitats they occupy and to accurately predict the effects of forest management practices. Most of the MIS species selected in the 1986 Plans were highly mobile animals which made discerning changes in populations of species more difficult. Also, many of the MIS species were habitats generalists and did not serve as the best indicators of change to habitats. The revised Plan will utilize MIS that better serve as ecological indicators by having narrower niches, showing sensitivity to change and allowing more accurate monitoring. New indicators of ecological sustainability may include some keystone species, floral or faunal communities, foraging guilds of animals, landscape patterns, and ecological processess like regeneration or nutrient cycling.

Scientific Roundtable on Biological Diversity—In response to appeals of Forest Plans for the chequamegon and Nicolet National Forests, the Chief of the Forest Service directed these Forests to establish a ''committee of scientific experts'' to address biological diversity issues. Many of the recommendations of this group of scientists will be evaluated for possible inclusion into the revised Plans as forestwide standards and guidelines or management area prescriptions.

Economic, Social and Biological Considerations—Northern Wisconsin forests, including the Chequamegon and Nicolet National Forests, have provided people and communities a way of life for thousands of years. Changing national forest management to address such complex conditions as biological diversity raises concern by those who feel directly affected. Potential outcomes of Plan revision could include limits on motorized access and alternate prescriptions for harvesting timber in unique areas, possibly impacting area economies. Managing the Forests as ecosystems while producing forest products and conserving diversity may also improve the quality of the overall forest condition. Biological, social and economic effects, trade-offs and benefits will be addressed during Plan revision.

Topic: Special Land Allocation

Public interest in the allocations of lands to specific purposes makes special land allocation a revision topic. Many people value these areas and feel that more of Wisconsin's National Forests should be assigned to special allocations in order to address such issues as conserving biological diversity, providing primitive recreational opportunities, providing scientific research or baseline monitoring, protecting unique features and resources, and providing non-commodity values and uses. Many other people oppose assigning more areas to special allocations and want to reduce the current quantity of such allocations. They are concerned such areas could limit or reduce recreation use, access, or traditional economic returns to local communities from timber harvesting and tourism.

Some preliminary issues for which decisions will be made:

Wilderness—The 1984 Wisconsin Wilderness Act requires the Forest Service to revisit the Wilderness option when the Forest Plans are revised. The Forest Service must decide if any additional areas should be recommended for designation as Wilderness by Congress.

Research Natural Areas—Research Natural Areas (RNA's) are part of a national network of ecological areas designated in perpetuity for research and education and/or to maintain biological diversity. Research Natural Areas will be designated on National Forest land based on criteria such as whether a representative or unique vegetative condition or potential condition can contribute to the RNA needs for Region 9, the presence of rare elements, and the value for scientific research. The revised Plan may designate previously identified Candidate RNA's or change them to another land use designation. Other areas will be evaluated to determine their suitability as RNA's or Candidate RNA's.

Special Management Areas—These areas are unique because of their recreational, geologic, fish and wildlife, botanic, or heritage (cultural) characteristics. The revised Plan will determine if the existing Candidate Special Management Areas should be designated and will determine the suitability of additional areas as Special Management Areas.

Economic, Social and Biological Considerations—Allocating lands for specific purposes will remove land from other uses, such as commodity production, but will also provide new uses such as backcountry experiences, gathering special/miscellaneous forest products, and area for scientific research and monitoring. This decision requires a difficult balance between human values, social needs, and the biological needs of an area or species. Some people are concerned that such allocations could reduce traditional recreation uses, access, and economic returns to local communities. Potential benefits and trade-offs for local tourism and timber economies will be addressed through the role the Chequamegon and Nicolet serve in providing special land areas in northern Wisconsin.

Topic: Timber Production

The production of timber products and how that relates to the management of other resources is an important revision topic. Commodity products from the National Forests provide raw materials important to local industries—industries that affect the economic and social fabric of the local communities. How the Forests are managed to produce those commodities greatly affects other aspects of National Forest management such as biological diversity, available recreation experiences, and game and non-game animal habitats. In some cases, timber production and vegetation management are conducted to accomplish objectives for wildlife, recreation or visual quality. While most of the issues considered in the revision effort are interrelated, the issues of timber production and vegetation management directly affects almost all other issues.

Some preliminary issues for which decisions will be made:

Subregional Scale-Biological Diversity and Efficiencies—Interpreting an analysis of conditions in the Lake States area suggests that the National Forests may have a role in compensating for conditions and trends elsewhere in the area. Because of this, it may be determined that there is a specific and unique opportunity for the National Forests to provide habitat that is scarce or declining elsewhere. These opportunities may lead to a change in focus from some of the cover types prescribed in the current Forest Plans (1986) toward an emphasis on scarcer types. Further, economic analyses may indicate that there are efficiencies in featuring certain types in specific locations.

Allocation of Forest Cover Types—The existing Forest Plans allocate portions of the two Forests to various management area prescriptions. These prescriptions, among other things, describe the type of harvesting that will predominate in each management area. The spatial locations of these prescriptions will be reconsidered during the revision, as will some of the aspects of the prescriptions themselves. One important objective of the revision will be to better match the management prescriptions with the capabilities of the land and with the demands for products while considering biological diversity.

Vegetation Management Standards and Guidelines—Within each management area and over the Forests as a whole, the Forest Plans provide direction for vegetation management practices through standards and guidelines. Some of these may be modified and others may be added or deleted during the revision. For example, experience during implementation of the Plans has shown that guidelines for treating limbs and tree tops left after logging may need to be changed to accomplish visual quality goals more efficiently. Under some alternatives considered, additional standards and guidelines may need to be developed for vegetation management adjacent to riparian areas and areas unique to conserving biological diversity. These guidelines could shield the unique areas from negative effects of wildlife predation or increased levels of light and wind.

Timber Harvest Levels—Under law, forest plans include an estimate of the allowable sale quantity (ASQ) for each national forest. This volume is a ceiling, or maximum level of timber sale outputs that can be achieved during a decade of implementing a forest plan. The ASQ for the Nicolet National Forest under the current Plan was estimated to be about 970 million board feet (MMBF) for the first decade. In practice, this has not been achieved for a variety of reasons: the extent and severity of tree mortality and growth reduction due to drought, insects and disease were not adequately understood or incorporated into the growth and yield models; the actual amount of land suitable for timber production is less than originally thought; and the effects of some land allocations and practices were not fully anticipated. Under the revised Plan, the ASQ will be determined more accurately, taking into account the factors listed and using a variety of techniques.

Economic, Social and Biological Considerations—Following the decline of the early logging era, Forest Service management focused on rehabilitating the northern Wisconsin forests. Timber production was high in response to increasing demands. Many local communities came to rely on steady or growing supplies of national forest resources. Recent decades have brought major changes in public expectations and values related to the national forests. Concerns about ecosystem condition, biological diversity, and the economic benefits of tourism now join long-held interests in timber and fish and wildlife. Changes in management direction for the Chequamegon and Nicolet National Forests may affect the types, quantities, and source locations of timber products from the Forests. Area communities are concerned about losing timber-related jobs and related economic impacts if timber production declines. However, managing the Forests as intact ecosystems over the long term may eventually result in improved timber growth, higher value products, and increased revenue from tourism. Potential effects, such as these, will be addressed through Plan revision.

E. What Will Not Be Addressed or Changed in the Revised Plan

Although many decisions relate to managing a National Forest, some

decisions, such as treaties, laws, rights, and regulations, are beyond the scope of what can be decided in a Forest Plan. Other decisions deal with implementing projects or enforcing regulations. These are also beyond what can be decided in a Forest Plan.

Another category includes decisions that can be decided in a Forest Plan, but do not need to be re-visited at this time. The revision of an existing Forest Plan should concentrate only on those parts of the Plan that truly need changing. Decisions made in the initial Forest Plan that work well will be carried over into the revised Plan with few, if any, changes.

The following is a list of items that we will not be deciding in the revised Forest Plan:

Existing Rights

American Indian Treaty Rights—American Indian communities bring long histories of traditional use to the Forests similar to their uses on tribal lands. Tribal members rely upon fish, wildlife and plants for religious, ceremonial, medicinal, subsistence and economic purposes. It is to maintain this lifeway that various treaties between the United States and a number of Indian Tribes located near the Chequamegon and Nicolet National Forests guarantee the Tribes' right to hunt, fish and gather in those Forests. In addition, historically and presently, the conservation of the natural resources subject to the treaty rights is a necessary and integral part of tribal culture and sovereignty. In revising the Forest Plan, the Forest Service will honor the treaty obligations toward those Tribes that retain hunting, fishing, and gathering rights on Chequamegon and Nicolet National Forest lands. These rights are part of existing law. Their existence and nature are beyond the scope of the Forest Plan and are not a decision to be made in the Revised Forest Plan. As part of its overall efforts to ensure that it honors these rights and its responsibilities toward nearby Indian Tribes, the Forest Service routinely will consult and exchange information with those Tribes on a government-to-government basis throughout the Forest Plan revision process to develop goals, standards, and guidelines needed to ensure the exercise of these treaty rights.

Rights of Private Property—The revised Plan only makes decisions that apply to National Forest System lands. The Revised Plan will make no decisions regarding management or use of privately owned lands or reserved and outstanding mineral estates.

Rights of Other Ownership—The revised Plan will make no decisions regarding state, county, industrial, or other federal (such as National Lakeshore, or National Wildlife Refuge) forest lands.

Rights of Existing Permittees and Easement Holders—Many people and businesses hold special use permits and easements for various permitted uses within the Chequamegon and Nicolet National Forests. These include permits such as: recreation summer homes, special-use roads, and utility corridors. The revised Forest Plan will not re-visit decisions on existing permits and easements. As they are renewed, it may be necessary to make changes in the terms of permits and easements to achieve consistency with revised standards and guidelines.

Law, National Policy and Decisions Not Within Forest Service Authority

Existing Wildernesses—The Rainbow Lake and Porcupine Lake Wildernesses on the Chequamegon National Forest and the Blackjack Springs, Headwaters, and Whisker Lake Wildernesses on the Nicolet National Forest were established by law. Considering these areas for non-Wilderness management is beyond the scope of the revised Forest Plan. Minor changes in the standards and guidelines for managing these areas may be considered in the revised Plan.

Baiting for Deer and Bear—On March 20, 1995, the Forest Service adopted a national policy on all baiting connected with hunting which states that National Forests will adopt state wildlife laws and regulations affecting the taking of resident game animals. Therefore, the practice of baiting on National Forest lands in Wisconsin will be the same as the state regulations on baiting elsewhere in Wisconsin. This policy does allow for area closures when Plan goals would direct protecting sensitive areas.

Use of Motors on Lakes—The authority for regulating the size and use of motors on lakes within the Chequamegon and Nicolet National Forests rests with local governments, unless superseded by Federal law (such as Congressional designation of Wilderness). Therefore, these regulations are outside the scope of decisions that can be made in a Forest Plan.

Topics Where Little or No Change Is Warranted

Minerals Management—Overall, the existing policy on managing the Federal minerals resource on these two National Forests has been working well. Some changes will likely be made to the standards and guidelines to provide consistency between the two Forests and to provide a higher degree of resource protection within our legal jurisdiction.

Wild and Scenic River Recommendations—The 1986 Forest Plans identified parts of six rivers flowing through Wisconsin National Forests to be studied for inclusion in the National Wild, Scenic and Recreational Rivers system. An eligibility determination has been made on these rivers. Present Forest Plan direction protects the qualities of the rivers until these studies and recommendations for Congressional action are complete. After discussions with the Administration, Congressional representatives, and local river groups, it appears that now is not the time for such legislative action since making such a suitability determination and recommendation to Congress involves a detailed and expensive process.

As a result, no further suitability determination will be made in Plan revision. However, because the Chequamegon and Nicolet Forest Plans differ in the management area designation for these candidate rivers, the revised plan will make the changes necessary to provide consistent direction for the river corridors. Standards and guidelines will also be changed to provide direction for vegetation management consistent with the river corridor objective and ROS setting.

Off-Highway Vehicle Use on Forest Roads—The use of street-legal off-highway vehicles (4 wheel drive trucks, motorbikes) will continue to be allowed on all National Forest roads except those that are closed by signing, gating, or other road closure device.

Snowmobile Use—The general policy that snowmobiles can be operated on designated trails and on unplowed roads will not be revisited. Some changes will be made to provide consistency between the two Forests.

Visual Quality Objectives—Although there have been some problems with the way the 1986 Forest Plans manage for visual and scenic quality on the Chequamegon and Nicolet National Forests, those problems center on the size limits of harvest treatments in visually sensitive areas. The visual quality objectives (VQO) system appears to be working reasonably well, with visually sensitive areas generally being adequately protected. Therefore, the visual quality objectives system will continue to be used in the revised Forest Plan. However, the clearcut limits in the VQO system will be reviewed and better defined. Travel routes and water bodies will be reviewed to determine if their VQO classification is appropriate. Some

changes to standards and guidelines may also need to be made to assure consistency between the two National Forests.

Developed Recreation Facilities—The revised Forest Plan will not include decisions on closing existing developed recreational facilities (campgrounds, picnic sites, boat launching ramps, trailheads, swimming beaches) nor will it propose that new facilities be built. Existing sites will continue to be operated as specified in the current Forest Plans.

Exceptions to this will be made on a case-by-case basis.

Research Natural Areas—The revised Forest Plan will not revisit the designation of existing Research Natural Areas.

F. Alternatives in the Draft Environmental Impact Statement

The Forest Service will develop several revision alternatives in the DEIS. These alternatives will consider different ways to address the need to change the current Plan based on the major revision issues discussed above.

The alternatives will include ''no action'' which is a continuation of current direction contained in the 1986 Chequamegon and Nicolet Forest Plans.

Dated: June 20, 1996.

Robert T. Jacobs,

Regional Forester.

[FR Doc. 96–16285 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–11–M

Southwest Washington Provincial Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Washington Provincial Advisory Committee will meet on July 11, 1996, at the Lewis County Senior Center in Packwood, Washington. The purpose of the meeting is to determine Advisory Committee vision and work priorities based on subcommittee recommendations. The meeting will begin at 1:30 p.m. and continue until 5 p.m. The meeting will resume at 6:30 p.m. and conclude at 8:30 p.m. Agenda items to be covered include: (1) Subcommittee recommendations on Advisory Committee vision and work priorities, (2) Information sharing on Cispus Adaptive Management Area process, (3) Update on Advisory Committee Charter Renewals, (4) presentation on Forest Plan Allocations and their relationship to timber harvest levels, (5) Forest monitoring committee update, and (6) Public Open Forum.

All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. This open forum provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The open forum is scheduled as part of agenda item (1) for this meeting. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Sue Lampe, Public Affairs, at (360) 750–5091, or write Forest Headquarters Office, Gifford Pinchot National Forest, P.O. Box 8944, Vancouver, WA 98668–8944.

Dated: June 19, 1996.

Robert L. Yoder,

Advisory Committee Staff Officer.

[FR Doc. 96–16238 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–11–M

National Resources Conservation Service

West Carroll Watershed Project, West Carroll Parish, Louisiana

AGENCY: Natural Resources Conservation Service, Agriculture.

ACTION: Notice of Intention to Delete Structural Measures and Close the Project.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Watershed Manual (390–V–NWSM, 2nd ed. 12/92), the Natural Resources Conservation Service gives notice of the intent to delete proposed channel improvements and close-out the West Carroll Watershed Project in West Carroll Parish, Louisiana, by withdrawing further Federal assistance.

FOR FURTHER INFORMATION CONTACT: Donald W. Gohmert, State Conservationist, 3737 Government Street, Alexandria, Louisiana 71302; telephone number (318) 473–7751.

West Carroll Watershed, Louisiana

Notice of Intent to Withdraw Federal Assistance

SUPPLEMENTARY INFORMATION: A determination has been made by Paul W. Johnson, Chief, Natural Resources Conservation Service, that because of significant environmental concerns that have not been addressed by the local sponsors, Federal funding will be withdrawn from this project. The sponsoring local organizations have not concurred in this recommendation. Information regarding this determination may be obtained from Donald W. Gohmert, State Conservationist, at the above address and telephone number.

No administrative action on implementation of this proposed withdrawal of funding will be taken until 60 days after the date of this publication in the Federal Register.

Dated: June 11, 1996.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Donald W. Gohmert,

State Conservationist.

[FR Doc. 96–16206 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Alabama Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 5:30 p.m. and adjourn at 10:30 p.m. on Tuesday, July 2, 1996, at the Paramount High School, Highway 20, Boligee, Alabama. The purpose of the meeting is to allow Committee members to receive a briefing on race relations issues in the aftermath of church burnings.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–16305 Filed 6–25–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on Monday, July 8, 1996, and reconvene on Tuesday, July 9, 1996 at 9:00 a.m. and adjourn at 3:00 p.m. at the Baker Civic Auditorium, Baker, Louisiana. The purpose of the meeting is to allow Committee members to receive a briefing on race relations issues in the aftermath of church burnings.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–16306 Filed 6–25–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the New Hampshire Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 12:30 p.m. on Monday, July 22, 1996, at the Law Offices of Nixon, Raiche, Manning and Branch, 77 Central Street, Manchester, New Hampshire 03101. The purpose of the meeting is to decide on a topic for its new project and develop planning for upcoming activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Robert Raiche, 603–669–7070, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–16307 Filed 6–25–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Tuesday, July 16, 1996, at the Adams Mark Hotel, 1200 Hampton Street, Columbia, South Carolina 29201. The purpose of the meeting is to hear from invited guests, including the governor, State representatives, mayors, police and fire chiefs, religious communities involved, and the civil rights community on the recent rash of church burnings in the South, with an emphasis on South Carolina churches.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Milton B. Kimpson, 803–779–2597, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–16308 Filed 6–25–96; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 9:00 a.m. and recess at 11:00 a.m. on Wednesday, July 10, 1996, at the Ramada Hotel, 160 Union Street in Memphis, Tennessee 38103. The purpose of the meeting is to hold a press conference to release the report, *Racial Tensions in Tennessee*. The meeting is open to the public. The meeting will reconvene at 1:00 p.m. and adjourn at 5:00 p.m. to hear from invited guests, including the governor, State representatives, mayors, police and fire chiefs, religious communities involved, and the civil rights community on the recent rash of church burnings in the South, with an emphasis on Tennessee churches.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Jocelyn Wurzburg, 901–684–1332, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 20, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–16309 Filed 6–25–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 51–96]

Foreign-Trade Zone 47—Boone County, Kentucky; Application for Subzone Status, Ashland Inc. (Oil Refinery Complex), Boyd and Daviess Counties, Kentucky

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Cincinnati Foreign Trade Zone, Inc., grantee of FTZ 47, Boone County, Kentucky, area, requesting special-purpose subzone status for the oil refinery complex of Ashland Inc., located at sites in Boyd and Daviess Counties, Kentucky. 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 17, 1996.

The refinery complex (1,250 employees) consists of 2 sites and connecting pipelines in northern Kentucky: *Site 1* (1,029 acres)—main

refinery complex (220,000 BPD capacity) located at the intersection of Interstate Hwy 64 and US Hwy 23 on the Big Sandy River, Boyd County, Kentucky, south of Catlettsburg, including a refined product storage and terminal facility located north of the refinery, across the river in Kenova (Wayne County), West Virginia; *Site 2* (30 acres)—Ashland Pipe Line Co. crude oil terminal (4 tanks/771,000 barrel capacity) located at 1046 Pleasant Valley Road, Daviess County, east of Owensboro, Kentucky. The refinery, terminals and pipelines operate as an integrated refinery complex.

The refinery complex is used to produce fuels and petrochemical feedstocks. Fuel products produced include gasoline, jet fuel, distillates, diesel fuel, fuel oil, naphtha and MTBE. Petrochemical feedstocks and refinery by-products include methane, ethane, propane, benzene, toluene, xylene, cumene, propylene, ethylene, butylene, butadiene, isobutene-isoprene, naphthalene, carbon black oil, paraffin waxes, sulfur and asphalt. Some 70 percent of the crude oil (97 percent of inputs), and some feedstocks and motor fuel blendstocks used in producing fuel products may be 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 26, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 9, 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, Suite 807, 405 Capitol Street, Charleston, West Virginia 25301

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 18, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–16190 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 828]

Approval of Manufacturing Activity Within Foreign-Trade Zone 21, Charleston, South Carolina; Hubner Manufacturing Corporation (Industrial Bellows/Molded Parts)

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, § 400.28(a)(2) of the Board's regulations, requires approval of the Board prior to commencement of new manufacturing/processing activity within existing zone facilities;

Whereas, the South Carolina State Ports Authority, grantee of FTZ 21, has requested authority under § 400.32(b)(1) of the Board's regulations on behalf of the Hubner Manufacturing Corporation, to manufacture industrial bellows and plastic/rubber molded parts under zone procedures within FTZ 21, Charleston, South Carolina (filed 11–30–95, FTZ Docket A(32b1)–20–95; Doc. 43–96, assigned 5–23–96);

Whereas, pursuant to § 400.32(b)(1), the Commerce Department's Assistant Secretary for Import Administration has the authority to act for the Board in making such decisions on new manufacturing/processing activity under certain circumstances, including situations where the proposed zone benefits do not involve the election of nonprivileged foreign status on items involving inverted tariff benefits (§ 400.32(b)(1)(iii)); and,

Whereas, the request, as amended, states that Hubner Manufacturing Corporation will destroy all foreign status scrap merchandise within FTZ 21;

Whereas, the Assistant Secretary for Import Administration, acting for the Board, pursuant to § 400.32(b)(1), concurring in the findings and recommendations of the FTZ Staff and Executive Secretary, approves the request;

Now, therefore, the application for manufacturing authority is approved, subject to the Act and the Board's regulations, including § 400.28, and subject to the following restrictions:

1. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign-origin merchandise admitted to the zone for the Hubner Manufacturing Corporation operation; and,

2. Initial approval is for a period of three (3) years from the date of activation of zone procedures at the plant, subject to extension upon review.

Signed at Washington, DC, this 17th day of June 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–16189 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 52–96]

Foreign-Trade Zone 116—Port Arthur, TX Application for Subzone Status U.S. Department of Energy Strategic Petroleum Reserve (Crude Oil Storage) Jefferson County, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Southeast Texas, Inc., grantee of FTZ 116, Port Arthur, Texas, requesting special-purpose subzone status for the crude oil storage facilities of the U.S. Department of Energy Strategic Petroleum Reserve (SPR) located in Jefferson County, Texas. 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 18, 1996.

The SPR involves an emergency stockpile of crude oil (over 590 million barrels) stored in underground caverns at five sites in Louisiana and Texas. Currently, all crude oil is owned by the U.S. Government. However, in 1995, the U.S. Department of Energy commenced plans to conduct commercial crude oil storage and terminal activities at SPR facilities for foreign governments.

This application involves SPR's ''Big Hill'' facility (274 acres, 149 employees), located in Jefferson County, Texas, some 25 miles west of Port

Arthur. It consists of a main crude oil storage site (14 underground caverns/160 million barrel capacity) and a 24-mile pipeline connecting to the Sun Marine Terminal in Nederland, Texas.

Zone procedures would exempt foreign crude oil that is reexported from Customs duty payments. On domestic sales, duties on such oil could be deferred until formal Customs entry is made. The duty on crude oil 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 the SPR to lease under-utilized crude oil storage capacity to foreign governments, thus generating revenues for the General Treasury.

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 26, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 9, 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, Suite 1160, 500 Dallas, Houston, Texas 77002

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 18, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–16191 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 061996B]

Endangered Species; Permits

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

ACTION: Issuance of permit 1005 (P770#71) and modification 1 to permit 908 (P503K).

SUMMARY: Notice is hereby given that NMFS has issued a permit that authorizes takes of an Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein, to the Coastal Zone and Estuarine Studies Division of the Northwest Fisheries Science Center, NMFS at Seattle, WA (CZESD) and a modification to a permit that authorizes takes of Endangered Species Act-listed species incidental to fish-stocking activities, subject to certain conditions set forth therein, to the Idaho Department of Fish and Game at Boise, ID (IDFG).

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

SUPPLEMENTARY INFORMATION: The permit and modification to a permit were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–222).

Notice was published on April 1, 1996 (61 FR 14296) that an application had been filed by CZESD (P770#71) for a scientific research/enhancement permit. Permit 1005 was issued to CZESD on June 10, 1996. Permit 1005 authorizes CZESD takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a captive broodstock program, being conducted in cooperation with IDFG. IDFG initiated the captive broodstock program in 1992 under the authority of permit 795 to perpetuate the species and provide Snake River sockeye salmon for future recovery actions. CZESD will rear, maintain, and breed ESA-listed fish in its hatchery facilities at the University of Washington's Big Beef Creek Research Station near Seabeck, WA and NMFS's Manchester Marine Experimental Station near Manchester, WA. ESA-listed salmon eggs or juveniles, originally taken by IDFG, will be transferred to CZESD hatcheries to dilute the risk of an unanticipated catastrophic event, possibly causing a decimation of the gene pool if the offspring were present at only one hatchery location. CZESD will transfer the resulting progeny of the ESA-listed sockeye salmon captive broodstocks to Idaho annually to complement recovery efforts at Redfish Lake. To coordinate CZESD's permit 1005 with IDFG's permit 795, permit 1005 will expire when permit 795 expires, July 31, 1997.

Notice was published on March 12, 1996 (61 FR 9979) that an application had been filed by IDFG (P503K) for modification 1 to incidental take permit 908. Permit 908 authorizes IDFG an incidental take of endangered Snake River sockeye salmon (*Oncorhynchus nerka*) and threatened Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with IDFG's resident fish-stocking program, designed to increase the supply of fish in the Salmon River and its tributary streams and lakes for sport-angling. For part of modification 1, IDFG proposed to stock Redfish Lake with catchable-sized hatchery rainbow trout in 1996 to provide recreational fishing at the lake. IDFG's request to stock Redfish Lake with hatchery rainbow trout in 1996 was denied because of the potential effects of rainbow trout overwinter survival and the risk of predation on ESA-listed sockeye salmon in the lake.

The remainder of what IDFG proposed for modification 1 to permit 908 was approved and issued on June 10, 1996. For modification 1, IDFG is authorized to revise their fish-stocking program to do the following: 1) Re-establish a viable population of cutthroat trout in under-utilized habitat in upper Valley Creek by transplanting juvenile cutthroat trout from a healthy population in upper Yankee Fork, Salmon River, 2) release catchable rainbow trout in Yankee Fork dredge ponds prior to June 15, and 3) stock Pettit Lake with 3,000 catchable rainbow trout in 1996, mark (fin-clip) all trout released to identify year-class, and continue monitoring studies and creel surveys through 1996 and 1997. Issuance of the modification does not result in an increase in the annual incidental take authorized in permit 908. Modification 1 is valid for the duration of the permit. Permit 908 expires on December 31, 1998.

Issuance of the permit and permit modification, as required by the ESA, was based on a finding that such actions: (1) Were requested in good faith, (2) will not operate to the disadvantage of the ESA-listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing ESA-listed species permits.

Dated: June 20, 1996.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–16252 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 061396B]

Endangered Species; Permits

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

ACTION: Issuance of permit 989 and permit 1007.

SUMMARY: Notice is hereby given that NMFS issued Permit 989 to Dr. Scott Eckert of Hubbs Sea World Research Institute (P534A), and Permit 1007 to Drs. James R. Spotila and Pamela T. Plotkin of Drexel University, PA (521C), take listed sea turtles for the purpose of scientific research subject to certain conditions set forth therein.

ADDRESSES: The applications, permits, and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930–2298 (508–281–9250) for Permit 1007; or

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310–980–4016) for Permit 989.

SUPPLEMENTARY INFORMATION: Notice was published on January 23, 1996 (61 FR 1748) that an application had been filed by Dr. Scott Eckert of Hubbs Sea World Research Institute (P534A), to take listed species as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–222). The applicant requested a 2-year permit to capture 20 green sea turtles (*Chelonia mydas*) annually in South San Diego Bay, take blood samples, attach tags and transmitters, and measure heart rate and internal temperature. Some turtles will have lavage stomach sampling performed. The purpose of the research is (1) to determine habitat preferences, behavioral activity patterns (such as foraging behavior), and residence patterns, and (2) to determine thermal preferences. Dr. Eckert will coordinate his research efforts with Donna McDonald and Dr. Peter Dutton who are working under Permit 988. On June 7, 1996, NMFS issued Permit 989 authorizing the above research.

Notice was published on May 16, 1996 (61 FR 24760) that an application had been filed by Drs. James R. Spotila and Pamela T. Plotkin of Drexel University, PA (521C), to take listed sea turtles as authorized by the ESA. The applicants requested authorization to capture 75 loggerhead (*Caretta caretta*), 75 Kemp's ridley (*Lepidochelys kempii*), 10 green (*Chelonia mydas*) 5 leatherback (*Dermochelys coriacea*), and 1 hawksbill (*Eretmochelys imbricata*) sea turtles annually in Delaware Bay from June 1996 to October 1997. The turtles will be examined, measured, photographed, PIT-tagged, and have blood and fecal samples taken. Six turtles will be attached with radio-transmitters and tracked. One incidental sea turtle mortality is requested. The purpose of the research is to assess distribution and population dynamics of sea turtles in Delaware Bay, information helpful to manage impacts to sea turtles from human activities. On June 18, 1996, NMFS issued Permit 1007 authorizing the above research.

Issuance of these permits, as required by the ESA, was based on a finding that such permits: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 20, 1996.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–16253 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 061796D]

Marine Mammals; Permit No. 866 (P537)

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

ACTION: Receipt of application for modification.

SUMMARY: Notice is hereby given that Mr. Fred Sharpe, Behavioral Ecology Research Group, Department of Biological Sciences, Simon Fraser University, Burnaby BC V5A 1S6, has requested a modification to Permit No. 866.

DATES: Written comments must be received on or before July 26, 1996.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668.

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, National Marine Fisheries Service, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject modification to permit no. 866 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Permit no. 866 authorizes the permit holder to: Take (i.e., harass) over a four-year period up to 1000 humpback whales (*Megaptera novaeangliae*), up to 18 of which may be fitted with suction cup time-depth recorders annually. The Holder is also authorized to harass during observational and photo-identification studies up to 100 killer whales (*Orcinus orca*) annually on an opportunistic basis during the proposed humpback whale studies. Research activities are authorized to be conducted in the waters of southeastern Alaska between Dixon Entrance and Cross Sound.

The Holder is now requesting that the Permit be amended to authorize the conduct of playback studies on up to 280 humpback whales annually over a three-year period, in the waters of Chatham Strait and Frederick Sound Alaska.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 17, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–16236 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 041896A]

Marine Mammals and Endangered Species; Permits

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

ACTION: Modification of a scientific research permit (P557D).

SUMMARY: Notice is hereby given that the Scripps Institution of Oceanography, Institute for Geophysics and Planetary Physics (Dr. Christopher W. Clark, Principal Investigator), 9500 Gilman Drive, LaJolla, CA 92093–0225, has been issued a modification to take (harass) several species of marine mammals and sea turtles for purposes of scientific research.

ADDRESSES: The modification and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

Coordinator, Pacific Area Office, Southwest Region, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822–2396 (808/955–8831).

SUPPLEMENTARY INFORMATION: On April 2, 1996, notice was published in the Federal Register (61 FR 14557) that the above-named applicant had submitted a request to modify a scientific research permit to conduct a dual frequency transmission test over a 2-week period. The requested modification has been issued, under the authority of the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361 *et seq* .), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 *et seq*.), the regulations governing endangered species permits (50 CFR parts 217–227), the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq*.) and fur seal regulations at 50 CFR part 215.

Issuance of this modification as required by the ESA was based on a finding that such modification: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 14, 1996

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–16235 Filed 6–25–96; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Scientific Advisory Board Closed Meeting

AGENCY: Defense Intelligence Agency, Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

DATES: July 9, 1996 (8:30 am to 4:30 pm).

ADDRESS: The Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: M.G. Mathews, CAPT, USN, Executive Secretary, DIA Scientific Advisory Board, Washington, D.C. 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(I), Title 5 of the U.S. Code and therefore will be closed to the public, The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 20, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–16212 Filed 6–25–96; 8:45 am]

BILLING CODE 5000–04–M

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD.

ACTION: Per Diem, Travel and Transportation Allowance Committee; Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 188. This bulletin lists revisions in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 188 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: July 1, 1996.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 187. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office.

The text of the Bulletin follows:

BILLING CODE 5000–01–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE 'DATE
ALASKA:						
ADAK	$ 10		$ 34		$ 44	10-01-91
ANAKTUVUK PASS	83		57		140	12-01-90
ANCHORAGE						
05-05--09-30	147		70		217	05-05-96
10-01--05-04	76		64		140	05-01-96
ANIAK	73		36		109	07-01-91
ATQASUK	129		86		215	12-01-90
BARROW	110		76		186	03-01-96
BETHEL	84		54		138	05-01-96
BETTLES	65		45		110	12-01-90
COLD BAY	110		54		164	07-01-93
COLDFOOT	95		59		154	10-01-92
CORDOVA	74		76		150	03-01-96
CRAIG						
05-01--08-31	97		96		193	05-01-96
09-01--04-30	75		94		169	03-01-96
DENALI NATIONAL PARK	113		68		181	05-01-94
DILLINGHAM	85		64		149	11-01-93
DUTCH HARBOR-UNALASKA	113		67		180	05-01-92
EIELSON AFB						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
ELMENDORF AFB						
05-05--09-30	147		70		217	05-05-96
10-01--05-04	76		64		140	05-01-96
EMMONAK	62		61		123	10-01-93
FAIRBANKS						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
FALSE PASS	80		37		117	06-01-91
FT. RICHARDSON						
05-05--09-30	147		70		217	05-05-96
10-01--05-04	76		64		140	05-01-96
FT. WAINWRIGHT						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
GUSTAVUS	70		62		132	03-01-96
HOMER						
05-01--09-30	115		68		183	05-01-96
10-01--04-30	90		65		155	03-01-96
JUNEAU						
05-01--09-30	$ 89		$ 82		$171	05-01-96
10-01--04-30	78		80		158	03-01-96
KATMAI NATIONAL PARK	89		59		148	12-01-90
KENAI-SOLDOTNA						
05-01--09-30	109		74		183	05-01-96
10-01--04-30	76		71		147	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT	M&IE RATE	MAXIMUM PER DIEM RATE	EFFECTIVE DATE

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:				
ADAK	$ 10	$ 34	$ 44	10-01-91
ANAKTUVUK PASS	83	57	140	12-01-90
ANCHORAGE				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
ANIAK	73	36	109	07-01-91
ATQASUK	129	86	215	12-01-90
BARROW	110	76	186	03-01-96
BETHEL	84	54	138	05-01-96
BETTLES	65	45	110	12-01-90
COLD BAY	110	54	164	07-01-93
COLDFOOT	95	59	154	10-01-92
CORDOVA	74	76	150	03-01-96
CRAIG				
05-01--08-31	97	96	193	05-01-96
09-01--04-30	75	94	169	03-01-96
DENALI NATIONAL PARK	113	68	181	05-01-94
DILLINGHAM	85	64	149	11-01-93
DUTCH HARBOR-UNALASKA	113	67	180	05-01-92
EIELSON AFB				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
ELMENDORF AFB				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
EMMONAK	62	61	123	10-01-93
FAIRBANKS				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
FALSE PASS	80	37	117	06-01-91
FT. RICHARDSON				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
FT. WAINWRIGHT				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
GUSTAVUS	70	62	132	03-01-96
HOMER				
05-01--09-30	115	68	183	05-01-96
10-01--04-30	90	65	155	03-01-96
JUNEAU				
05-01--09-30	$ 89	$ 82	$171	05-01-96
10-01--04-30	78	80	158	03-01-96
KATMAI NATIONAL PARK	89	59	148	12-01-90
KENAI-SOLDOTNA				
05-01--09-30	109	74	183	05-01-96
10-01--04-30	76	71	147	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT	M&IE RATE	MAXIMUM PER DIEM RATE	EFFECTIVE DATE

WRANGELL				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
YAKUTAT	77	58	135	11-01-93
OTHER	60	56	116	03-01-96
AMERICAN SAMOA	73	48	121	11-01-94
GUAM	190	85	275	05-01-96
HAWAII:				
ISLAND OF HAWAII: HILO	74	60	134	07-01-96
ISLAND OF HAWAII: OTHER	105	63	168	07-01-96
ISLAND OF KAUAI	114	75	189	07-01-96
ISLAND OF KURE	10	8	18	07-01-96
ISLAND OF MAUI				
04-16--12-14	100	63	163	07-01-96
12-15--04-15	113	65	178	07-01-96
ISLAND OF OAHU	110	70	180	07-01-96
OTHER	79	62	141	06-01-93
JOHNSTON ATOLL	22	24	46	07-01-96
MIDWAY ISLANDS	10	8	18	07-01-96
NORTHERN MARIANA ISLANDS:				
ROTA	83	90	173	05-01-96
SAIPAN	138	89	227	05-01-96
TINIAN	61	72	133	06-01-95
OTHER	20	13	33	12-01-90
PUERTO RICO:				
BAYAMON				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
CAROLINA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
MAYAGUEZ	93	70	163	11-01-95
PONCE	107	64	171	11-01-95
ROOSEVELT ROADS				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
SABANA SECA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
OTHER	75	52	127	11-01-95

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LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
VIRGIN ISLANDS OF THE U.S.:						
ST. CROIX						
04-15--12-14	119		73		192	08-01-94
12-15--04-14	169		78		247	12-15-94
ST. JOHN						
06-01--12-14	255		78		333	11-01-94

12-15--05-31	370	90	460	12-15-94
ST. THOMAS				
04-17--12-17	141	106	247	08-01-94
12-18--04-16	220	114	334	12-18-94
WAKE ISLAND	30	25	55	10-01-94
ALL OTHER LOCALITIES	20	13	33	12-01-90

Dated: June 20, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–16213 Filed 6–25; 8:45 am]

BILLING CODE 5000–04–C

Department of the Army

Revised Army-Wide Guidelines for the Management of the Red-Cockaded Woodpecker on Army Installations

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army has prepared an environmental assessment (EA) and a draft finding of no significant impact (FNSI) for assessing the impacts associated with its revision to Army-wide guidelines for the management of the red-cockaded woodpecker (RCW) on Army installations. The new guidelines will replace existing guidelines approved in 1994. The RCW is a federally listed endangered species found on seven Army installations in the southeastern United States: Fort Bragg and Sunny Point Military Ocean Terminal, North Carolina; Forts Stewart, Benning and Gordon Georgia; Fort Jackson, South Carolina; and Fort Polk, Louisiana. The following Army installations do not currently have RCWs but have sites indicating past RCW presence: Forts Rucker and McClellan, Alabama; Camp Shelby, Mississippi; and Louisiana Army Ammunition Plant, Louisiana. The purpose of the revision is to improve the effectiveness of Army-wide RCW management in compliance with the Endangered Species Act of 1973 (ESA) while maintaining the Army's ability to train and prepare soldiers for military conflict. The revised guidelines will be used by Army installations as baseline standards in preparing their RCW management plans. In the revised guidelines, the Army identified measures which should increase RCW populations on military installations while simultaneously enhancing the realism of military training conducted on military installations with RCW populations.

As part of the guidelines revision process, the Army has prepared an EA in accordance with the National Environmental Policy Act of 1969 (NEPA), the regulations published by the Council on Environmental Quality, and the Army's NEPA implementing regulations—Army Regulation 200–2, Environmental Effects of Army Actions, dated December 23, 1988. Additionally, the Army has prepared a biological assessment under the ESA to assess the effects of the revised guidelines on endangered and threatened species. The Army announced commencement of the guidelines revision process in the Federal Register on March 13, 1996, and invited public participation (61 FR 10330). One comment was received from the public during the process and has been addressed in the EA. The data, analyses, and conclusions developed through the course of the revisions process, and incorporated and documented in the EA, provide the basis for the conclusion that the guidelines will not have a significant impact upon the environment. The Army has documented and explained this conclusion in a draft FNSI and will implement the revised Army RCW management guidelines, upon completion of consultation with the U.S. Fish and Wildlife Service in accordance with the ESA.

APPROVAL DATE: The Army shall publish the draft FNSI in its present form, as final, 30 days after publication of this notice unless the public identifies significant new issues of environmental concern. Upon publication of the final FNSI and completion of the ESA, Section 7 process, the Army shall immediately proceed with implementation of the revised guidelines.

ADDRESSES: Written comments or requests to obtain a copy of the EA and draft FNSI, with draft RCW management guidelines and biological assessment attached, may be forwarded to: Headquarters, Department of the Army, Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–TRS (Army Endangered Species Team), Washington, DC 20310–0400.

FOR FURTHER INFORMATION CONTACT: Questions regarding this action may be directed to: Major Mark R. Lindon, Army Endangered Species Team, (703) 695–2452; Mr. Phil Pierce, Army Endangered Species Team, (703) 693–0678; or Major Thomas E. Ayres, Army Endangered Species Team, (703) 696–1572.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 96–16247 Filed 6–25–96; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 26, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 20, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Management

Type of Review: Revision.

Title: Amendment to the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.200–75.211.

Frequency: Annually.

Affected Public: Business or other for-profit; Not for Profit institutions; State, Local or Tribal Government, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 1.

Abstract: The proposed rulemaking would amend EDGAR to establish a menu of selection criteria. For each competition, the Secretary would select one or more criteria that best enable the Department to identify the highest quality applications consistent with the program purpose, statutory requirements, and any priorities established. The amendments would also allow the Secretary the flexibility to weight the criteria according to the needs of each individual program. This menu of selection criteria will provide the Department the flexibility to choose a set of criteria tailored to a given competition and obviate the need to create specific selection criteria through individual program regulations.

[FR Doc. 96–16251 Filed 6–25–96; 8:45 am]

BILLING CODE 4000–01–P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Acting Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 26, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: June 20, 1996.

Arthur F. Chantker,

Acting Director, Information Resources Group.

Office Postsecondary Education

Type of Review: Revision.

Title: Free Application for Federal Student Aid (FAFSA)

Frequency: Annually.

Affected Public: Individuals or households.

Annual Reporting and Recordkeeping Burden:

Responses: 10,065,439.

Burden Hours: 9,095,479.

Abstract: Collects identifying and financial information from students applying for Federal student aid for postsecondary education. Used to calculate Expected Family Contribution and determine eligibility for grants and loans, under Title IV of the Higher Education Act.

[FR Doc. 96–16250 Filed 6–25–96; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.133B]

Office of Special Education and Rehabilitative Services; the National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards Under Certain Programs for Fiscal Year 1996

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On June 4, 1996 a notice inviting applications for new awards under certain programs for fiscal year 1996 was published in the Federal Register at 61 FR 28443. This notice corrects the placement of two tables that appear in the June 4, 1996 Federal Register notice.

On page 28443 a table appears with information related to the Rehabilitation Engineering Research Center Program. On page 28446 a table appears with information related to the Research and Demonstration Program. The placement of these two tables should be reversed so that each table appears directly after the ''Purpose of the Program'' section of the notice for each of the programs.

FOR FURTHER INFORMATION CONTACT: Dianne Villines, U.S. Department of Education, Room 3417 Switzer Building, 600 Independence Avenue, S.W., Washington, D.C. 20202–2704. Telephone: (202) 205–9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8887.

Authority: 29 U.S.C. 760–76.

Dated: June 17, 1996.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–16188 Filed 6–25–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket Nos. 96–15–NG, 96–17–NG, 96–18–NG, 96–19–NG, 96–20–NG, 96–23–NG, 96–22–NG, 87–53–NG, 96–24–NG, 96–21–NG]

Orders Granting Authorization To Import and/or Export Natural Gas

In the matter of New York State Electrical & Gas Corporation, Chevron U.S.A. Inc.,

Texaco Natural Gas Inc., Tenaska Gas Company, North American Energy, Inc., IGI Resources Inc., NUI Corporation and Tennessee Gas Pipeline Company, West Texas Gas, Inc., Universal Resources Corporation.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued orders authorizing various imports and/or exports of natural gas. These orders are summarized in the attached Appendix.

These orders are available for inspection and copying in the Office of Fuels Programs Docket Room, 3–F056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 31, 1996.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

APPENDIX.—IMPORT/EXPORT AUTHORIZATIONS GRANTED

[DOE/FE authority]

Order No.	Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
1158 ...	04/04/96	New York State Electric & Gas Corporation (96–15–NG).	50 Bcf/2-year term.	Combined total.	Short-term for 2 years from and to Canada.
1160 ...	04/29/96	Chevron U.S.A. Inc. (96–17–NG)	73 Bcf/2-year term.	.....	Short-term for 2 years from Canada.
1161 ...	04/29/96	Texaco Natural Gas Inc. (96–18–NG)	100 Bcf/2-year term.	.....	Short-term for 2 years from Mexico.
1162 ...	04/30/96	North American Energy, Inc. (96–20–NG) ...	15 Bcf/2-year term.	.....	Short-term for 2 years from Canada.
1163 ...	05/03/96	Tenaska Gas Company (96–19–NG)	200 Bcf/2-year term.	Combined total.	Short-term for 2 years from Canada and Mexico.
1164 ...	05/14/96	IGI Resources Inc. (96–23–NG)	300 Bcf/2-year term.	.....	Short-term for 2 years from Canada.
1165 ...	05/16/96	NUI Corporation (96–22–NG) & Tennessee Gas Pipeline Company (87–53–NG).	1,960 Mcf/per day.	.....	Long-term until year 2002 from Canada.
1166 ...	05/16/96	West Texas Gas, Inc. (96–24–NG)	.....	50 Bcf/2-year term.	Short-term for 2 years to Mexico.
1167 ...	05/20/96	Universal Resources Corporation (96–21–NG).	50 Bcf/2-year term.	.....	Short-term for 2 years from Canada.

[FR Doc. 96–16297 Filed 6–25–96; 8:45 am]

BILLING CODE 6450–01–P

Energy Information Administration

Agency Information Collection Activities: Proposed Collection(s); Comment Request

AGENCY: Energy Information Administration, Energy.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments concerning the proposed modifications to the Petroleum Marketing Division's survey forms:

EIA–14, ''Refiners' Monthly Cost Report,''
EIA–182, ''Domestic Crude Oil First Purchase Report,''
EIA–782A, ''Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report,''
EIA–782B, ''Resellers'/Retailers' Monthly Petroleum Product Sales Report,''
EIA–782C, ''Monthly Report of Petroleum Products Sold into States for Consumption,''
EIA–821, ''Annual Fuel Oil and Kerosene Sales Report,''
EIA–856, ''Monthly Foreign Crude Oil Acquisition Report,''
EIA–863, ''Petroleum Product Sales Identification Survey,''
EIA–877, ''Winter Heating Fuels Telephone Survey,''
EIA–878, ''Daily Motor Gasoline Price Survey,''
EIA–888, ''On-Highway Diesel Fuel Price Survey.''

DATES: Written comments must be submitted on or before August 26, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Jacob Bournazian, Energy Information Administration, EI–431, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585, Telephone (202) 586–1256, fax (202) 586–4913, e-mail address: jbournaz@eia.doe.gov.

FOR FURTHER INFORMATION: Requests for additional information or copies of the form(s) and instructions should be directed to Jacob Bournazian at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93–275) and the Department of Energy Organization Act (Pub. L. No. 95–91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program. As part of this program, EIA collects, evaluates, assembles, analyzes, and disseminates data and information related to energy resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the nation's economic and social needs.

The Petroleum Marketing data collections included herein were approved by the Director of the Office of Management and Budget for a period not in excess of three years pursuant to section 3507(d) of the Paperwork Reduction Act of 1980 (Pub. L. No. 96-511, title 44 U.S.C., chapter 35). EIA seeks an extension of these collections by the Director with some relatively

minor modifications under section 3507(h) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, title 44 U.S.C., chapter 35).

The Energy Information Administration, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)), conducts a pre-survey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

The Petroleum Marketing Program Surveys collect information on costs, sales, prices, and distribution of crude oil and petroleum products. The data are published in the *Petroleum Marketing Monthly*, *Petroleum Marketing Annual*, *Fuel Oil and Kerosene Sales Annual Report*, and the *Weekly Petroleum Status Report*. Data are also disseminated electronically through the U.S. Department of Energy telephone hotline on (202) 586–6966, the INTERNET on the Energy Information Administration Home Page e-mail address: http://www.eia.doe.gov, broadcast faxes of *Motor Gasoline Watch* and *Distillate Watch*, the Energy Information Administration's electronic publishing system EPUB, the Oil and Gas Information Resource System, and the Comprehensive Oil and Gas Information Source.

II. Current Actions

In keeping with its mandated responsibilities, EIA proposes to seek an extension for three years of the petroleum marketing data collection forms. EIA also proposes the following modifications to the following forms:

EIA–14, ''Refiners' Monthly Cost Report''

Delete the collection of cost and volume data on unfinished oil.

EIA–182, ''Domestic Crude Oil First Purchase Report''

No proposed changes.

EIA–782A, ''Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report''

No proposed changes.

EIA–782B, ''Resellers'/Retailers' Monthly Petroleum Product Sales Report''

No proposed changes.

EIA–782C, ''Monthly Report of Petroleum Products Sold into States for Consumption''

Delete the collection of projected sales data for all products.

EIA–821, ''Annual Fuel Oil and Kerosene Sales Report''

No proposed changes.

EIA–856, ''Monthly Foreign Crude Oil Acquisition Report''

The reporting by respondents of ''Transaction Number'' and ''Days of Credit'' will no longer be required.

EIA–863, ''Petroleum Product Sales Identification Survey''

Change collection of ''Oxygenated and/or Reformulated'' gasoline sales to ''Reformulated'' gasoline sales. Change the data collection cycle from every 3 years to every 4 years.

EIA–877, ''Winter Heating Fuels Telephone Survey''

Delete the collection of ''Inventory'' data for No. 2 heating oil and propane.

EIA–878, ''Daily Motor Gasoline Price Survey''

Add collection of State and local gasoline taxes twice a year.

EIA–888, ''On-Highway Diesel Fuel Price Survey''

Add collection of State and local on-highway diesel fuel taxes twice a year. Increase the sample size to generate estimates for each subdistrict within the Petroleum Administration for Defense District No. 1 (East Coast Region).

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of responses. Please indicate to which form(s) your comments apply.

General Issues

EIA is interested in receiving comments from persons regarding:

A. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Practical utility is the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can EIA make to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can data be submitted in accordance with the due date specified in the instructions?

C. Public reporting burden for this collection is estimated to average:

Form	Burden hours per response
EIA–14	1.6
EIA–182	4.3
EIA–782A	15.0
EIA–782B	2.5
EIA–782C	2.1
EIA–821	3.2
EIA–856	6.0
EIA–863	1.0
EIA–877	0.1
EIA–878	0.05
EIA–888	0.05

Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

Please comment on (1) the accuracy of our estimate and (2) how the agency could minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

D. What are the estimated (1) total dollar amount annualized for capital and start-up costs, and (2) recurring annual dollar amount of operation and maintenance and purchase of services costs associated with this data collection(s)? The estimates should take into account the costs associated with generating, maintaining, and disclosing or providing the information. Estimates should not include purchases of equipment or services made as part of customary and usual business practices, or the cost of any burden hours for completing the form(s). EIA estimates that there are no additional costs other than those that the respondent incurs in keeping the information for its own uses.

E. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the methods of collection.

As a Potential User

A. Can you use data at the levels of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. Are there alternate sources of data and do you use them? If so, what are their deficiencies and/or strengths?

D. For the most part, information is published by EIA in U.S. customary units, e.g., cubic feet of natural gas, short tons of coal, and barrels of oil. Would you prefer to see EIA publish more information in metric units, e.g., cubic meters, metric tons, and kilograms? If yes, please specify what information (e.g., coal production, natural gas consumption, and crude oil imports), the metric unit(s) of measurement preferred, and in which EIA publication(s) you would like to see such information.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C. June 20, 1996.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 96–16298 Filed 6–25–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–140–002]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

June 20, 1996.

Take notice that on June 13, 1996, Columbia Gas Transmission Corporation (Columbia) made a filing in compliance with the Commission's May 29, 1996, letter order in the above referenced proceeding (Letter Order). The Letter Order accepted and suspended, effective June 1, 1996, subject to refund and the conditions therein, tariff sheets representing Columbia's second filing to recover Accrued-But-Not-Paid Gas Costs pursuant to its settlement in Docket No. GP94–2–000, et al., 71 FERC ¶ 61,337 (1995). The Letter Order directed Columbia to make supporting documentation available to parties within 15 days of the date of the Letter Order, and redesignated the original docket number assigned to the second filing (RP96–222) to RP96–140–002.

Columbia states that it is filing supporting documentation for its first and second filings to recover Accrued-But-Not-Paid Gas Costs in Docket Nos. RP96–140 and RP96–140–002, respectively, under seal, and is requesting that such documentation receive privileged and confidential treatment pursuant to 18 CFR 388.112 and remain exempt from public disclosure. Columbia previously explained in an April 11, 1996 compliance letter in Docket No. RP96–140 its concerns regarding the public disclosure of documentation supporting its filing to recover Accrued-But-Not-Paid Gas Costs, which explanation forms the basis for the request for privileged and confidential treatment.

Columbia states that it has negotiated a protective agreement arrangement with interested parties pursuant to which Columbia has agreed to provide supporting documentation.

Columbia states that copies of its filing have been mailed to all firm customers, affected state commissions and interruptible customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided by 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. 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. 96–16225 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–31–017]

National Fuel Gas Supply Corporation; Notice of Refund Report

June 20, 1996.

Take notice that on June 17, 1996, National Fuel Gas Supply Corporation (National) tendered for filing a report of refunds and surcharges in compliance with the Stipulation and Agreement approved by the Commission on February 16, 1996. National states that the refunds and surcharges were disbursed in the form of invoice credits or debits to customers receiving the following services: EFT, FT, FT Niagara Zone 1, FT Niagara Zone 2, FT Niagara Zone 3, and IT Transportation Services; ESS, ISS, IAS, FSS, SS–1 and SS–2 Storage Services; and the P–1, P–2, IR–1, IR–2 and W–1 Hub Services.

National further states that a copy of the Refund Report was sent to the affected state regulatory agencies, and that each customer received a summary including the computations supporting their refund or surcharge.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18) CFR 385.211. All such protests must be filed on or before June 27, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16224 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–27–001]

Natural Gas Pipeline Company of America; Notice of Amendment to Application

June 20, 1996.

Take notice that on June 18, 1996, Natural Gas Pipeline Company of America (Natural), located at 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP96–27–001, an amendment to its application pursuant to Section 7(c) of the Natural Gas Act and Subpart A of part 157 of the Commission's Regulations. Natural seeks a certificate of public convenience and necessity authorizing the construction and operation of certain facilities which will increase the capacity of its Amarillo Mainline system. Natural now amends its proposal to modify the design of the proposed expansion. The details of Natural's amendment are all as more fully set forth in its filing which is on file with the Commission and open to public inspection. (For details of Natural's original application, see Notice of Application in Docket No. CP96–27–000, issued on October 25, 1995, and published in the Federal Register on November 2, 1995, (60 FR 55711).)

Natural states that it is now requesting authorization to:

(1) Construct and operate a new 9,000 horsepower compressor at Station No. 110 in Henry County, Illinois,[1]

(2) Construct and operate about 9.7 miles of 36-inch pipeline loop in Louisa and Muscatine Counties, Iowa. The loop would be immediately upstream (to the west) of Station No. 199, which is in Muscatine County.[2]

The primary purpose of Natural's proposal, to add new firm transportation service downstream of from Harper, Iowa, has not been changed. Other than described above, the other facilities proposed in Natural's original application remain unchanged. Natural had previously proposed to add 550,000 Mcf per day of new service, but reduced its proposal to 525,000 Mcf per day of new service.[3] Natural is still planning to use roughly 180,000 Mcf per day of future released capacity, plus 345,000 Mcf per day of the additional capacity gained from the proposed facilities for these services. The total cost of Natural's proposal has decreased from $87,467,000 to $85,415,000. Also, Natural restates that it plans to recover the cost of this expansion by means of an incremental rate applied to the 345,000 Mcf per day of expansion capacity.

Any person desiring to be heard or to make any protest with reference to this amendment to the application should on or before June 28, 1996 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (28 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.20). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed motions to intervene need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on the amended application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16221 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[1] Natural had previously proposed to relocate a smaller compressor unit from Texas to Illinois.

[2] Natural had previously proposed to retrofit Station No. 199 and increase its horsepower by 4,500.

[3] One shipper which was previously part of the project, Renaissance Energy (US) has dropped out.

[Docket No. CP77–193–002]

Northern Natural Gas Company; Notice of Petition to Amend

June 18, 1996.

Take notice that on June 10, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 628124, filed in Docket No. CP77–493–000, a petition to amend the certificate issued on June 23, 1978 in Docket No. CP77–193–000 pursuant to Section 7(c) of the Natural Gas Act (NGA) and part 157 of the Federal Energy Regulatory Commission's (Commission) regulations, to construct and operate additional facilities at the Cunningham Storage Field located in Pratt and Kingman Counties, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Northern requests authorization to operate an additional formation, the Simpson Formation, in conjunction with the originally certificated Viola Formation; to construct and operate certain facilities necessary to operate the Simpson Formation; and to modify certain operating parameters for the Cunningham storage facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1996, file with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16281 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–568–000]

Northwest Pipeline Corporation; Notice Of Request Under Blanket Authorization

June 20, 1996.

Take notice that on June 12, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP96–568–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.216) for authorization to abandon certain obsolete facilities and to construct and operate replacement facilities at the Milton-Freewater Meter Station in Umatilla County, Oregon, under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that this proposal will allow the meter station to maintain the ability to accommodate existing firm Maximum Daily Delivery Obligations (MDDO) at this delivery point to Cascade Natural Gas Corporation. Northwest proposes to modify the meter station by removing the two existing obsolete 1-inch regulators and the existing obsolete 2-inch positive displacement meter and appurtenances, installing two new 1-inch regulators and a new 3-inch turbine meter and appurtenances as replacements, and converting the existing 3-inch orifice meter for operation solely as a backup to the new turbine meter. Northwest states that as a result of these modifications, the meter station's maximum design capacity will decrease from 2,300 Dth per day to 1,837 Dth per day at 150 psig. The total cost of the proposed facility replacements is $116,360. The meter station is located in Section 6, Township 5 North, Range 36 East, Umatilla County, Oregon, at Milepost 22.55 on Northwest's Walla Lateral.

Northwest states that the proposed facility modifications is not prohibited by its existing tariff, that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers, that its peak day and annual deliveries will not be impacted and that the total volumes delivered will be within the authorized entitlements.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16222 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–279–000]

Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 20, 1996.

Take notice that on June 18, 1996, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2, the revised tariff sheets listed on Appendix A to the filing to become effective on July 1, 1996.

Texas Eastern states that these revised tariff sheets revise on an interim basis Texas Eastern's ASA percentages and Spot Fuel Components to be effective for the period July 1, 1996 through November 30, 1996, in order to permit Texas Eastern to more accurately match its cost recovery with cost causation. Texas Eastern states that interim revisions to Texas Eastern's ASA percentages and ASA Usage Surcharges are specifically permitted by Section 15.6(E) of its tariff, subject to Commission approval. Texas Eastern requests that the Commission approve this proposed interim revision to the ASA percentages and Spot Fuel Components which are prescribed by the Global Settlement to be filed as a component of Texas Eastern's annual ASA filings under Section 15.6 of the tariff.

Texas Eastern states that the increase in ASA percentages is from 4.90% to 5.65% in the summer season and from 4.64% to 5.40% in the fall season for transportation service from Access Area Zone East Louisiana to Market Zone 3 (ELA–M3) and the impact of the increase in Spot Fuel Components for ELA–M3 is $.0098/dth.

Texas Eastern states that copies of its filing have been served on all firm customers of Texas Eastern, interested state commissions, and all interruptible shippers as of the date of the filing.

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 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. 96–16226 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT96–68–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 20, 1996.

Take notice that on June 17, 1996, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, which tariff sheets are included in Appendix A attached to the filing. The proposed effective date of such tariff sheets is August 1, 1996.

Transco states that the purpose of the instant filing is to terminate Section 7(c) firm transportation service provided to South Jersey Gas Company (South Jersey) under Rate Schedule X–281 and to convert such service to service provided under Rate Schedule FT pursuant to Transco's blanket transportation certificate and Part 284 of the Commission's Regulations effective August 1, 1996.

Transco states that the rates applicable to the converted service are the generally applicable charges under Rate Schedule FT (including fuel), plus reservation and commodity rate surcharges as set forth on Sheet No. 40A to Transco's Third Revised Volume No. 1 Tariff. Sheet No. 40A sets forth charges applicable to Incremental Leidy Line Annual Firm Transportation which has been converted from individually certificated Section 7(c) firm transportation service to service under Transco's blanket certificate and Part 284 of the Commission's Regulations.

Transco states that copies of the filing are being mailed to South Jersey 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. 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. 96–16223 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–280–000]

Tuscarora Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 20, 1996.

Take notice that on June 18, 1996, Tuscarora Gas Transmission Company (Tuscarora) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective August 1, 1996:

First Revised Sheet Nos. 4 & 5
First Revised Sheet No. 31
Original Sheet Nos. 91–93.

Tuscarora states that the tariff sheets which it is submitting reflect a Gas Research Institute Adjustment Provision.

Tuscarora further states it has served a copy of this filing upon all interested state regulatory agencies and Tuscarora's jurisdictional customers.

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, N.E., Washington, D.C. 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.96–16227 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–533–000, et al.]

Petal Gas Storage Company, et al.; Natural Gas Certificate Filings

June 18, 1996.

Take notice that the following filings have been made with the Commission:

1. Petal Gas Storage Company

[Docket No. CP96–533–000]

Take notice that on May 22, 1996, as supplemented on June 11, 1996, Petal Gas Storage Company (Petal), Fairlane Plaza South, 330 Town Center Drive, Dearborn, Michigan 48126–2712, filed in Docket No. CP96–533–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate a new delivery point adjacent to Petal's natural gas storage facilities in Forrest County, Mississippi and to acquire, construct and operate appurtenant facilities to accommodate natural gas deliveries for the account of NorAm Energy Services, Inc. (NorAm), under the blanket certificate issued in Docket No. CP95–14–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Petal asserts that the proposed delivery point will permit Petal to accommodate natural gas deliveries on an interruptible basis, pursuant to a presently-effective storage service agreement between Petal and NorAm. Petal states that the proposed delivery point would be located approximately one-half mile north of Petal's storage field, which is north of the town of Petal, Mississippi, and would permit the delivery for NorAm or other customers to Hattiesburg Gas Storage Company (Hattiesburg), a Hinshaw pipeline that is subject to the jurisdiction of the Mississippi Public Service Commission.

Petal states that presently, natural gas stored in its facilities can only be delivered to or received from Tennessee Gas Pipeline Company and Koch Gateway Pipeline Company. The proposed new delivery point would permit Petal to deliver gas from NorAm's Petal storage account to Hattiesburg for storage in Hattiesburg's facilities, or to receive gas from Hattiesburg for NorAm's account for storage in Petal's facilities. Additionally, Hattiesburg's connection with Transcontinental Gas Pipe Line Corporation and AIM Pipeline Company could also provide NorAm with access to additional interstate and intrastate markets. Petal notes that the new delivery point would also be available for use by other customers.

The delivery point facilities will consist of (1) approximately 2,600 feet of an existing 8-inch pipeline to be acquired by Petal from its parent company, CMS Gas Transmission and Storage Company; (2) 300 feet of 12-inch pipeline extending to the Hattiesburg Industrial Gas Sales Company with associated 12-inch control valves and 1,800 feet of 12-inch pipeline connecting the 8-inch pipeline to the Petal facilities, including 8-inch control and manual valves, flanges, studs, nuts, etc. and 12-inch by 8-inch reducers; and (3) a metering station 300 feet from the interconnection with Hattiesburg at the terminus of the 8-inch pipeline. Petal estimates that the maximum allowable operating pressure of the delivery point facilities will be 1135 psig, and the facilities will be capable of accommodating the bidirectional flow of up to 100,000 MMBtu/d. Petal estimates that it will deliver approximately 25,000 MMBtu/d on a peak-day basis and approximately 500,000 MMBtu annually at the proposed delivery point on an interruptible basis.

Petal estimates that the total cost of the proposed construction will be $450,000. Petal notes that it has been authorized by the Commission to charge market-based rates, and therefore it will bear the cost of the proposed facilities exclusively. Petal states that the total volumes of gas to be delivered to NorAm after the proposed delivery point has been installed will not exceed the total volumes presently authorized and the installation of the proposed delivery point is not prohibited by its FERC Gas Tariff. Petal notes that the delivery point will not affect its certificated peak-day and annual deliveries, because it does not propose an increase in certificated firm capacity. Petal claims that the new delivery point should permit increased utilization of its storage facilities on a peak-day and year-round basis. Petal asserts that it has sufficient capacity to accomplish deliveries for NorAm at the proposed delivery point without detriment or disadvantage to its other customers.

Comment date: August 2, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Tennessee Gas Pipeline Company

[Docket Nos. CP89–629–032 and CP90–639–020]

Take notice that on June 7, 1996, Tennessee Gas Pipeline Company (Tennessee), 1010 Milam Street, Houston, Texas 77252 filed a petition to amend the authorizations previously granted in this proceeding, pursuant to

section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's (Commission) regulations, to accommodate a request by one shipper to add two delivery points, at which service would be provided only on a secondary basis.

Tennessee states that on October 9, 1991, the Commission issued Tennessee a certificate of public convenience and necessity authorizing Tennessee, among other things, to provide firm transportation services to New England Power Company (NEPCO). Tennessee states that NEPCO has requested two delivery points to increase its operational flexibility and ability to offload gas in response to its shifting gas needs. Tennessee states that it is willing to grant such request, subject to the receipt of satisfactory regulatory approvals.

Comment date: July 9, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. ANR Pipeline Company

[Docket No. CP96–563–000]

Take notice that on June 10, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP96–563–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to modify and operate an existing interconnection between ANR and Central Illinois Light Company (CILCO) for delivery of natural gas to CILCO in Bureau County, Illinois under ANR's blanket certificate issued in Docket No. CP82–480–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR proposes to add a 6-inch turbine meter at the Princeton Interconnection for operational flexibility. This additional 6-inch meter run will allow ANR to inspect, maintain, or make repairs to the meters without shutting down this interconnection and interrupting service to CILCO. The total cost of the proposed facility is approximately $70,600. Because ANR is installing this facility for operational flexibility, the proposed quantities of natural gas to be delivered at Princeton Interconnection will be unaffected by the installation of the 6-inch meter.

ANR states that the proposed modification is not prohibited by its existing tariff and that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers. The proposed modification will not have an effect on CIG's peak day and annual deliveries and the total volumes delivered will not exceed total volumes authorized prior to this request.

Comment date: August 2, 1996, in accordance with Standard paragraph G at the end of this notice.

4. Young Gas Storage Company, Ltd.

[Docket No. CP96–565–000]

Take notice that on June 11, 1996, Young Gas Storage Company, Ltd. (Young), P.O. Box 1087, Colorado Springs, Colorado 80944, filed an abbreviated application in Docket No. CP96–565–000, pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, for authorization to abandon and remove a single bi-directional meter station that was constructed by Young to move gas belonging to the Public Service Company of Colorado (PSCo) to and from Young's underground gas storage field (the Young Storage Field) in Morgan County Colorado, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Young is a limited partnership, which consists of two general partners (Young Gas Storage Company and CIG Gas Storage Company) and one limited partner (the city of Colorado Springs, Colorado, a municipal corporation of the State of Colorado). According to Young, PSCo indirectly owns a 47.5 percent interest in Young through a PSCo subsidiary, and has contracted for up to 180,000 Mcfd of storage capacity from the Young Storage Field.

Young proposes to abandon and remove the bi-directional meter station and sell the salvageable materials to Colorado Interstate Gas Company (CIG). PSCo has agreed to and supports Young's proposal to abandon and remove the subject facilities, stating that it no longer expects to need this receipt and delivery meter station. CIG, under a May 31, 1996 Facilities Sales Agreement with Young, has agreed to purchase the salvaged meter station materials for $234,317. According to Young, the March 31, 1996 net book value of these facilities was $591,355.

Young commenced storage service operations from the Young Storage Field on June 1, 1995. CIG operates the storage field. Two CIG pipelines (a 16-inch diameter line and a 24-inch diameter line) connect the Young Storage Field to CIG's pipeline system. These pipelines also connect CIG's Fort Morgan Storage Field facility to CIG's main terminal facility at Watkins Station. According to Young, it constructed the subject meter station as part of the Young Storage Field connection to CIG's 16-inch line, pursuant to Young's original negotiations with PSCo and CIG. As proposed, this meter station was to be used solely for PSCo, and PSCo was to construct facilities to connect directly to the CIG 16-inch line. Young states that, as the parties continued to negotiate, a more economical means of providing transportation service to PSCo emerged, which allowed PSCo to avoid constructing facilities to connect to CIG's 16-inch line, and which did not require the use of the subject meter station facilities at the 16-inch line. Young states that its other existing meter station, at CIG's 24-inch line, has sufficient capacity to measure all of Young's volumes.

Comment date: July 9, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. Panhandle Eastern Pipe Line Company

[Docket No. CP96–567–000]

Take notice that on June 12, 1996, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP96–567–000 an application pursuant to Section 7(b) of the Natural Gas Act (NGA), for permission and approval to abandon, by sale to Equity Gas Systems, Inc. (Equity) certain certificated gathering facilities located in Woods County, Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that the facilities proposed to be abandoned herein, were constructed for the purpose of gathering long-term gas supplies for Panhandle's system supply obligations to sales customers as certificated by the Commission over the years. Panhandle states that since its restructuring of services under Order No. 636, that it no longer has certificated sales obligations, and thereby Panhandle indicates that it no longer requires the minor gathering facilities proposed to be abandoned in this proceeding, to maintain its system supply for sales customers. It is indicated that Equity will operate the acquired facilities in conjunction with its gathering activities and that Equity will continue to provide gathering service for the connected gas wells.

Specifically, Panhandle is proposing to abandon approximately 11.83 miles of pipeline, ranging from 2-inches to 6-inches in length together with related rights-of-way, easements, permits and property interests, as well a nine measuring stations and eleven well

connections. Panhandle states that it intends to sell the facilities to Equity for $301,000.

Comment date: July 9, 1996, in accordance with Standard Paragraph F at the end of this notice.

6. ANR Pipeline Company

[Docket No. CP96–571–000]

Take notice that on June 13, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP96–571–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to utilize a temporary workspace and any other authorization deemed necessary associated with a pipeline replacement project in Bolivar County, Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

In replacing two of the lines within approximately a 1.0 mile segment of its Southeast Mainline, ANR propose to use work areas which may not have been included in the scope of the authorizations for the facilities when they were originally certificated and constructed.

Comment date: July 9, 1996, in accordance with Standard Paragraph F at the end of this notice.

7. Koch Gateway Pipeline Company

[Docket No. CP96–572–000]

Take notice that on June 14, 1996, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP96–572–000 an application, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity for authorization to construct and operate approximately 16 miles of 30-inch pipeline in Plaquemines Parish, Louisiana to attach gas reserves in the deep offshore areas to its Bastian Bay Line, and for permission to roll in the costs attributable to those facilities, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

Koch Gateway states that it would construct and operate the pipeline from an interconnect with the Warren Venice Processing Plant westward to an interconnection with Koch Gateway's existing Bastian Bay Line. Koch Gateway indicates that installation of the pipeline would provide an economic means of linking the substantial deep-water reserves being developed in the Mississippi Canyon Area, and the Viosca Knoll Area to Koch Gateway's system and to the interstate grid. Koch Gateway also states that, unless the new line is built, capacity constraints will result from the limited available capacity currently taking gas away from the Venice area.

Koch Gateway estimates a construction cost of $20,851,117, which would be financed from funds generated internally.

Koch Gateway proposes rolled-in rate treatment for the proposed construction because it contends that the project provides system-wide benefits to existing and future shippers. In support of that contention, Koch Gateway states that the supplies to be attached by this facility will be attached to the southeast side of its system and will help alleviate system flow constraints from west to east which exists during peak periods. Koch Gateway points out that the proposed facilities will provide a bypass of an existing bottleneck on its facilities upstream of Bastian Bay on its existing 12-inch, 16-inch, and 20-inch pipelines. Koch Gateway also notes that the rate impact on existing shippers is small with no rate increase for a single service exceeding 2.9 percent and the average rate impact being 2.45 percent.

Comment date: July 9, 1996. in accordance with Standard Paragraph F at the end of this notice.

8. Northwest Pipeline Corporation

[Docket No., CP96–576–000]

Take notice that on June 17, 1996, Northwest Pipeline Corporation (Northwest), P.O. Box 58900, Salt Lake City, Utah 84158–0900, filed in Docket No. CP96–576–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a new lateral and meter station in Clark County, Washington, for deliveries to a proposed electric power generation facility, under the blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to construct and operate an approximately 2.775 mile 10-inch lateral pipeline from an interconnect with its Portland Lateral, and paralleling and extending beyond the existing Vancouver Lateral in Clark County, Washington, and the new River Road Meter Station at the terminus of the new lateral in order to provide up to 48,000 dt equivalent of firm service to a planned new Clark Public Utility District No. 1 River Road Generating Project (River Road) in Clark County, Washington. It is indicated that Washington Water Power Company (Water Power) would arrange for the natural gas supplies and transportation services necessary for operation of the River Road power generating plant pursuant to various Part 284 transportation agreements using its own capacity and capacity released by other shippers, including Inland Pacific Energy Services (Inland). It is also stated that Water Power has reached an agreement with Inland whereby Inland will arrange for Northwest to construct and necessary the delivery facilities to serve the River Road plant. Northwest states that in return, upon completion of construction of the proposed delivery facilities, Water Power has agreed to take permanent assignment of both Inland's resulting Facilities Agreement and its Rate Schedule TF–1 transportation agreement dated September 1, 1990.

Northwest states that the Facilities Agreement supersedes and terminates the September 15, 1993, Facilities Agreement between Northwest and Inland for a similar delivery facilities project to serve a Klickitat Energy Partners (KEP) cogeneration project, which has since been cancelled. It is stated that, by amendment to its F–33 agreement for 10,000 dt equivalent of natural gas per day of contract demand, Inland originally agreed to a twenty-year term extension to satisfy the economic criteria set forth in the Facilities Reimbursement portion of Northwest's tariff for the KEP project. It is stated that, pursuant to the superseding Facilities Agreement, Northwest and Inland have agreed to substitute the River Road project for the cancelled KEP project, thus applying the economic value of the contract term extension to the facilities proposed herein. Northwest alleges that the present value of additional future revenues generated by the term extension exceeds the present value of the incremental cost of service attributable to the proposed facilities, and thus Northwest will pay for the $2.44 million facility cost without reimbursement.

Comment date: August 1, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and

385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16219 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–P

Notice of Procedural Change in Payment for Selected RIMS Documents

June 20, 1996.

In an effort to serve the public better and expedite requests for doucments, the Federal Energy Regulatory Commission today announces a procedural change in payment for selected RIMS documents.

Beginning July 1, 1996, the Commission will begin assessing a charge of 15 cents per page for all print requests of 11 or more pages from the Commission's electronic Records and Information Management System (RIMS) III. This procedural change is consistent with 18 CFR 388.109(a)(4).

A charge will be assessed on the number of pages requested from RIMS III, not the number of pages actually selected by the user after the pages have been printed. This change is being made to improve the level of service and reduce the delays and unnecessary burden caused by requests for documents and pages that are not required after they have been printed.

Users now have the capability of viewing many documents and individual pages before they submit a print request. RIMS III allows users to view documents and print selected pages. Since 1994, images of selected documents have been available to users for viewing and printing at the FERC's Washington Headquarters. All current documents (11″ x 17″ and smaller) are now being scanned and are available to users at the Commission's Public Reference Room.

This does not affect the pages printed from RIMS microfilm or aperture cards (RIMS II). (Aperture cards are still being made for pages larger than 11″ x 17″.) Requests for RIMS pages available only on, and printed from, microfilm and/or aperture cards will be handled and priced as they have been in the past, since documents cannot be viewed prior to being requested.

Please contact the staff at the Front Desk (202) 208–1371 of the Public Reference Room for further information.

Lois D. Cashell,

Secretary.

[FR Doc. 96–16218 Filed 6–25–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00189; FRL–5379–6]

Agency Information Collection Activities

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 new 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 information collection as described below. The ICR is a new ICR entitled ''Voluntary Cover Sheet for TSCA Submissions,'' EPA ICR No. 1780, OMB control number to be assigned. 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.

DATES: Written comments must be submitted on or before August 26, 1996.

ADDRESSES: Submit three copies of all written comments to: TSCA Document Receipts (7407), Room NE-G99, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone 202-260-7099. All comments should reference administrative record number AR-160. This ICR is available for public review at, and copies may be requested from, the docket address and telephone number listed above.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the administrative record number AR-160 and ICR number 1780. No CBI should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, 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: Gerry Brown, Information Management Division (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-

260-7248; Fax: 202-260-4659; e-mail: brown.gerry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Entities potentially affected by this action are companies that manufacture, process, use or import chemical substances and that are subject to reporting requirements under sections 4, 8(d) or 8(e) of the Toxic Substances Control Act (TSCA). For the collection of information addressed in this notice, 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.

(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.

II. Information Collection

EPA is seeking comments on the following Information Collection Request.

Title: Voluntary Cover Sheet for TSCA Submissions, EPA ICR No. 1780; proposed collection: OMB control number and expiration date not applicable.

Abstract: TSCA requires industry to submit information and studies for existing chemical substances under sections 4, 6, and 8. Under normal reporting conditions, EPA receives approximately 1,700 submissions each year; each submission represents on average three studies. In addition, specific data call-ins can be imposed on industry.

As a follow-up to industry experience with a 1994 TSCA data call-in, the Chemical Manufacturers Association (CMA), the Specialty Organics Chemical Manufacturers Association (SOCMA), and the Chemical Industry Data Exchange (CIDX), in cooperation with EPA, have taken an interest in pursuing electronic transfer of TSCA summary data and of full submissions to EPA. In particular, CMA has developed a standardized cover sheet for voluntary use by industry as a first step to an electronic future and to begin familiarizing companies with standard requirements and concepts of electronic transfer. This form is designed for voluntary use as a cover sheet for submissions of information under TSCA sections 4, 8(d), and 8(e). The cover sheet will facilitate submission of information by displaying certain basic data elements, permitting EPA more easily to identify, log, track, distribute, review and index submissions, and to make information publicly available more rapidly and at reduced cost, to the mutual benefit of both the respondents and EPA. The information collection request referenced in this notice applies to the use of this form/cover sheet.

Responses to the collection of information are voluntary. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 1,348 hours per year, based on an average burden of approximately 0.5 hour per response for an estimated 2,229 respondents submitting one or more reports of information annually. 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.

III. Public Record

A record has been established for this action under docket number ''OPPTS-00189'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES unit at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: June 20, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 96–16198 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–00441; FRL–5379–4]

Pesticides; Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces and solicits comments for the renewal of the Information Collection Request (ICR) titled ''Application for Experimental Use Permit (EUP) to Ship and Use a Pesticide for Experimental Purposes Only'' (OMB No. 2070–0040, ICR No. 0276.08) which will expire on November 30, 1996.

DATES: Comments must be submitted on or before August 26, 1996.

ADDRESSES: Submit written comments identified by the docket control number OPP–00441 and the appropriate ICR number by mail to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments directly to the OPP docket which is located in Rm. 1132 of Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Copies of the complete ICR and accompanying appendices may be obtained from the OPP docket at the above address or by contacting the person whose name appears under FOR FURTHER INFORMATION CONTACT.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as a ASCII file avoiding the use of special characters and any form or encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00441'' and the appropriate ICR number. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI.

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ellen Kramer, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency 7501C, 401 M St., SW., Washington, DC 20460, Telephone: (703) 305–6475, e-mail: kramer.ellen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Electronic Availability: Electronic copies of the ICR are available from the EPA Public Access gopher (gopher.epa.gov) at the Environmental Sub-Set entry for this document under ''Rules and Regulations.''

I. Information Collection Request (ICR)

EPA is seeking comments on the following ICR:

Title: Application for Experimental Use Permit (EUP) to Ship and Use a Pesticide for Experimental Purposes Only. ICR No. 0276.08; OMB No. 2070-0040. Expiration date: November 30, 1996.

Affected entities: Producers of pesticide products who seek experimental use permits.

Abstract: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, authorizes pesticide companies temporarily to ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for their registration. In general, EUPs are either issued for a pesticide not registered with EPA or for a registered pesticide for a use not registered with EPA.

The information collected and reported under an EUP is a summary of what is routinely submitted in connection with registration. The EUP allows for large scale field testing, if necessary, in order to collect sufficient data to support registration. An EUP is not required if the person conducting the tests does not expect to receive benefits in pest control.

EPA Form 8570-17, ''Application for an Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only,'' associated with this ICR is filed by the applicant for a permit to generate information or data necessary to register a pesticide under section 3 of FIFRA. This information from the applicant is necessary in order to grant and effectively monitor the EUP. Beyond the information as supplied on EPA Form 8570-17, is a final report on the results of the experimental program which includes information such as: amount of the product applied; the crops or sites treated; any observed adverse effects; any adverse weather conditions which may have inhibited the program; the goals achieved; and the disposition of containers, unused pesticide material, and affected food/feed commodities.

This ICR also contains the amendment of this ICR from September 1994 regarding the notification for small-scale testing of genetically modified microbial pesticides. Title 40 CFR part 172 includes a requirement for the submission and review of notifications prior to any introduction into the environment of certain genetically modified microbial pesticides.

There are no third party disclosures associated with this activity.

Burden Statement: This information is collected on occasion when seeking an EUP or notification for small scale-testing of genetically modified microbial pesticides for experimental purposes and submitting the necessary data. The overall respondent burden hours associated with this collection for EUPs have remained the same as the current ICR estimate of 10.10 hours per applicant (or 1,010 hours for 100 estimated applications annually). There are fewer applicants for this program than in the previous ICR estimate due, in part, to program changes. The notification for small-scale testing of genetically modified microbial pesticides expects six respondents per year with the estimate of 78 hours for initial notifications, 42 hours for resubmission notifications, and 6 hours for verification of containment per application. The total of hours requested for the Notification for Small-Scale Testing of Genetically Modified Microbial Pesticides for Experimental Use aspect of the ICR has decreased by 230 hours due to the program change discontinuing the need for the rule familiarization aspect of the ICR. The hours per application for initial notification have also drastically decreased, but the number of applicants is expected to increase. The annual cost of this ICR of $757.90 per EUP application has increased due to more realistic labor rates supplied by the Bureau of Labor Statistics which reflect more accurately the costs borne by the pesticide manufacturers. The cost of the initial notification for small-scale testing of genetically modified microbial pesticides is $5,711, resubmission cost is $3,014, and verification of containment cost is $462. The costs reflect the increase in labor rates.

The annual respondent burden for this program includes time for: Reading relevant legislation, regulations, and instructions; planning activities; creating and gathering information; processing, compiling, and reviewing information; completing paperwork; recording disclosing, and displaying information; and storing, maintaining, and filing information.

Any 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 contained in 40 CFR part 9.

II. Request for Comments

EPA solicits comments to:

(i) Evaluate whether the proposed collections of information described above are 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 estimates of the burdens of the proposed collections of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology,

e.g., permitting electronic submission of responses.

Send comments regarding these matters, or any other aspect of these information collections, including suggestions for reducing the burdens, to the docket under ADDRESSES listed above.

III. Public Record

A record has been established for this action under docket number ''OPP-00441'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: June 19, 1996.

Lynn R. Goldman,

Assistant Administrator Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 96–16200 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30411; FRL–5370–5]

American Cyanamid Company; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by July 26, 1996.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP-30411] and the file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will be accepted on disks in Wordperfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-30411]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Product Manager (PM 21), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy, Arlington, VA 22202, 703) 305–6226; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received applications to register pesticide products containing an active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredient Not Included In Any Previously Registered Products

1. File Symbol: 241–GIE. Applicant: American Cyanamid Company, Agricultural Research Division, P. O. Box 400, Princeton, N. J. 08543-0400. Product Name: Acrobat Technical. Fungicide. Active Ingredient: Dimethomorph Morpholine, 3-(3-(4-chlorophenyl)-3-(3,4-dimethoxyphen yl)-1-oxo-2-propenyl) at 98.98%. Proposed Classification/Use: For formulation into end-use fungicide products. Type Registration: Conditional. (PM 21)

2. File Symbol: 241–GIG. Applicant: American Cyanamid Co. Product Name: Acrobat MZ Fungicide. Active Ingredients: Dimethomorph Morpholine, 3-(3-(4-chlorophenyl)-3-(3,4-dimethoxyphen yl)-1-oxo-2-propenyl) at 9.0% and Mancozeb Zinc ion and manganese ethylenebisdithiocarbamate, coordination product at 60.0%. Proposed Classification/Use: To control late blight disease of potatoes. Type Registration: Conditional. (PM 21)

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

A record has been established for this notice under docket number [OPP–30411] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources

Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division at the address provided from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. It is suggested that persons interested in reviewing the application file, telephone this office at (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: June 10, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–16333 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice

ANNOUNCING AN OPEN MEETING OF THE BOARD

TIME AND DATES: 10:00 a.m. Wednesday, July 3, 1996.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Amendment to the Membership Regulation—Final Rule
- Financial Management Policy Technical Revisions
- FHLBank of New York Pilot Community Mortgage Asset Acquisition Program
- FHLBank of Indianapolis Proposal to Certify the Indiana Housing Finance Agency as a Nonmember Mortgagee
- Approval of FHLBank President Incentive Compensation Plan
- Procedures for Resolution of Outstanding Examination or Supervisory Issues

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–16381 Filed 6–21–96; 4:53 pm]

BILLING CODE 6725–01–P

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 July 10, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Clark J. Vollan, Willmar, Minnesota; to acquire an additional 1.22 percent, for a total of 48.6 percent, of the voting shares of Kandi Banc Shares, Inc., New London, Minnesota, and thereby indirectly acquire Farmers State Bank of New London, New London, Minnesota.

Board of Governors of the Federal Reserve System, June 20, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–16266 Filed 6–25–96; 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 19, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First National Bancorp, Inc., St. Marys, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of First

National Bank of St. Marys, St. Marys, West Virginia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Commercial Corporation, Little Rock, Arkansas; to acquire 100 percent of the voting shares of City National Bank, Whitehouse, Texas.

2. Union Planters Corporation, Memphis, Tennessee, and BNF Bancorp, Inc., Decatur, Alabama; to acquire 100 percent of the voting shares of BancAlabama, Inc., Huntsville, Alabama, and thereby indirectly acquire BancAlabama-Huntsville, Huntsville, Alabama.

In connection with this application, BNF Bancorp, Inc., also has applied to become a bank holding company.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. SSB Holdings, Inc., Miami, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Second Security Bankshares, Inc., Miami, Oklahoma, and thereby indirectly acquire Security Bank and Trust Company, Miami, Oklahoma.

Board of Governors of the Federal Reserve System, June 20, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–16265 Filed 6–25–96; 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 July 10, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Deutsche Bank AG, Frankfurt (main), Federal Republic of Germany; to engage *de novo* through its subsidiary, Deutsche Financial Capital Limited Liability Company, Greensboro, North Carolina, in manufactured housing retail financing activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (R. Chris Moore, Senior Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. KeyCorp, Cleveland, Ohio; to acquire Carleton, McCreary, Holmes & Co., Cleveland, Ohio, which will be merged into Key Capital Markets, Inc., a subsidiary that is engaged in limited securities underwriting and dealing activities. Notificant proposes to acquire 100 percent of the outstanding voting shares of the target and thereby to engage indirectly in providing certain investment and financial advisory services, pursuant to § 225.25(b)(4) of the Board's Regulation Y and to act as agent in the private placement of all types of securities, pursuant to the Board's *Bankers Trust and J.P. Morgan* Orders (75 Fed. Res. Bull. 829 (1989) and 76 Fed. Res. Bull. 26 (1990)). KeyCorp has also requested a modification of a firewall that prohibits officer, director, and employee interlocks between bank affiliates and a Section 20 subsidiary. KeyCorp previously received permission to establish two director interlocks and one officer interlock; See *KeyCorp*, (82 Fed. Res. Bull. 359 (1996)) and now seeks to add an additional interlocking director to its proposed seven member board of directors.

2. Security Banc Corporation, Springfield, Ohio; to acquire Third Financial Corporation, Piqua, Ohio, and thereby indirectly acquire The Third Savings and Loan Company, Piqua, Ohio, and thereby engage acquiring The Third Savings and Loan Company, Piqua, Ohio, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

3. Wesbanco, Inc., Wheeling, West Virginia; to acquire Universal Mortgage Company, Bridgeport, West Virginia, and thereby engage in acquiring the assets of and certain liabilities of Universal Mortgage Company, Bridgeport, West Virginia, through a recently-formed subsidiary, Wesbanco Mortgage Company. Wesbanco, Inc., proposes to acquire the target institution, and in engage permissible lending activities through its subsidiary, Wesbanco Mortgage Company, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Southern Bancshares, Inc., Lithonia, Georgia; to acquire FSB Mortgage Services, Inc., Lithonia, Georgia, and thereby engage in mortgage lending activities, pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. The geographic scope for these activities is the State of Georgia.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Henning Bancshares, Inc., Henning, Minnesota; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The geographic scope for these activities will be Henning, Minnesota, and surrounding communities.

E. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Southeast Bancorp of Texas, Inc., Winnie, Texas; to acquire Bonnet Financial Services, Inc., Winnie, Texas, and thereby engage in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The geographic scope for these activities is the State of Texas.

Board of Governors of the Federal Reserve System, June 20, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–16264 Filed 6–25–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for Infectious Diseases (NCID), of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

Name: Pre-Application Workshop for Program Announcement Number 620: Prevention of the Complications of Hemophilia through Hemophilia Treatment Centers (HTCs).

Time and Date: 11 a.m.–5 p.m., July 2, 1996.

Place: CDC, Building 16, Room 1107A 1600 Clifton Road, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 35 people.

Purpose: The purpose of this meeting is to provide an opportunity for programmatic and business management technical assistance regarding the cooperative agreement, ''Prevention of the Complications of Hemophilia through HTCs.'' An important component of the workshop will be a question and answer session. A summary of the answers will be made available to all eligible applicants upon request.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sarah Wiley, Project Officer, Hematologic Diseases Branch, Division of AIDS, STD, and TB Laboratory Research, NCID, CDC, 1600 Clifton Road, M/S E64, Atlanta, Georgia 30333, telephone 404/639–4026.

Dated: June 20, 1996.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–16288 Filed 6–25–96; 8:45 am]

BILLING CODE 4163–18–M

Agency for Toxic Substances and Disease Registry; Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy Sites: Hanford Health Effects Subcommittee Meeting: Date Change

Federal Register Citation of Previous Announcement: 61 FR 17304—dated April 19, 1996.

SUMMARY: Notice is given that one of the meeting dates for the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy Sites: Hanford Health Effects Subcommittee, of the Agency for Toxic Substances and Disease Registry (ATSDR), has changed. The meeting place, time, status, purpose, and matters to be discussed, announced in the original notice remain unchanged.

ORIGINAL DATES: September 19–20, 1996.

NEW DATES: September 12–13, 1996.

CONTACT PERSON FOR MORE INFORMATION: Linda A. Carnes, Health Council Advisor, ATSDR, M/S E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–0730, FAX 404/639–0759.

Dated: June 20, 1996.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–16287 Filed 6–25–96; 8:45 am]

BILLING CODE 4163–70–M

Health Care Financing Administration

[BPO–137–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances and Coverage Decisions—Fourth Quarter 1995

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

ACTION: Notice.

SUMMARY: This notice lists HCFA manual instructions, substantive and interpretive regulations and other Federal Register notices, and statements of policy that were published during October, November, and December of 1995 that relate to the Medicare and Medicaid programs. It also identifies certain devices with investigational device exemption numbers approved by the Food and Drug Administration that may be potentially covered under Medicare.

Section 1871(c) of the Social Security Act requires that we publish a list of Medicare issuances in the Federal Register at least every 3 months. Although we are not mandated to do so by statute, for the sake of completeness of the listing, we are including all Medicaid issuances and Medicare and Medicaid substantive and interpretive regulations (proposed and final) published during this time frame. We are also providing the content of revisions to the Medicare Coverage Issues Manual published during the period October 1 through December 31, 1995. On August 21, 1989, we published the content of the Manual (54 FR 34555) and indicated that we will publish quarterly any updates. Adding to this listing the complete text of the changes to the Medicare Coverage Issues Manual fulfills this requirement in a manner that facilitates identification of coverage and other changes in our manuals.

FOR FURTHER INFORMATION CONTACT:

Margaret Cotton, (410) 786–5255 (For Medicare instruction information).

Pat Prete, (410) 786–3246 (For Medicaid instruction information).

Sharon Hippler, (410) 786–4633 (For Food and Drug Administration-approved investigational device exemption information).

Cathy Johnson, (410) 786–5241 (For all other information).

SUPPLEMENTARY INFORMATION:

I. Program Issuances

The Health Care Financing Administration (HCFA) is responsible for administering the Medicare and Medicaid programs, which pay for health care and related services for 38 million Medicare beneficiaries and 36 million Medicaid recipients. Administration of these programs involves (1) providing information to Medicare beneficiaries and Medicaid recipients, health care providers, and the public, and (2) effective communications with regional offices, State governments, State Medicaid Agencies, State Survey Agencies, various providers of health care, fiscal intermediaries and carriers that process claims and pay bills, and others. To implement the various statutes on which the programs are based, we issue regulations under the authority granted the Secretary under sections 1102, 1871, and 1902 and related provisions of the Social Security Act (the Act) and also issue various manuals, memoranda, and statements necessary to administer the programs efficiently.

Section 1871(c)(1) of the Act requires that we publish in the Federal Register at least every 3 months a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations. We published our first notice June 9, 1988 (53 FR 21730). Although we are not mandated to do so by statute, for the sake of completeness of the listing of operational and policy statements, we are continuing our practice of including Medicare substantive and interpretive regulations (proposed and final) published during the 3-month time frame. Since the publication of our quarterly listing on June 12, 1992 (57 FR 24797), we decided to add Medicaid issuances to our quarterly listings. Accordingly, we list in this notice Medicaid issuances and Medicaid

substantive and interpretive regulations published during October through December 1995.

II. Medicare Coverage Issues

We receive numerous inquiries from the general public about whether specific items or services are covered under Medicare. Providers, carriers, and intermediaries have copies of the Medicare Coverage Issues Manual, which identifies those medical items, services, technologies, or treatment procedures that can be paid for under Medicare. On August 21, 1989, we published a notice in the Federal Register (54 FR 34555) that contained all the Medicare coverage decisions issued in that manual.

In that notice, we indicated that revisions to the Coverage Issues Manual will be published at least quarterly in the Federal Register. We also sometimes issue proposed or final national coverage decision changes in separate Federal Register notices. Readers should find this an easy way to identify both issuance changes to all our manuals and the text of changes to the Coverage Issues Manual.

Revisions to the Coverage Issues Manual are not published on a regular basis but on an as-needed basis. We publish revisions as a result of technological changes, medical practice changes, responses to inquiries we receive seeking clarifications, or the resolution of coverage issues under Medicare. If no Coverage Issues Manual revisions were published during a particular quarter, our listing will reflect that fact.

Not all revisions to the Coverage Issues Manual contain major changes. As with any instruction, sometimes minor clarifications or revisions are made within the text. This notice contains, as Addendum IV, reprinted manual revisions as transmitted to manual holders. The new text is shown in italics. We have not reprinted the table of contents, since the table of contents serves primarily as a finding aid for the user of the manual and does not identify items as covered or not.

III. How to Use the Addenda

This notice is organized so that a reader may review the subjects of all manual issuances, memoranda, substantive and interpretive regulations, coverage decisions, or Food and Drug Administration-approved investigational device exemptions published during the time frame to determine whether any are of particular interest. We expect it to be used in concert with previously published notices. Most notably, those unfamiliar with a description of our Medicare manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577) and the notice published March 31, 1993 (58 FR 16837), and those desiring information on the Medicare Coverage Issues Manual may wish to review the August 21, 1989 publication (54 FR 34555).

To aid the reader, we have organized and divided this current listing into six addenda. Addendum I identifies updates that changed the Coverage Issues Manual. We published notices in the Federal Register that included the text of changes to the Coverage Issues Manual. These updates, when added to material from the manual published on August 21, 1989 constitute a complete manual as of the end of the quarter covered by this notice. Parties interested in obtaining a copy of the manual and revisions should follow the instructions in section IV of this notice.

Addendum II identifies previous Federal Register documents that contain a description of all previously published HCFA Medicare and Medicaid manuals and memoranda.

Addendum III of this notice lists, for each of our manuals or Program Memoranda, a HCFA transmittal number unique to that instruction and its subject matter. A transmittal may consist of a single instruction or many. Often it is necessary to use information in a transmittal in conjunction with information currently in the manuals.

Addendum IV sets forth the revisions to the Medicare Coverage Issues Manual that were published during the quarter covered by this notice. For the revisions, we give a brief synopsis of the revisions as they appear on the transmittal sheet, the manual section number, and the title of the section. We present a complete copy of the revised material, no matter how minor the revision, and identify the revisions by printing in italics the text that was changed. If the transmittal includes material unrelated to the revised section, for example, when the addition of revised material causes other sections to be repaginated, we do not reprint the unrelated material.

Addendum V lists all substantive and interpretive Medicare and Medicaid regulations and general notices published in the Federal Register during the quarter covered by this notice. For each item, we list the date published, the Federal Register citation, the parts of the Code of Federal Regulations (CFR) that have changed (if applicable), the agency file code number, the title of the regulation, the ending date of the comment period (if applicable), and the effective date (if applicable).

On September 19, 1995, we published a final rule (60 FR 48417) establishing in regulations that certain devices with an investigational device exemption approved by the Food and Drug Administration and certain services related to those devices may be covered under Medicare. That final rule states that we will announce in this quarterly notice all investigational device exemption categorizations, using the investigational device exemption numbers the Food and Drug Administration assigns. Addendum VI includes listings of the Food and Drug Administration-approved investigational device exemption numbers that have been approved during the quarter covered by this notice. The listings are organized according to the categories to which the device numbers are assigned (that is, Category A or Category B, and identified by the investigational device exemption number). Future notices will announce investigational device exemption categorizations and the numbers assigned by the Food and Drug Administration for the quarter for which the notices cover.

IV. How to Obtain Listed Material

A. Manuals

An individual or organization interested in routinely receiving any manual and revisions to it may purchase a subscription to that manual. Those wishing to subscribe should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses:

Superintendent of Documents, Government Printing Office, ATTN: New Order, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 512–1800, Fax number (202) 512–2250 (for credit card orders); or

National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS can give complete details on how to obtain the publications they sell.

B. Regulations and Notices

Regulations and notices are published in the daily Federal Register. Interested individuals may purchase individual copies or subscribe to the Federal Register by contacting the GPO at the

address given above. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The Federal Register is also available on 24x microfiche and as an online database through GPO Access. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using (1) the World Wide Web—the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/; (2) local WAIS client software, or (3) telnet—swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to help@eids05.eids gpo.gov; by faxing to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

C. Rulings

We publish Rulings on an infrequent basis. Interested individuals can obtain copies from the nearest HCFA Regional Office or review them at the nearest regional depository library. We also sometimes publish Rulings in the Federal Register.

D. HCFA's Compact Disk-Read Only Memory (CD–ROM)

Our laws, regulations, and manuals are also available on CD–ROM, which may be purchased from GPO or NTIS on a subscription or single copy basis. The Superintendent of Documents list ID is HCLRM, and the stock number is 717–139–00000–3. The following material is on the CD–ROM disk:

- Titles XI, XVIII, and XIX of the Act.
- HCFA-related regulations.
- HCFA manuals and monthly revisions.
- HCFA program memoranda.

The titles of the Compilation of the Social Security Laws are current as of January 1, 1995. The remaining portions of CD–ROM are updated on a monthly basis.

Because of complaints about the unreadability of the Appendices (Interpretive Guidelines) in the State Operations Manual (SOM), as of March 1995, we deleted these appendices from CD–ROM. We intend to re-visit this issue in the near future, and with the aid of newer technology, we may again be able to include the appendices on CD–ROM.

Any cost report forms incorporated in the manuals are included on the CD–ROM disk as LOTUS files. LOTUS software is needed to view the reports once the files have been copied to a personal computer disk.

V. How to Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1400 designated libraries throughout the United States. Interested parties may examine the documents at any one of the FDLs. Some may have arrangements to transfer material to a local library not designated as an FDL. To locate the nearest FDL, contact any library.

In addition, individuals may contact regional depository libraries, which receive and retain at least one copy of most Federal government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library. Superintendent of Documents numbers for each HCFA publication are shown in Addendum III, along with the HCFA publication and transmittal numbers. To help FDLs locate the instruction, use the Superintendent of Documents number, plus the HCFA transmittal number. For example, to find the Carriers Manual, Part 3—Claims Process (HCFA-Pub. 14–3) transmittal entitled ''Self-Administered Drugs and Biologicals,'' use the Superintendent of Documents No. HE 22.8/7 and the HCFA transmittal number 1528.

VI. General Information

It is possible that an interested party may have a specific information need and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing information contact persons to answer general questions concerning these items. Copies are not available through the contact persons. Copies can be purchased or reviewed as noted above.

Questions concerning Medicare items in Addenda III may be addressed to Margaret Cotton, Bureau of Program Operations, Issuances Staff, Health Care Financing Administration, S3–01–27, 7500 Security Blvd., Baltimore, MD 21244–1850, Telephone (410) 786–5255.

Questions concerning Medicaid items in Addenda III may be addressed to Pat Prete, Medicaid Bureau, Office of Medicaid Policy, Health Care Financing Administration, C4–25–02, 7500 Security Boulevard, Baltimore, MD 21244–1850, Telephone (410) 786–3246.

Questions concerning Food and Drug Administration- approved investigational device exemptions may be addressed to Sharon Hippler, Bureau of Policy Development, Office of Chronic Care and Insurance Policy, Health Care Financing Administration, C4–11–04, 7500 Security Blvd., Baltimore, MD 21244–1850, Telephone (410) 786–4633.

Questions concerning all other information may be addressed to Cathy Johnson, Bureau of Policy Development, Office of Regulations, Health Care Financing Administration, C5–09–05, 7500 Security Blvd., Baltimore, MD 21244–1850, Telephone (410) 786–5241.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, Program No. 93.774, Medicare—Supplementary Medical Insurance Program, and Program No. 93.714, Medical Assistance Program)

Dated: June 6, 1996.

Carol Walton,

Director, Bureau of Program Operations.

Addendum I

This addendum lists the publication dates of the most recent quarterly listing of program issuances and coverage decision updates to the Coverage Issues Manual. For a complete listing of the quarterly updates to the Coverage Issues Manual published during March 20, 1990 through November 14, 1994, please refer to the January 3, 1995 update (60 FR 134).

January 3, 1995 (60 FR 132)
April 6, 1995 (60 FR 17538)
July 26, 1995 (60 FR 38344)
November 15, 1995 (60 FR 57435)
April 8, 1996 (61 FR 15491)

Addendum II—Description of Manuals, Memoranda, and HCFA Rulings

An extensive descriptive listing of Medicare manuals and memoranda was published on June 9, 1988, at 53 FR 21730 and supplemented on September 22, 1988, at 53 FR 36891 and December 16, 1988, at 53 FR 50577. Also, a complete description of the Medicare Coverage Issues Manual was published on August 21, 1989, at 54 FR 34555. A brief description of the various Medicaid manuals and memoranda that we maintain was published on October 16, 1992, at 57 FR 47468.

ADDENDUM III.—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS

[October through December 1995]

Trans. No.		Manual/Subject/Publication No.
		Intermediary Manual Part 3—Claims Process (HCFA—Pub. 13–3) (Superintendent of Documents No. HE 22.8/6–1)
1662	•	Rural Health Clinics—General
1663	•	Medicare Fraud and Abuse
1664	•	Accessibility Criteria Designated Intermediaries Designated Carriers
1665	•	Review of Form HCFA–1450 for Inpatient and Outpatient Bills Bill Review for Partial Hospitalization Services Provided In Community Mental Health Centers Hospital Outpatient Partial Hospitalization Services
1666	•	Requirements by Record Type and Field (Data Element) for Outpatient Rehabilitative Services
1667	•	Diagnostic Services and Radiological Therapy Application of Fee Schedule
1668	•	HCPCS for Hospital Outpatient Radiology Services and Other Diagnostic Procedures PPS Pricer Program Provider-Specific Data Record Layout and Description
1669	•	Provider Electronic Billing File and Record Formats
1670	•	Mammography Screening
		Carriers Manual—Part 3 Claims Process (HCFA—Pub. 14–3) (Superintendent of Documents No. HE 22.8/7)
1527	•	Payment for Outpatient Clinical Diagnostic Laboratory Tests Using Fee Schedules and for Specimen Collection
1528	•	Self-Administered Drugs and Biologicals
1529	•	Quarterly Supplements to Carrier Performance Report Forms HCFA–1565A, HCFA–1565B, HCFA–1565C, HCFA–1565D, and HCFA–1565E)—General Checking Form A Prior to Submittal to HCFA Completing Health Professional Shortage Area Quarterly Report, Form HCFA–1565E—General
1530	•	Payment for Outpatient Clinical Diagnostic Laboratory Tests Using Fee Schedules and For Specimen Collection Review of Laboratory Results by Physicians Payment for Outpatient Clinical Diagnostic Laboratory Tests Using Fee Schedules and For Specimen Collection Laboratory Claims Documentation for Nonphysician Claims
1531	•	Report on Number of Participating Physician and Suppliers
1532	•	Medicare Fraud and Abuse
		Program Memorandum Intermediaries (HCFA—Pub. 60A) (Superintendent of Documents No. HE 22.8/6–5)
A–95–11	•	Hospital Waivers for Organ Procurement Service Areas
A–95–12	•	FY 1996 Prospective Payment System and Other Bill Processing Changes
A–95–13	•	Recision of Requirement for Monthly Billing for Part A Home Health, Hospice, and Rural Health Clinic Providers
A–95–14	•	Extension of Due Date for Filing Provider Cost Reports
A–95–15	•	Hospital Outpatient Procedures: 1996 Update to List of Radiology Procedures and Other Diagnostic Services Subject to Payment Limitation and New Instructions on Grossing Up
		Program Memorandum Intermediaries/Carriers (HCFA—Pub. 60AB) (Superintendent of Documents No. HE 22.8/6–5)
AB–95–11	•	Standard Rates for Transmitting Claims Information Between Medicare Contractors and Complementary Insurers for FY 96
		Program Memorandum Medicaid State Agencies (HCFA—Pub. 17) (Superintendent of Documents No. HE 22.8/6–5)
95–7	•	Title XIX, Social Security Act, Tuberculosis—Infected Individuals

ADDENDUM III.—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[October through December 1995]

Trans. No.		Manual/Subject/Publication No.
		Skilled Nursing Facility Manual (HCFA—Pub. 12) (Superintendent of Documents No. HE 22.8/3)
340	•	Other Services
341	•	Skilled Nursing Facility Defined
		Transfer Agreements
		Medical and Other Health Services Furnished to Patients of Participating SNFs
		Diagnostic X-ray and Clinical Laboratory Tests
		Providing Services Under Arrangement
		Billing for Durable Medical Equipment, Orthotic/Prosthetic Devices and Surgical Dressings
		Billing for Laboratory Tests
342	•	Billing for Mammography Screening
		Coverage Issues Manual (HCFA—Pub. 6) (Superintendent of Documents No. HE 22.8/14)
80	•	Magnetic Resonance Angiography
81	•	Pneumatic Compression Devices (Used for Lymphedema)
82	•	Artificial Hearts And Related Devices
83	•	Lung Volume Reduction Surgery (Reduction Pneumoplasty, also called Lung Shaving, or Lung Contouring) Unilateral or Bilateral by Open or Thoracoscopic Approach for Treatment of Emphysema and Chronic Obstructive Pulmonary Disease-Not Covered
		Peer Review Organization (HCFA—Pub. 19) (Superintendent of Documents No. HE 22.8/8–15)
54	•	PRO Quality Improvement Activities
		Purpose of Data Exchange Reports
		Reporting Requirements
		PRO/Intermediary Data Exchange Reports
55	•	Conducting PDC
56	•	60-Day PRO Review: Opportunity for Discussion
57	•	Transfers
		Hospital-Requested Higher-Weighted DRG Adjustments
		Hospital Manual (HCFA—Pub. 10) (Superintendent of Documents No. HE 22.8/2)
685	•	Payment for Services Received in Nonparticipating Providers
		Designated Intermediaries
		Designated Carriers
686	•	Billing for Hospital Outpatient Partial Hospitalization Services
		Completion of Form HCFA–1450 for Inpatient and/or Outpatient Billing
687	•	Billing for Mammography Screening
		Provider Reimbursement Manual—Part 1 (HCFA—Pub. 15–1) (Superintendent of Documents No. HE 22.8/4)
384	•	Regional Medicare Swing-Bed SNF Rates
385	•	Reasonable Costs
		Factors To Be Considered in Determining Reasonable Cost of Purchased Management and Administrative Support Services
		Insurance Purchased From a Limited Purpose Insurance Company
		Legal Fees and Other Related Costs
386	•	Inpatient Routine Nursing Salary Cost Differential
		Requirements to Fund Plan
		Allowability of Payments
		Exception to 1-Year Time Limit
		Limitation on Federal Participation for Capital Expenditures
		Designated Planning Agencies
		Intermediary Responsibility
		Record of Capital Expenditures
		Appeals
387	•	Political and Lobbying Activities
		Provider Political Activities
		Provider Lobbying Activities

ADDENDUM III.—MEDICARE AND MEDICAID MANUAL INSTRUCTIONS—Continued

[October through December 1995]

Trans. No.		Manual/Subject/Publication No.
		Professional, Technical, or Business Related Organizations Civic Organizations Organization Dues Related to Lobbying and Political Activities
388	•	Reorganization Costs
		Provider Reimbursement Manual Part II—Provider Cost Reporting Forms and Instructions Chapter 11—Form HCFA–339 (HCFA—Pub. 15–IIK) (Superintendent of Documents No. HE 22.8/4)
4	•	Changes to Form HCFA–339
		State Medicaid Manual Part 15—Income and Eligibility Verification System (HCFA—Pub. 45–15) (Superintendent of Documents No. HE 22.8/6–5)
5	•	This transmittal deletes Chapters 1–5
		Medicare Outpatient Physical Therapy and Comprehensive Outpatient Rehabilitation Facility Manual (HCFA—Pub. 9) (Superintendent of Documents No. HE 22.8/9)
123	•	Completion of Form HCFA–1450 for Billing CORF, Outpatient Physical Therapy, Occupational Therapy or Speech Pathology Services Billing Instructions for Partial Hospitalization Services Provided in Community Mental Health Centers
		Rural Health Clinic and Federally Qualified Health Centers Manual (HCFA—Pub. 27) (Superintendent of Documents No. HE 222.8/19:985)
21	•	Billing for Mammography Screening by Rural Health Clinics and Federally Qualified Health Centers
		State Medicaid Manual Part 6—Payment for Services (HCFA—Pub. 45–6) (Superintendent of Documents No. HE 22.8/10)
29	•	Drug Ingredient Prices
		Medicare/Medicaid Sanction—Reinstatement Report (HCFA—Pub. 69)
95–11	•	Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated—August 1995
95–12	•	Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated—September 1995
95–13	•	Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated—October 1995
95–14	•	Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated—November 1995

Addendum IV—Medicare Coverage Issues Manual

(For the reader's convenience, new material and changes to previously published material are in italics. If any part of a sentence in the manual instruction has changed, the entire line is shown in italics. The transmittal includes material unrelated to revised sections. In this addendum we do not reprint the unrelated material.)

Transmittal No. 80; section 50–13.

50–13 Magnetic Resonance Imaging (Effective for services performed on or after 11–22–85.)

Magnetic resonance imaging (MRI), formerly called nuclear magnetic resonance (NMR), is covered under Medicare when furnished as described below for the types of covered conditions described in this instruction.

A. General

1. *Method of Operation.*—Magnetic resonance imaging is a noninvasive method of graphically representing the distribution of water and other hydrogen-rich molecules in the human body. In contrast to conventional radiographs or CT scans, in which the image is produced by X-ray beam attenuation by an object, MRI is capable of producing images by several techniques. In fact, various combinations of MR image production methods may be employed to emphasize particular characteristics of the tissue or body part being examined. The basic elements by which MRI produces an image are the density of hydrogen nuclei in the object being examined, their motion, and the relaxation times, the period of time required for the nuclei to return to their original states in the main, static magnetic field after being subjected to a brief additional magnetic field. These relaxation times reflect the physical-chemical properties of tissue and the molecular environment of its hydrogen nuclei. Only hydrogen atoms are present in human tissues in sufficient concentration for current use in clinical MRI.

2. *General Clinical Utility.*—Overall, MRI is a useful diagnostic imaging modality that is capable of demonstrating a wide variety of soft-

tissue lesions with contrast resolution equal or superior to CT scanning in various parts of the body. Among the advantages of MRI are the absence of ionizing radiation and the ability to achieve high levels of tissue contrast resolution without injected iodinated radiological contrast agents. Recent advances in technology have resulted in development and FDA approval of new paramagnetic contrast agents for MRI which allow even better visualization in some instances. Multislice imaging and the ability to image in multiple planes, especially sagittal and coronal, have provided a flexibility not easily available with other modalities. Because cortical (outer layer) bone and metallic prostheses do not cause distortion of MR images, it has been possible to visualize certain lesions and body regions with greater certainty than has been possible with CT. The use of MRI on certain soft tissue structures for the purpose of detecting disruptive, neoplastic, degenerative, or inflammatory lesions has now become established in medical practice.

B. Covered Clinical Applications—Although several uses of MRI are still considered investigational and some uses are clearly contraindicated (see subsection D), MRI is considered medically efficacious for a number of uses. Use the following descriptions as general guidelines or examples of what may be considered covered rather than as a restrictive list of specific coverages. Coverage is limited to MRI units which have received FDA premarket approval, and such units must be operated within the parameters specified by the approval. As with all items and services, the services must be reasonable and necessary for the diagnosis or treatment of the specific patient involved.

MRI is useful in examining the head, central nervous system, and spine. Multiple sclerosis can be diagnosed with MRI and the contents of the posterior fossa are visible. The inherent tissue contrast resolution of MRI makes it an appropriate standard diagnostic modality for general neuroradiology.

MRI can assist in the differential diagnosis of mediastinal and retroperitoneal masses, including abnormalities of the large vessels such as aneurysms and dissection. When a clinical need exists to visualize the parenchyma of solid organs to detect anatomic disruption or neoplasia, this can be accomplished in the liver, urogenital system, adrenals, and pelvic organs without the use of radiological contrast materials. When MRI is considered reasonable and necessary, the use of paramagnetic contrast materials may be covered as part of the study. MRI may also be used to detect and stage pelvic and retroperitoneal neoplasms and to evaluate disorders of cancellous bone and soft tissues. It may also be used in the detection of pericardial thickening.

Primary and secondary bone neoplasm and aseptic necrosis can be detected at an early stage and monitored with MRI. Patients with metallic prostheses, especially of the hip, can be imaged in order to detect the early stages of infection of the bone to which the prothesis is attached.

Effective for services provided on or after 03/22/94, MRI may also be covered to diagnose disc disease without regard to whether radiological imaging has been tried first to diagnose the problem.

C. Gating Devices and Surface Coils (Effective for Services On or After 3/04/91)—Gating devices which eliminate distorted images caused by cardiac and respiratory movement cycles are now considered state of the art techniques and may be covered. Surface and other specialty coils may also be covered, as they are used routinely for high resolution imaging where small limited regions of the body are studied. They produce high signal-to-noise ratios resulting in images of enhanced anatomic detail.

D. Contraindications and Noncovered Uses—1. *Contraindications.*—MRI is not covered when the following patient-specific contraindications are present. It is not covered for patients with cardiac pacemakers or with metallic clips on vascular aneurysms. MRI during a viable pregnancy is also contraindicated at this time. The danger inherent in bringing ferromagnetic materials within range of MRI units generally constrains the use of MRI on acutely ill patients requiring life support systems and monitoring devices which employ ferromagnetic materials. In addition, the long imaging time and the enclosed position of the patient may result in claustrophobia, making patients who have a history of claustrophobia unsuitable candidates for MRI procedures.

2. *Noncovered Uses.*—Several uses of MRI have been identified as investigational and are not covered. These include measurement of blood flow and spectroscopy. In addition, MRI is not suitable for the imaging of cortical bone and calcifications and for procedures involving spatial resolution of bone or calcifications.

Transmittal No. 80; section 50–14.

New Implementing Instructions—Effective Date: Services furnished on or after October 1, 1995.

Section 50–14, Magnetic Resonance Angiography, is added to provide limited coverage of magnetic resonance angiography (M.A.) procedures. Previously, coverage of the MRA was a matter of carrier discretion. MRA procedures are covered for the evaluation of carotid vessels found in the head and neck and when performed on beneficiaries: (1) with vascular conditions of the head and neck for which surgery is anticipated; and (2) for whom conventional catheter angiography is inappropriate because of contraindications to contrast media. All other applications of MRA performed on or after October 1, 1995 are to be considered noncovered.

50–14 Magnetic Resonance Angiography

Magnetic resonance angiography (MRA) is an application of magnetic resonance imaging that provides visualization of blood flow, as well as images of normal and diseased blood vessels. MRA techniques typically are noninvasive because they do not require the use of contrast media. (While contrast media may sometimes be used to enhance the images obtained in MRA, the use of these agents is not necessary.) As a result, MRA is an attractive imaging alternative for patients who cannot tolerate contrast media.

Although MRA may be performed on several different anatomical regions, presently available scientific data and studies reveal that the most clinically useful application of MRA is in the evaluation of blood flow and vessels in the head and neck. In addition, studies have proven that MRA is most effective when evaluating large vessels, such as the carotids, which are located in the area of the head and neck. Since the clinical value of MRA for anatomical regions other than the head and neck is not yet proven, Medicare will cover MRA only on a limited basis. Therefore, effective for services furnished on or after October 1, 1995, all of the following requirements must be fulfilled before Medicare coverage is available for MRA:

- *The MRA is for the evaluation of the carotid vessels in the head and neck;*
- *The MRA is performed on patients with vascular conditions of the head and neck, such as carotid stenosis, for which surgery is anticipated and may be found to be appropriate based on the MRA test results; and*
- *The MRA is performed when conventional catheter angiography is inappropriate because the patient has contraindications to contrast media.*

Readily acceptable scientific data are lacking for other applications of MRA. Therefore, effective for services

furnished on or after October 1, 1995, other applications are not covered.

This limited coverage policy will be assessed and reviewed as new information becomes available, in order to determine whether the limited coverage should be continued, expanded, or retracted.

Transmittal No. 81; section 60–20.

Changed Procedures—Effective Date: June 1, 1995.

This revision to the Coverage Issues Manual was originally issued as Transmittal #77. It is now being reissued to indicate an effective date of June 1, 1995. This policy may be applied to claims with a date of service on or after June 1, 1995. Do not reopen any claims. However, if claims come to your attention, process them applying the revised policy.

Section 60–16, Pneumatic Compression Devices (Used for Lymphedema), is revised to clarify (1) that the nonsegmented and segmented pump without manual control of pressure in each chamber is considered the least costly alternative that meets the clinical needs of the individual for this type of durable medical equipment (HCPCS codes E0650 and E0651), unless there is documentation that warrants payment of the more costly manual control pump (HCPCS code E0652); (2) the documentation needed for determination of the type of pump to be used for the treatment of lymphedema; and (3) which pneumatic compression pump is appropriate for chronic venous insufficiency.

60–20 Transcutaneous Electrical Nerve Stimulators (Tens)

TENS is a type of electrical nerve stimulator that is employed to treat chronic intractable pain. This stimulator is attached to the surface of the patient's skin over the peripheral nerve to be stimulated. It may be applied in a variety of settings (in the patient's home, a physician's office, or in an outpatient clinic). Payment for TENS may be made under the durable medical equipment benefit. (See § 45–25 for an explanation of coverage of medically necessary supplies for the effective use of TENS and § 45–19 for an explanation of coverage of TENS for acute post-operative pain.)

Transmittal No. 82; sections 65–14 and 65–15.

Changed Procedures—Effective Date: 01–22–96.

Section 65–15, Artificial Hearts And Related Devices, amends this section by removing the words ''not covered'' from the title. Also, it revises the statement of general noncoverage of these devices to allow exceptions for use of the BVS 5000 for temporary life support and the addition of coverage of the use of the HeartMate IP LVAS for use as a bridge to cardiac transplantation.

65–14 Cochlear Implantation

A cochlear implant device is an electronic instrument, part of which is implanted surgically to stimulate auditory nerve fibers, and part of which is worn or carried by the individual to capture and amplify sound. Cochlear implant devices are available in single channel and multi-channel models. The purpose of implanting the device is to provide an awareness and identification of sounds and to facilitate communication for persons who are profoundly hearing impaired.

Medicare coverage is provided only for those patients who meet *all* of the following selection guidelines.

A. *Adults.*—

- Diagnosis of total sensorineural deafness that cannot be mitigated by use of a hearing aid in patients whose auditory cranial nerves are stimulable;
- Cognitive ability to use auditory clues and a willingness to undergo an extended program of rehabilitation;
- Post-lingual deafness;
- Adulthood (at least 18 years of age);
- Freedom from middle ear infection, an accessible cochlear lumen that is structurally suited to implantation, and freedom from lesions in the auditory nerve and acoustic areas of the central nervous system; and
- No contraindications to surgery.

B. *Children (Effective for services performed on and after 12/31/92)*—.The FDA has approved marketing of a multi-channel cochlear implant device for use in prelingually and postlingually deafened children 2 through 17 years of age. (FDA-approved labeling limits use of the device in adults to those who are postlingually deafened.) Medicare coverage is provided for such a device for children who meet the following patient selection guidelines. *There are two exceptions to this general prohibition for two specific devices which have been approved by the Food and Drug Administration. These are described below.*

- No contraindications to the implant, including those described in the product's FDA-approved package insert;
- Diagnosis of bilateral profound sensorineural deafness with little or no benefit from a hearing (or vibrotactile) aid, as demonstrated by the inability to improve on age appropriate closed-set word identification tasks;
- Freedom from middle ear infection, an accessible cochlear lumen that is structurally suited to implantation, and freedom from lesions in the auditory nerve and acoustic areas of the central nervous system; and
- The device must be used in accordance with the FDA-approved labeling.

65–15 Artificial Hearts and Related Devices

There are several devices either in use or under development which replace all or part of the human heart or assist the heart in performing its pumping function. Artificial hearts are considered investigational and not covered under Medicare either when used as a permanent replacement for a human heart or when used as temporary life-support systems (i.e., until a human heart becomes available for transplant).

The FDA-approved ventricular assist device (known as the B.S. 5000) is covered when it is used in accordance with its FDA-approved labeled uses for postcardiotomy ventricular dysfunction. The device is intended for short term use and is not covered when used as a bridge to cardiac transplantation. *The FDA-approved HeartMate Implantable Pneumatic Left Ventricular Assist Systems (HeartMate IP LVAS) is covered:*

A. When it is used in accordance with its FDA-approved labeled uses as a temporary mechanical circulatory support for approved transplant candidates in nonreversible left ventricular failure as a bridge to cardiac transplantation; and

B. Only if all of the following conditions are met:

1. The patient is an approved heart transplant candidate, i.e., approved and listed as a candidate by a Medicare-approved heart transplant center;

2. The implantation of the system is done in a Medicare-approved heart transplant center, either on a patient listed by that center, or, if the patient is listed by another Medicare-approved center, with the written permission of the center listing the patient;

3. The patient is on inotropes;

4. The patient is on an intra-aortic balloon pump (if possible); and

5. The patient has left atrial pressure or pulmonary capillary wedge pressure > 20 mm Hg with either:

a. Systolic blood pressure < 80 mm Hg; or

b. Cardiac index of < 2.0 1/min/m².

Coverage of this device is limited to its FDA-approved use as a bridge to transplantation. Consequently, centers implanting such devices should make every reasonable effort to transplant patients on such devices as soon as practicable. Ideally, they should

determine patient-specific timetables for transplantation and should not maintain such patients on this device if suitable hearts become available for transplantation.

Other ventricular assist devices used as temporary life-support systems are still considered investigational and are not covered under the Medicare program.

Transmittal No. 83; section 35–93.

MANUALIZATION—EFFECTIVE DATE: NOT APPLICABLE.

Section 35–93, Lung Volume Reduction Surgery (Reduction Pneumoplasty, also called Lung Shaving, or Lung Contouring) Unilateral or Bilateral by Open or Thoracoscopic Approach for Treatment of Emphysema and Chronic Obstructive Pulmonary Disease-Not Covered.—This instruction explains Medicare's position of noncoverage for lung volume reduction. The lack of scientific evidence available at this time concerning the safety and effectiveness of lung volume reduction reveals that this procedure cannot be considered reasonable and necessary under § 1862(a)(1)(A) of the Social Security Act.

35–93 Lung Volume Reduction Surgery (Reduction Pneumoplasty, Also Called Lung Shaving or Lung Contouring) Unilateral or Bilateral by Open or Thoracoscopic Approach for Treatment of Emphysema and Chronic Obstructive Pulmonary Disease-Not Covered

Lung volume reduction surgery or reduction pneumoplasty, also referred to as lung shaving or lung contouring, is performed on patients with emphysema and chronic obstructive pulmonary disease (OPD) in order to allow the underlying compressed lung to expand, and thus, establish improved respiratory function. The goal of this procedure is to offer a better quality of life for patients with emphysema and OPD. In addition, lung volume reduction may be offered as a ''bridge to transplant'' for patients who otherwise may not have been considered candidates for lung transplantation.

Unilateral or bilateral lung volume reduction surgery by open or thoracoscopic approach is not covered because there is little medical evidence available to base a determination that this procedure is safe and effective. Therefore, lung volume reduction surgery cannot be considered reasonable and necessary under § 1862(a)(1)(A) of the law. When more scientific evidence becomes available, this policy will be reevaluated.

ADDENDUM V.—REGULATION DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER

Publication date	FR Vol. 60 page	CFR part	File code [1]	Regulation title	End of comment period	Effective date
10/02/95	51483–51487		ORD–079–N	New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: June 1995.		10/02/95
10/06/95	52396–52403		BPD–797–PN	Medicare Program: Limitations on Medicare Coverage of Cataract Surgery.	12/05/95	
10/10/95	52684–52688		ORD–080–N	New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: July 1995.		10/10/95
10/10/95	52731	489, 498	HSQ–156–CN	Medicare and Medicaid Programs; Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities; Correction.		07/01/95
10/13/95	53456	489	HSQ–156–CN	Medicare and Medicaid Programs; Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities; Correction.		07/01/95
10/16/95	53625–53626		OACT–049–N	Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 1996.		01/01/96
10/16/95	53626–53631		OACT–050–N	Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 1996.		01/01/96
10/16/95	53631–53632		OACT–051–N	Medicare Program; Part A Premium for 1996 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement.		01/01/96
10/18/95	53876–53877	411	BPD–482–CN	Medicare Program; Medicare Secondary Payer for Individuals Entitled to Medicare and Also Covered Under Group Health Plans; Correction.		09/29/95
10/18/95	53877	414	BPD–830–F	Medicare Program; Authority Citations; Technical Amendments.		09/29/95
10/18/95	53877	486	BPD–836–F	Medicare Program; Suppliers of Specialized Services; Technical Amendment.		09/29/95
11/15/95	57435–57448		BPO–132–N	Medicare and Medicaid Programs; Quarterly Listing of Program Issuances and Coverage Decisions—Second Quarter 1995.		11/15/95
11/28/95	58631–58632		OPL–007–N	Medicare Program; December 11, 1995 Meeting of the Practicing Physicians Advisory Council.		11/28/95

ADDENDUM V.—REGULATION DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER—Continued

Publication date	FR Vol. 60 page	CFR part	File code [1]	Regulation title	End of comment period	Effective date
11/29/95	61264–61265		BPD–820–N	Medicare Program; Notice Containing the Statement Drafted by the Committee Established to Negotiate the Wage Index To Be Used to Adjust Hospice Payment Rates Under Medicare.		11/29/95
11/30/95	61483–61487		MB–085–F	Medicare Program; Nurse-Midwife Services		01/02/96
12/01/95	61704–61705		OPL–008–N	Medicare Program; Request for Nominations for Members for the Practicing Physicians Advisory Council.		12/01/95
12/05/95	62237–62241	413	BPD–788–P	Medicare Program; Uniform Electronic Cost Reporting for Skilled Nursing Facilities and Home Health Agencies.	02/05/96	
12/08/95	63124–63357	400, 405, 410, 411, 412, 413, 414, 415, 417, 489.	BPD–827–FC	Medicare Program; Revisions to Payment Policies and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 1996.	02/06/96	[2] 01/01/96
12/08/95	63358–63366		BPD–828–FN	Medicare Program; Physician Fee Schedule Update for Calendar Year 1996 and Physician Volume Performance Standard Rates of Increase for Federal Fiscal Year 1996.		[3] 10/01/95
12/11/95	63438–63440	411	BPD–850–F	Medicare Program; Physician Self-Referral Regulations: Change in Date for Submission of Group Attestation Statement.		12/11/95
12/11/95	63440–63444	424	BPD–838–FC	Medicare Program; Additional Supplier Standards.	02/09/96	01/01/96
12/11/95	63532–63536		ORD–081–N	New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: August and September 1995.		12/11/95
12/15/95	64440–64444		ORD–082–N	New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: October 1995.		12/15/95

[1] GN—General Notice; PN—Proposed Notice, FN—Final Notice; P—Notice of Proposed Rulemaking (NPRM); F—Final Rule; FC—Final Rule with Comment Period; CN—Correction Notice; SN—Suspension Notice; WN—Withdrawal Notice; NR—Notice of HCFA Ruling.
[2] Except CFR Part 415, 07/01/96.
[3] For Volume Performance Standard Rates of Increase; 01/01/96 for Medicare Physician Fee Schedule Update.

Addendum VI—Categorization of Food and Drug Administration-Approved Investigational Device Exemptions

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c), devices fall into one of three classes:

Class I—Devices for which the general controls of the Food, Drug, and Cosmetic Act, such as adherence to good manufacturing practice regulations, are sufficient to provide a reasonable assurance of safety and effectiveness.

Class II—Devices that, in addition to general controls, require special controls, such as performance standards or postmarket surveillance, to provide a reasonable assurance of safety and effectiveness.

Class III—Devices that cannot be classified into Class I or Class II because insufficient information exists to determine that either special or general controls would provide reasonable assurance of safety and effectiveness. Class III devices require premarket approval.

Under the new categorization process to assist HCFA, the Food and Drug Administration assigns each device with a Food and Drug Administration-approved investigational device exemption to one of two categories: Experimental/Investigational (Category A) Devices, or Non-Experimental/Investigational (Category B) Devices. Under this categorization process, an experimental/investigational (Category A) device is an innovative device in Class III for which ''absolute risk'' of the device type has not been established (that is, initial questions of safety and effectiveness have not been resolved and the Food and Drug Administration is unsure whether the device type can be safe and effective). A non-experimental/investigational (Category B) device is a device believed to be in Class I or Class II, or a device believed to be in Class III for which the incremental risk is the primary risk in question (that is, underlying questions of safety and effectiveness of that device type have been resolved), or it is known that the device type can be safe and effective because, for example, other manufacturers have obtained Food and Drug Administration approval for that device type.

There were no new FDA-approved IDE device numbers in Category A to report for this quarter.

The criteria the Food and Drug Administration uses to categorize an investigational device under Category B include the following:

(1) Devices, regardless of the classification, under investigation to establish substantial equivalence to a predicate device, that is, to establish substantial equivalence to a previously/currently legally marketed device.

(2) Class III devices whose technological characteristics and indication for use are comparable to a PMA-approved device.

(3) Class III devices with technological advances compared to a PMA-approved device, that is, a device with technological changes that represent advances to a device that has

already received PMA-approval (generational changes).

(4) Class III devices that are comparable to a PMA-approved device but are under investigation for a new indication for use. For purposes of studying the new indication, no significant modification to the device were required.

(5) Pre-amendments Class III devices that become the subject of an investigational device exemption after the Food and Drug Administration requires premarket approval, that is, no PMA application was submitted or the PMA application was denied.

(6) Nonsignificant risk device investigations for which the Food and Drug Administration required the submission of an investigational device exemption.

The following information presents the device number, category (in this case, B), and criterion code.

G950165 B3
G950167 B2
G950169 B3
G950170 B4
G950172 B3
G950173 B1
G950174 B4
G950179 B1
G950180 B1
G950181 B1
G950183 B3
G950184 B1
G950187 B2
G950188 B1
G950189 B1
G950190 B4
G950191 B4
G950192 B6
G950193 B4
G950195 B1
G950196 B4
G950197 B3
G950198 B1
G950201 B1
G950202 B4
G950206 B1
G950208 B3
G950209 B4

Note: Some investigational devices may exhibit unique characteristics or raise safety concerns that make additional consideration necessary. For these devices, HCFA and the Food and Drug Administration will agree on the additional criteria to be used. The Food and Drug Administration will use these criteria to assign the device(s) to a category. As experience is gained in the categorization process, this addendum may be modified.

[FR Doc. 96–16217 Filed 6–25–96; 8:45 am]

BILLING CODE 4120–01–P

[BPD–873–N]

Medicare Program; Announcement of Collaborative Effort With the National Institutes of Health to Study the Effectiveness of Lung Volume Reduction Surgery

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

ACTION: Notice.

We are announcing our participation in a collaborative effort with the National Heart, Lung and Blood Institute of the National Institutes of Health to study the effectiveness of lung volume reduction surgery. The purpose of this multi-centered randomized study, which will include a prospective registry examining the role of lung volume reduction surgery, is to evaluate the long-term outcome of the procedure on function, morbidity, and mortality as well as to define appropriate patient selection criteria. We are issuing this announcement so that interested facilities and providers who monitor the Federal Register are aware of this collaborative effort. The National Heart, Lung and Blood Institute announced in the May 9 and 10, 1996 issues of the *Commerce Business Daily* the qualifications and experience required for the clinical centers and the clinical coordinating center to participate in the program. It also described the patient population who will be included in the study and how the study will be conducted.

On June 3, 1996, the National Heart, Lung and Blood Institute made available a formal request for proposals for clinical centers and a clinical coordinating center interested in participating in the study through the National Institutes of Health (NIH) Request for Proposals (RFP) Gopher. Users have access via the NIH Home Page (World Wide Web) at http://www.nih.gov. Once users are at the NIH Home Page, they should select ''Grants & Contracts,'' then select ''R&D Requests for Proposals (RFP).'' Offerors that have access to the NIH Gopher Server but not the Internet can access the RFP by pointing their gopher clients to GOPHER.NIH.GOVPORT70. They should select ''Grant and Research Information,'' then select ''R&D Requests for Proposals (RFP).''

FOR FURTHER INFORMATION CONTACT: Karen McVearry, (410) 786–4643.

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

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

Dated: June 9, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96–16216 Filed 6–25–96; 8:45 am]

BILLING CODE 4120–01–P

National Institutes of Health

National Cancer Institute; Notice of Meeting of the National Cancer Advisory Board

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 meeting of the National Cancer Advisory Board, National Cancer Institute on July 18, 1996. The meeting will be open to the public and attendance by the public will be limited to space available.

The Committee Management Office, National Cancer Institute, National Institutes of Health, Executive Plaza North, Room 630E, 9000 Rockville Pike, Bethesda, Maryland 20892 (301/496–5708), will provide summaries of the meetings and rosters of the Board members, upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Carole Frank, Committee Management Specialist, at 301/496–5708 in advance of the meeting.

Name of Committee: National Cancer Advisory Board.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600A, 6130 Executive Blvd., Bethesda, MD 20892–7405; (301) 496–5147.

Date of Meeting: July 18, 1996.

Place of Meeting: National Cancer Institute via telephone conference, National Institutes of Health, Room 640, 6130 Executive Blvd., Rockville, MD 20852.

Open: 1 pm to approximately 2 pm.

Agenda: To discuss the NCAB resolution for the 25th Anniversity of the National Cancer Act.

Dated: June 21, 1996.

Susan K. Feldman,

Committtee Management Officer, NIH.

[FR Doc.96–16323 Filed 6–25–96; 8:45 am]

BILLING CODE 4140–01–M

Office of Extramural Research; Notice of 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 a meeting of the Peer Review Oversight Group (PROG) to be held July 18 and 19, 1996 in Conference Room 6, C–Wing, 6th Floor, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20892. The meeting will be held from 3:00 p.m. to 5:00 p.m. on July 18 and from 8:30 a.m. to 5:00 p.m. on July 19. The meeting is open to the public, with attendance limited to space available.

The agenda for this initial meeting of the Committee will include an update on NIH extramural reinvention activities and a discussion of the NIH peer review system.

Peggy McCardle, Ph.D., Executive Secretary, PROG, and Special Assistant to the Deputy Director for Extramural Research, OD, NIH, Building 1, Room 150, Bethesda, Maryland 20892, (301) 402–2246, will furnish the meeting agenda and roster of committee members upon request. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other special accommodations, should contact Dr. McCardle by July 11, 1996.

Dated: June 21, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–16324 Filed 6–25–96; 8:45 am]

BILLING CODE 4140–01–M

Indian Health Service

Reimbursement Rates for Calendar Year 1996

Notice is given that the Director of Indian Health Service, under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248(a) and 249(b)) and section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1601), has approved the following reimbursement rates for inpatient and outpatient medical care in facilities operated by the Indian Health Service for Calendar Year 1996: Medicare, and Medicaid Beneficiaries and Beneficiaries of other Federal Agencies. Alternatively, with respect to Medicaid rates, Indian Health Service Facilities may elect to receive payments as set forth under an approved State Medicaid plan.

Inpatient Hospital Per Diem Rate (Medicaid Only)

$736 (Lower 48)
$930 (Alaska)

Part B Inpatient Ancillary Per Diem (Medicare Only)

$405 (Lower 48)
$512 (Alaska)

Outpatient Per Visit Rate (Medicare and Medicaid)

$147 (Lower 48)
$233 (Alaska)

Outpatient Surgery (Medicare Only)

Established rates for freestanding Ambulatory Surgery Centers

Consistent with previous annual rate revisions, these rates will be effective for services provided on/or after January 1, 1996.

Dated: March 25, 1996.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 96–16279 Filed 6–25–96; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4097–D–01]

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Revocation and Redelegation of Authority; Amendment to Field Reorganization

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Amendment to field reorganization redelegation of authority.

SUMMARY: This notice amends the redelegation portion of the field reorganization Revocation and Redelegation of Authority for the Office of Housing, published in the Federal Register on December 6, 1994, at 59 FR 62739.

This amendment revokes authority over both single family and multifamily housing matters previously redelegated to the Director, Single Family Housing Division, and to the Director, Multifamily Housing Division, respectively, in the Anchorage, AK; Charleston, WV; Grand Rapids, MI; Manchester, NH; and Milwaukee WI field offices; it then redelegates the authority to the Director, Housing Division, in each of the affected offices.

Prior to this amendment, the field reorganization document redelegated authority to both Directors of Single Family Housing and Directors of Multifamily Housing, in A and B field offices. With this amendment, in certain A and B field offices, authority is still delegated to both the Director, Single Family Housing Division, and Director, Multifamily Housing Division. However, in other A and B field offices, authority is now redelegated to the Director, Housing Division, who handles both single family and multifamily housing matters.

This amendment also revokes authority over single family housing matters previously redelegated to the Director of the Single Family Housing Division in the Dallas, Texas field office; it then redelegates this authority to the Office of Housing Director in the Fort Worth, Texas field office. As a result of this portion of the amendment, field office authority regarding single family housing matters is transferred from the Director of the Single Family Housing Division in the Dallas, Texas field office to the Director of Housing in the Fort Worth, Texas field office. Employees of the Dallas office will continue to perform single family housing functions but field office decisionmaking authority will rest in the Fort Worth office.

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT: Robert G. Hunt, Director, Management Services Division, or Charles E. Patterson, Chief, Program Analysis Branch, Management Services Division, Department of Housing and Urban Development, 451 7th Street, SW., Room 9116, Washington, DC 20410, (202) 708–0826. A telecommunications device for the hearing-impaired (''TDD'') is available at (202) 708–1455. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: In November of 1993, the Secretary announced the reorganization of HUD's field structure to improve performance and provide HUD's customers—members of the public and program beneficiaries—more efficient service and less bureaucracy by empowering HUD's employees to more effectively serve these customers. As part of that ongoing process, on December 6, 1994 at 59 FR 62739, the Department published a Notice of Revocation and Redelegation of Authority pertaining to authority in the field over Office of Housing programs. This document makes certain organizational changes to the December 6, 1994 redelegation, regarding to whom authority is delegated.

As the Department strives to provide increasingly efficient service, the ability to do more with less is of crucial importance. Through this Amendment to the field reorganization Revocation and Redelegation of Authority, the Department seeks to shift certain powers and authorities in order to best utilize its finite resources to the benefit of the customer.

Accordingly, the Assistant Secretary for Housing—Federal Housing Commissioner amends the Revocation and Redelegation of Authority at 59 FR

62739 by revoking and redelegation as follows:

Section B. Authority Redelegated

1. Section B., I., b. of 59 FR 62739, which identifies to whom in A and B offices authority is redelegated, is revoked and replaced with the following sections: B., I., b.(i) and b.(ii):

b.(1) For the following Category A and B field offices, the Assistant Secretary for Housing-Federal Housing Commissioner redelegates to the Deputy Assistant Secretary for Single Family Housing, who retains his or her authority and further redelegates to the Directors of Single Family Housing Divisions, the powers and authorities needed to carry out those program functions listed in Part III of this redelegation for the Office of Housing-FHA single family housing programs. These programs are listed below within Part II of this section. In addition, the Assistant Secretary for Housing-Federal Housing Commissioner redelegates to the Deputy Assistant Secretary for Multifamily Housing Programs, who retains his or her authority and further redelegates to the Directors of Multifamily Housing Divisions in the following offices, the powers and authorities needed to carry out those program functions listed in Part III of this redelegation for the Office of Housing-FHA multifamily housing programs. The legal citations for these programs are listed below in Part II of this Section B.

Unless otherwise noted, each Director, Multifamily Housing Division, in a Category A or B Office exercises authority with regard to all multifamily housing functions within the geographic boundaries of his or her particular field office. The exceptions note that Oklahoma City, OK, and Houston, TX, are redelegated authority to act on properties outside their jurisdictions. All other exceptions note that a Multifamily Housing Division Director does not have authority over some asset disposition or asset management functions; instead, authority for those functions is redelegated to the offices noted in parentheses within the lists of Category A and Category B offices.

(1.) Category *A* Field Offices:

Hartford, CT
Buffalo, NY (except Multifamily Asset Disposition functions which are redelegated to New York, NY, as noted above)
Newark, NJ (except Multifamily Asset Disposition functions which are redelegated to New York, NY, as noted above)
Baltimore, MD (except Multifamily Asset Disposition functions which are redelegated to Philadelphia, PA, as noted above)
Pittsburgh, PA (except Multifamily Asset Disposition functions which are redelegated to Philadelphia, PA, as noted above)
Richmond, VA (except Multifamily Asset Disposition functions which are redelegated to Philadelphia, PA, as noted above)
Washington, DC (except Multifamily Asset Disposition functions which are redelegated to Philadelphia, PA, as noted above)
Birmingham, AL
Columbia, SC
Greensboro, NC
Jackson, MS
Knoxville, TN
Louisville, KY
Caribbean, San Juan, PR
Columbus, OH
Indianapolis, IN
Minneapolis/St. Paul, MN
Little Rock, AR (except Multifamily Asset Disposition functions which are redelegated to Fort Worth, TX as noted above)
New Orleans, LA (except Multifamily Asset Disposition functions which are redelegated to the Multifamily Division Director, Houston, TX)
Oklahoma City, OK (includes Tulsa, OK, Multifamily Asset Management and Disposition functions)
San Antonio, TX (except Multifamily Asset Disposition functions which are redelegated to Fort Worth, TX, as noted above)
Omaha, NE
Honolulu, HI
Portland, OR

(2.) Category *B* Field Offices:

Providence, RI
Nashville, TN
Cleveland, OH
Cincinnati, OH
Houston, TX (includes Multifamily Asset Disposition functions for New Orleans, LA, above and Shreveport, LA, below)
Des Moines, IA
Phoenix, AZ
Sacramento, CA

b.(ii) For the following Category A and B field offices, the Assistant Secretary for Housing-Federal Housing Commissioner redelegates to the Deputy Assistant Secretary for Single Family Housing, who retains his or her authority and further redelegates to the Directors of Housing Divisions, the powers and authorities needed to carry out those program functions listed in Part III of this redelegation for the Office of Housing-FHA single family housing programs. These programs are listed below within Part II of this section. In addition, the Assistant Secretary for Housing-Federal Housing Commissioner redelegates to the Deputy Assistant Secretary for Multifamily Housing Programs, who retains his or her authority and further redelegates to the Directors of Housing Divisions in the following offices, the powers and authorities needed to carry out those program functions listed in Part III of this redelegation for the Office of Housing-FHA multifamily housing programs. The legal citations for these programs are listed below in Part II of this Section B.

Unless otherwise noted, each Director, Housing Division, in a Category A or B Office exercises authority with regard to all multifamily housing functions within the geographic boundaries of his or her particular field office.

(1.) Category *A* Field Offices:

Milwaukee, WI
Anchorage, AK

(2.) Category *B* field Offices:

Manchester, NH
Charleston, WV (except those Multifamily Asset Disposition functions which are redelegated to Philadelphia, PA, as noted above)
Grand Rapids, MI

Therefore, authority previously redelegated to both the Director, Single Family Housing Division, and to the Director, Multifamily Housing Division, respectively in the Anchorage, AK; Charleston, WV; Grand Rapids, MI; Manchester, NH; and Milwaukee, WI field offices, is now redelegated to the Director, Housing Division, in each of the affected offices.

2. At Section B., I., c.(1.) of 59 FR 62739, within the list of category C+ field offices, the notation within parentheses with regard to the Dallas, Texas Field office is amended to read as follows:

''Dallas, TX (except that authority for neither multifamily housing functions nor single family housing functions is redelegated to HUD officials in this office; single family and multifamily housing officials report to the Fort Worth, TX Housing Director)''

Therefore, authority over the single family housing program functions provided within the redelegation at 59 FR 62739 is revoked from the Director of the Single Family Housing Division in Dallas, Texas.

3. At Section B., I., a. (1.) of 59 FR 62739, within the list of Category AA (Double A) Field Offices, the notation within parentheses with regard to the Fort Worth, Texas field office is amended to read as follows:

Fort Worth, TX (includes all single family housing program functions for

C+ office Dallas, TX; in addition, includes all Multifamily Asset Management and Asset Disposition functions for C+ offices Albuquerque, NM and Dallas, TX; and includes all Multifamily Asset Disposition functions for A offices Little Rock, AR and San Antonio, TX, and all Multifamily Asset Management functions for C+ office Shreveport, LA)''

Therefore, authority over the single family housing program functions listed within the redelegation at 59 FR 62739, for the geographic area of the Dallas field office, is redelegated to the Fort Worth, Texas Office of Housing Director.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96–16233 Filed 6–25–96; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of Performance Review Board Appointments.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the Department of the Interior Performance Review Board. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (P.L. 95–454, 5 U.S.C. 4314(c)(4).

DATES: The appointments are effective June 26, 1996.

FOR FURTHER INFORMATION CONTACT: Dolores Chacon, Acting Director of Personnel, Office of the Secretary, Department of the Interior, (1849 C Street, N.W., Washington, D.C. 20240, Telephone Number: (202) 208–6403.

Department of the Interior SES Performance Review Board—1995

Carolita Kallaur, Chair, Minerals Management Service (Career Appointee)
May Josie Blanchard, Office of Surface Mining Reclamation and Enforcement (Career Appointee)
Robert Stanton, National Park Service (Career Appointee)
Robert E. Doyle, Jr., Bureau of Land Management (Career Appointee)
Judy R. Harrison, Office of the Inspector General (Career Appointee)
Hilda Manuel, Bureau of Indian Affairs (Career Appointee)

Dated: June 17, 1996.

Dolores Chacon,

Acting Director of Personnel.

[FR Doc. 96–16193 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[UT–920–06–1320–00]

AGENCY: Bureau of Land Management, Utah.

ACTION: Notice of Public Hearing and Call for Public Comment on Fair Market Value and Maximum Economic Recovery; Coal Lease Application UTU–73975.

SUMMARY: The Bureau of Land Management (BLM) announces a public hearing on the Environmental Assessment (EA) for a proposed coal lease sale and requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale. The lands included in coal lease application UTU–73975 are located in Carbon County, Utah, approximately 10 miles north of Price, Utah on public land and are described as follows:

T. 12 S., R. 9 E., SLM,
Sec. 25, lots 1–4, W2½E½, W½;
Sec. 26, E½E½.
T. 12 S., R. 10 E., SLM
Sec. 28, E½, E½W½, SW¼NW¼, W½SW¼;
Sec. 29, N½N½, S½NW¼, NW¼SW¼, E½SE¼;
Sec. 30, lots 1–4, NE¼, E½W½, N½SE¼, SW¼SE¼.

Containing 2,299.4 acres more or less.

Three economically minable coal beds, the C Seam, Kenilworth, and D Seams are found in this tract. Seams are all greater than 6 feet in thickness. This tract contains an estimated 20 to 30 million tons of recoverable high-volatile B bituminous coal. The range of coal quality in the seams on an as received basis is as follows: 12,685–12,805 BTU/lb., 3.23–4.23 percent moisture, .34-.44 percent sulfur, 5,36- 6.9 percent ash, 46.57–49.08 percent fixed carbon, and 41.89–42.27 percent volatile matter. The public is invited to the hearing to make public or written comments on the EA concerning the proposal to lease the Willow Creek Tract, and also to submit comments on the fair market value (FMV) and the maximum economic recovery (MER) of the tract.

SUPPLEMENTARY INFORMATION: In accordance with Federal coal management regulations 43 CFR 4322 and 4325, a public hearing shall be held on the proposed sale to allow public comment on and discussion of the potential effects of mining and proposed lease. Not less than 30 days prior to the publication of the notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management, Utah State Office during regular business hours (8:00 a.m. to 4:00 p.m.) Monday through Friday. Comments on fair market value and maximum economic recovery should be sent to the Bureau of Land Management and should address, but not necessarily be limited to, the following information:

1. The quality and quantity of the coal resource.

2. The mining method or methods which would achieve maximum economic recovery of the coal, including specifications of seams to be mined and the most desirable timing and rate of production.

3. The quantity of coal.

4. If this tract is likely to be mined as part of an existing mine and therefore be evaluated on a realistic incremental basis, in relation to the existing mine to which it has the greatest value.

5. If this tract should be evaluated as part of a potential larger mining unit and evaluated as a portion of a new potential mine (i.e., a tract which does not in itself form a logical mining unit).

6. The configuration of any larger mining unit of which the tract may be a part.

7. Restrictions to mining which may affect coal recovery.

8. The price that the mined coal would bring when sold.

9. Costs, including mining and reclamation, of producing the coal and the time of production.

10. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or with inflation, in which case the anticipated rate of inflation should be given.

11. Depreciation and other tax accounting factors.

12. The value of any surface estate where held privately.

13. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area.

14. Any comparable sales data of similar coal lands.

Coal quantities and the FMV of the coal developed by BLM may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

DATES: The public hearing will be held at the BLM Price Office Conference Room, 125 South 600 West, Price Utah, at 7:00 p.m. on July 30, 1996. Comments on fair market value and maximum economic recovery must be received at the Bureau of Land Management, Utah State Office, by August 15, 1996.

FOR FURTHER INFORMATION: Contact Max Nielson, 801–539–4038, Bureau of Land Management, Utah State Office, Division of Natural Resources, P. O. Box 45155, Salt Lake City, Utah, 84145–0155. Copies of the Willow Creek EA may be obtained by contacting Penny Dunn at the Price BLM Office at 801–636–3600.

Dated: June 18, 1996.

LeRoy R. Turner,

State Director, Utah, Acting.

[FR Doc. 96–16089 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–DQ–P

[UT–942–4212–13; UTU–51891]

Classification Termination and Opening Order; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a R&PP classification and provides for a opening order.

FOR FURTHER INFORMATION CONTACT: Michael L. Crocker, Bureau of Land Management, Utah State Office, 324 South State Street, P.O. Box 45155, Salt Lake City, Utah 84145–0155, 801–539–4118.

SUPPLEMENTARY INFORMATION: Pursuant to 43 CFR 2740, the Bureau of Land Management hereby terminates the R&PP Classification UTU–51891 which involves the following described land:

Salt Lake Meridian

T. 36S., R. 11 E.,

Sec. 20, Beginning at a point 42.2 feet South and 1655.4 feet West to the center of Section 20, T. 36 S., R. 11 E., Corner No. 1, thence South 72° 12′ 28″ East 748.9 feet to Corner No. 2, thence South 14° 19′ 33″ West 2405.5 feet to Corner No. 3, thence North 83° 25′ 16″ West 990.8 feet to Corner No. 4, thence North 19° 30′ 19″ East 2595.0 feet to the point of beginning.

The area described contains 48.90 acres located in Garfield County.

The classification provided for segregation of the lands from all forms of appropriation under the public land laws including location under the mining laws, but not the mineral leasing laws.

At 8:00 a.m., on July 26, 1996, the lands described above will be opened to appropriation under the public land laws and location and entry under the general mining laws, subject to any valid existing rights, and the requirements of applicable laws, rules and regulations.

Dated: June 19, 1996.

Teresa L. Catlin,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 96–16289 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–DQ–M

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. 815213

Applicant: Anne Tipton, Arroyo Grande, California.

The applicant requests a permit to take (harass by survey, and locate and monitor nests) the California least tern (*Sterna albifrons browni*) for the purpose of enhancing its survival in conjunction with surveys and population monitoring in San Luis Obispo and Santa Barbara Counties, California.

Permit No. 815214

Applicant: California Department of Parks and Recreation, Arroyo Grande, California.

The applicant requests a permit to take (harass while erecting and monitoring exclosures) the California least tern (*Sterna albifrons browni*) for the purpose of enhancing its survival in conjunction with minimizing or eliminating human impacts at Pismo Dunes State Vehicular Recreation Area in San Luis Obispo and Santa Barbara Counties, California.

Permit No. 813775

Applicant: Phillip Unitt, San Diego Museum of Natural History, San Diego, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*), light-footed clapper rail (*Rallus longirostris levipes*), Yuma clapper rail (*Rallus longirostris yumanensis*), and the least Bell's vireo (*Vireo bellii pusillus*) throughout the range of these species in California for the purpose of enhancing their survival in conjunction with surveys and population monitoring studies.

Permit No. 794783

Applicant: Mark W. Webb, El Cajon, California.

The applicant requests an amendment of his permit to include take (harass by survey) of the southwestern willow flycatcher (*Empidonax traillii extimus*) for the purpose of enhancing its survival in conjunction with conducting surveys in San Diego County, California.

Permit No. 758175

Applicant: John Griffith and Jane Griffith, San Clemente, California.

The applicants request an amendment of their permit to extend the area authorized to take (harass by survey; capture, band, and release) the coastal California gnatcatcher (*Polioptila californica californica*) and least Bell's vireo (*Vireo bellii pusillus*), and to take (harass by survey, and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) to include Ventura, Los Angeles, Santa Barbara, and San Bernardino Counties, California for the purpose of enhancing their survival in conjunction with conducting life history studies.

Permit No. 815413

Applicant: Susan E. Langland West, University of California, Los Angeles, California.

The applicant request a permit to take (collect feathers, abandoned eggs, carcasses) the California least tern (*Sterna albifrons browni*) throughout the species range in California in conjunction with conducting genetic studies for the purpose of enhancing its survival.

Permit No. 815144

Applicant: Rosemary Ann Thompson, Santa Barbara, California.

The applicant requests a permit to take (harass by survey; capture, and release) the tidewater goby (*Eucyclogobius newberryi*) for the purpose of enhancing its survival in conjunction with surveys and habitat studies in Santa Barbara and San Luis Obispo Counties, California.

Permit No. 815251

Applicant: Philip R. Brown, Santa Barbara Museum of Natural History, Santa Barbara, California.

The applicant requests a permit to take (remove from the wild for exhibit and captive breeding) the arroyo southwestern toad (*Bufo microscaphus californicus*) and the blunt-nosed leopard lizard [*Gambelia* (=*Crotaphytus*) *silus*] for educational purposes in Santa Barbara County, California for the purpose of enhancing their survival.

Permit No. 766018

Applicant: Franklin Gress, California Institute of Environmental Studies, Davis, California.

The applicant requests a permit to take (capture, band, color-band, radio-tag, and release, and collect eggs, feathers, and carcasses) the California brown pelican (*Pelecanus occidentalis californicus*) for the purpose of enhancing its survival in conjunction with life history studies in the southern California bight, including the immediate coast and the Channel Islands.

DATES: Written comments on these permit applications must be received by no later than July 26, 1996.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Consultation and Conservation Planning, Ecological Services, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. Please refer to the respective permit number for each application when submitting comments. All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the following office: U.S. Fish and Wildlife Service, Ecological Services, Division of Consultation and Conservation Planning, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. Telephone: 503–231–2063; FAX: 503–231–6243. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: June 14, 1996.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–16241 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–P

Emergency Exemption: Issuance

On 14 June 1996, a permit, US 816181, was issued to the Centers for Disease Control and Prevention, Atlanta, Georgia to import 20 tissue samples from one male chimpanzee (*Pan troglodytes*) that died at Gombe National Park, Tanzania, for diagnostic virology. The 30-day public comment period required by the Endangered Species Act was waived in accordance with section 10(c) of the Endangered Species Act. The Fish & Wildlife Service determined that an emergency affecting the health and life of other chimpanzees existed and no reasonable alternative was available to the applicant.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice at the above address.

Dated: June 21, 1996.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–16310 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–P

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–816287

Applicant: Fred Brindle, Sandusky, OH.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) from Namibia for the purpose of enhancement of the survival of the species.

PRT–816358

Applicant: William L. Porteous, Cypress, TX.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–816359

Applicant: Ernest Heuer, Strathmore, CA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: June 21, 1996.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–16311 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of a Draft Revised Recovery Plan for Enhydra Lutris Nereis (Southern Sea Otter) for Review and Comment, and Announcement of Public Workshop on the Draft Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and related public workshop.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft revision of the southern sea otter recovery plan. This species occurs along the central coast of California, from Point Año Nuevo south to Purisima Point. The Service solicits review and comment from the public on this draft revised plan. One public workshop will be held.

DATES: Comments on the draft revised recovery plan must be received on or before September 24, 1996 to receive consideration by the Service. Public hearings will be held in Monterey, California on July 18, 1996, from 2 to 4 p.m. and from 6 to 8 p.m.

ADDRESSES: Public hearings will be held at the Hyatt Regency Monterey, 1 Golf Course Road, Monterey, California.

Persons wishing to review the draft revised recovery plan may obtain a copy by written request addressed to the Field Supervisor, Ventura Field Office, U.S. Fish and Wildlife Service, 2140 Eastman Avenue, Suite 100, Ventura, California 93003, or the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. Written comments and materials regarding the plan should be addressed to Mr. Carl Benz at the above Ventura, California address. Comments and materials received are available upon request for public inspection, by appointment, during normal business hours at the above Ventura, California address.

FOR FURTHER INFORMATION CONTACT: Mr. Carl Benz at the above Ventura, California address (telephone 805–644–1766).

SUPPLEMENTARY INFORMATION:

Background

The southern (California) sea otter was listed as threatened in 1977 under the Federal Endangered Species Act of 1973, as amended. It is also recognized as a depleted population pursuant to the Marine Mammal Protection Act. Reduced range and population size, vulnerability to oil spills, and the oil spill risk from coastal tanker traffic were the primary reasons for the threatened status. The southern sea otter population contains about 2,400 individuals and ranges between Point Año Nuevo south to Purisima Point. Approximately 17, including pups, otters are at San Nicolas Island as a result of translocation efforts to establish an experimental population. After review of new biological information, the Service, with assistance of the Southern Sea Otter Recovery Team, drafted for public review and comment a revised recovery plan in 1991. After review of public comments on that draft and review of new technical information regarding oil spill risk to southern sea otters, the Service, with assistance of the Southern Sea Otter Recovery Team and technical consultants, has drafted for public review and comment a new revised recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 12, 1996.

Thomas Dwyer,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 96–16286 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–P

Issuance of Permit for Incidental Take of Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: On August 4, 1995, a notice was published in the Federal Register (60 FR 39964) that an application had been filed with the U.S. Fish and Wildlife Service (Service) by the Riverside County Habitat Conservation Agency for a permit to incidentally take, pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1532 *et seq.*), the endangered Stephens' kangaroo rat (*Dipodomys stephensi*). This is in conjunction with-otherwise legal activities such as private and public development and improvement projects in portions of Riverside County, California, pursuant to the Implementation Agreement that implements the Long-Term Stephens' Kangaroo Rat Habitat Conservation Plan.

Notice is hereby given that on May 3, 1996, as authorized by the provisions of the Act, the Service issued an incidental take permit PRT–805414 to the above-named party subject to certain conditions set forth therein. The permit was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not lead to the jeopardy of the endangered species, and that it will be consistent with the purposes and policies set forth in the Act.

FOR FURTHER INFORMATION CONTACT: Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008, telephone (619) 431–9440, between the hours of 8:00 a.m. and 5:00 p.m. weekdays.

Dated: June 14, 1996.

Thomas Dwyer,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–16239 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–55–P

Geological Survey

Federal Geographic Data Committee (FGDC); Public Meeting of the Standards Working Group

AGENCY: Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice is to invite public participation in a meeting of the FGDC Standards Working Group. The major topics for this meeting are: Review of the Cadastral Data Content Standards for final endorsement as an FGDC standard, development of working group membership guidelines, and reports on the status of other FGDC standards.

TIME AND PLACE: 9 July 1996, from 9:00 a.m. until 12:00 noon. The meeting will be held in Room 0305 of the South Agriculture Building, Independence Avenue and 14th Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Denise Perreca, FGDC Secretariat, U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092; telephone (703) 648–4573; facsimile (703) 648–5755; Internet ''dperreca@usgs.gov''. Minutes of meetings are available by clicking on Standards at the FGDC Internet address http;//www.fgdc.gov.

SUPPLEMENTARY INFORMATION: The FGDC is a committee of Federal agencies engaged in geospatial activities. The FGDC Standards Working Group promotes and coordinates the standards activities of the Subcommittees and Working Groups that make up the FGDC. The Standards Working Group provides guidance on FGDC standards policy and procedures, facilitates the coordination of standards activities between Subcommittees and Working Groups that have mutual interests, reviews and recommends approval of proposals for FGDC standards, reviews standards for compliance to FGDC policies and procedures, and makes recommendations to the FDGC

Coordination Group as to the readiness of a standard for advancement to the next stage toward endorsement. Guidelines on the development of FGDC standards are documented in the *FGDC Standards Reference Model.* This document, as well as the Standards Working Group Charter, a status of FGDC standards activities, and Standards Working Group meeting notices and meeting minutes are available on the World Wide Web home page of the Standards Working Group at the FGDC Internet address listed above under contact information.

Dated: June 18, 1996.

Wendy A. Budd,

Associate Chief, National Mapping Division.

[FR Doc. 96–16295 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Proposed Boundary Adjustment of Olympic National Park; Exchange of Lands in Clallam and Mason Counties, Washington

ACTION: Notice of Realty Action on Proposed Boundary Adjustment and Lands Exchange.

SUMMARY: The National Park Service (NPS), the State of Washington (State) and the City of Tacoma (Tacoma) are proposing a lands exchange pursuant to the Act of October 23, 1992, Public Law 102–436 (106 Stat. 2217) and the Act of July 15, 1968 (16 U.S.C. 460 *l*–22(b)), also in accordance with the Act of June 29, 1938 establishing Olympic National Park (16 U.S.C. 251) as amended. Federal lands within Olympic National Park (ONP) are authorized for disposal to Tacoma for operation of the Lake Cushman hydroelectric project. The boundary of ONP would be adjusted to delete these disposed federal lands. In exchange, the United States (U.S.) will acquire State-owned lands within the boundaries of ONP to be provided by Tacoma.

SUPPLEMENTARY INFORMATION: An environmental assessment for this project was completed in July 1994, resulting in a Finding of No Significant Impact on February 16, 1996.

The following described federal lands are being proposed for disposal by the U.S. and proposed for deletion from the boundaries of ONP:

Willamette Meridian

Township 23 North, Range 5 West

Tract 37 in unsurveyed Sections 3 and 4

Containing 29.83 acres, more or less.

In exchange, the U.S. will acquire the following described lands:

Willamette Meridian

Township 30 North, Range 10 West

Section 26: NW¼ NW¼, and

Township 28 North, Range 15 West

Section 36: N½ NE¼ NE¼ SW¼.

The above lands aggregating 45 acres, more or less.

The lands to be exchanged have been determined to be of equal value. This lands exchange and boundary adjustment is being proposed to facilitate Tacoma's operation of the Lake Cushman hydroelectric project, which periodically inundates the above federal land within ONP. Management of these lands, although being conveyed to Tacoma and being removed from the boundary of ONP, will continue to include public access and resource protection through a management agreement.

The exchange also provides for the U.S. acquisition of State lands within the boundaries of ONP, which will be administered by NPS. Acquisition of these lands will provide protection to valuable wildlife habitat, wilderness, cultural and recreational resources within ONP.

There are no leases or permits to other third parties affecting the federal lands proposed for disposal. These lands have been surveyed for cultural resources and threatened/endangered species and found suitable for disposal given the mitigation measures provided by agreement.

FURTHER INFORMATION AND COMMENTS: More detailed information on this proposed action may be obtained from the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Port Angeles, Washington 98362–6789. Public comments will be accepted for a period of 45 calendar days from the publication date of this notice. Comments should be sent to the Superintendent, Olympic National Park at the above address.

In the absence of any subsequent action to modify or vacate the proposed exchange and boundary adjustment, this realty action to proceed with the exchange and boundary adjustment will become the final determination of the Department of the Interior.

Dated: June 12, 1996.

William C. Walters,

Deputy Field Director, Pacific West Field Area.

[FR Doc. 96–16274 Filed 6–25–96; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–380]

Certain Agricultural Tractors Under 50 Power Take-Off Horsepower; Notice of Commission Determination not to Review an Initial Determination Granting Complainants' Motion to Amend the Complaint and Notice of Investigation to Add a Respondent

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission had determined not to review the initial determination (ID) of the presiding administrative law judge (ALJ) in the above-captioned investigation granting complainants' motion to amend the complaint and notice of investigation to add Fujisawa Trading Agency (''Fujisawa'') as a respondent.

FOR FURTHER INFORMATION CONTACT: Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202–205–3090.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 in the importation and sale of certain agricultural tractors under 50 PTO horsepower, on February 14, 1996. On May 7, 1996, complainants Kubota Tractor Corporation, Kubota Manufacturing of America Corporation, and Kubota Corporation filed a motion to add Fujisawa Trading Agency (''Fujisawa'') as a respondent in this investigation. In its motion, complainant contends that it learned that Fujisawa is an exporter of the accused tractors after the institution of this investigation. Complainants assert that good cause exists to add Fujisawa as a respondent based on its status as an exporter of the accused tractors and that adding Fujisawa as a respondent will not prejudice the public interest or the rights of any parties to the investigation. The Commission investigative attorney supported the motion. Pursuant to Commission rule 210.15(a)(2), Kubota served a copy of the public version of its motion on Fujisawa. Neither Fujisawa nor any other party opposed the motion. On May 29, 1996, the presiding ALJ issued an ID (Order No. 16) granting complainants' motion. No petitions for review of the ID were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E. Street, S.W., Washington, D.C. 20436, telephone 202–205–2000. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810.

Issued: June 28, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–16314 Filed 6–25–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 332–352]

Annual Report on the Impact of the Andean Trade Preference Act on U.S. Industries and Consumers and on Andean Drug Crop Eradication

AGENCY: International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with 1995 annual report.

EFFECTIVE DATE: June 4, 1996.

FOR FURTHER INFORMATION CONTACT: James Stamps (202–205–3227), Trade Reports Division, Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436.

BACKGROUND: Section 206 of ATPA (19 U.S.C. 3204) requires that the Commission submit annual reports to the Congress regarding:

(1) The actual economic effect of ATPA on the U.S. economy generally as well as on specific industries which produce articles that are like, or directly competitive with, articles being imported under the Act;

(2) The probable future effect of ATPA on the U.S. economy generally and on industries affected by the Act; and

(3) The estimated effect of ATPA on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) provides the Commission with general authority to conduct factfinding investigations with respect to trade and tariff matters. Notice of institution of the investigation and the schedule for such reports was published in the Federal Register of March 10, 1994 (59 FR 11308). The Commission's third annual report on ATPA, covering calendar year 1995, is to be submitted by September 30, 1996.

WRITTEN SUBMISSIONS: The Commission does not plan to hold a public hearing in connection with the preparation of this report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 30, 1996.

Address all submissions to Office of the Secretary, U.S. International Trade Commission, 500 E St., S.W., Washington, D.C. 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

Issued: June 21, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–16315 Filed 6–25–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 731–TA–731 (Final)]

Bicycles From China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from China of bicycles,[3] provided for in subheadings 8712.00.15, 8712.00.25, 8712.00.35, 8712.00.44, and 8712.00.48 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective November 9, 1995, following a preliminary determination by the Department of Commerce that imports of bicycles from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of December 20, 1995 (60 F.R. 65667). The hearing was held in Washington, DC, on April 24, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 12, 1996. The views of the Commission are contained in USITC Publication 2968 (June 1996), entitled ''Bicycles from China: Investigation No. 731–TA–731 (Final).''

Issued: June 18, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–16313 Filed 6–25–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 332–227]

Annual Report on the Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers

AGENCY: International Trade Commission

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Bragg dissenting and Commissioner Newquist dissenting with respect to bicycles shipped to the mass merchandiser and ''other retailer'' channels.

[3] The scope of the investigation is defined in the Department of Commerce's Notice of Final Determination of Sales at Less Than Fair Value (61 F.R. 19026, April 30, 1996), as amended.

ACTION: Notice of opportunity to submit comments in connection with 1995 annual report.

EFFECTIVE DATE: June 4, 1996.

FOR FURTHER INFORMATION CONTACT: James Stamps (202–205–3227), Trade Reports Division, Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436.

BACKGROUND: Section 215(a) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2704(a)) requires that the Commission submit annual reports to the Congress and the President on the impact of the act on industries and consumers in the United States. Section 215(b) of the CBERA requires the Commission to assess the actual effect of the act on the United States economy generally as well as on appropriate domestic industries and to assess the probable future effects of the act. Section 215(c)(2) of the CBERA requires that the Commission provide an opportunity for the public, either orally or in writing, or both, to submit to the Commission information relating to matters that will be addressed in the reports. The Commission instituted the present investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) on March 21, 1986, for the purpose of gathering and presenting such information on the CBERA. Section 332(b) of the Tariff Act of 1930 provides the Commission with general authority to conduct factfinding investigations with respect to trade and tariff matters. Notice of institution of the investigation and the schedule for such reports was published in the Federal Register of May 14, 1986 (51 FR 17678). The eleventh report, covering calendar year 1995, is to be submitted by September 30, 1996.

WRITTEN SUBMISSIONS: The Commission does not plan to hold a public hearing in connection with the eleventh annual report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 30, 1996.

Address all submissions to the Secretary to the Commission, U.S. International Trade Commission, 500 E St., S.W., Washington, D.C. 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810.

Issued: June 21, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–16312 Filed 6–25–96; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States of America* v. *Braselman Corporation, et al.,* Civil Action No. 96–0872 was lodged on *June 13, 1996* with the United States District Court for the Eastern District of Louisiana.

In its Third Amended Complaint, filed concurrently with the United States District Court for the Eastern District of Louisiana, the United States alleges under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607, that the defendants are liable for reimbursement of response costs incurred and to be incurred by the United States at the Bayou Bonfouca Superfund Site (''Site'') located in the City of Slidell, St. Tammany Parish, Louisiana.

Under the proposed Consent Decree, Kerr-McGee Chemical Corporation and Kerr-McGee Corporation, two of the eight defendants listed in the Third Amended Complaint, have agreed to pay the EPA Hazardous Substance Superfund $20,000,000 in reimbursement of past and future response costs. The total cost of the cleanup, which is nearly complete, is estimated at more than $100,000,000. The proposed Consent Decree between the United States, Kerr-McGee Chemical Corporation, and Kerr-McGee Corporation does not resolve the potential liability of the other six defendants at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Braselman Corporation, et.al.,* DOJ Ref. No. 90–11–2–803A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Hal Boggs Federal Building, 501 Magazine Street, 2nd Floor, New Orleans, Louisiana 70130; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $7.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–16272 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9622(d), and the policy of the United States Department of Justice, as provided in 28 CFR 50.7, notice is hereby given that on June 14, 1996, a proposed Consent Decree in *United States* v. *Ciba-Geigy Corporation,* Civ. No. 96–0571–CB–M, was lodged with the United States District Court for the Southern District of Alabama. This Consent Decree concerns Operable Unit Three of the Ciba-Geigy Corporation manufacturing plant site (''the Site'') adjacent to the Tombigbee River near McIntosh, Alabama. Pursuant to Sections 106 and 107(a) of CERCLA, the Complaint in this action seeks recovery of past response costs incurred by the United States at the entire Site, future response costs in connection with the proposed Decree,

and injunctive relief for Operable Unit No. Three (''OU3''). OU3 consists of a contaminated floodplain and wetlands area at the Site. Ciba-Geigy has agreed in the proposed Consent Decree to: (1) perform the selected remedy for OU3, which includes excavation and remediation of certain contaminated soils and sediments, and bioremediation of another 10 acres in ecologically sensitive areas, at a total estimated cost of $1.5 million; and (2) reimburse the United States for all of its outstanding past response costs incurred at the Site not covered under previous Consent Decrees executed by Ciba-Geigy for Operable Units Two and Four of the Site, and also reimburse EPA for all of its future response and oversight costs incurred in connection with OU3 and this Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, D.C., 20044, and should refer to *United States* v. *Ciba-Geigy Corporation* (Operable Unit 3 of Ciba-Geigy McIntosh, Alabama Site), D.J. Ref. 90–11–2–781B.

The proposed Consent Decree may be examined at any of the following offices: (1) the Office of the United States Attorney for the Southern District of Alabama, U.S. Courthouse, 113 St. Joseph Street, Mobile, Alabama; (2) the U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia; and (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (telephone (202) 624–0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. For a copy of the Consent Decree with attachments (Record of Decision, Statement of Work and Site map), please refer to the referenced case and enclose a check for $51.25 ($.25 per page reproduction charge) payable to ''Consent Decree Library.'' For a copy of the Consent Decree without those attachments, please refer to the referenced case and enclose a check for $22.00 ($.25 per page reproduction charge) payable to ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 96–16273 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that a proposed Consent Decree in *United States* v. *Tremont Landfill Company, et al.*, Civil Action No. C–3–96–221 has been lodged on June 17, 1996 with the United States District Court for the Southern District of Ohio, Western Division. The proposed Consent Decree concerns the Sanitary Landfill Superfund Site (the ''Site'') located at 1855 Cardington Road, Moraine, Ohio. The Site was operated by the Sanitary Landfill Company, the predecessor to defendant Tremont Landfill Company (''Tremont''), and is owned by two trusts. The Site was active from 1971 to 1980. During that time period, the landfill accepted municipal, commercial, and industrial waste—both liquids and solids—from local industries and municipalities. These wastes included sludges, paints, paint by-products, asbestos and municipal incinerator wastes. The Site was added to the National Priorities List on June 10, 1986.

The Consent Decree requires sixteen Settling Defendants, who together represent approximately 49% of the waste at the Site by volume, to perform the estimated $8 million remedy. The remedial action includes a low permeability cap; gas collection and treatment; surface run-off controls; long-term groundwater monitoring; institutional controls; and a supplemental site investigation (''SSI'') for groundwater. The settlors also agreed to prepay $60,000 of EPA's future oversight costs within 30 days of entry of the decree and to pay 50% of the United States' estimated additional oversight costs. In addition, the decree includes the settlement of sixty-three ''Premium Settling Defendants,'' who contributed less than .5% of the total waste at the Site and elected to pay a premium to the Settling Defendants to obtain a *de minimis* settlement.

The Department of Justice will receive comments concerning the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *Tremont Landfill Company, et al.*, D.O.J. Number 90–11–2–1113. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed Consent Decree may be examined at any of the following offices: (1) the Office of the United States Attorney for the Southern District of Ohio, Western Division, 602 Federal Building, 200 West Second Street, Dayton, Ohio 45402, (513) 225–2910; (2) the U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886–6609; and (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. Copies of the proposed Decree may be obtained by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. For a copy of the Consent Decree, please enclose a check for $42.25 ($.25 per page reproduction charge) for the consent decree (including 81 Settling Defendant signature pages), or $151.50 for the consent decree plus appendices, payable to ''Consent Decree Library.''

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 96–16271 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 9, 1996, Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration to be

registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105)	II
Phenylacetone (8501)	II

The firm plans to import the listed controlled substances to manufacture pharmaceutical products.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: June 18, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–16195 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 9, 1996, Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
Difenoxin (9168)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II

The firms plans to manufacture difenoxin, amphetamine, methamphetamine and methylphenidate to produce pharmaceutical products for distribution to its customers; and 2,5-dimethoxyamphetamine and 3,4-methylenedioxyamphetamine as intermediates for the development of other pharmaceutical products.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than August 26, 1996.

Dated: June 18, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–16196 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: July 10, 1996, 10:00 am–12:00 noon, U.S. Department of Labor, Room S–1011, 200 Constitution Ave. NW., Washington, DC 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to section 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For further information contact: Fernand Lavallee, Director, Trade Advisory Group or Jorge Perez-Lopez, Director, Office of International Economics Affairs, Phone: (202) 219–4752.

Signed at Washington, DC this 18th day of June, 1996.

Joaquin Otero,

Deputy Under Secretary, International Affairs.

[FR Doc. 96–16255 Filed 6–25–96; 8:45 am]

BILLING CODE 4510–28–M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Kade Coal Company, Inc.

[Docket No. M–96–36–C]

Kade Coal Company, Inc., Route 1, Box 513, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles; general) to its Mine No. 2 (I.D. No. 44–06483) located in Buchanan County, Virginia. The petitioner proposes to cover several entries at each abandoned mine opening with coarse refuse material during construction of a refuse fill. Presently, the petitioner is depositing coarse refuse material on the existing Red Ash seam bench (Refuse Disposal No: 1211–VA5–0297). The petitioner requests this modification of the standard, to allow four drift openings to be filled with refuse where drift entries to old mine workings at Mine No. 3 (I.D. No. 44–06310) exist, during construction of refuse fill. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. Monterey Coal Company

[Docket No. M–96–37–C]

Monterey Coal Company, Rural Route 4, Box 235, Carlinville, Illinois 62626 has filed a petition to modify the application of 30 CFR 75.380(d)(4)

(escapeways; bituminous and lignite mines) to its No. 1 Mine (I.D. No. 11–00726) located in Macoupin County, Illinois. The petitioner requests a modification of the standard to allow the width of the escapeway to be 5 feet instead of 6 feet when using the belt conveyor as an alternate escapeway. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Tennessee Energy Corporation

[Docket No. M–96–38–C]

Tennessee Energy Corporation, 1000 Pocket Road, Whitewell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Mine No. 41 (I.D. No. 40–02875) located in Sequatche County, Tennessee. The petitioner proposed to use flatcars instead of regular supply cars to haul supplies into the mine due to mining heights. The petitioner proposes to connect the motor and the flatcar with a steel tongue that would be aligned and secured with a pin instead of using automatic couplers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. R B Coal Company, Inc.

[Docket No. M–96–39–C]

R B Coal Company, Inc., 8174 East Highway 72, Pathfork, Kentucky 40863 has filed a petition to modify the application of 30 CFR 75.1710–1 (canopies or cabs; self-propelled electric face equipment; installation requirements) to its R B No. 5 Mine (I.D. No. 15–17077) located in Harlan County, Kentucky. The petitioner requests a variance from the use of canopies to the area of the tram leavers used to tram the two Eimco, Model No. 350–43, roof bolting machines from place to place. The petitioner states that at no time would the area pass in by unsupported roof; and asserts that modification of the standard would not pose any type of additional hazard to the miners.

5. Pontiki Coal Corporation

[Docket No. M–96–40–C and M–96–41–C]

Pontiki Coal Corporation, P.O. Box 801, Route 1401, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.388 (boreholes in advance of mining) to its Pontiki No. 1 Mine (I.D. No. 15–08413), and its Pontiki No. 2 Mine (I.D. No. 15–09571) both located in Martin County, Kentucky. The petitioner proposes to drill boreholds when working places advance to within 30 feet of certain surveyed areas in the mine unless those areas have been preshift examined. The petitioner has outlined specific procedures for its alternative method in the petition for modification. The petitioner assets that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. Beech Fork Processing, Inc.

[Docket No. M–96–42–C]

Beech Fork Processing, Inc., P.O. Box 190, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.388 (boreholes in advance of mining) to its Mine No. 1 (I.D. No. 15–16162) located in Johnson County, Kentucky. The petitioner requests a variance to mine adjacent to old works, leaving a 50 foot unmined barrier without boring test holes, within 200 feet of old works. The petitioner asserts that the proposed alternative method would not pose any breach in safety procedures.

7. New Warwick Mining Company

[Docket No. M–96–43–C]

New Warwick Mining Company, R. D. 1 Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Warwick Mine (I.D. No. 36–02374) located in Greene County, Pennsylvania. Due to hazardous conditions in certain areas of the return air course, the area cannot be traveled in its entirety. The petitioner proposes to establish two monitoring points to evaluate the affected area. The petitioner states that the area would be monitored on a weekly basis. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Consolidation Coal Company

[Docket No. M–96–44–C]

Consolidation Coal Company, Consol, Inc., Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Loveridge No. Mine (I.D. No. 46–01433) located in Monongalia County, West Virginia. Due to deteriorating roof conditions in the intake airway from the vent tubes at the inside shop to the Sugar Run return air shaft (one block West of Check Point ''C''), traveling the area to make weekly examinations would be unsafe. The petitioner proposes to establish two check points, on inby and outby the affected area; to maintain these check points in a safe conditions at all times; and to have a certified person test for methane and the quantity of air on a weekly basis at both check points. In addition, the person making such examinations would record the results with their initials and date in a record book kept on the surface and made accessible to interested parties. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

9. Elk Run Coal Company

[Docket No. M–96–45–C]

Elk Run Coal Company, P.O. Box 497, Sylvester, West Virginia 25193 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Castle Mine (I.D. No. 46–07009), Bishop No. 2 Mine (I.D. No. 46–08181), Black King No. 1/North Portal (I.D. No. 46–08553), White Knight Mine (I.D. No. 46–08055), and Black King No. 1 Mine all located in Boone County, West Virginia; and its Laurel Eagle Mine (I.D. No. 46–0883), and Laurel Alma Mine (I.D. No. 46–08457) located in Raleigh County, West Virginia. The petitioner proposes to use permanently installed spring-loaded locking devices to secure battery plugs on mobile equipment instead of padlocks to maintain equipment in permissible condition in accordance with 30 CFR 18.41. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 26, 1996. Copies of these petitions are available for inspection at that address.

Dated: June 20, 1996.

Edward C. Hugler,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–16260 Filed 6–25–96; 8:45 am]

BILLING CODE 4510–43–M

MERIT SYSTEMS PROTECTION BOARD

Opportunity to File Amicus Brief in Forrest v. Department of Agriculture, Docket Number SF–531D–95–0446–I–1

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board is providing an opportunity for interested parties to submit amicus briefs concerning the issue of whether appellants in Board appeals can receive an award of reimbursement for ''reasonable'' leave time expended to pursue an appeal of an appealable action that is ultimately determined to be unwarranted, or is rescinded or reversed.

SUMMARY: The Merit Systems Protection Board currently has an appeal pending in which it is considering the extent of the relief it can award following the reversal or rescission of a personnel action. The appellant in the appeal Forrest v. Department of Agriculture, Docket No. SF–532D–95–0446–I–1, has argued that he is entitled to an award of reimbursement for ''reasonable'' leave time he expended in pursuing his appeal of a personnel action that was ultimately rescinded by the agency. The appellant argues that his agency should be required to restore eight hours of annual leave he used to consult with his attorney about his case. The Board is inviting interested parties to submit amicus briefs addressing the question of whether the Board has the authority to award such relief.

DATES: All briefs in response to this notice shall be filed with the Clerk of the Board on or before July 29, 1996.

ADDRESSES: All briefs shall include the case name and docket number noted above (*Forrest* v. *Department of Agriculture,* Docket No. SF–531D–95–0446–I–1) and be entitled ''Amicus Brief.'' Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653–7200.

Dated: June 21, 1996.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 96–16316 Filed 6–25–96; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Meeting

SUMMARY: NASA will conduct an open forum to solicit questions, views, and options of interested persons/firms concerning NASA's procurement policies and practices. The purpose of the meeting is to have an open discussion between NASA's Associate Administrator for Procurement, industry and the public.

DATES: August 22, 1996, from 2 p.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Teague Auditorium, Building 2, located at the NASA Johnson Space Center, 2101 NASA Road 1, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Barbara Kirkland, NASA Johnson Space Center, Industry Assistance Office, Code BD35, 2101 NASA Road 1, Houston, TX 77058, (713) 483–4512, e-mail: bkirklan@bal.jsc.nasa.gov.

SUPPLEMENTARY INFORMATION:

Format

There will be a presentation by the Associate Administrator for Procurement, followed by a question and answer period. Procurement issues will be discussed including NASA policies used in the award and administration of contracts.

Admittance

Doors will open at 1:30 p.m. Admittance will be on a first-come, first-served basis. Reservations will NOT be accepted. Questions for the open forum should be presented at the meeting and should not be submitted in advance. Position papers are not being solicited.

Initiatives

In addition to the general discussion mentioned above, NASA invites comments or questions relative to its ongoing procurement initiatives, some of which include the following:

Cost Control. NASA is developing this initiative to increase the emphasis on cost control with its contractors and within the Agency.

Source Selection. NASA is working to reduce the time and effort that contractors and source selection personnel spend on a contract.

Performance-Based Contracting: NASA's newest procurement initiative is focused on structuring an acquisition around the purpose of the work to be performed instead of how the work is to be performed, on broad and imprecise statements of work.

Change Order Reduction and Process Change. NASA is attempting to improve overall change order management through the use of better technical direction, realistic cost estimates and more effective and timely negotiations.

MidRange Procurement Procedures: A test program for a third category of procurements (between the simplified acquisition threshold and $1,000,000 annually) has been implemented at all NASA centers.

Thomas S. Luedtke,

Deputy Associate Administrator for Procurement.

[FR Doc. 96–16262 Filed 6–25–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443]

North Atlantic Energy Service Company, et al., Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Considering Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–86 issued to North Atlantic Energy Service Corporation (the licensee) for operation of the Seabrook Station, Unit No. 1 located in Rockingham County, New Hampshire.

The proposed amendment would modify the Appendix A Technical Specifications (TSs) for the Electrical Power Systems, Onsite Power Distribution. Specifically, the proposed amendment would change Seabrook Station Appendix A Technical Specification 3.8.3.1, Action a. to increase from 8 hours to 7 days the allowable time that 480-volt Emergency Bus #E64 may be less than fully energized.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously

evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because, even with bus E64 inoperable, there remains redundant, operable equipment within the same Train which is capable of supporting continued plant operation. Bus E64 supplies electrical power to components associated with service water cooling tower loop Train B only. The inoperability of bus E64 does not affect any of the components associated with ocean service water loop Train B nor does it affect any Train A components. Thus, if bus E64 is inoperable, the Train B ocean service water loop remains operable and capable of providing cooling during normal and accident conditions in addition to the Train A ocean service water and cooling tower service water loops. Therefore, since the response of the plant to an accident is unchanged, the proposed changes will not result in a significant increase in either the probability or consequences of an accident previously evaluated.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because the changes do not cause the associated structures, systems, or components to be operated outside their original design envelope. No changes are made to the design or manner of operation of structures, systems, or components, and no new failure mechanisms are introduced. The proposed changes merely make the allowed outage time for bus E64 equivalent to the allowed outage time for one service water cooling tower loop being inoperable.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because, even with bus E64 inoperable, there remains redundant, operable equipment within the same Train capable of supporting continued plant operation. The Bases for Technical Specification 3.8.3.1 states in part that the operability of the AC power sources and distribution systems ensures that sufficient power is available to supply safety-related equipment required for the safe shutdown of the facility, and the mitigation and control of accident conditions within the facility, and that the action requirements specified for the levels of degradation provide restriction for continued plant operation commensurate with the level of degradation. Therefore, the assumptions in the Bases of the Technical Specifications are not affected and the proposed changes will not result in a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 26, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Exeter Public Library, Founders Park, Exeter, New Hampshire. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the

proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Lillian M. Cuoco, Esquire, Northeast Utilities Service Company, Post Office Box 270, Hartford CT 06141–0270, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 20, 1996, which is 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 Exeter Public Library, Founders Park, Exeter, New Hampshire.

Dated at Rockville, Maryland, this 20th day of June 1996.

For the Nuclear Regulatory Commission.

Albert W. De Agazio, Sr.

Project Manager, Northeast Utilities Project Directorate, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–16269 Filed 6–25–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Washington Public Power Supply System (the licensee), for operation of the Washington Nuclear Project No. 2 (WNP–2), located in Benton County, Washington.

The proposed amendment, requested by the licensee by letter of December 8, 1995, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG–1434, ''Improved BWR/6 Technical Specifications,'' Revision 1, April 1995. NUREG–1434 has been developed through working groups composed of both NRC staff members and the BWR/6 owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the Final NRC Policy Statement on Technical Specification Improvements to the current WNP–2 Technical Specifications utilizing BWR Owners' Group (BWROG) report NEDO–31466, ''Technical Specification Screening Criteria Application and Risk Assessment,'' (and Supplement 1) as incorporated in NUREG–1434.

The licensee has categorized the proposed changes into four general groupings. These groups are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve reformatting, renumbering and rewording of the existing TS. The reformatting, renumbering and rewording process reflects the attributes of NUREG–1434 and do not involve technical changes to the existing TS. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accidents or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components or variables that do not meet the criteria of inclusion in TS as identified in the Application of Selection Criteria to the WNP–2 TS. The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components or variables will be relocated from the TS to administratively controlled documents. Changes to these documents will be made pursuant to 10 CFR 50.59. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures which are subject to 10 CFR 50.59 and subject to the change control

provision in the Administrative Controls Section of the TS. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements continue to ensure process variables, structures, systems and components are maintained consistent with the safety analyses and licensing basis.

Changes characterized as less restrictive have been subdivided into four additional subcategories. They include:

a. *Relocating details to TS Bases, the Updated Safety Analysis Report (USAR), or procedures.* The requirements to be transposed from the TS to the Bases, USAR or procedures are the same as those currently included in the existing TS. The TS Bases, USAR and procedures containing the relocated information are subject to 10 CFR 50.59 and are subject to the change control provisions in the Administrative Controls section of the TS.

b. *Extension of instrumentation surveillance test intervals (STIs) and allowed outage times (AOTs).* The proposed changes affect only the STIs and AOTs and will not impact the function of monitoring system variables over the anticipated ranges for normal operation, anticipated operational occurrences, or accident conditions. However, the changes are expected to reduce the test related plant scrams and test induced wear on the equipment. General Electric Topical Reports GENE–770–06–1 and GENE–770–06–2 showed that the effects of these extensions of STIs and AOTs, which produced negligible impact, are bounded by previous analyses. Further, the NRC has reviewed these reports and approved the conclusions on a generic basis.

c. *Relocation of instrumentation only requirements (which provide no post-accident function).* These requirements are part of the routine operational monitoring and are not considered in the safety analysis. Changes made to the Bases, USAR, and procedures containing the relocated information will be made in accordance with 10 CFR 50.59 and are subject to the change control provisions in the Administrative Controls section of the TS. These proposed changes will not impose or eliminate any requirements.

d. *Other less restrictive changes.* Additional changes that result in less restrictions in the TS are discussed individually in the licensee's submittal. In addition to the changes solely involving the conversion, changes are proposed to the current Technical Specifications or as deviations from the Improved BWR/6 Technical Specifications (NUREG–1434) as follows:

1. Surveillance frequency changed from 18 months to 24 months for all surveillances normally performed at refueling outages.

2. LCO 3.1.4 and SR 3.1.4—change to average scram time of 2x2 array of control rods with allowance for ''slow'' rods.

3. LCO 3.3.6.1—delete isolation function of RHR shutdown cooling suction flow rate high.

4. LCO 3.3.7.1—change proposed ACTION for inoperable control room emergency filtration system (CREFS) radiation monitors.

5. LCO 3.3.8.1—reduce number of required loss of voltage channels.

6. LCO 3.3.1.1—revise Standard Technical Specification (STS) ACTION for loss of one manual trip function to increase allowable outage time (AOT) from 1 hour to 12 hours.

7. SR 3.3.1.2.5—note added which provides SR 3.0.1 exception for signal-noise ratio.

8. LCO 3.3.3.1—post accident monitoring (PAM) function surveillance requirement (SR) frequencies. Application of NEDO–30851–P–A to adopt a 6 hour AOT for required surveillances.

9. LCO 3.3.3.2—delay entry into TS ACTION for up to 6 hours to perform surveillance.

10. LCO 3.3.6.1—delete ** Modes for reactor building exhaust radiation-high isolation signal for primary containment.

11. LCO 3.3.6.1—delete certain containment isolation functions.

12. LCO 3.3.6.2—delete fuel handling sweep radiation monitor.

13. LCO 3.7.1—increase SW system AOT.

14. LCO 3.3.6.1—delete Mode 2 for shutdown cooling (SDC) isolation on pump room high temperature and area ventilation delta T.

15. LCO 3.3.7.1—delete requirement to isolate remote air intake if one of two radiation monitors is inoperable.

16. LCO 3.3.7.1—restore inoperable air intake radiation monitor in 30 days vice CTS AOT of 7 days.

17. LCO 3.3.8.1—changes to current technical specifications (CTS) allowable values.

18. LCO 3.3.8.2—changes to CTS allowable values and new condition and applicability statements.

19. SR 3.4.8—note added to Table to allow a channel to be inoperable for 6 hours solely for performance of required SRs.

20. LCO 3.5.1—extended AOTs for one low pressure emergency core cooling system (ECCS) subsystem, two low pressure ECCS subsystems, high pressure core spray (HPCS) concurrent with one low pressure coolant injection (LPCI) subsystem, and one automatic depressurization system (ADS) valve concurrent with one low pressure ECCS subsystem out of service.

21. SR 3.6.1.2.2—decrease airlock interlock verification from 6 months to 24 months.

22. Current TS 3/4.6.1.6—deletion of entire specification for drywell and suppression chamber pressure.

23. Current TS 4.6.2.2.b—remove surveillance test of residual heat removal (RHR) pump recirculation flow through RHR HX and suppression pool sparger to plant controlled document.

24. LCO 3.6.2.3—add allowance of 8 hours to restore one RHR suppression pool cooling subsystem to OPERABLE with both inoperable.

25. SR 3.6.2.3.2—reduce required flow from 7450 gpm to 7100 gpm.

26. LCO 3.8.1—increase AOTs for diesel generators (DGs).

27. SR 3.8.1—increase start and load times for DGs from 10 to 15 seconds.

28. LCO 3.8.2—increase in restoration completion time for DG–3 from 72 hours to 7 days.

29. SR 3.8.3.5—decrease frequency of water check in diesel oil from 31 days to 92 days.

30. SR 3.8.4.2 and 5—move resistance limits on connections to battery terminals to BASES.

31. SR 3.8.4.6—reduce length of battery charger load test from 4 to 1.5 hours.

32. SR 3.8.4.1—reduce battery terminal voltage from 258 to 252 volts and from 129 to 126 volts.

33. LCO 3.3.2.1—adds ''and with no peripheral control rod selected'' to RBM operability.

34. LCO 3.3.3.1—delete note to Condition C and Condition D for H_2 monitors.

35. LCO 3.3.4.2—reduce frequency of reactor vessel pressure high ATWS–RPT function channel calibration from quarterly to 18 months.

36. LCO 3.4.7—change reactor coolant system (RCS) pressure isolation valve (PIV) test pressure from 935 ± 10 psig to 1035 psig.

37. LCO 3.4.1—move power-to-flow map from LCO to the Core Operating Limits Report (COLR).

38. LCO 3.5.1—change in pressure for ADS operability from 128 psig to 150 psig.

39. LCO 3.5.2—change in suppression pool level requirement in Modes 4 and 5 from 30 ft. 9¾ in. to 18 ft. 6 in.

40. 4.0—change in water level requirement for spent fuel pool from 605 ft. 7 in. to 583 ft. 1¼ in.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 26, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Public Library, 955 Northgate Street, Richland, Washington 99352. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William H. Bateman, Director, Project Directorate IV–2: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to M. H. Philips, Jr., Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 8, 1995, which is 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 Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 20th 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. 96–16267 Filed 6–25–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Company, Diablo Canyon Power Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. DPR–80 and DPR–82,

issued to Pacific Gas and Electric Company (PG&E, the licensee), for operation of the Diablo Canyon Power Plant (DCPP), Units 1 and 2, located in San Luis Obispo County, California.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow a one-time extension of 3 months to the period for filing the subsequent revision to the FSAR to 9 months, rather than 6 months, after the completion of the Unit 2 seventh refueling outage.

The proposed action is in accordance with the licensee's application dated May 7, 1996, for exemption from certain requirements of 10 CFR 50.71, ''Maintenance of records, making of reports.''

The Need for the Proposed Action

Pursuant to 10 CFR 50.71(e)(4), the licensee must file subsequent revisions annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months. The revision must reflect all changes up to a maximum of 6 months prior to the date of the filing.

Currently, licensees file their revision to the FSAR 6 months following the completion of their Unit 2 refueling outage.

The licensee proposes a one-time exemption to allow Revision 11 of the FSAR update to be filed 9 months, rather than 6 months, after the completion of the Unit 2 seventh refueling outage. The revision will meet the requirement to be current to within 6 months of the time of the filing.

An exemption from certain requirements of 10 CFR 50.71(e)(4) is required to allow PG&E to complete its comprehensive review of the Diablo Canyon Power Plant FSAR update to ensure its completeness and accuracy and to incorporate any inaccuracies into Revision 11 of the FSAR update.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action. The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and would have no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative would be to deny the requested exemption. Denial of the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Diablo Canyon Power Plant dated May 1973.

Agencies and Persons Contacted

In accordance with NRC policy, on June 18, 1996, the staff consulted with the California State official, Mr. Steve Hsu of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated May 7, 1996, which is 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 California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 20th day of June 1996.

For the Nuclear Regulatory Commission.

Steven D. Bloom,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–16268 Filed 6–25–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number 301–92]

Notice of Determinations and Further Monitoring: People's Republic of China's Implementation of the 1995 Agreement on Enforcement of Intellectual Property and Market Access

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations and further monitoring.

SUMMARY: On May 15, 1996, based on monitoring carried out pursuant to subsection 306(a) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2416(a)), the Acting United States Trade Representative (USTR) announced that China was not satisfactorily implementing the 1995 Agreement on Enforcement of Intellectual Property Rights and Market Access (1995 Agreement) and requested public comment on a proposed action in response. See 61 FR 2500 of May 17, 1996. In addition, the USTR directed the Commissioner of Customs to limit, by date of export, entries of textile and apparel products listed in Annex II to the notice in the Federal Register. This action was necessary to prevent import surges and was taken pursuant to a determination under section 304(b)(1) of the Trade Act that expeditious action was necessary. On June 12, 1996, this limitation was extended for a further 30-day period commencing on June 14, 1996.

On June 17, 1996, the USTR announced that, based on the measures that China has taken and will take in the future to implement key elements of the 1995 Agreement, the proposed sanctions would not be imposed. In addition, the USTR determined to revoke China's designation as a ''Priority Foreign Country'' under section 182 of the Trade Act (19 U.S.C. 2242). The USTR has also determined that the limitation on textile and apparel imports to prevent import surges should be terminated upon publication of this Notice and has directed the Commissioner of Customs accordingly.

The USTR will continue to monitor China's implementation of the 1995

Agreement, including the measures set forth in the ''Report on China's Enforcement Measures'' and ''Other Measures'' of June 17, 1996, pursuant to section 306 of the Trade Act.

EFFECTIVE DATES: USTR's determinations as to the termination of the import surge mechanism and revocation of China's designation as a priority foreign country were made on June 17, 1996, and are effective June 26, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Deborah Lehr, Deputy Assistant USTR for China and Mongolian Affairs (202) 395–5050 or Catherine Field, Senior Counsel for Multilateral Affairs (202) 395–3432.

SUPPLEMENTARY INFORMATION: On May 15, 1996, the USTR announced that based on monitoring carried out pursuant to section 306(a) of the Trade Act, China was not satisfactorily implementing the 1995 Agreement on Enforcement of Intellectual Property Rights and Market Access (1995 Agreement). Pursuant to sections 301 (a) and (c)(1) and section 306(b)(1), the USTR proposed to impose increased duties on selected products of China and requested public comment on that proposed action. See 61 FR 2500 of May 17, 1996, for background on the announcement and proposed action.

To prevent import surge of products subject to quantitative restraints, pursuant to section 304(b)(1) and sections 301 (a) and (c) the USTR directed the Commissioner of Customs to limit the quantity of imports of the textile and apparel products listed in Annex II to that Federal Register notice. On June 12, 1996, the USTR extended her directive for an additional 30-day period commencing on June 14, 1996.

On June 17, 1996, the Chinese government confirmed that two documents of that date, entitled ''Report on China's Enforcement Measures'' and ''Other Measures'' are an accurate description of the measures that the Chinese government has taken and will take in the future to implement key elements of the 1995 Agreement. Based on this confirmation, on June 17, 1996, the USTR, pursuant to section 301(a)(2)(B)(i) of the Trade Act, determined not to impose the proposed sanctions and to terminate the directive to Customs limiting entry of certain products. In addition, pursuant to section 182(c)(1)(A) of the Trade Act, the USTR determined to revoke China's designation as a ''priority foreign country.''

Pursuant to section 306 of the Trade Act the USTR will monitor China's implementation of the 1995 Agreement, including the measures described in the documents of June 17, 1996. If, on the basis of this monitoring, the USTR considers that China is not satisfactorily implementing the 1995 Agreement or these measures, the USTR will decide what further action to take under section 301(a) of the Trade Act.

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 96–16320 Filed 6–25–96; 8:45 am]

BILLING CODE 3190–01–M

Request for Third-Country Antidumping Investigation of Sodium Azide From Japan

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written comments.

SUMMARY: On March 11, 1996 the Government of Canada, through its embassy in the United States, filed with the United States Trade Representative (''USTR'') a request for the initiation of a third-country antidumping duty investigation with respect to sodium azide from Japan, pursuant to section 783 of the Tariff Act of 1930, as amended (19 U.S.C. 1677n). The petition attached to the request alleges that imports of sodium azide from Japan are being sold in the United States at less than fair value (i.e., dumped), and that an industry in Canada is materially injured and threatened with material injury by reason of these imports. The petition alleges that ICI Canada Inc. is the sole Canadian producer of sodium azide. USTR invites comments from the public on the appropriateness of initiating a section 783 investigation with respect to sodium azide from Japan, on the substantive and procedural standards USTR should establish for the determinations of the Department of Commerce and International Trade Commission (''ITC'') in such an investigation, if initiated, and on other issues that may be relevant.

DATES: Written comments from the public are due on or before 12 noon, on July 26, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: William Kane, Associate General Counsel, (202) 395–6800.

SUPPLEMENTARY INFORMATION: Section 232 of the Uruguay Round Agreements Act of 1994 added section 783 to the Tariff Act of 1930 concerning antidumping petitions by third countries. Under section 783, the government of a WTO member may file with USTR a petition requesting that an investigation be conducted to determine if imports from another country are being sold in the United States at less than fair value, and an industry in the petitioning country is materially injured by reason of those imports. After receiving a petition, USTR must consult with Commerce and ITC, provide an opportunity for public comment, and determine whether to initiate an investigation. Before initiating any investigation, USTR must obtain the approval of the WTO Council for Trade in Goods. The URAA Statement of Administrative Action (H.R. Doc. 103–316, vol. l1, 103d Cong., 2d Sess. 845–6) (''SAA'') notes that, in determining whether to initiate an investigation, USTR will take into account whether the petitioning country provides an equivalent opportunity to the United States to seek the initiation of an antidumping investigation.

Should USTR determine to initiate an investigation, it must request Commerce and the ITC to make determinations with respect to dumping and injury, respectively. If both determinations are affirmative, Commerce must issue an antidumping order in accordance with section 736 of the Tariff Act.

USTR is to specify the substantive and procedural requirements for the Commerce and ITC determinations. The SAA indicates that USTR is to develop consistent, transparent standards of general applicability that provide meaningful guidance to Commerce and ITC, while according them the necessary flexibility to develop appropriate procedures. With regard to procedural issues, USTR is to specify deadlines, persons who may participate in the investigation, and the applicability of requirements such as hearings and exchanges of information under administrative protective order. With regard to substantive issues, USTR is to specify the extent to which existing antidumping standards will apply, particularly with regard to the ITC's injury determination. In the SAA, the Administration stated its intention that the standards should, to a considerable extent, permit the ITC to incorporate by analogy existing standards concerning injury to a U.S. industry, but also noted that certain concepts, such as regional industry, may have little applicability in third-country investigations.

On January 16, 1996, an antidumping petition was filed on behalf of American Azide Corporation, the sole U.S. producer of sodium azide, pursuant to section 732 of the Tariff Act of 1930.

The petition alleges that sodium azide from Japan is being sold in the United States at dumped prices and that an industry in the United States is materially injured and threatened with material injury by reason of such imports. On March 1, 1996, the ITC issued an affirmative preliminary injury determination. 61 FR 10596 (March 14, 1996). Commerce is scheduled to issue a preliminary investigation of dumping by August 13, 1996. 61 FR 26878 (May 29, 1996).

Public Comment

Interested persons are invited to submit written comments on the following issues:

(A) whether it is appropriate to initiate a third-country antidumping investigation on sodium azide from Japan; including as part of this issue are, *inter alia*, the relevance of the pending antidumping investigation on sodium azide from Japan, and the extent to which Canada provides an opportunity to the United States to seek an antidumping investigation in Canada on behalf of a U.S. industry.

(B) if an investigation were initiated, what procedural and substantive standards USTR should establish for Commerce's and ITC's determinations required by section 783; persons submitting comments on this issue may wish simply to use as a starting point the existing standards for antidumping investigations on behalf of a U.S. industry, and specify how the procedural and substantive standards for a third-country antidumping investigation should differ.

(C) any other issues relevant to the request for the initiation of a third-country antidumping investigation on sodium azide from Japan.

Requirements for Submissions

Comments are due no later than 12 noon, July 26, 1996. Comments must be in English and provided in twenty copies to: Sodium Azide Antidumping, Room 223, USTR, 600 17th Street, NW., Washington, DC 20508.

Comments will be placed in a file (Docket 783–1) open to public inspection, except for confidential business information exempt from public inspection. (Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the Docket which is open to public inspection.) USTR will generally apply to the standards set out in 15 C.F.R. § 2006.13 (Information Open to Public Inspection) and § 2006.15 (Information Exemption from Public Inspection) with respect to comments received.

Jennifer A. Hillman,

General Counsel.

[FR Doc. 96–16282 Filed 6–25–96; 8:45 am]

BILLING CODE 3190–01–M

WTO Dispute Settlement Proceeding Concerning European Ban on the Import of Meat From Animals Treated With Certain Hormones

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that a dispute settlement panel convened under the Agreement Establishing the World Trade Organization (WTO) at the request of the United States will examine the European Communities' ban on the importation of meat from animals treated with certain hormones. USTR also invites written comments from the public concerning the issues raised in the dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before July 24, 1996, in order to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Carolyn Frank, Executive Secretary, Trade Policy Staff Committee, Room 501, Attn: Hormone dispute, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Daniel Brinza, Senior Advisor and Special Counsel for Natural Resources, Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508, (202) 395–7305.

SUPPLEMENTARY INFORMATION: At the United States' request, a WTO dispute settlement panel will examine whether the European Community (EC) Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action and related measures are consistent with the EC's obligations under the General Agreement on Tariffs and Trade (GATT) 1994, the Agreement on the Application of Sanitary and Phytosanitary Measures (S&P Agreement), the Agreement on Technical Barriers to Trade (TBT Agreement), and the Agreement on Agriculture.

Australia, Canada, New Zealand, and Norway have reserved their rights to intervene in the panel proceedings as third parties.

Members of the panel are currently being selected, and the panel is expected to meet as necessary at the WTO headquarters in Geneva, Switzerland to examine the dispute. Under normal circumstances, the panel would be expected to issue a report detailing its findings and recommendations in six to nine months.

Major Issues Raised by the United States and Legal Basis of Complaint

The EC's measures (which in addition to the Directive cited above include, but are not limited to, the Council Directive of March 7, 1988, (88/146/EEC); the directives referenced in that directive (72/462/EEC, 81/602/EEC, 81/851/EEC, 81/852/EEC, and 85/358/EEC) the decisions referred to in Article 6(2) of directive 88/146/EEC; the control program referred to in Article 6(7) of directive 88/146/EEC; the derogations referred to in Article 7 of directive 88/146/EEC; and any amendments or modifications) adversely affect imports of U.S. meat and meat products and have no legitimate basis. They appear to be inconsistent with the EC's obligations under the General Agreement on Tariffs and Trade 1994, the Agreement on the Application of Sanitary and Phytosanitary Measures, the Agreement on Technical Barriers to Trade, and the Agreement on Agriculture. The provisions of these agreements with which these measures appear to be inconsistent include, but are not limited to, the following:

(1) General Agreement on Tariffs and Trade 1994, Article III or Article XI;

(2) Agreement on the Application of Sanitary and Phytosanitary Measures, Articles 2, 3 and 5;

(3) Agreement on Technical Barriers to Trade, Article 2; and

(4) Agreement on Agriculture, Article 4.

These measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute.

Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

A person requesting that information or advice contained in a comment submitted by that person, other than business confidential information, be treated as confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155)—

(1) must so designate that information or advice;

(2) must clearly mark the material as ''CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy; and

(3) is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA, USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include a listing of any comments made to USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding; the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the dispute settlement panel and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D–6, ''U.S.–EC: Hormones Directive''), may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Jennifer Hillman,

General Counsel.

[FR Doc. 96–16283 Filed 6–25–96; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Patricia Paige, (202) 606–0830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on June 4, 1996 (61 FR 28251). Individual authorities established or revoked under Schedules A and B and established under Schedule C between May 1, 1996, and May 31, 1996, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule A

No Schedule A authorities were established.

The following Schedule A authorities were revoked:

Smithsonian Institution

Not to exceed 25 positions at grades GS–11 and below which support planning and production of the annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival. Effective May 5, 1996.

Department of the Army

Corps of Engineers. Nonsupervisory trades, crafts, and manual labor positions at grades WG–6 and below on survey, construction, short-term maintenance, or floating operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities an adequate labor force can be recruited only by immediate gate hiring on a local basis. Effective May 22, 1996.

Schedule B

No Schedule B authorities were established or revoked in May 1996.

Schedule C

The following Schedule C authorities were established in May 1996:

Agency for International Development

Special Assistant to the Assistant Administrator. Effective May 17, 1996.

Commission on Civil Rights

Special Assistant to the Commissioner. Effective May 17, 1996.

Council on Environmental Quality

Special Assistant to the Chair. Effective May 24, 1996.

Department of Agriculture

Senior Policy Director to the Administrator, Rural Business-Cooperative Service. Effective May 1, 1996.

Deputy Administrator for Policy and Planning to the Administrator, Policy and Planning. Effective May 1, 1996.

Special Assistant to the Administrator, Animal and Plant Health Inspection Service. Effective May 1, 1996.

Staff Assistant to the Secretary of Agriculture. Effective May 3, 1996.

Department of Commerce

Confidential Assistant to the Assistant Secretary, Legislative and Interagency Affairs. Effective May 1, 1996.

Special Assistant to the Deputy Assistant Secretary for Basic Industries. Effective May 3, 1996.

Confidential Assistant to the Deputy Press Secretary. Effective May 17, 1996.

Special Assistant to the Under Secretary for International Trade, International Trade Administration. Effective May 31, 1996.

Confidential Assistant to the Assistant Secretary for International Economic Policy, International Trade Administration. Effective May 31, 1996.

Department of Defense

Confidential Assistant to the Deputy Advisor for National Security Affairs. Effective May 3, 1996.

Staff Specialist to the Deputy Under Secretary for Logistics. Effective May 17, 1996.

Department of Education

Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services. Effective May 9, 1996.

Department of Health and Human Services

Confidential Assistant (Advance) to the Director of Scheduling and Advance. Effective May 3, 1996.

Special Assistant to the Commissioner, Administration for Children and Families. Effective May 9, 1996.

Congressional Liaison Specialist to the Deputy Assistant for Legislation, (Congressional Liaison). Effective May 9, 1996.

Confidential Assistant to the Associate Administrator for External Affairs. Effective May 22, 1996.

Department of Housing and Urban Development

Deputy Assistant Secretary, Public Housing Investments to the Assistant Secretary, Public and Indian Housing. Effective May 3, 1996.

Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective May 17, 1996.

Executive Assistant to the President, Government National Mortgage Association. Effective May 29, 1996.

Deputy Assistant Secretary for Long Range Planning to the Deputy Secretary. Effective May 29, 1996.

Deputy Assistant Secretary for Public Affairs to the Deputy Secretary. Effective May 29, 1996.

Department of Justice

Special Assistant to the Assistant Attorney General, Environmental and Natural Resources Division. Effective May 24, 1996.

Department of Labor

Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective May 2, 1996.

Deputy Chief of Staff to the Chief of Staff. Effective May 3, 1996.

Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective May 9, 1996.

Special Assistant to the Director, Women's Bureau. Effective May 17, 1996.

Special Assistant to the Secretary of Labor. Effective May 22, 1996.

Special Assistant to the Executive Secretary. Effective May 30, 1996.

Special Assistant to the Director, Women's Bureau. Effective May 30, 1996.

Department of Transportation

Special Assistant to the Special Assistant for Scheduling and Advance. Effective May 7, 1996.

Department of Veterans Affairs

Special Assistant to the Secretary of Veterans Affairs. Effective May 22, 1996.

Federal Communications Commission

Chief, Office of Public Affairs to the Chairman, Federal Communications Commission. Effective May 9, 1996.

Federal Trade Commission

Director of Public Affairs (Supervisory Public Affairs Specialist) to the Chairman. Effective May 22, 1996.

General Services Administration

Deputy Chief of Staff to the Chief of Staff. Effective May 3, 1996.

National Credit Union Administration

Executive Assistant to the Board Member. Effective May 1, 1996.

Office of Management and Budget

Confidential Assistant to the Associate Director, National Resources Energy and Science. Effective May 3, 1996.

Selective Service System

Confidential Assistant to the Director of Selective Service. Effective May 7, 1996.

Small Business Administration

Director of Intergovernmental Affairs to the Associate Administrator for Communications and Public Liaison. Effective May 10, 1996.

Social Security Administration

Speech Writer to the Deputy Commissioner for Communications. Effective May 30, 1996.

United States Information Agency

Director, Office of Support Services to the Associate Director of the Bureau of Information. Effective May 9, 1996.

Public Affairs Specialist to the Director, New York Foreign Press Center, New York, NY. Effective May 30, 1996.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–16214 Filed 6–25–96; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22034; 812–9998]

Qualivest Funds, et al.; Notice of Application

June 20, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption Under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Qualivest Funds (the ''Trust'') and Qualivest Capital Management, Inc. (''QCMI'').

RELEVANT ACT SECTION: Order requested under section 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit certain investment companies to deposit their uninvested cash balances in one or more joint accounts to be used to enter into short-term investments.

FILING DATES: The application was filed on February 20, 1996, and amended on May 17, 1996. Applicants agree to file an additional amendment, the substance of which is incorporated herein, during the notice period.

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 15, 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: the Trust, 3435 Stelzer Road, Columbus, Ohio 43219; QCMI, P.O. Box 2758, 111 S.W. Fifth Avenue, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Sarah A. Buescher, Staff Attorney, at (202) 942–0573, or Robert A. Robertson, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust, organized as a Massachusetts business trust, is an open-end management investment company currently comprised of eleven series (the ''Funds''). QCMI serves as investment adviser to the Trust, and is an affiliate of U.S. Bank, a wholly-owned subsidiary of U.S. Bancorp. BISYS Fund Services, a division of the BISYS Group, Inc., acts as administrator for each Fund of the Trust, and acts as the Trust's principal underwriter and distributor.

2. The assets of the Funds of the Trust, except for Qualivest International Opportunities Fund are held by U.S. National Bank of Oregon as custodian. The assets of Qualivest International Opportunities Fund are held by The Bank of New York. Applicants request that any relief granted pursuant to the application also apply to any future

Funds that are advised by QCMI, or any entity controlling, controlled by, or under common control with QCMI.

3. At the end of each trading day, the Funds have uninvested cash balances in their accounts at their respective custodian banks that would not otherwise be invested in portfolio securities by QCMI. Generally such cash balances are invested in short-term liquid assets such as repurchase agreements, commercial paper, or U.S. Treasury bills.

4. Applicants propose to deposit uninvested cash balances of the Funds that remain at the end of the trading day, as well as cash for investment purposes, into one or more joint accounts (the ''Joint Accounts'') and to invest the daily balance of the Joint Accounts in: (a) repurchase agreements ''collateralized 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 taxable or tax-exempt money market instruments, including variable rate demand notes, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (collectively, ''Short-Term Investments''). The Funds that are eligible to participate in a Joint Account and that elect to participate in such Account are collectively referred to as ''Participants.''

5. Applicants propose to enter into hold-in-custody repurchase agreements, i.e., repurchase agreements where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement, only where cash is received very late in the business day and otherwise would be unavailable for investment.

6. A Participant's decision to use a Joint Account would be based on the same factors as its decision to make any other short-term liquid investment. The sole purpose of the Joint Accounts would be to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Participants necessary to manage their respective daily account balances.

7. QCMI would be responsible for investing funds held by the Joint Accounts, establishing accounting and control procedures, and ensuring fair treatment of Participants. QCMI will manage investments in the Joint Accounts in essentially the same manner as if it had invested in such instruments on an individual basis for each Participant.

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 from participating in any joint enterprise or arrangement in which such investment company is a participant, without an SEC order.

2. The Participants, by participating in the proposed Joint Accounts, and QCMI, 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 mean of rule 17d–1.

3. Although QCMI will realize some benefits through administrative convenience and some possible reduction in clerical costs, the Participants will be the primary beneficiaries of the Joint Accounts because the Account may result in higher returns and would be a more efficient means of administering daily cash investments.

4. 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 repurchase agreements and other Short-Term Investments that is higher than the rate available on smaller repurchase agreements and other 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.

5. The Joint Accounts may result in certain administrative efficiencies and a reduction of the potential for errors by reducing the number of trade tickets and cash wires that must be processed by the sellers of Short-Term Investments, the Participants' custodians, and QCMI's accounting and trading departments. For the reasons set forth above, applicants believe that granting the requested order is consistent with the provisions, policies, and purposes of the Act and the intention of rule 17d–1.

Applicants' Conditions

Applicants will comply with the following as conditions to any order granted by the SEC:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by Participants at their custodians except that monies from Participants will be deposited in the Joint Account on a commingled basis. The Joint Accounts will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by QCMI of uninvested cash balances.

2. Cash in the Joint Accounts will be invested in one or more of the following, as directed by QCMI: (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 taxable and tax-exempt money market instruments, including variable rate demand notes, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (defined as ''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. No Participant would be permitted to invest in a Joint Account unless the Short-Term Investments in such Joint Accounts satisfied the investment policies and guidelines of that Participant.

3. All assets held in the Joint Accounts would be valued on an amortized cost basis to the extent permitted by applicant SEC releases, rules or orders.

4. Each Participant valuing its net assets in reliance on rule 2a–7 under the Act will 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 would 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 will be obligated to invest in the Joint Account or to maintain any minimum balance in the Joint Account. In addition, each Participant will retain the sole rights of ownership to any of its assets invested in the Joint Account, including interest payable on such assets invested in the Joint Account.

6. QCMI 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 will not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Accounts would be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

8. The Boards of Trustees/Directors of the Funds (each a ''Board'' and collectively the ''Boards'') will adopt procedures pursuant to which the Joint Accounts will operate, which will be reasonably designed to provide that the requirements of this application will be met. Each of the Boards will make and approve such changes as they deem necessary to ensure that such procedures are followed. In addition, the Boards of each Fund will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the proposed procedures and will only permit a Fund to continue to participate therein if it determines that there is a reasonable likelihood that the Fund and its shareholders will benefit from the Fund's continued participation.

9. Any Short-Term Investments made through the Joint Accounts will satisfy the investment criteria of all Participants in that investment.

10. QCMI and the custodian of each Participant will maintain records documenting, for any given day, each Participant's aggregate investment in a Joint Account and each Participant's *pro rata* share of each investment made through such Joint Account. The records maintained for each Participant shall be maintained in conformity with section 31 of the Act and the rules and regulations thereunder.

11. Every Participant in the Joint Accounts will not necessarily have its cash invested in every Short-Term Investment. However, to the extent that a Participant's cash is applied to a particular Short-Term Investment, the Participant will participate in and own its proportionate share of such Short-Term Investment, and any income earned or accrued thereon, based upon the percentage of such investment purchased with monies contributed by the Participant.

12. Short-Term Investments held in a Joint Account generally will not be sold prior to maturity except if: (a) QCMI 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. QCMI 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 will not adversely affect other Participants participating in that Joint Account. In no case would an early termination by less than all Participants be permitted if it would reduce the principal amount or yield received by other Participants in a particular Joint Account or otherwise adversely affect the other Participants. Each Participant in a Joint Account will be deemed to have consented to such sale and partition of the investments in the Joint Account.

13. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and, for any Participant that is an open-end investment company registered under the Act, subject to the restriction that the fund may not invest more than 15% (or such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, if QCMI 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. 96–16290 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37328; File No. SR–Amex–95–35]

Self-Regulatory Organizations; Order Granting Partial Approval to a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Amex's Enforcement Authority Over Members' Transactions Effected on Other Options Exchanges

June 19, 1996.

On August 25, 1995, the American Stock Exchange, Inc. (''Amex'' 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 Amex Rule 900(a), ''Applicability,'' to confirm the Exchange's enforcement authority over Amex members' options transactions effected on another options exchange.[3] the Amex subsequently filed Amendment Nos. 1[4] and 2[5] to the proposal.

Notice of the proposed rule change and Amendment No. 1 were published for comment and appeared in the Federal Register on October 20, 1995.[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4 (1995).

[3] The proposal also included an amendment to Amex Rules 904, ''Position Limits,'' and 905, ''Exercise Limits,'' to require Amex members who trade non-Amex listed option contracts and who are not members of the exchange where the options are traded to comply with the option position and exercise limits set by the exchange where the transactions are effected. The Amex amended that portion of its proposal to indicate that the Exchange will apply the interpretations and policies of another exchange when applying that exchange's position and exercise limit rules to an Amex member's transactions on that exchange. *See* Letter from Claire McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division of Market Regulation (''Division''), Commission, dated September 19, 1995 (''Amendment No. 1'').

[4] *See* note 3, *supra.*

[5] In Amendment No. 2, the Amex modified the text of Amex Rule 900(a) to read as follows: ''The Rules in this Part V shall be applicable to (i) the trading on the Exchange of options contracts issued by the Options Clearing Corporation and the terms and conditions thereof; and (ii) the exercise and settlement, the handling of orders, and the conduct of accounts and other matters relating to option contracts dealt in by any member or member organization on any exchange.'' *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division, Commission, dated March 5, 1996 (''Amendment No. 2'').

[6] *See* Securities Exchange Act Release No. 36353 (October 10, 1995), 60 FR 54266.

No comments were received on the proposal. On December 8, 1995, the Commission approved the portion of the proposal (including Amendment No. 1) amending Amex Rules 904 and 905 regarding position and exercise limits.[7] This order approves the portion of the proposal amending Amex Rule 900(a) (including Amendment No. 2).

The proposed amendment of Amex Rule 900(a) reflects a determination by the Amex that further clarity was needed in the rule regarding the Amex's authority to take appropriate disciplinary action against Amex member firms trading on another exchange. In August 1994, the Commission set aside an Exchange disciplinary action taken against a registered representative of an Amex member firm who had been found guilty by an Exchange disciplinary panel of violating the Exchange's options suitability and discretionary trading rules (Amex Rules 923, ''Suitability,'' and 924 ''Discretionary Accounts,'') in connection with the trading on the Philadelphia Stock Exchange (''PHLX'') of Swiss Franc options listed on the PHLX.[8] In its August 1994 Order, the Commission stated that Amex Rules 923 and 924, as presently written, apply only to options transactions effected on the Amex, not to options transactions effected on another options exchange.

Subsequently, the Commission rejected the Exchange's request for reconsideration of that decision.[9] In its Order Denying Reconsideration, the Commission suggested that the Exchange could amend Amex Rule 900(a) to clarify the Amex's authority over a member's transactions on another options exchange. Accordingly, the Amex proposes to amend Amex Rule 900(a) to confirm and clearly specify the Exchange's enforcement authority over options transactions effected by Amex members on another exchange.

Specifically, Amex Rule 900(a), as amended, will provide that:

> The Rules in this Part V shall be applicable to (i) the trading on the Exchange of options contracts issued by the Options Clearing Corporation and the terms and conditions thereof; and (ii) the exercise and settlement, the handling of orders, and the conduct of accounts and other matters relating to option contracts dealt in by any member or member organization on any exchange.[10]

The Amex believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

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, the requirements of Sections 6(b)(5) and 6(b)(6)[11] in that it is designed to prevent fraudulent and manipulative acts and practices, to protect investors and the public interest, and to provide that the Amex's members are appropriately disciplined for violations of the Exchange's rules, by clarifying the scope of Part V, ''Rules Principally Applicable to Trading of Option Contracts,'' of the Amex's rules. Specifically, the proposed amendment to Amex Rule 900(a) states that the rules in Part V of the Amex's rules apply to (i) the trading on the Exchange of option contracts issued by the OCC and the terms and conditions thereof; and (ii) the exercise and settlement, the handling of orders, and the conduct of accounts and other matters relating to option contracts dealt in by an Amex or member organization on any exchange. The Commission believes that Amex Rule 900(a)(ii) strengthens the Amex's rules and provides for appropriate discipline of Amex members by indicating clearly that the Amex's rules governing the exercise and settlement, the handling of orders and the conduct of accounts and other matters relating to options apply to an Amex member's options transactions on other exchanges as well as to the member's options transactions on the Amex.

By clarifying the Amex's authority over a member's transactions on another exchange, the proposal will allow the Amex to discipline its members more effectively. Accordingly, the proposal protects investors and the public interest by extending the prohibitions and requirements of the options rules listed in Amex Rule 900(a)(ii) to include all exchange-traded options transactions entered into by Amex members, regardless of the exchange where the transactions occur. Thus, for example, if an Amex member violates Amex rules governing conduct of accounts through options transactions effected on another options exchange, Amex Rule 900(a)(ii) will allow the Amex to discipline that member for violating the Amex's rules governing the conduct of accounts, even though the member's options transactions were executed on another exchange.[12] In addition, the current proposal is consistent with the Amex's proposal to extend its disciplinary jurisdiction to include members' violations of the position and exercise limits of other options exchanges, which previously was approved by the Commission.[13]

The Commission finds good cause for approving Amendment No. 2 to the proposal prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, Amendment No. 2 strengthens the Exchange's proposal by clarifying the text of Amex Rule 900(a). Accordingly, the Commission finds good cause for approving Amendment No. 2 to the proposed rule change on an accelerated basis and believes that the proposal, as amended, is consistent with Sections 6(b)(5) and 19(b)(2) of the Act.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

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[7] *See* Securities Exchange Act Release No. 36567 (December 8, 1995), 60 FR 64463 (December 15, 1995 (''Position and Exercise Limit Order'').

[8] *See* Securities Exchange Act Release No. 34622 (August 31, 1995), 57 SEC Docket 1254 (''August 1994 Order'').

[9] *See* Securities Exchange Act Release No. 35658 (May 2, 1995), 59 SEC Docket 0620 (''Order Denying Reconsideration'').

[10] *See* Amendment No. 2, *supra* note 5.

[11] 15 U.S.C. 78f(b) (5) and (6) (1988 & Supp. V 1993).

[12] To discipline a member for violations of Amex rules in connection with over-the-counter derivatives, the Amex would charge the member with ''conduct inconsistent with just and equitable principles of trade'' under Article V, Section 4(h), ''Violation of Constitution, rules or resolutions—Inequitable conduct,'' of the Amex's Constitution, or with another generally applicable Amex rule. *See* Letter from Stephen L. Lister, Executive Vice President, Member Firm Regulation, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division, Commission, dated May 7, 1996.

[13] *See* Position and Exercise Limit Order, *supra* note 7. *See also* Securities Exchange Act Release Nos. 36242 (September 18, 1995), 60 FR 49305 (September 22, 1995) (order approving File No. SR–CBOE–95–22); 36257 (September 20, 1995), 60 FR 50228 (September 28, 1995) (order approving File No. SR–PHLX–95–31); and 36350 (October 6, 1995), 60 FR 53654 (October 16, 1995) (order approving File No. SR–PSE–95–17).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by [insert date 21 days after the date of this publication].

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the portion of the proposed rule change (SR–Amex–95–35) relating to Amex Rule 900(a), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16230 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37342; File No. SR–CBOE–96–34]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Pager Fees

June 20, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 3, 1996, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE hereby gives notice that it is proposing to amend and/or establish certain Exchange fees relating to a replacement pager system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend and/or establish various pager fees in light of the Exchange's replacement of an existing, Exchange-owned and -operated pager system (''existing system'') with a new pager system (''new system''). The Exchange will also own and operate the new system equipment. The new system will require members who desire pagers to own and use new pager units. Members may either trade in existing units and receive new units for a trade-in fee of $75.00, which is less than the cost of new pagers, or buy new pagers outright at the Exchange's then-current cost (the Exchange's cost currently is $275.00). There will not be a leasing option under the new system as there was under the existing system. The fee changes are being implemented by the Exchange pursuant to CBOE Rule 2.22 and will take effect at or about the time the new system becomes operational, expected to be later in 1996.

The Exchange will assess an annual maintenance fee under the new system, as it did under the old system. The maintenance fee of $80.00 per year will cover maintenance of the member-owned pagers as well as new system maintenance expenses to ensure that the new system's head-end equipment properly delivers signals to the members' pagers.

Upon receipt from the Federal Communications Commission of a license to use the new system's desired frequency, the Exchange will implement the new system fees by issuing a regulatory circular to the membership.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(4) of the Act in particular, in that it is designed to provided for the equitable allocation of reasonable dues, fees and other charges among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Purposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–96–34 and should be submitted by July 17, 1996.

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[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12) (1995).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16292 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37317; File No. SR–NASD–95–40]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to PORTAL Market Pilot of Member's Reporting Obligations

June 17, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 4, 1995 the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. On November 22, 1995, the NASD filed Amendment No. 1 to advise the Commission that the NASD's Board of Governors approved this rule filing to adopt a pilot of the PORTAL reporting requirements.[1] On June 12, 1996, the NASD filed Amendment No. 2 to revise a footnote to the proposed rule change.[2] Initially, this footnote stated that the investor status information requirement concerning 144A transactions in the U.S. private market would be satisfied if the member provided the requisite information with respect to the member's direct customer. The revision clarifies the circumstances in which the contra-party would be required to provide investor status information and affirms industry reliance on these representations in determining whether the buyer is a qualified institutional buyer (''QIB'').[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] *See*, letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Mark P. Barracca, Branch Chief, Division of Market Regulation, SEC, dated November 22, 1995.

[2] *See*, letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Elizabeth MacGregor, Branch Chief, Division of Market Regulation, SEC, dated June 12, 1996.

[3] *Infra* note 16.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend Schedule I to the NASD By-Laws (''PORTAL Rules'')[4] that regulates The PORTAL Market to establish a pilot for one year for the reporting of the initial placement (''primary transactions'') and secondary transactions in securities designated in the PORTAL Market as PORTAL securities.[5] The pilot will apply to members of the NASD that are designated in the PORTAL Market as PORTAL dealers and PORTAL brokers[6] and to other members of the NASD that transact business in PORTAL securities.

PORTAL dealers and PORTAL brokers will be required to provide a weekly transaction report to the PORTAL system of secondary market transactions in securities designated in the PORTAL Market. The weekly PORTAL transaction report by PORTAL dealers and PORTAL brokers of such secondary market transactions will include all trade report information and surveillance information as to the status of the investor[7] and will be required to be submitted no later than the Friday of the following week with respect to the prior calendar week's transactions. PORTAL dealers and PORTAL brokers will also be required to submit a monthly PORTAL Surveillance Report to the PORTAL system that includes trade report and investor status information, but only with respect to primary market transactions in PORTAL securities.[8] The monthly report will be required to be submitted by the tenth business day of the month with respect to the primary offerings that occurred in the prior calendar month.

The NASD is not proposing to modify the current reporting requirements with respect to other NASD members who are not designated as PORTAL dealers and PORTAL brokers. Such members are required to submit by the fifth business day of each month a PORTAL Non-Participant Report that includes trade and investor status information with respect to primary and secondary market transactions that occurred in the prior month in which no PORTAL dealer or broker participated. It is anticipated that the PORTAL Non-Participant Report will be submitted in paper form.

The NASD will provide a report to the SEC analyzing the information generated from weekly transaction reports submitted by PORTAL dealers and PORTAL brokers during the first six months of the pilot to determine whether there is an identifiable group of securities that have sufficient liquidity and volume in the secondary market to permit some form of last sale or other display of transactions in order to enhance price discovery.[9] With respect to the reporting of primary transactions submitted in the monthly PORTAL Surveillance Report, the NASD will review such reports to determine whether they provide sufficient support to the NASD's surveillance function to justify their continued submission. The pilot will also provide necessary surveillance of transactions in PORTAL securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis For, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

[4] In connection with the recent reorganization of the NASD *Manual*, The PORTAL Market Rules that were set forth in Schedule I to the NASD By-Laws are now set forth in the Rule 5300 series of the Market Rules. When adopted, the rule change proposed herein will be modified to comply with the new *Manual* form. *See*, NASD Notice to Members 96–24 (April 1996).

[5] NASD Manual, Schedules to the By-Laws, Schedule I, Part II, Sec. 2 (CCH ¶ 1953 (outlining the requirements for the designation of securities in the PORTAL Market).

[6] NASD Manual, Schedules to the By-Laws, Schedule I, Part III, Secs. 8 and 9 (CCH) ¶¶ 1962–1963 (setting forth the requirements for registration of an NASD member as a PORTAL dealer and PORTAL broker).

[7] ''Investor status information'' includes information on whether the contra-party was a QIB under Rule 144A, a non-QIB institution, or an individual or, alternatively, whether the transaction is to an offshore market or is into the U.S. public market.

[8] NASD Manual, Schedules to the By-Laws, Schedule I, Part III, Secs. 4(a) and 6(b) (CCH) ¶¶ 1958, 1960 (describing certain information required to be included in the weekly transaction report and the monthly Surveillance Report submitted to the NASD by PORTAL dealers and PORTAL brokers).

[9] Because the PORTAL Non-Participant Report includes both primary and secondary market data, this data will not be used to develop statistics regarding secondary market trading in PORTAL securities.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Background

The Nasdaq Stock Market operates The PORTAL Market for the trading of privately placed securities that qualify under Rule 144A under the Securities Act of 1933. The PORTAL Market is the only SEC-authorized system to provide a trading market for the resale of restricted securities. Securities that are designated PORTAL securities are eligible to receive a CUSIP number and to be settled through the Depository Trust Company (''DTC''). Participants in the PORTAL Market include PORTAL dealers, PORTAL brokers, and PORTAL qualified investors (''PORTAL participants''). Any member of the NASD that is registered as a general securities firm can become a PORTAL dealer if the member meets the $10 million investment in securities test under Rule 144A or as a PORTAL broker, where the member cannot meet the $10 million test.[10] Investors that meet the $100 million investment in securities test under Rule 144A can be registered as PORTAL qualified investors.[11] There are currently 115 participants in The PORTAL Market.

The PORTAL Market accepts quotations from PORTAL dealers and PORTAL brokers that are one- or two-sided, firm or indicative. The PORTAL Market requires neither firm quotations nor market making. NASD members may sell PORTAL securities to any customers, regardless of whether the customer is a participant in the PORTAL market, so long as the transaction is in compliance with Rule 144A or any other available exemption from registration.

On December 13, 1993, the SEC approved SR–NASD–91–05, which adopted significant amendments to The PORTAL Market Rules (formerly in Schedule I to the NASD By-Laws).[12] The amendments were immediately effective on the date of approval, with the exception of the new reporting rules which were to be effective on a date announced by the NASD within six months following publication in the Federal Register. The NASD has not announced a date of effectiveness for the new reporting rules.

The reporting requirements approved by the SEC required that members of the NASD registered as PORTAL dealers and PORTAL brokers enter a PORTAL transaction report in the PORTAL Market within 15 minutes of a secondary market transaction. The PORTAL transaction report included the standard items of information relative to a securities trade. PORTAL dealers and PORTAL brokers were also required to submit by the fifth business day of a month a PORTAL Surveillance Report that included the same trade data with respect to the prior month's primary and secondary market transactions of PORTAL securities and, with respect to each such transaction, information on whether the contra-party was a QIB under Rule 144A, a non-QIB institution, or an individual (''investor status information''). NASD members that are not registered as PORTAL dealers or PORTAL brokers were also required to submit a monthly PORTAL Non-Participant Report including the same information with respect to primary and secondary transactions that occurred in the prior month.

The SEC's December 13, 1993 approval order reflected in footnotes 48 and 49 thereof the concerns of several commentators, including the Securities Industry Association, regarding the need for and the technological, staffing, and costs related to the requirement that PORTAL transaction reports for secondary market transactions in PORTAL securities be submitted to the NASD within 15 minutes of the transaction and that such reports would be subject to last sale display. In addition, the approval order referenced in footnote 62 the undertaking of the NASD that it would meet with members of the International Operations Association to determine the extent to which broker/dealer firms have decentralized computer and trade processing systems operating in different areas of their businesses, and to determine further the views of market participants regarding the timing of the secondary market reporting requirements.

Description of Proposed Rule Change

Commencing in February 1994, the NASD entered into discussions with its members that are currently PORTAL brokers and PORTAL dealers. During such meetings, members discussed the unique problems associated with trade reporting of primary and secondary market transactions in restricted securities designated in the PORTAL Market. As a result of these concerns of member firms, the implementation of the reporting requirements approved by the SEC has been delayed and the NASD is proposing to establish a pilot for one year for the reporting of primary and secondary market transactions in securities designated in the PORTAL Market as PORTAL securities. The pilot will apply to members of the NASD that are designated in the PORTAL Market as PORTAL dealers and PORTAL brokers and to members of the NASD that are not PORTAL dealers or PORTAL brokers.[13]

Reporting Obligations of PORTAL Dealers and PORTAL Brokers

Transactions in PORTAL securities will be subject to the reporting requirements set forth in Section 2(a) to Part III of the PORTAL Market Rules. Pursuant to Section 2(a), if both the buyer and the seller to a transaction are PORTAL dealers or PORTAL brokers, the seller is obligated to report the transaction to the PORTAL System. If only one party to a transaction in PORTAL securities is a PORTAL dealer of PORTAL broker, that party is obligated to report the transaction to the PORTAL System. Where the reporting party is the buyer, the PORTAL dealer or PORTAl broker is required to provide the investor status information with respect to his status as a buyer.

Reporting Obligations of NASD Members That Are Not PORTAL Participants

The NASD is not proposing to modify the reporting requirements with respect to other NASD members who are not designated as PORTAL dealers and PORTAL brokers. Such members are required by Section 2(b) and Section 5 of Part III of the PORTAL Rules to submit by the fifth business day of each month a PORTAL Non-Participant Report to the Market Surveillance Department of the NASD that includes trade and investor status information with respect to primary and secondary market transactions that occurred in the prior month. A member who is not a PORTAL dealer or broker will only be required to submit a PORTAL Non-

[10] *See, supra* note 6.

[11] NASD Manual, Schedules to the By-Laws, Schedule I, Part IV, Sec. 1 (CCH) ¶ 1965 (setting forth the requirements for registration of institutional investors as PORTAL qualified investors).

[12] Securities Exchange Act Rel. No. 33326 (Dec. 13, 1993); 58 FR 66388 (Dec. 20, 1993).

[13] THe NASD issued Notice to Members 95–34 in May 1995 to survey its members with respect to their transactions in PORTAL securities. The purpose of the survey was to identify members of the NASD that were not already PORTAL dealers and PORTAL brokers that transact business in PORTAL securities and, with respect to such members, obtain information on the level of transactions. Only nine members of the NASD submitted a survey form, of which, only three indicated that they had conducted transactions in PORTAL securities in the prior six months. Moreover, of the three, only one member had transacted business in an amount of at least $250 million.

Participant Report if it is the only member participating in the transaction or if the contra-party is a member that is also not a PORTAL dealer or broker. Pursuant to Section 2(b), the report must be submitted by the seller, if both parties to the transaction are members. If only one party to the transaction is an NASD member, the member is responsible for filing the report. Because the PORTAL Non-Participant Report includes both primary and secondary market data, this data will not be used to develop statistics regarding secondary market trading in PORTAL securities.

Securities Subject to Reporting

The pilot reporting requirements will apply to all reportable PORTAL-designated securities. Reportable PORTAL-designated securities include all securities designated in the PORTAL Market, except for nonconvertible debt securities and nonconvertible preferred stock issued prior to December 13, 1993 which are rated in one of the top four generic rating categories by a nationally recognized statistical rating organization for which a request for deletion from the list of reportable securities has been made as set forth below.[14] On December 13, 1993, the SEC approved amendments to the rules of the DTC that permitted DTC to make such investment grade securities eligible for its book-entry delivery and other depository services without the need for the securities to also be designated for inclusion in The PORTAL Market. Thus, subsequent to that date, issuers of such investment grade securities have the option of not being PORTAL designated. To the extent issuers have nonetheless determined to obtain PORTAL designation of their securities, transactions in such securities will be subject to the PORTAL pilot reporting requirements unless a procedure is followed that would result in termination of the PORTAL designation of the security.

With respect to investment grade securities issued *on or after* December 13, 1993, such securities will be included in the list of reportable securities, unless PORTAL designation of the issue has been terminated as a result of the submission of an appropriate modified letter of representation by the issuer to DTC to qualify for the investment grade exemption from PORTAL designation under DTC rules. This procedure would require that the issuer agree to amend its original letter of representation to provide information on the investment grade rating of the issue and to request that the security be approved in DTC under the exemption from PORTAL designation for investment grade securities. Upon acceptance by DTC of the issuer's modified letter of representation, a letter must be submitted to The PORTAL Market by a PORTAL dealer or PORTAL broker that is signed by an associated person of the member with supervisory authority. The letter must request that a security's designation be terminated and include a copy of the letter of representation by the issuer to DTC (as well as any other documentation) to qualify for the investment grade exemption from PORTAL designation under DTC rules. DTC and the PORTAL Market will coordinate to promptly set a date for termination of the security as a PORTAL-designated security.

With respect to investment grade securities designated in the PORTAL Market *prior to* December 13, 1993, such securities will be included in the list of reportable PORTAL securities unless a PORTAL dealer or PORTAL broker submits a letter of representation signed by an associated person of a member with supervisory authority that identifies each security that the member believes is rated investment grade and provides with respect to each such security: (1) A statement whether the security is a nonconvertible debt security or a nonconvertible preferred stock; (2) the rating of the security and/or the lowest rating of any tranche of the security; [15] and (3) the date the offering was issued. Upon acceptance of this submission by the PORTAL Market, the security will be deleted from the list of securities subject to the PORTAL pilot reporting requirements, but the security will not be terminated as a PORTAL-designated security.

The PORTAL Market is currently developing a list of PORTAL securities in order for PORTAL brokers and dealers and other members to be able to identify those securities subject to the PORTAL pilot reporting requirements. All securities designated in the PORTAL Market will be included in the list, unless: (1) a member has requested to not include a security that is an investment grade rated nonconvertible debt security or preferred stock issued prior to December 13, 1993; or (2) the security's designation has been terminated pursuant to the procedures set forth above for investment grade rated nonconvertible debt or preferred stock issued on or after December 13, 1993 or is terminated for another reason.

Investor Status Information

The PORTAL pilot will require that the weekly transaction report and monthly Surveillance Report of PORTAL dealers and brokers include investor status information. In reviewing this requirement, which is drawn from the provisions of the PORTAL Rules, the NASD determined that there are two situations where the investor status information is not relevant; the first is in connection with sales to an offshore market and the second relates to sales into the U.S. public market (pursuant to a registration statement, Rule 144 or any other applicable exemption). The NASD believes that the request of SEC staff for information on investor status in the reporting of a transaction to the PORTAL system was intended to be applicable to transactions within the U.S. private market. The NASD, therefore, determined that the required reports by PORTAL dealers and PORTAL brokers will permit the investor status information field to accept two alternative entries of either ''Offshore'' or ''U.S. Public Market'' to indicate that the transaction is not in the U.S. private market. Thus, with respect to each reported transaction, members may either enter the requisite investor status information on the contra-party or indicate that such information is not applicable as the transaction is to an offshore market or the U.S. public market.[16]

Time of Execution

The PORTAL reporting requirements under the pilot are triggered when a trade is ''executed.'' The term ''execution'' is defined in the PORTAL Rules as ''entering into a purchase, sale or transfer of a PORTAL security.'' Members have requested clarification of when a transaction in a PORTAL security is considered executed in light of the fact that transactions in restricted

[14] *See*, Securities Exchange Act Release No. 33327 (Dec. 13, 1993), 58 FR 67878 (Dec. 21, 1993).

[15] If separate tranches of a security are rated individually, the security does not qualify for the exemption from the reporting requirements if any tranche is rated below investment grade.

[16] While the identity of the contra-party is only required with respect to the party with whom the member is engaged in the transaction consistent with Section 4 to Part III of the PORTAL Rules, investor status information is required with respect to the buyer or buyers in the transaction consistent with Section 6 of Part III of the PORTAL Rules. If the contra-party is purchasing as principal, the investor status information would be provided with respect to the contra-party. If the contra-party is purchasing as agent, the investor status information would be required with respect to the account(s) on whose behalf the contra-party is purchasing. In providing the investor status information, it is the understanding of the NASD that it is industry practice for members to rely on representations of the agent/contra-party as to whether the buyer is a qualified institutional buyer, a non-QIB institution, or an individual.

securities may require negotiation of the transaction price, agreement on the currency of settlement and time to obtain Rule 144A compliance documentation.

The NASD has determined that the time of ''execution'' with respect to a transaction in a PORTAL security shall be the point when all of the terms of the trade have been agreed to and the parties are ready to send the transaction to clearance and settlement. So long as the terms of the transaction remain outstanding, the transaction would not be deemed to be executed because the parties are not ready to enter ''into a purchase, sale or transfer of a PORTAL security.'' With respect to the transfer of documents demonstrating compliance with Rule 144A or any other applicable exemption, it appears that the transfer of such documentation may occur at some later time although the seller would have previously determined the exemption to be relied on. Thus, the time when documentation supporting reliance on Rule 144A or any other applicable exemption is completed would not affect the time when an ''execution'' of a transaction in a PORTAL security is deemed to occur.

(b) The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act in that the establishment of a pilot to develop criteria for designation of securities that should be subject to last sale display and to initiate trade reporting under the pilot will allow the NASD to surveil transactions in restricted securities that are designated in The PORTAL Market and will prevent fraudulent and manipulative acts and practices, will promote just and equitable principles of trade, and will remove impediments to and prefect the mechanism of a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

(A) By order approved such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 17, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16291 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37341; File No. SR–NSCC–96–10]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Permit Establishment of Alternative Settlement Cycles for Mutual Fund Transactions Through the Fund/SERV System

June 20, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 4, 1996, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change and described in Items I, II, and III below, which items have been prepared primarily by NSCC. On May 8, 1996, NSCC filed an amendment to its proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will modify NSCC's Rules to enable NSCC members using NSCC's Fund/SERV system to establish settlement cycles for mutual fund transactions other than that which would be automatically assigned by Fund/SERV.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to enable NSCC members using NSCC's Fund/SERV system to establish settlement cycles for mutual fund transactions other than that which would be automatically assigned by Fund/SERV. Fund/SERV is an NSCC service that permits NSCC members to process and to settle on an automated basis mutual fund purchase and redemption orders and to transmit registration instructions.

Currently, the Fund/SERV system automatically establishes a settlement cycle and assigns a settlement date to a mutual fund transaction based on the underlying security type. The proposed rule change will permit mutual fund transactions to settle on an expanded or

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Julie Beyers, Associate Counsel, NSCC, to Jerry Carpenter, Assistant Director, Division of Market Regulation, Commission (May 8, 1996).

[3] The Commission has modified parts of these statements.

shortened settlement cycle upon agreement of the submitting parties. The date established by the submitting parties for a transaction will be the date used for all trade processing relating to that particular transaction and could be as short as the same day or as long as seven business days.

As a result of the expansion of the types of businesses conducted by broker-dealers, the mutual fund industry has requested that NSCC modify the Fund/SERV system to enable broker-dealers to establish settlement dates with respect to specific transactions. For example, a transaction involving shares of traditional load mutual funds normally settles on a three business day settlement cycle, whereas a transaction for shares of the same fund involving a 401K account [4] normally settles on a next day settlement cycle. The proposed modifications to the Fund/SERV system will allow NSCC members to make an adjustment to the settlement cycle for mutual fund transactions in order to accommodate the need for different settlement cycles.

Under the proposed rules, a member which submits a mutual fund order and desires to establish a settlement cycle other than that established by the Fund/SERV system would include in the order data the date on which the transaction is to settle and a reason code for modifying the settlement cycle. The contraparty would then have the opportunity to accept or to reject the transaction. The transaction also would be rejected by NSCC if the specified settlement cycle is longer than seven business days. Once accepted NSCC will process the mutual fund transaction in accordance with the specified settlement cycle.

The proposed rule change is consistent with the requirements of Section 17A of the Act, and the rules and regulations thereunder because it will facilitate the prompt and accurate clearance and settlement of securities transactions.[5]

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC solicited comments from the Investment Company Institute Broker Dealer Advisory Committee on November 10, 1995. NSCC received one letter from Smith Barney [6] requesting certain formatting features. Based on this letter, NSCC has made certain modifications to the Fund/SERV system. NSCC will notify the Commission of any additional written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the file number SR–NSCC–96–10 and should be submitted by July 17, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16293 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[4] A 401K account is a cash or deferred profit sharing plan as described in Section 401(k) of the Internal Revenue Code of 1986, as amended.

[5] 15 U.S.C. § 78q–1 (1988).

[6] Letter from Alan Rubin, Vice President, Smith Barney, to Chris Hayes, NSCC (January 15, 1996).

[Release No. 34–37322; File No. SR–PHLX–96–20]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Contrary Exercise Advices for Expiring Equity Options

June 18, 1996.

Pursuant to Section 19(b)(1) of the Securities Commission Act of 1934 ''(Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on May 30, 1996, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b–4 of the Act, the PHLX proposes to adopt new Floor Procedure Advice (''Advice'') F–26, ''Equity Options Contrary Exercise Advices,'' to add certain provisions of paragraph (b), ''Exercise Cut-Off for Expiring Options,'' of PHLX Rule 1042, ''Exercise of Equity Option Contracts,'' to the PHLX's Floor Procedure Advice Handbook. The PHLX proposes to include Advice F–26 in the Exchange's minor rule violation enforcement and reporting plan (''minor rule plan'').[1]

[1] The Exchange's minor rule plan is administered pursuant to PHLX Rule 970, ''Floor Procedure Advices: Violations, Penalties, and Procedures,'' which contains Advices with accompanying fine schedules. Pursuant to paragraph (c)(1) of Rule 19d–1 under the Act, a self-regulatory organization (''SRO'') is required to file promptly with the Commission notice of any ''final'' disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d–1, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule violation pursuant to the plan shall not be considered ''final'' for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated minor violations as not final, the Commission permits the SRO to report violations on a periodic (quarterly), as opposed to immediate, basis.

Under the proposal, an initial violation of proposed Advice F–26 that is minor in nature will receive a warning and all subsequent violations within a one year period will be referred to the PHLX's Business Conduct Committee (''BCC''). In addition, an initial violation of proposed Advice F–26 that is deemed serious by the Exchange will be referred directly to the PHLX's BCC.[2]

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX proposes to adopt Advice F–26 in order to add certain pertinent provisions of PHLX Rule 1042 regarding expiring equity options into the Exchange's Floor Procedure Advice Handbook. The PHLX believes that including these provisions in the Floor Procedure Advice Handbook should facilitate compliance with PHLX Rule 1042 due to ease of reference on the trading floor. Proposed Advice F–26 will be incorporated into the PHLX's minor rule plan; accordingly, the PHLX proposes to amend the minor rule plan to include proposed Advice F–26. Under the proposal, the first violation of proposed Advice F–26 that is minor in nature will be subject to a warning, and all subsequent violations within a one year calendar period will be referred to the Exchange's BCC for disciplinary action. In addition, an initial violation of proposed Advice F–26 that is deemed serious by the Exchange will be referred directly to the PHLX's BCC.[3]

PHLX Rule 1042 establishes the PHLX's cut-off procedure for expiring equity options. Specifically, PHLX Rule 1042(b) requires that final exercise decisions be communicated to the Exchange by 5:30 p.m. Eastern Time on the business day immediately prior to the expiration date by (1) taking no action and allowing exercise determinations to be made in accordance with Options Clearing Corporation's (''OCC'') Rule 805(d)(2), where applicable; [4] or (2) submitting a Contrary Exercise Advice (''CEA''), a form which commits an option holder either to not exercise an option that would otherwise be exercised automatically pursuant to OCC Rule 805, or to exercise an option that otherwise would not be exercised automatically pursuant to OCC Rule 805. The Exchange states that PHLX Rule 1042 is substantially similar to the exercise rules of the other options exchanges.

According to the PHLX, the current proposal was developed in conjunction with the other options exchanges. As part of this joint review of exercise procedures through the Intermarket Surveillance Group (''ISG''), the exchanges focused on the disciplinary result of violating the exercise rules, noting that a more streamlined process was needed. Thus, the PHLX states that the exchanges intend to permit the prompt issuance of a warning for minor violations of the exercise rules before triggering the full disciplinary process.[5]

The Exchange believes that PHLX Rule 1042 and proposed Advice F–26 contain important substantive requirements, including an exercise cut-off time, and specific submission requirements. The purpose of the proposal is to codify *minor* infractions into the PHLX's minor rule plan. In administering the minor rule plan, the PHLX understands that infractions cited pursuant to the minor rule plan are minor in nature and more serious violations are referred directly to the BCC. Thus, proposed Advice F–26 is intended only to cover minor infractions and specifically states this.[6] The Exchange does *not* believe that, by virtue of including the provisions as an Advice, all violations of Advice F–26 are thereby minor. PHLX Rule 1042 was intended to govern exercise procedures in order to prevent the occurrence of abuses and fraudulent activity. Incorporating part of PHLX Rule 1042 into an Advice does not diminish this critical purpose. The PHLX states that many other important, substantive provisions in the Exchange's rules are codified into Advices so that minor violations can be handled efficiently.[7]

The PHLX believes that the proposal is consistent with Section 6 of the Act, in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, as well as to protect investors and the public interest, by codifying the provisions of PHLX Rule 1042(b) into proposed Advice F–26.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90

[2] A violation of proposed Advice F–26 that is not easily verifiable or that requires a complicated factual or interpretative inquiry would also be referred directly to the Exchange's BCC. Conversation between Edith Hallahan, Special Counsel, Regulatory Services, PHLX, and Yvonne Fraticelli, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, on June 17, 1996.

[3] *See* note 2, *supra.*

[4] Under OCC Rule 805(d)(2), a clearing member is deemed to have tendered to OCC an exercise notice for options with an exercise price below (in the case of a call) or above (in the case of a put) the closing price of the underlying security by (i) ¾ of a point or more, if the option contract is carried in a customer's account, or (ii) ¼ of a point or more, if the option contract is carried in any other account, unless the clearing member has instructed OCC to exercise none, or fewer than all, of such contracts. If a clearing member desires that any such contract not be exercised, the clearing member must give appropriate instructions to OCC in accordance with OCC Rule 805(b).

[5] One example of a minor violation of PHLX Rule 1042(b) would be submitting a CEA to the wrong place. Telephone conversation between Edith Hallahan, Special Counsel, Regulatory Services, PHLX, and Yvonne Fraticelli, Attorney, OMS, Division, Commission, on June 5, 1996.

[6] The fine schedule for proposed Advice F–26 provides a warning for a first offense for infractions of the CEA procedure which are minor in nature; any violation of the procedure which has been deemed serious by the Exchange will be referred directly to the Exchange's BCC where stronger sanctions may result. However, the Exchange notes that this does not affect the other Advices administered pursuant to the minor rule plan which do not specifically contain this statement; infractions cited pursuant to the minor rule plan are minor in nature regardless of whether this specific language was added to the Advice.

[7] *See e.g.*, Advice F–15, ''Minor Infractions of Position/Exercise Limits and Hedge Exemptions.''

days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicition of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR-PHLX–96–20 and should be submitted by July 17, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16228 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR § 200.30–3(a)(12) (1995).

[Release No. 34–37334; File No. SR–Phlx–96–03]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 thereto by the Philadelphia Stock Exchange, Inc. Relating to Component Additions to the Phlx Gold/Silver Index

June 19, 1996.

On April 1, 1996, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to revise the composition of the Phlx Gold/Silver Index (''XAU'' or ''Index'') by adding three underlying stocks and to adopt procedures to address replacements, additions and deletions of component stocks. On April 16, 1996, the Exchange filed Amendment No. 1 to the proposal.[3] Notice of the proposal was published for comment and appeared in the Federal Register on April 25, 1996.[4] No comment letters were received on the proposal. On June 5, 1996, the Exchange filed Amendment No. 2 to the proposal.[5] This order approves the Phlx's proposal as amended.

I. Description of the Proposal

The XAU is a capitalization weighted index currently composed of the stocks of nine widely held U.S. companies in the gold and silver mining industry. Options on the Index have an American style expiration and the settlement value is based on the closing values of the component issues on the day exercised or on the last trading day prior to expiration (*i.e.* ''P.M.-settled''). The Index was the first narrow-based or industry index approved for trading on the Exchange.[6] Pursuant to Footnote 10 to the Index Approval Order,[7] the Exchange previously agreed to submit to the Commission, pursuant to Rule 19b–4 under the Act, any changes to the stocks comprising the Index and to attempt to formulate a rule that would govern this process. Accordingly, pursuant to this rule filing, the Exchange is requesting approval to change the composition of the XAU by adding two stocks. The stocks are Santa Fe Pacific Gold Corp. (GLD) and TVX Gold Inc. (TVX) and they both currently trade on the New York Stock Exchange.[8] The Exchange believes that the addition of these two stocks will help ensure an even more accurate response to overall market activity in the precious metals mining industry. The Phlx represents[9] that the proposed change would increase the total capitalization of the Index from $28.63 billion to $34.01 billion. The two additional stocks combined will account for 10.19% of the revised Index by capitalization weight. The value of the XAU as of the close of trading on March 28, 1996 was 143.83.

The Exchange also proposes to adopt a procedure which will govern future replacements, additions or deletions of underlying stocks from the Index. If at any time a stock is deleted from the Index due to merger, acquisition or otherwise, and the Exchange determines to replace it, the Phlx will take into account the capitalization, liquidity, volatility and name recognition of any proposed replacement stock which fits the character of the Index. Moreover, the Phlx will ensure that the Index meets all of the maintenance criteria in Rule 1009A(c)[10] except the requirement that the Index be A.M.-settled.[11] The Phlx notes that this maintenance criteria, in part, requires it to ensure that no fewer than 90% of the stocks comprising the Index by weight, nor fewer than 80% of the total number of stocks in the Index,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1 the Phlx states that the Index is currently a P.M.-settled index and that it proposes to apply all of the maintenance criteria of Phlx Rule 1009(A)(c) except the requirement that the Index be designated as A.M.-settled. *See* letter from Michele R. Weisbaum, Associate General Counsel, Phlx, to James T. McHale, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, dated April 16, 1996 (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 37123 (April 18, 1996), 61 FR 18454 (April 25, 1996).

[5] In Amendment No. 2, the Exchange states that it has received oral comments that AMAX Gold Inc. (AU) would not be an appropriate stock to include in the XAU as it is not actually a gold or silver mining stock, but more of a ferrous metal company stock. Accordingly, the Exchange wishes to withdraw the proposed addition of AU to the Index. *See* Letter from Michele R. Weisbaum, Associate General Counsel, Phlx, to James T. McHale, Attorney, OMS, Division, Commission, dated May 15, 1996 (''Amendment No. 2'').

[6] *See* Securities Exchange Act Release No. 20437 (December 2, 1983) 48 FR 55229 (December 9, 1983) (''Index Approval Order'').

[7] *Id.*

[8] According to the Exchange, as of May 14, 1996, the capitalizations of Santa Fe Pacific Gold Corp. and TVX Gold Inc. were approximately $2 billion and $1.46 billion respectively.

[9] The following data is based on prices and shares outstanding as of May 14, 1996.

[10] The maintenance criteria set forth in Rule 1009A(c) are principally designed as index maintenance criteria that are required to be met by certain narrow-based index option products that were listed pursuant to Rule 1009A(b). Rule 1009A(c), among other things, requires that for a capitalization weighted index, the lesser of the five highest weighted component securities in the index or the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of stocks in the index each have an average monthly trading volume of at least 1,000,000 shares over the past six months. Rule 1009A(c) also requires each component security to have a market capitalization of at least $75 million, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, the market capitalization is at least $50 million. *See* Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062 (June 10, 1994).

[11] *See* Amendment No. 1, *supra* note 3. The settlement value of an A.M.-settled index is based on the opening prices of the component securities, in contrast to a P.M.-settled index, which is based on closing prices. As mentioned above, the XAU is a P.M.-settled index.

qualify as eligible for equity options trading under Phlx Rule 1009.[12] Absent Commission approval, the Exchange will not increase to more than 15, nor decrease to fewer than 9, the number of stocks in the Index.

II. 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, the requirements of Section 6(b)(5)[13] in that it is designed to prevent fraudulent and manipulative acts and practices, to help remove impediments to a free and open securities market and facilitate transactions in securities, while protecting investors and the public interest. Specifically, the Commission believes that adding to the XAU two relatively highly capitalized and actively traded precious metal mining stocks should result in the Index being more representative of the gold and silver mining industries.[14] Moreover, the greater number of securities in the Index should reduce the potential for manipulation to the Index, which will serve to protect investors and the public interest.

With regard to the Exchange's proposed procedure for governing future replacements, additions or deletions of underlying stocks from the Index, the Commission finds that the procedure is appropriate and consistent with the Act. More specifically, the Phlx has undertaken to ensure that the XAU will satisfy the maintenance criteria set forth in Exchange Rule 1009A(c),[15] governing certain narrow-based index options. As noted above, these criteria contain minimum numerical requirements for, among other things, trading volume and capitalization which will help to ensure that the components of the Index have sufficient depth and liquidity to accommodate options trading. Given that the Index is an industry index with relatively few components, the Commission believes that applying these maintenance criteria is an appropriate means of ensuring that the Index continues to reflect a bona fide narrow-based index. Additionally, the Commission concludes that the Phlx's proposal as a whole satisfies the Commission's request in the original Index Approval Order[16] that the Exchange formulate a rule to govern replacements of stocks in the Index. Based on the above, the Commission believes this portion of the proposal will help to facilitate transactions in securities while protecting investors and the public interest.

The Commission finds good cause for approving Amendment No. 2 to the proposal prior to the thirtieth day after the date of publication of the notice of filing thereof in the Federal Register. Specifically, Amendment No. 2 merely removes one of the proposed Index stocks which, according to the Exchange, was not an accurate representative of the gold/silver mining industry. The amendment does not raise significant issues or otherwise materially impact the proposal. Indeed, the overall initial effect of the proposal is to increase the number of component stocks in the Index from 9 to 11, which, given the capitalization and trading history of the two additional components, strengthens the Index.

Based on the above, the Commission finds good cause for approving Amendment No. 2 to the proposed rule change on an accelerated basis and believes that the proposal, as amended, is consistent with Sections 6(b)(5) and 19(b)(2) of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to the File No. SR–Phlx–96–03 and should be submitted by July 17, 1996.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–Phlx–96–03), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16229 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[12] The two new stocks proposed to be added herein both currently have overlying options being traded.

[13] 15 U.S.C. 78f(b)(5).

[14] *See* note 8 *supra.*

[15] The XAU contract, however, will not meet the requirement that the Index be A.M.-settled. *See* Amendment No. 1, *supra* note 3. The Commission continues to believe that basing the settlement of index products on opening, as opposed to closing, prices helps to alleviate stock market volatility on Expiration Fridays and the Commission encourages the Phlx to consider changing the XAU to an A.M.-settled index. Nevertheless, because options on the Index have been trading as P.M.-settled since inception of the Index, and because the Index is comprised of a small number of securities, the Commission is not at this time requiring the Phlx to make such a change.

[16] *See supra* note 6.

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Notice of Order Adjusting the Standard Foreign Fare Level Index

Section 41509(e) of Title 49 of the United States Code requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80–2–69 established the first interim SFFL, and Order 96–3–61 established the currently effective two-month SFFL applicable through May 31, 1996.

In establishing the SFFL for the two-month period beginning June 1, 1996, we have projected non-fuel costs based on the year ended December 31, 1995 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 96–6–41 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic	1.4474
Latin America	1.5312
Pacific	1.5214

For Further Information Contact: Keith A. Shangraw (202) 366–2439.

By the Department of Transportation.

Dated: June 20, 1996.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–16328 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–62–P

Office of the Secretary

Privacy Act of 1974: Systems of Records

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: Minor changes to Privacy Act System of Records.

EFFECTIVE DATE: June 26, 1996.

ADDRESSES: Send Comments to the Privacy Act Officer, U.S. Department of Transportation, 400 7th St., SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Crystal Bush at (202) 366–9713.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a) requires each agency to publish its systems of records in the Federal Register. Information for the Department of Transportation is available from the above address.

DOT/OST 043

SYSTEM NAME:

Telephone Directory and Locator System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Transportation, ATTN: SVC–171, Telecommunications Operations Division, 400 7th Street SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Transportation (DOT) headquarters employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetic Employee Master Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

None.

PURPOSE(S):

To provide the names, telephone numbers, and office locations of DOT employees and organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Departmental Alphabetic Directory production.

DOT Mail Room.

DOT Locator Service.

Used by DOT Telephone Directory Representatives, DOT Mail room.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Public document that can be received from the Government Printing Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape storage via batch processing. Source data returned to DOT.

RETRIEVABILITY:

Can retrieve on telephone number or on name.

SAFEGUARDS:

Only DOT and its support contractor personnel have access to tapes.

RETENTION AND DISPOSAL:

Tapes are retained through three (3) cycles, grandfather, father, son, and then scratched. Source materials are retained until the next update is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Operations Division, ATTN: SVC–171, Department of Transportation, Office of the Secretary, Office of Administrative Services, 400 7th Street, SW., Room PL–300, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Contact the Telecommunications Operations Division at the address above.

RECORD ACCESS PROCEDURES:

Contact the Telecommunications Operations Division at the address above.

Individual may review own data upon presentation of valid DOT ID card.

CONTESTING RECORD PROCEDURES:

Individual may change own data at any time.

RECORD SOURCE CATEGORIES:

DOT F 1700.1—DOT Form prepared for each employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 17, 1996.

Crystal M. Bush,

Privacy Coordinator, U.S. Department of Transportation.

[FR Doc. 96–16249 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–62–P

Coast Guard

[CGD 96–029]

Notice of Public Docket Procedures

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: In keeping with the National Performance Review's objective of increased government dissemination of information, this notice publicizes the current opening hours for the Coast Guard's headquarters Docket facility and fee schedule for copying of public docket materials. These fees, assessed by the Coast Guard, are turned over to the U.S. Treasury General Fund.

FOR FURTHER INFORMATION CONTACT: PO Glen Button, Office of Regulations and Administrative Law (G–LRA), (202) 267–1534.

SUPPLEMENTARY INFORMATION: The Coast Guard considers public participation essential to effective rulemaking, and encourages the public to participate in its rulemaking process. Coast Guard policy is to provide opportunities for public participation early in potential rulemaking projects. The Executive Secretary of the Coast Guard's Marine Safety Council maintains the public docket for all Coast Guard rulemakings issued by Coast Guard Headquarters. Comments submitted in response to any rulemaking as well as selected other material become part of a public docket and are available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. Comments may be submitted in person daily.

The Coast Guard assesses charges for duplication costs in the same manner as outlined in the Department of Transportation's general guidance applying the Freedom of Information Act in 49 CFR 7.95. All fees collected are turned over to the U.S. Treasury General Fund. Documents may be furnished at a reduced cost or without charge for the media, scientific or educational institutes, or other under the circumstances outlined in 49 CFR 7.97.

In any instance where the Coast Guard reasonably believes that the requestor is attempting to break a single request into several requests to evade the payment of otherwise applicable fees, the Coast Guard will aggregate the requests and impose a fee based on the aggregation. As outlined in 49 CFR 7.93(h), if payment of fees charged is not received within 30 calendar days after the date the initial notice of the amount due is first mailed or tendered to the requester, an administrative charge may be assessed by the Coast Guard to cover the cost of processing and handling the claim. In addition, a penalty charge will be applied to any principal amount of a debt that is more than 90 days past due. Where appropriate, other steps permitted by federal debt collection statutes, including disclosure to consumer debt agencies and use of

collection agencies, will be utilized to encourage the payment of amounts overdue.

The fee schedule for duplication is as follows:

First 100 pages: Free.
Every page over 100: 10¢/page.

Dated: June 20, 1996.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc. 96–16317 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

Efficiency, Quality and Effectiveness of Existing Civil Rights Programs; Roundtable Discussions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meetings and notice of an additional meeting date.

SUMMARY: On May 3, 1996 (61 FR 19973), the FHWA announced a series of roundtable conferences to obtain information on issues relating to the efficiency, quality, and effectiveness of existing civil rights programs. The final conference will be held in Lakewood, Colorado, on July 17, 1996, as announced in the Federal Register notice of May 17, 1996 (61 FR 2501), and one additional roundtable conference in Washington, D.C., has been added at the location indicated below.

The agenda for the Washington, D.C., roundtable conference will include the topics of supportive services, contractor equal opportunity (EEO) programs, and the on-the-job training (OJT) program. The Disadvantaged Business Enterprise (DBE) Program is currently being addressed by a separate interagency workgroup. Therefore, the DBE program will not be discussed at this roundtable (except as it relates to supportive services).

Although the roundtable conference will be open to the public, space will be limited; therefore, the FHWA requests that persons interested in attending the conference preregister by contacting the **CONTACT PERSON** listed below at least three days prior to the meeting.

DATES: The Washington, D.C., roundtable conference will be held from 8 a.m. until 12:30 p.m. on Tuesday, July 9, 1996, at the following location: U.S. Department of Transportation Headquarters, Nassif Building, Conference Room 4200, 400 Seventh Street, SW, Washington, D.C. 20590, contact person: Ralph Craft, ph. (202) 366–0324. Please enter through the entrance at the Southwest corner of the building.

FOR FURTHER INFORMATION CONTACT: Ms. Linda J. Brown, Chief, Policy and Program Development Division, Office of Civil Rights, Telephone: (202) 366–0471; FAX: (202) 366–1599. Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 p.m. to 4:15 p.m., e.t., Monday through Friday except federal holidays.

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 21, 1996.

Linda J. Brown,

Chief, Policy and Program Development Division, Office of Civil Rights.

[FR Doc. 96–16327 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–22–P

Cargo Tank Safety Roundtable Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA is announcing a Cargo Tank Roundtable meeting to discuss safety issues relative to the highway transportation of hazardous materials in cargo tank motor vehicles. The intended audience of this meeting includes members of the cargo tank community, drivers, affected government agency representatives, and other interested parties. The agenda for the meeting includes reports from industry/government groups currently working on previously identified safety issues, breakout sessions to address the progress and direction of these safety issues, and further discussions of other cargo tank safety related concerns.

The purpose of the meeting is to develop partnerships with government, industry, and other persons in an attempt to gather information and comments on cargo tank safety and the prevention of accidents in these types of vehicles on our highways. Although the meeting will be open to the public, space will be extremely limited; therefore, the FHWA requests that persons interested in attending the meeting preregister by contacting the persons listed below at least one week in advance of the meeting. The agenda is an aggressive one and discussions will be limited due to time constraints; however, comments relative to this topic may be directed to the contact persons at the address noted below.

DATES: This public meeting will be held at the following location on July 9 and 10, 1996.

ADDRESSES: Tysons Westpark Hotel, 8401 Westpark Drive, McLean, VA 22102.

FOR FURTHER INFORMATION CONTACT: Mr. William A. Quade, Office of Motor Carrier Safety and Technology, Safety and Hazardous Materials Division (202) 366–0476 or Mr. Stephen A. Keppler, Office of Motor Carrier Safety and Technology, Safety and Hazardous Materials Division (202) 366–2978; FAX:(202) 366–7908. Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:15 a.m. to 4:45 p.m., EST, Monday through Friday except Federal holidays.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: June 21, 1996.

George L. Reagle,

Associate Administrator for Motor Carriers.

[FR Doc. 96–16326 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–22–P

[FHWA Docket No. 96–24]

Uniform Relocation Act; Certification Pilot Program in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Florida Department of Transportation (FDOT) has proposed to extend the coverage of the certification of its right-of-way program from two districts to the entire State. This certification procedure allows the State to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) on Federal-aid highway projects by operating under its own equivalent State law and procedures. This notice requests comments on the State's proposal to extend the certification's coverage to the entire State.

DATES: Comments are requested by July 26, 1996.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Office of Real Estate Services, HRW–10 (202) 366–2035; or Reid Alsop, Office of Chief Counsel, HCC–31, (202) 366–1371, 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: On August 10, 1995, the FHWA published a notice (60 FR 40878) requesting comments on a Florida Department of Transportation proposal to comply with the Uniform Relocation Assistance and Real Property

Acquisition Policies Act (Uniform Act) on Federal-aid highway projects in two of its districts through use of a certification procedure permitted by the Uniform Act (42 U.S.C. 4601 *et seq.*). The FDOT proposed to comply with the Uniform Act by conducting its right-of-way program in accordance with State laws determined by the FHWA, the Federal lead agency for the Uniform Act, to have the same purpose and effect as the Uniform Act. On January 24, 1996, the FHWA published a notice (61 FR 1984) informing the public that it had accepted FDOT's certification.

The Uniform Act provides relocation benefits to persons forced to move by Federal or federally-assisted programs or projects. It also establishes policies relating to the acquisition of real property for such programs or projects. The FHWA has been designated the Federal Government's lead agency for implementing the Uniform Act.

Sections 210 and 305 of the Uniform Act (42 U.S.C. 4630 and 4655) require State agencies that receive Federal financial assistance for programs or projects that will result in the acquisition of real property, or the displacement of persons, to provide assurances that they will comply with the Act's provisions. Section 103 of the Uniform Act (42 U.S.C. 4604) provides that, in lieu of those assurances, a State agency may comply by certifying (and receiving the FHWA's determination) that it will be operating under State laws that ''will accomplish the purpose and effect'' of the Uniform Act.

The FDOT applied for a certification pilot program that would cover Uniform Act compliance on Federal-aid highway projects for a period of two years. The FDOT proposed to limit the pilot program to its Districts 2 and 4. On September 29, 1995, after providing an opportunity for comments, the FHWA determined that the laws and operating procedures relied on by the FDOT have the same purpose and effect as the Uniform Act and accepted FDOT's certification effective October 1, 1995, for a period of two years (61 FR 1984). The FDOT now has accumulated sufficient experience operating under the certification that it wishes to extend the program to all of its districts.

In its new certification application the FDOT relies on the same authority as its earlier application, sections 120.543 and 339.05 of the Florida statutes and the existing FDOT right-of-way procedures. The two statutory provisions grant the FDOT broad authority to comply with Federal (Uniform Act) requirements. The FDOT right-of-way procedures are the mechanism for insuring the FDOT's compliance with the provisions of the Uniform Act. As with the existing certification, it is anticipated that the level of benefits and assistance provided to affected property owners and displaced persons will remain virtually unchanged since the FDOT will continue to operate under the same laws and procedures that it currently utilizes in implementing the Uniform Act. The primary changes are expected to be the elimination of FHWA approvals or oversight of Uniform Act implementation in the six FDOT districts not now covered and the simplified administration associated with the State operating under its own procedures. If approved the extended certification would run until the close of the earlier certification, that is, September 30, 1997.

As noted previously, under the certification pilot program, the FHWA, under section 103(c) of the Uniform Act, still can withhold project approvals or rescind acceptance of the FDOT's certification if the FDOT fails to comply with the certification or with the State law upon which the certification was based. The FHWA and FDOT will review the operations of the pilot program at its midpoint and following completion.

Authority: 42 U.S.C. 4604; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: June 11, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96–16261 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 96–13]

FEDERAL RESERVE SYSTEM

[Docket No. R–0802]

FEDERAL DEPOSIT INSURANCE CORPORATION

Joint Agency Policy Statement: Interest Rate Risk

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint policy statement.

SUMMARY: The OCC, the Board, and the FDIC (collectively referred to as the agencies) are issuing this joint agency policy statement (policy statement) to bankers to provide guidance on sound practices for managing interest rate risk. The policy statement identifies the key elements of sound interest rate risk management and describes prudent principles and practices for each of these elements. It emphasizes the importance of adequate oversight by a bank's board of directors and senior management and of a comprehensive risk management process. The policy statement also describes the critical factors affecting the agencies' evaluation of a bank's interest rate risk when making a determination of capital adequacy. The principles for sound interest rate risk management outlined in this policy statement apply to all commercial banks and FDIC-supervised savings banks (banks).

This policy statement augments the action taken by the agencies in August 1995 to implement the portion of section 305 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) addressing risk-based capital standards for interest rate risk. It also replaces the proposed policy statement that the agencies issued for comment in August 1995 regarding a supervisory framework for measuring and assessing banks' interest rate exposures. The agencies have elected not to pursue a standardized measure and explicit capital charge for interest rate risk at this time. This decision reflects concerns about the burden, accuracy, and complexity of a standardized measure and recognition that industry techniques for measuring interest rate risk are continuing to evolve. Rather than dampening incentives to improve risk measures by adopting a standardized measure at this time, the agencies hope to encourage these industry efforts. Nonetheless, the agencies will continue to place significant emphasis on the level of a bank's interest rate risk exposure and the quality of its risk management process when evaluating a bank's capital adequacy. The principles and practices identified in this policy statement provide the standards upon which the agencies will evaluate the adequacy and effectiveness of a bank's interest rate risk management.

EFFECTIVE DATE: June 26, 1996.

FOR FURTHER INFORMATION CONTACT:

OCC: Christina Benson, Capital Markets Specialist, or, Margot Schwadron, Financial Analyst, (202/874–5070), Office of the Chief National Bank Examiner; Michael Carhill, Deputy Director, Risk Analysis Division (202/874–5700); and Ronald Shimabukuro, Senior Attorney, Legislative and Regulatory Activities Division (202/874–5090), Office of the Comptroller of

the Currency, 250 E Street, S.W., Washington, D.C. 20219.

Board of Governors: James Embersit, Manager (202/452–5249), or William Treacy, Supervisory Financial Analyst (202/452–3859), Division of Banking Supervision and Regulation; Gregory Baer, Managing Senior Counsel (202/452–3236), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

FDIC: William A. Stark, Assistant Director (202/898–6972) or Miguel Browne, Deputy Assistant Director (202/898–6789), Division of Supervision; Jamey Basham, Counsel, (202/898-7265), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Interest rate risk is the exposure of a bank's current and future earnings and capital arising from adverse movements in interest rates. Changes in interest rates affect a bank's earnings by changing its net interest income and the level of other interest-sensitive income and operating expenses. Changes in interest rates also affect the underlying economic value of the bank's assets, liabilities, and off-balance sheet items. These changes occur because the present value of future cash flows, and in many cases the cash flows themselves, change when interest rates change. The combined effects of the changes in these present values reflect the change in the bank's underlying economic value as well as provide an indicator of the expected change in the bank's future earnings arising from the change in interest rates. While interest rate risk is inherent in the role of banks as financial intermediaries, a bank that has a high level of risk can face diminished earnings, impaired liquidity and capital positions, and, ultimately, greater risk of insolvency.

II. FDICIA Requirements and Agencies' Response

Section 305 of FDICIA, Pub. L. 102–242, 105 Stat. 2236, 2354 (12 U.S.C. 1828 note), requires the agencies to revise their risk-based capital guidelines to take adequate account of interest rate risk. On August 2, 1995 the agencies published a final rule implementing section 305 that amended their risk-based capital standards to specify that the agencies will include, in their evaluations of a bank's capital adequacy, an assessment of the exposure to declines in the economic value of the bank's capital due to changes in interest rate risk. *See* 60 FR 39490 (August 2, 1995). This final rule, which became effective on September 1, 1995, adopts a ''risk assessment'' approach under which capital for interest rate risk is evaluated on a case-by-case basis, considering both quantitative and qualitative factors.

The final rule did not adopt a measurement framework for assessing the level of a bank's interest rate risk exposure, nor did it specify a formula for determining the amount of capital that would be required. The intent of the agencies at that time was to implement an explicit minimum capital charge for interest rate risk at a future date, after the agencies and the industry had gained more experience with a proposed supervisory measure that the agencies issued for comment in August 1995. *See* 60 FR 39495 (August 2, 1995).

The agencies have undertaken considerable efforts to develop a supervisory measure for interest rate risk that provides sufficient accuracy, transparency, and predictability for establishing an explicit charge for interest rate risk. These efforts, and the comments the agencies received on them, are summarized in sections III and IV that follow. After careful consideration of those comments and additional analyses and research by agencies' staff, the agencies have decided that concerns about the burdens, costs, and potential incentives of implementing a standardized measure and explicit capital treatment currently outweigh the potential benefits that such measures would provide. The agencies are cognizant that techniques for measuring interest rate risk are continuing to evolve, and they do not want to impede that progress by mandating or implementing prescribed risk measurement techniques. Rather, the agencies wish to work with the industry to encourage efforts to improve risk measurement techniques. These efforts, the agencies believe, may lead to greater convergence within the industry on the methodologies used for measuring this risk and may, at a future date, facilitate more quantitative and explicit capital treatments for interest rate risk.

Hence, the agencies have concluded that the best course of action at this time, is to continue to assess capital adequacy for interest rate risk under a risk assessment approach and to provide the industry with further guidance on prudent interest rate risk management practices. Section V of this preamble describes the agencies' risk assessment approach for capital. The policy statement, which follows section V, provides the agencies' guidance and expectations on sound interest rate risk management.

III. Earlier Proposals for Supervisory Model and Explicit Capital Charges

Since the enactment of FDICIA, the agencies have issued two notices of proposed rulemakings on interest rate risk, as well as one advance notice of proposed rulemaking (ANPR).

The ANPR was issued in 1992 and sought comment on a proposed supervisory measurement system and an explicit capital requirement based on the results of that measurement system. *See* 57 FR 35507 (August 10, 1992). The measurement system proposed in the 1992 ANPR would have applied to all banks and used a duration-weighted maturity ladder to estimate the change in a bank's economic value for an assumed 100 basis point parallel shift in market interest rates. Under the 1992 ANPR, a bank whose measured exposure exceeded a threshold level, equivalent to 1 percent of total assets, would have been required to allocate capital sufficient to compensate for the estimated change in economic value above the threshold level.

The agencies received approximately 180 comment letters on the 1992 ANPR. The majority of commenters raised concerns about the accuracy of the proposed measure and its use as a basis for an explicit capital charge. Therefore, in September 1993, the agencies published a notice of proposed rulemaking which incorporated numerous changes to the 1992 ANPR in an effort to address those concerns and improve the proposed model's accuracy. *See* 58 FR 48206 (September 14, 1993). These changes included:

(1) A proposed screen that would exempt banks identified as potentially low-risk from the supervisory measurement framework.

(2) Various refinements to the supervisory model, including changes to the method for determining risk weights to allow for different risk weights for rising and falling interest rate environments; the specific treatment of non-maturity deposits; the reporting of amortizing and non-amortizing financial instruments; and the addition of another time band to provide for greater accuracy.

The September 1993 proposal also sought comment on allowing banks to use their own internal models as the basis for establishing a capital charge and on two different methods for assessing capital. One method, referred

to as the minimum capital standard, would establish an explicit capital charge for interest rate risk based on either the supervisory model or a bank's internal model results. The other method, referred to as the risk assessment approach, would evaluate the need for capital on a case-by-case basis, considering both quantitative and qualitative factors.

The agencies collectively received a total of 133 comments on the September 1993 proposal. The majority of industry comments focused on four issues: a preference for the risk assessment approach, approval of the proposed use of internal models, concerns about the accuracy of the proposed supervisory model, and suggestions that the agencies' primary focus should be on near-term (i.e., one- to two-year) reported earnings instead of economic value.

In August 1995, along with the final rule amending risk-based capital standards to adopt the risk assessment approach, the agencies issued for comment a joint policy statement that would establish a supervisory framework for measuring banks' interest rate risk exposures. *See* 60 FR 39495 (August 2, 1995). The results of that framework would be one factor that examiners would consider in evaluating a bank's capital adequacy for interest rate risk. In addition, the agencies noted that the framework was intended to provide the foundation for the development of an explicit capital charge once the agencies and industry gained more experience with the measurement framework.

The August 1995 proposal built upon and modified the agencies' earlier proposals for a supervisory measurement framework in an effort to improve the framework's accuracy and applicability to a diverse population of banks. Modifications included:

(1) Changing the proposed exemption test so that only banks with total assets less than $300 million, a ''1'' or ''2'' composite supervisory CAMEL rating, and only moderate holdings of assets with intermediate or long term repricing characteristics would be exempted from new interest rate risk reporting requirements and the supervisory model.

(2) Refinements to a baseline supervisory model for which all non-exempt banks would provide Consolidated Reports of Condition and Income (Call Report) information. These refinements included separate reporting and treatment of fixed- and adjustable-rate residential mortgage loans and securities and other amortizing assets; requiring banks holding certain types of financial instruments to report estimates of changes in the market value sensitivities of those instruments for a 200 basis point interest rate shock; and, extending the range of maturities that banks could use when reporting their non-maturity deposits (demand deposits, savings, NOW, and money market demand accounts).

(3) The introduction of supplemental modules for non-exempted banks that had concentrations in fixed- or adjustable-rate residential mortgage loans and pass-through securities. Banks subject to these modules would report additional information on the coupon distributions of their fixed-rate mortgages and information on the lifetime and periodic caps of their adjustable-rate mortgages.

Although these modifications were designed to enhance and improve upon the agencies' earlier proposals, the majority of commenters on the August 1995 proposal reiterated many previous concerns about accuracy, burden, and incentives, and urged the agencies to reconsider their approach and efforts to devise a uniform and standardized model.

IV. Factors Leading to the Agencies' Decision to Not Pursue a Supervisory Model

As already noted, the agencies have decided not to pursue a standardized model for supervisory purposes or assessing capital charges for interest rate risk at this time. This decision reflects the continued concerns expressed by the industry in their comment letters on the August 1995 proposal and the numerous difficulties the agencies encountered in trying to develop and implement a standardized measure that had sufficient accuracy and flexibility to be applicable to a broad range of commercial banks, while not imposing undue regulatory and reporting burdens on banks.

Throughout the evolution of the agencies' efforts to incorporate an explicit capital charge for interest rate risk into their risk-based capital standards, industry comments have expressed four fundamental concerns:

(1) An approach whose sole focus is on economic value, rather than on reported earnings, may be inappropriate;

(2) A supervisory measure that by necessity, makes uniform and simplifying assumptions about the characteristics of a typical bank's assets and liabilities may be inaccurate for a given institution;

(3) The proposed treatment for non-maturity deposits may be inappropriate in many cases; and

(4) Any supervisory model may create improper incentives for internal risk management and measurement. Each of these concerns is addressed in turn.

The agencies continue to believe economic value sensitivity is a valid and important concept, especially when assessing an institution's capital adequacy and, as noted, have amended their capital standards to reflect this view. Nonetheless, the agencies recognize that changes in a bank's reported earnings is also important and that a bank needs to consider both earnings and economic perspectives when assessing the full scope of its exposure. This policy statement adopted by the agencies sets forth principles for monitoring and controlling interest rate risk from both of these perspectives.

The industry's concerns about the validity and accuracy of a standardized model present a more difficult and serious issue. Some of the changes in the August 1995 proposal attempted to address these concerns. For example, supplemental schedules for residential mortgage loans and pass-through securities were a response to earlier industry concerns regarding the use of prepayment assumptions that were based on an average of outstanding mortgage securities. By collecting additional data on the embedded options in an individual bank's mortgage portfolio, the accuracy of the proposed model was potentially enhanced. However, the changes were not without cost. In particular, the supplemental schedules and associated risk weights added to the reporting burden and overall complexity of the proposal. By giving the appearance of providing a more precise measure of risk, they also increased the likelihood that the standardized measure would replace or stifle development of yet more accurate internal measures of risk exposure. This added reporting burden and complexity illustrates the difficulties the agencies have faced in trying to strike an appropriate balance between accuracy and burden.

Not only did the mortgage schedules add burden, they did not fundamentally solve the difficulties of structuring a standardized model which could take into account the heterogenous nature of commercial banks' balance sheet structures and activities. In recent years, banks have been offering and holding a growing variety of products. Many of these products, such as certain collateralized mortgage obligations and structured notes, can have complex cash flow characteristics that vary significantly with each transaction. The August 1995 proposal attempted to address this problem by requiring banks

to self-report the sensitivity of these and certain other instruments. The diversity and complexity in banks' holdings, however, are not limited to a bank's investment and off-balance sheet instruments. Increasingly, banks have a variety of pricing indices and embedded options incorporated into their commercial and retail bank products, making it increasingly difficult to model these products with any simple and uniform measure.

The diversity and complexity of commercial banks' balance sheets is one reason why the banking agencies have decided not to pursue adopting the net portfolio value model developed and used by the Office of Thrift Supervision (OTS) or any uniform supervisory model. Although the banking agencies have benefited a great deal from the expertise and experience of the OTS in this area, the OTS model was designed to ascertain the interest rate risk exposure of insured depository institutions with concentrations of residential mortgage assets, especially adjustable rate mortgages. These instruments require data-intensive, complex models to obtain accurate valuations and interest rate sensitivities. Since most commercial banks do not hold high concentrations of these instruments, the agencies were concerned about the substantial reporting requirements and measurement complexity that would be associated with an OTS type of model if applied to commercial banks.

Many industry commenters believe that the agencies' treatment in the August 1995 proposal of non-maturity deposits understated their effective maturity and urged the agencies to allow banks greater flexibility in the reporting and treatment of them. Assumptions about the effective maturity of these deposits are critical factors in assessing most commercial banks' interest rate risk exposure, since these deposits often represent 40 percent or more of a bank's liability base. Thus, while the agencies have elected not to adopt supervisory assumptions for calculating the effective maturities of non-maturity deposits, the policy statement cautions banks to make reasonable assumptions about customer behavior in this area, and periodically re-evaluate whether the assumptions are reasonable in light of experience.

The supervisory treatment of non-maturity deposits in measuring interest rate risk also illustrates the industry's concern regarding the potential incentives a supervisory model could present to a bank. In particular, some industry commenters have stated that if the agencies adopted assumptions that understated the effective maturities of a bank's non-maturity deposits, it could induce a bank to inappropriately shorten its asset maturities, leave the bank exposed to falling interest rates, and unnecessarily reduce its net interest margins. The agencies, however, are also concerned that an assumption that overstated the maturity of these deposits could mistakenly lead banks to extend their asset maturities, leaving them exposed to rising interest rates and significant loss in economic value.

Many commenters voiced broader concerns about the potential incentives that a standardized supervisory model may have on how banks manage and measure their risk. A frequent concern has been that a supervisory model would become the industry standard against which internal models would be benchmarked and tested, thus diverting resources away from improving internal models and assumptions.

The agencies neither wish to create inappropriate incentives, nor divert industry resources from the development of better interest rate risk measurements. The policy statement consequently emphasizes each institution's responsibility to develop and refine interest rate risk management practices that are appropriate and effective for its specific circumstances.

V. Risk Assessment Approach

The risk assessment approach that the agencies use to evaluate a bank's capital adequacy for interest rate risk relies on a combination of quantitative and qualitative factors. The agencies will use various quantitative screens and filters as tools to identify banks that may have high exposures or complex risk profiles, to allocate examiner resources, and to set examination priorities. These tools rely on Call Report data and various economic indicators and data. To make assessments about the level of a bank's interest rate exposure, examiners augment the insights provided by these preliminary indicators with the quantitative exposure estimates generated by a bank's internal risk measurement systems. For most banks the results of their internal risk measures are and will continue to be the primary factor that examiners consider when assessing a bank's level of exposure.

On the qualitative side, examiners will continue to evaluate whether a bank follows sound risk management practices for interest rate risk when assessing its aggregate interest rate risk exposure and its need for capital. Such practices include, but are not limited to, adequate risk measurement systems. Indeed, as the agencies explored various approaches for developing supervisory risk measures, it reinforced their appreciation for the critical roles that management and board oversight, risk controls, and prudent judgment and experience play in the interest rate risk management process.

Banks that are found to have high levels of exposure and/or weak management practices will be directed by the agencies to take corrective action. Such actions will include directives to raise additional capital, strengthen management expertise, improve management information and measurement systems, reduce levels of exposure, or a combination thereof.

Joint Agency Policy Statement on Interest Rate Risk

Purpose

This joint agency policy statement (''Statement'') provides guidance to banks on prudent interest rate risk management principles. The three federal banking agencies—the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency (''agencies'')—believe that effective interest rate risk management is an essential component of safe and sound banking practices. The agencies are issuing this Statement to provide guidance to banks on this subject and to assist bankers and examiners in evaluating the adequacy of a bank's management of interest rate risk.[1]

This Statement applies to all federally-insured commercial and FDIC supervised savings banks [''banks'']. Because market conditions, bank structures, and bank activities vary, each bank needs to develop its own interest rate risk management program tailored to its needs and circumstances. Nonetheless, there are certain elements that are fundamental to sound interest rate risk management, including appropriate board and senior management oversight and a comprehensive risk management process that effectively identifies, measures, monitors and controls risk. This Statement describes prudent principles and practices for each of these elements.

The adequacy and effectiveness of a bank's interest rate risk management process and the level of its interest rate exposure are critical factors in the agencies' evaluation of the bank's capital adequacy. A bank with material

[1] The focus of this Statement is on the interest rate risk found in banks' non-trading activities. Each agency has separate guidance regarding the prudent risk management of trading activities.

weaknesses in its risk management process or high levels of exposure relative to its capital will be directed by the agencies to take corrective action. Such actions will include recommendations or directives to raise additional capital, strengthen management expertise, improve management information and measurement systems, reduce levels of exposure, or some combination thereof, depending upon the facts and circumstances of the individual institution.

When evaluating the applicability of specific guidelines provided in this Statement and the level of capital needed for interest rate risk, bank management and examiners should consider factors such as the size of the bank, the nature and complexity of its activities, and the adequacy of its capital and earnings in relation to the bank's overall risk profile.

Background

Interest rate risk is the exposure of a bank's financial condition to adverse movements in interest rates. It results from differences in the maturity or timing of coupon adjustments of bank assets, liabilities and off-balance-sheet instruments (repricing or maturity-mismatch risk); from changes in the slope of the yield curve (yield curve risk); from imperfect correlations in the adjustment of rates earned and paid on different instruments with otherwise similar repricing characteristics (basis risk—e.g. 3 month Treasury bill versus 3 month LIBOR); and from interest rate-related options embedded in bank products (option risk).

Changes in interest rates affect a bank's earnings by changing its net interest income and the level of other interest-sensitive income and operating expenses. Changes in interest rates also affect the underlying economic value [2] of the bank's assets, liabilities and off-balance sheet instruments because the present value of future cash flows and in some cases, the cash flows themselves, change when interest rates change. The combined effects of the changes in these present values reflect the change in the bank's underlying economic value.

As financial intermediaries banks accept and manage interest rate risk as an inherent part of their business. Although banks have always had to manage interest rate risk, changes in the competitive environment in which banks operate and in the products and services they offer have increased the importance of prudently managing this risk. This guidance is intended to highlight the key elements of prudent interest rate risk management. The agencies expect that in implementing this guidance, bank boards of directors and senior managements will provide effective oversight and ensure that risks are adequately identified, measured, monitored and controlled.

Board and Senior Management Oversight

Effective board and senior management oversight of a bank's interest rate risk activities is the cornerstone of a sound risk management process. The board and senior management are responsible for understanding the nature and level of interest rate risk being taken by the bank and how that risk fits within the overall business strategies of the bank. They are also responsible for ensuring that the formality and sophistication of the risk management process is appropriate for the overall level of risk. Effective risk management requires an informed board, capable management and appropriate staffing.

For its part, a bank's board of directors has two broad responsibilities:

- To establish and guide the bank's tolerance for interest rate risk, including approving relevant risk limits and other key policies, identifying lines of authority and responsibility for managing risk, and ensuring adequate resources are devoted to interest rate risk management.
- To monitor the bank's overall interest rate risk profile and ensure that the level of interest rate risk is maintained at prudent levels.

Senior management is responsible for ensuring that interest rate risk is managed on both a long range and day-to-day basis. In managing the bank's activities, senior management should:

- Develop and implement policies and procedures that translate the board's goals, objectives, and risk limits into operating standards that are well understood by bank personnel and that are consistent with the board's intent.
- Ensure adherence to the lines of authority and responsibility that the board has approved for measuring, managing, and reporting interest rate risk exposures.
- Oversee the implementation and maintenance of management information and other systems that identify, measure, monitor, and control the bank's interest rate risk.
- Establish internal controls over the interest rate risk management process.

Risk Management Process

Effective control of interest rate risk requires a comprehensive risk management process that includes the following elements:

- Policies and procedures designed to control the nature and amount of interest rate risk the bank takes including those that specify risk limits and define lines of responsibilities and authority for managing risk.
- A system for identifying and measuring interest rate risk.
- A system for monitoring and reporting risk exposures.
- A system of internal controls, review and audit to ensure the integrity of the overall risk management process.

The formality and sophistication of these elements may vary significantly among institutions, depending upon the level of the bank's risk and the complexity of its holdings and activities. Banks with non-complex activities and relatively short-term balance sheet structures presenting relatively low risk levels and whose senior managers are actively involved in the details of day-to-day operations may be able to rely on a relatively basic and less formal interest rate risk management process, provided their procedures for managing and controlling risks are communicated clearly and are well understood by all relevant parties.

More complex organizations and those with higher interest rate risk exposures or holdings of complex instruments with significant interest rate-related option characteristics may require more elaborate and formal interest rate risk management processes. Risk management processes for these banks should address the institution's broader and typically more complex range of financial activities and provide senior managers with the information they need to monitor and direct day-to-day activities. Moreover, the more complex interest rate risk management processes employed at these institutions require adequate internal controls that include internal and/or external audits or other appropriate oversight mechanisms to ensure the integrity of the information used by the board and senior management in overseeing compliance with policies and limits. Those individuals involved in the risk management process (or risk management units) in these banks must be sufficiently independent of the business lines to ensure adequate

[2] The economic value of an instrument represents an assessment of the present value of the expected net future cash flows of the instrument, discounted to reflect market rates. A bank's economic value of equity (EVE) represents the present value of the expected cash flows on assets minus the present value of the expected cash flows on liabilities, plus or minus the present value of the expected cash flows on off-balance sheet instruments.

separation of duties and to avoid conflicts of interest.

Risk Controls and Limits

The board and senior management should ensure that the structure of the bank's business and the level of interest rate risk it assumes are effectively managed and that appropriate policies and practices are established to control and limit risks. This includes delineating clear lines of responsibility and authority for the following areas:

- Identifying the potential interest rate risk arising from existing or new products or activities;
- Establishing and maintaining an interest rate risk measurement system;
- Formulating and executing strategies to manage interest rate risk exposures; and,
- Authorizing policy exceptions.

In some institutions the board and senior management may rely on a committee of senior managers to manage this process. An institution should also have policies for identifying the types of instruments and activities that the bank may use to manage its interest rate risk exposure. Such policies should clearly identify permissible instruments, either specifically or by their characteristics, and should also describe the purposes or objectives for which they may be used. As appropriate to the size and complexity of the bank, the policies should also help delineate procedures for acquiring specific instruments, managing portfolios, and controlling the bank's aggregate interest rate risk exposure.

Policies that establish appropriate risk limits that reflect the board's risk tolerance are an important part of an institution's risk management process and control structure. At a minimum these limits should be board approved and ensure that the institution's interest rate exposure will not lead to an unsafe and unsound condition. Senior management should maintain a bank's exposure within the board-approved limits. Limit controls should ensure that positions that exceed certain predetermined levels receive prompt management attention. An appropriate limit system should permit management to control interest rate risk exposures, initiate discussion about opportunities and risk, and monitor actual risk taking against predetermined risk tolerances.

A bank's limits should be consistent with the bank's overall approach to measuring interest rate risk and should be based on capital levels, earnings, performance, and the risk tolerance of the institution. The limits should be appropriate to the size, complexity and capital adequacy of the institution and address the potential impact of changes in market interest rates on both reported earnings and the bank's economic value of equity (EVE). From an earnings perspective a bank should explore limits on net income as well as net interest income in order to fully assess the contribution of non-interest income to the interest rate risk exposure of the bank. Such limits usually specify acceptable levels of earnings volatility under specified interest rate scenarios. A bank's EVE limits should reflect the size and complexity of its underlying positions. For banks with few holdings of complex instruments and low risk profiles, simple limits on permissible holdings or allowable repricing mismatches in intermediate- and long-term instruments may be adequate. At more complex institutions, more extensive limit structures may be necessary. Banks that have significant intermediate- and long-term mismatches or complex options positions should have limits in place that quantify and constrain the potential changes in economic value or capital of the bank that could arise from those positions.

Identification and Measurement

Accurate and timely identification and measurement of interest rate risk are necessary for proper risk management and control. The type of measurement system that a bank requires to operate prudently depends upon the nature and mix of its business lines and the interest rate risk characteristics of its activities. The bank's measurement system(s) should enable management to recognize and identify risks arising from the bank's existing activities and from new business initiatives. It should also facilitate accurate and timely measurement of its current and potential interest rate risk exposure.

The agencies believe that a well-managed bank will consider both earnings and economic perspectives when assessing the full scope of its interest rate risk exposure. The impact on earnings is important because reduced earnings or outright losses can adversely affect a bank's liquidity and capital adequacy. Evaluating the possibility of an adverse change in a bank's economic value of equity is also useful, since it can signal future earnings and capital problems. Changes in economic value can also affect the liquidity of bank assets, because the cost of selling depreciated assets to meet liquidity needs may be prohibitive.

Since the value of instruments with intermediate and long maturities or embedded options is especially sensitive to interest rate changes, banks with significant holdings of these instruments should be able to assess the potential longer-term impact of changes in interest rates on the value of these positions and the future performance of the bank.

Measurement systems for evaluating the effect of rates on earnings may focus on either net interest income or net income. Institutions with significant non-interest income that is sensitive to changing rates should focus special attention on net income. Measurement systems used to assess the effect of changes in interest rates on reported earnings range from simple maturity gap reports to more sophisticated income simulation models. Measurement approaches for evaluating the potential effect on economic value of an institution may, depending on the size and complexity of the institution, range from basic position reports on holdings of intermediate, long-term and/or complex instruments to simple mismatch weighting techniques to formal static or dynamic cash flow valuation models.

Regardless of the type and level of complexity of the measurement system used, bank management should ensure the adequacy and completeness of the system. Because the quality and reliability of the measurement system is largely dependent upon the quality of the data and various assumptions used in the model, management should give particular attention to these items.

The measurement system should include all material interest rate positions of the bank and consider all relevant repricing and maturity data. Such information will generally include (i) current balance and contractual rate of interest associated with the instruments and portfolios, (ii) principal payments, interest reset dates, maturities, and (iii) the rate index used for repricing and contractual interest rate ceilings or floors for adjustable-rate items. The system should also have well-documented assumptions and techniques.

Bank management should ensure that risk is measured over a probable range of potential interest rate changes, including meaningful stress situations. In developing appropriate rate scenarios, bank management should consider a variety of factors such as the shape and level of the current term structure of interest rates and historical rate movements. The scenarios used should incorporate a sufficiently wide change in market interest rates (e.g., +/− 200 basis points over a one year horizon) and include immediate or gradual changes in market interest rates as well as changes in the shape of the

yield curve in order to capture the material effects of any explicit or embedded options.

Assumptions about customer behavior and new business activity should be reasonable and consistent with each rate scenario that is evaluated. In particular, as part of its measurement process, bank management should consider how the maturity, repricing and cash flows of instruments with embedded options may change under various scenarios. Such instruments would include loans that can be prepaid without penalty prior to maturity or have limits on the coupon adjustments, and deposits with unspecified maturities or rights of early withdrawal.

Monitoring and Reporting Exposures

Institutions should also establish an adequate system for monitoring and reporting risk exposures. A bank's senior management and its board or a board committee should receive reports on the bank's interest rate risk profile at least quarterly. More frequent reporting may be appropriate depending on the bank's level of risk and the potential that the level of risk could change significantly. These reports should allow senior management and the board or committee to:

- Evaluate the level and trends of the bank's aggregated interest rate risk exposure.
- Evaluate the sensitivity and reasonableness of key assumptions—such as those dealing with changes in the shape of the yield curve or in the pace of anticipated loan prepayments or deposit withdrawals.
- Verify compliance with the board's established risk tolerance levels and limits and identify any policy exceptions.
- Determine whether the bank holds sufficient capital for the level of interest rate risk being taken.

The reports provided to the board and senior management should be clear, concise, and timely and provide the information needed for making decisions.

Internal Control, Review, and Audit of the Risk Management Process

A bank's internal control structure is critical to the safe and sound functioning of the organization generally, and to its interest rate risk management process in particular. Establishing and maintaining an effective system of controls, including the enforcement of official lines of authority and the appropriate separation of duties, are two of management's more important responsibilities. Individuals responsible for evaluating risk monitoring and control procedures should be independent of the function they are assigned to review.

Effective control of the interest rate risk management process includes independent review and, where appropriate, internal and external audit. The bank should conduct periodic reviews of its risk management process to ensure its integrity, accuracy and reasonableness. Items that should be reviewed and validated include:

- The adequacy of, and personnel's compliance with, the bank's internal control system.
- The appropriateness of the bank's risk measurement system given the nature, scope and complexity of its activities.
- The accuracy and completeness of the data inputs into the bank's risk measurement system.
- The reasonableness and validity of scenarios used in the risk measurement system.
- The validity of the risk measurement calculations. The validity of the calculations is often tested by comparing actual versus forecasted results.

The scope and formality of the review and validation will depend on the size and complexity of the bank. At large banks, internal and external auditors may have their own models against which the bank's model is tested. Banks with complex risk measurement systems should have their models or calculations validated by an independent source—either an internal risk control unit of the bank or by outside auditors or consultants.

The findings of this review should be reported to the board on an annual basis. The report should provide a brief summary of the bank's interest rate risk measurement techniques and management practices. It also should identify major critical assumptions used in the risk measurement process, discuss the process used to derive those assumptions and provide an assessment of the impact of those assumptions on the bank's measured exposure.

Dated: May 13, 1996.

Eugene A. Ludwig,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Dated: May 23, 1996.

William W. Wiles,

Secretary of the Board.

By order of the Board of Directors.

Dated at Washington, DC, this 14th day of May, 1996.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–16300 Filed 6–25–96; 8:45 am]

BILLING CODES: 4810–33–P; 6210–01–P; 6714–01–P

Internal Revenue Service

Proposed Collection; Comment Request for Form 8843

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning Form 8843, Statement for Exempt Individuals and Individuals With a Medical Condition.

DATES: Written comments should be received on or before August 26, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Statement for Exempt Individuals and Individuals With a Medical Condition.

OMB Number: 1545–1411.

Form Number: Form 8843.

Abstract: Form 8843 is used by an alien individual to explain the basis of the individual's claim that he or she is able to exclude days of presence in the United States because the individual is a teacher/trainee or student; professional athlete; or has a medical condition or problem.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 150,000.

Estimated Time Per Respondent: 1 hr. 9 min.

Estimated Total Annual Burden Hours: 172,485.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 14, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–16339 Filed 6–25–96; 8:45 am]

BILLING CODE 4830–01–U

Proposed Collection; Comment Request for Form 1120–H

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120–H, U.S. Income Tax Return for Homeowners Associations.

DATES: Written comments should be received on or before August 26, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Homeowners Associations.

OMB Number: 1545–0127.

Form Number: Form 1120–H.

Abstract: Homeowners associations file Form 1120–H to report income, deductions, and credits. The form is also used to report the income tax liability of the homeowners association. The IRS uses Form 1120–H to determine if the income, deductions, and credits have been correctly computed. The form is also used for statistical purposes.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 60,000.

Estimated Time Per Respondent: 32 hrs. 32 min.

Estimated Total Annual Burden Hours: 1,951,800.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 17, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–16340 Filed 6–25–96; 8:45 am]

BILLING CODE 4830–01–U

Proposed Collection; Comment Request for Forms SS–4 and SS–4PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Forms SS–4, Application for Employer Identification Number, and SS–4PR, Solicitud de Numero de Identificacion Patronal (EIN).

DATES: Written comments should be received on or before August 26, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form SS–4, Application for Employer Identification Number, and Form SS–4PR, Solicitud de Numero de Identificacion Patronal (EIN).

OMB Number: 1545–0003,

Form Number: Forms SS–4 and SS–4PR.

Abstract: Taxpayers who are required to have an identification number for use on any return, statement, or other document must prepare and file Form SS–4 or Form SS–4PR (Puerto Rico only) to obtain a number. The information is used by the Internal Revenue Service and the Social Security Administration in tax administration and by the Bureau of the Census for business statistics.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, Federal government and state, local or tribal governments.

Estimated Number of Respondents: 3,217,362.

Estimated Time Per Respondent: 1hr. 30 min.

Estimated Total Annual Burden Hours: 4,826,457.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All

comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 17, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–16341 Filed 6–25–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C., Section 3121, will be held on July 9, 10, and 11, 1996, at the Embassy Suites Hotel, 2333 E. Thomas Road, Phoenix, Arizona 85016. The committee will meet from 9 a.m. to 4:30 p.m. on July 9 and 10, and from 9 a.m. to 12 noon on July 11, 1996. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and to provide recommendations to the Secretary.

On Tuesday, the Committee will discuss the re-design initiatives of VA's Vocational Rehabilitation and Counseling Program. On Wednesday and Thursday, the Committee will discuss the qualification standards for the new Vocational Rehabilitation Counselor position, the Independent Living Program, and new issues and projects for future consideration.

The meeting will be open to the public up to the seating capacity of the meeting room. Due to changes in the location of the meeting each day, it will be necessary for those wishing to attend to contact Theresa Boyd at 202–273–7412 prior to July 3, 1996.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 3:30 p.m. on July 10, 1996.

Dated: June 18, 1996.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 96–16246 Filed 6–25–96; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 61, No. 124
Wednesday, June 26, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

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

Correction

In final rule document 96–14758 beginning on page 29461 in the issue of Tuesday, June 11, 1996 make the following correction:

On page 29461, in the second column, under **EFFECTIVE DATE** ''July 12, 1996'' should read ''June 12, 1996''.

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 112

[Docket No. 93-167-2]

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

Correction

In rule document 96–14772 beginning on page 29462 in the issue of Tuesday, June 11, 1996, make the following correction:

§ 112.5 [Corrected]

On page 29464, in the third column, in § 112.5(c)(2)(v), in the first line insert ''label'' after ''changing''.

BILLING CODE 1505–01–D

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Requirements for Labeling of Retail Containers of Charcoal

Correction

In rule document 96–10978 beginning on page 19818 in the issue of Friday, May 3, 1996 make the following corrections:

§ 1500.14 [Corrected]

1. On page 19829, in the second column, in amendatory paragraph 3. to § 1500.14(b)(6)(i)(A), in the second line ''amended by Nonvember 3, 1997'' should read ''amended by adding 'packaged before November 3, 1997' ''.

2. On the same page, in the third column, in § 1500.14(b)(6)(ii)(A), in the third line from the bottom ''[insert date that 18 months after publication] should read ''November 3, 1997,''.

3. On the same page, in the bottom of the first column, in § 1500.14(b)(6)(ii)(B), six lines from the bottom ''5$\frac{3}{16}$ inches'' should read ''5$\frac{13}{16}$ inches''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–01; MTM 84500]

Notice of Intent To Prepare a National Environmental Policy Act (NEPA) Analysis; Notice of Public Meetings; Montana

Correction

In notice document 96–13692, on page 27366 in the issue of Friday, May 31, 1996, make the following corrections:

1. In the 2d column, in the **SUMMARY,** in line 14, ''FE'' should read ''FS''; and in line 17, ''FES'' should read ''FS''.

2. In the third column, in the land description for Principal Meridian, Montana, in T. 9 S., R. 14 E., in the second line, ''Secs. 33 t 36,'' should read ''Secs. 33 to 36, ''.

BILLING CODE 1505–01–D

Federal Register

Wednesday
June 26, 1996

Part II

Environmental Protection Agency

40 CFR Part 799

Proposed Test Rule for Hazardous Air Pollutants; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42187; FRL–4869–1]

RIN 2070–AC76

Proposed Test Rule for Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) to require manufacturers and processors of 21 hazardous air pollutants (HAPs) (biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, cresols [3 isomers], diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride) to test these substances for certain health effects. EPA is also soliciting proposals for enforceable consent agreements (ECAs) regarding the performance of pharmacokinetics studies which would permit extrapolation from oral data to predict risk from inhalation exposure. EPA is also withdrawing the oncogenicity testing proposed for vinylidene chloride on August 12, 1986 (51 FR 28840).

DATES: Written comments on this proposed HAPs test rule must be received by EPA on or before December 23, 1996. Proposals for pharmacokinetics studies must be received by EPA on or before October 24, 1996. EPA will hold a public meeting in Washington, DC prior to the close of the comment period. If any person requests an additional public meeting by November 25, 1996, EPA will hold a second public meeting in Washington, DC.

ADDRESSES: Submit three copies of written comments on this proposed HAPs test rule, identified by document control number (OPPTS–42187A; FRL–4869–1) and three copies of proposals for pharmacokinetics studies, identified by document control number (OPPTS–42187B; FRL–4869–1) to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC, 20460.

A public version of the rulemaking record supporting this action, excluding confidential business information (CBI), is available for inspection at the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460, from 12 noon to 4 p.m., Monday through Friday, except on legal holidays.

All comments which contain information claimed as CBI must be clearly marked as such. Three additional sanitized copies of any comments containing information claimed as CBI must also be submitted. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection at the TSCA Nonconfidential Information Center. Unit IX of this preamble contains additional information on submitting comments containing information claimed as CBI.

Comments and data may also be submitted in electronic form by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Such comments and data must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by (OPPTS–42187A) (FRL–4869–1). No information claimed as CBI should be submitted through e-mail. Comments in electronic form may be filed online at many federal depository libraries. Additional information on electronic submissions can be found under Unit X of this preamble.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room E–543B, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404; TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For specific information regarding this action or related activities, contact Gary E. Timm, Chemical Control Division, OPPT; telephone: (202) 260–1859; e-mail: timm.gary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated persons. Potentially regulated persons are manufacturers (including importers) and processors of the chemical substances included in this proposed test rule. Processors, small-quantity manufacturers, and manufacturers of small quantities of these substances solely for research and development purposes, while legally subject to the rule, would be required to comply with the rule only if directed to do so in a subsequent notice.

Category	Examples of regulated persons
Manufacturers	Persons who manufacture or import 500 kg (1,100 lbs) or more of a subject chemical per year. Persons who produce a subject chemical as a byproduct.
Processors	Persons who process one or more subject chemicals.
Small-quantity manufacturers	Persons who manufacture or import less than 500 kg(1,100 lbs) per year of a subject chemical.
Manufacturers of small quantities of these substances solely for research and development purposes	Persons who manufacture quantities of these substances no greater than those necessary for purposes of scientific experimentation or analysis for research and development purposes.

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 persons of which EPA is now aware that potentially could be regulated by this action. To determine whether you would be subject to this rule, you should examine Unit IV.F. of the preamble entitled ''Persons Required to Test'' and consult 40 CFR 790.42.

I. Statutory Authority

This notice proposes a test rule under section 4 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603 *et seq.*, that would require certain health effects testing for 21 chemical substances listed as hazardous air pollutants (HAPs) in section 112 of the Clean Air Act (CAA), 42 U.S.C. 7412.

Section 2(b)(1) of TSCA, 15 U.S.C. 2601(b)(1), states that it is the policy of the United States that ''adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture and those who process such chemical substances and mixtures[.]'' To implement this policy, section 4(a) of TSCA authorizes EPA to require by rule that manufacturers and processors of chemical substances conduct testing if the Administrator finds that:

(1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment, [or]

(1)(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture, [and]

(1)(A)(ii) and (1)(B)(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(1)(A)(iii) and (1)(B)(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data[.]

Thus once the Administrator has made a finding under TSCA section 4(a)(1)(A)(i) that a chemical substance may present an unreasonable risk of injury to health or the environment or a finding under section 4(a)(1)(B)(i) that a chemical substance is or will be produced in substantial quantities and either it may enter the environment in substantial quantities or there may be significant substantial human exposure to the chemical substance, EPA may require any type of health effects or environmental testing necessary to address unanswered questions about the effects of the chemical substance. EPA need not limit the scope of testing required to the factual basis for the section 4(a)(1)(A)(i) or (B)(i) findings as long as EPA finds that data relevant to a determination of whether a substance does or does not present an unreasonable risk of injury to health or the environment are insufficient and that testing is necessary to develop such data. This concept is explained in more detail in EPA's statement of policy for making findings under TSCA section 4(a)(1)(B) (frequently described as the ''B policy'') in the Federal Register of May 14, 1993 (58 FR 28736). Unit V of this preamble also describes the B policy. Moreover, EPA need not limit the scope of the requirement only to testing needed to support regulatory action under TSCA. For further discussion of findings under TSCA section 4, see Unit V of this preamble and the document entitled ''TSCA Section 4 Findings for 21 Hazardous Air Pollutants'' in the record for this rulemaking.

In this proposed rule, EPA intends to use its TSCA section 4 authority to obtain data necessary to implement section 112 of the CAA, which provides a detailed strategy for the assessment and management of HAPs. EPA has used this broad TSCA section 4 authority in the past to support regulatory programs requiring health and environmental effects testing data. See, e.g., final test rule for the Office of Solid Waste chemicals (53 FR 22300, June 15, 1988); final test rule for the Office of Water Chemicals (58 FR 59667, November 10, 1993). Additional users of information collected under this test rule would include other federal agencies (e.g. the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), other program areas within EPA (such as the hazardous waste program under the Resource Conservation and Recovery Act (RCRA), the Toxics Release Inventory (TRI), the Integrated Risk Information System database (IRIS), and the Office of Pesticide Programs (OPP)), and state and local environmental authorities.

Supporting statutory authority for this proposed rule is provided by section 112(b)(4) of the CAA, 42 U.S.C. 7412(b)(4), which specifically authorizes EPA to use any authority available to EPA to obtain the information needed to make determinations regarding the addition or deletion of substances to the statutory list of HAPs in CAA section 112(b)(1), 42 U.S.C. 7412(b)(1). If the data collected under this proposed test rule show that a chemical substance is not a concern to human health, this information would be helpful in making decisions concerning delisting the substance from the Clean Air Act HAPs list.

This toxicity testing program is also intended to fulfill in part EPA's statutory obligation under section 103(d) of the CAA, 42 U.S.C. 7403(d), to conduct a research program on the health effects of HAPs. This preamble, along with the supporting material in the record, provides information that would be used in the research program under CAA section 103(d) for the HAPs proposed for testing in this rule.

II. Uses for Data

EPA will primarily use the data proposed to be collected under this rule to implement several provisions of section 112 of the CAA, including the determination of residual risk (see below), the estimation of the risks associated with accidental releases of chemicals, and determinations whether or not substances should be removed from the CAA section 112(b)(1) list of hazardous air pollutants (delisting). The acute toxicity test data and developmental toxicity test data will be useful in judging risks from accidental release. The term ''accidential release'' is used broadly in this proposal to include any short-term, relatively high-level chemical exposure lasting from several minutes to several hours. Such a release may result from various causes, including spills, transportation accidents, process-upset conditions, or short bursts during charging of reaction vessels. All data are relevant to delisting decisions and all non-acute data will be used by EPA in meeting its statutory obligation under CAA section 112(f), 42 U.S.C. 7412(f), to assess the risk remaining (i.e. residual risk) after the imposition of technology-based emission standards (maximum achievable control technology or MACT standards) required by CAA section 112(d), 42 U.S.C. 7412(d). Section 112(e) of the CAA, 42 U.S.C. 7412(e), directs EPA to promulgate these standards between 1992 and 2000.

Section 112(f)(1) of the CAA requires EPA to submit, by November 1996, a report to Congress that will describe the methods for assessing the risk remaining after the application of technology-based standards under section 112(d) of the CAA. These methods will be used to assess any residual risk for persons exposed to MACT-regulated emissions. The assessment will include an analysis of both cancer and noncancer endpoints. Data generated by the proposed test rule would be used in the analysis to determine the nature and magnitude of any residual risk.

Within eight years after the promulgation of technology-based standards, EPA may need to set additional standards (''post-MACT standards'') to protect public health with an ample margin of safety. Section 112(f)(2) of the CAA specifies that if MACT standards have not reduced lifetime cancer risk to the individual most exposed to known or suspected carcinogenic emissions from a source to a level of less than 1 in a million (1×10^{-6}), health-based emission standards must be promulgated in order to protect public health with an ample margin of safety. EPA, therefore, would use data obtained under this proposed rule to determine whether health-based post-MACT standards are needed and, if they are needed, to assist in establishing the appropriate level of these standards.

For noncancer health effects, EPA applies an appropriate mathematical model to toxicity data in order to determine the benchmark dose level. The benchmark dose or concentration (BMD/C) is defined as the statistical

lower confidence limit on the dose estimated to produce a predetermined level of change in response (the benchmark response—BMR) relative to controls. If the data are not amenable to modeling, a no-observed-adverse-effect level (NOAEL) or a lowest-observed-adverse-effect level (LOAEL) may be obtained from an evaluation of the toxicity database. ''Uncertainty factors'' are then applied to these levels to account for uncertainties in deriving a dose-response estimate for human exposure (reference concentration (RfC)) from experimental data. An RfC is defined as ''an estimate (with uncertainty perhaps spanning an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious noncancer health effects during the lifetime'' (Ref. 1).

Uncertainties due to the extrapolation of effects data between species and for individual susceptibility within a species are accounted for by uncertainty factors. Because RfCs are intended to characterize risk for lifetime exposures, an uncertainty factor may be applied if the effects data are extrapolated from a subchronic study. An additional uncertainty factor is applied if a LOAEL is used to derive the RfC rather than a NOAEL. To provide an accurate characterization of lifetime risk, the database for a chemical should be comprehensive and, in principle, should address all potential endpoints at critical life stages. Therefore, an uncertainty factor also may be applied if data for appropriate endpoints are not available. Thus while each uncertainty factor may range up to 10, the composite factor used to derive an RfC for a chemical with a limited database may be on the order of up to 3,000 for inhalation studies and up to 10,000 for oral studies. Five uncertainty factors are never applied at the same time (i.e. no composite uncertainty factor can be greater than 10,000) because such derivations are considered too inaccurate to be used.

Large composite uncertainty factors result in lower RfCs (higher risk estimates) than do smaller composite uncertainty factors. If the RfC is low, EPA may be required to promulgate more stringent emission standards. Industrial plants subject to these standards would, in turn, be required to meet such standards, perhaps necessitating the installation of more costly emission controls. Better and more complete health effects data, on the other hand, may permit EPA to use smaller composite uncertainty factors, resulting in higher RfCs and, as a consequence, less stringent emission standards. Thus the economic cost of using poor-quality health effects data to make residual risk determinations under CAA section 112(f) could be considerable.

In addition, secondary—though as important—uses of the data to be collected under this proposed rule would be:

(1) Helping to better inform communities and citizens of toxic chemical hazards in their own localities. Understanding health effects associated with these chemicals is integral to furthering the public's involvement in environmental decisionmaking, especially at the state and local level. To be an effective participant in this process, the public needs information on both the inherent toxicity (i.e., hazard) of a chemical and the potential sources of exposure to the chemical. This rule will provide valuable information on health effects related to the affected chemicals, and under TSCA, such health and safety data are available to the public. Taken together with such publicly available information sources such as the Toxics Release Inventory (TRI), which provides site-specific information on chemical releases into the environment, the health effects data generated under this rule will allow all segments of the public to better assess the risks associated with the releases of these chemicals. Taken as part of a comprehensive right-to-know program, these data will provide the basis for individuals, communities, governments, producers, and users to assess the nature and relative severity of toxicity among different chemicals, as well as to assess site-specific, individual chemical risk.

(2) Assisting other agencies (e.g., ATSDR, NIOSH, OSHA, CPSC) in assessing chemical risks and in taking appropriate action within their programs. For example, OSHA has expressed a need for the data that will be acquired under the proposed rule. Fifteen of the 21 HAPS are candidates for OSHA's Permissible Exposure Limit (PEL) update and an additional 3 have no corresponding PEL. OSHA does not have authority to require testing, and must rely on toxicology data collected by other agencies for their risk assessments (Ref. 2). Establishing an ongoing mechanism for updating its PELs continues to be a high priority for OSHA. Five of the HAPs are on ATSDR's list of hazardous substances found at National Priorities List sites and are the subject of toxicological profiles. CPSC noted that 11 of the 21 substances are found in or are emitted by consumer products (Ref. 3).

(3) Assisting EPA in evaluating delisting petitions received under the CAA and the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 1101 *et seq.*, in making better clean-up decisions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, in assessing inert ingredients in pesticide products, in setting more appropriate standards for hazardous wastes under RCRA, and by providing support for chemical risk assessment activities under TSCA.

(4) Assisting state and local permitting authorities in setting standards within their programs.

(5) Supporting assessments of ''burst'' exposures (high-level releases of short duration), such as in the accidental release prevention program under section 112(r) of the CAA, 42 U.S.C. 7412(r), due to the inclusion of an acute testing protocol.

Many HAPs are of broad programmatic interest, and are included in the Agency's Integrated Risk Assessment System (IRIS) database. Thus, a secondary benefit of this rule is that the health effects data generated by the rule may result in improvement to the data and increased confidence in the RfCs contained in IRIS. Improvements to the IRIS data can result in considerable benefits to the public since IRIS is publicly available and is used by a wide variety of governmental and non-governmental entities to assess the safety of chemicals.

In some cases where EPA has had access to better data, the Agency has been able to revise standards to make them less stringent, thus mandating less economically costly levels of control. For example, EPA has revised the maximum contaminant levels (MCL) of barium (from 1 mg/L to 2 mg/L) and selenium (from 0.01 mg/L to 0.05 mg/L) in drinking water and withdrew the MCL for silver (0.05 mg/L) based on new data (Ref. 4).

Data have also been used to remove chemical substances from lists of regulatory significance. Acrylic acid was removed from a list of ''high-risk'' pollutants developed under section 112(i)(5) of the CAA, 42 U.S.C. 7412(i)(5), for the early reductions program. The high-risk listing for this chemical was based on its predicted environmental exposure being at least 10 times larger than its RfC. Designation of acrylic acid as ''high risk'' had the effect of limiting the use of offsetting reduction of other pollutants in meeting early reduction goals. Recent data,

including those related to reproductive effects, developmental toxicity, and bioavailability, resulted in a decrease in the uncertainty factor for database deficiency by a factor of three and an increase in the RfC by the same amount (i.e. from 0.0003 mg/m^3 to 0.001 mg/m^3). Consequently, acrylic acid no longer met the criteria for the high-risk list.

Serious deficiencies exist in the current toxicity database for the 189 HAPs listed in the CAA, in that no toxicity data exist for many HAPs regarding various endpoints of concern. This problem is expected to be especially serious because post-MACT residual risks will arise primarily from exposures to emissions that contain different combinations of HAPs in varying concentrations. In view of the large number of HAPs of concern and the much larger number of combinations of those HAPs found in the mixtures of emissions subject to residual risk evaluation, the toxicity database should provide consistent characterization of individual HAPs. Therefore, EPA is proposing to obtain an even, across-the-board database for the HAPs listed in this proposed rule.

In its report regarding the risk assessment of HAPs, the National Academy of Sciences (NAS) states that ''[a]vailability of requisite data varies widely among the 189 [HAPs] chemicals'' (Ref. 5). According to this report, ''the toxicity data are incomplete on almost all 189 chemicals'' (Ref. 5). For example, the level of carcinogenic risk for approximately 40% of the 189 HAPs cannot be classified under EPA's current cancer risk classification system (Ref. 6). Moreover, while quantitative estimates exist for 70% of the HAPs that have been classified for cancer risk, about 70% of these estimates are based only on oral data and thus may not reliably characterize the potential risk encountered through inhalation exposure.

In evaluating 124 of the 189 HAPs for noncancer risk, EPA found that the databases for about 62% of the 124 HAPs were not adequate for deriving an RfC (Ref. 7). Even for those HAPs that have an RfC, the level of uncertainty associated with such figures is often high. EPA would use data from the testing proposed in this rule to identify the critical health risks posed by many individual HAPs and to characterize the adverse impact posed by exposure to mixtures of HAPs. EPA anticipates that the test data produced in response to this rule would provide the consistent database that the National Academy says is lacking at this time.

III. Testing Approach and Selection of Chemical Substances for This Proposed Rule

A. Testing Approach Chosen by EPA

With respect to EPA's responsibilities for meeting the requirements under section 112 of the CAA, the central question is: How broad and deep a data set should EPA require on each HAP?

Regarding specific endpoints and routes of exposure, CAA section 112(b)(2), 42 U.S.C. 7412(b)(2), indicates that Congress intended that adverse effects from any endpoint by any route of exposure be taken into account in listing substances as HAPs. According to this subsection, substances added to the Clean Air Act HAPs list shall include:

> * * * pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) * * * .

Thus the CAA indicates that Congress was very concerned about the wide variety of health risks attributable to HAPs and intended that data necessary for characterizing both cancer and noncancer health risks from exposure to HAPs be developed.

Faced with a broad range of options and little specific guidance from Congress, EPA decided that some provision should be made for evaluating the health effects endpoints listed in the CAA, including respiratory tract toxicity, systemic effects, reproductive toxicity, developmental toxicity, genotoxicity, neurotoxicity, and carcinogenicity. EPA's objective was to select endpoints representing serious health effects that could occur as a result of exposure to HAPs. Each endpoint represents a health effect of concern arising from one or more of the following exposures—local concentrations (e.g., hotspots and plumes), area-wide sources, or accidental releases of HAPs.

EPA believes that it is critical to evaluate the respiratory tract thoroughly in addition to examining extra-respiratory effects (i.e., systemic toxicity) because inhalation is an important exposure route of concern. Carcinogenicity testing is significant because cancer is a serious health effect that may be caused by long-term, low-level exposure to toxic substances. Developmental toxicity addresses the potential of chemical substances to interfere adversely with human development (i.e., to cause death, structural abnormalities, growth alterations, and/or functional deficits in the immature organism that may be more sensitive than the adult to many chemical substances). Reproductive testing is designed to assess the effects of an environmental agent on male and female fertility and general reproductive function to humans exposed prenatally as well as postnatally. There is general consensus among toxicologists regarding the assessment of cancer and reproductive and developmental effects, and further explanation can be found in EPA's risk assessment guidelines (Guidelines for Carcinogen Risk Assessment (51 FR 33992, September 24, 1986); Guidelines for Developmental Toxicity Risk Assessment (56 FR 63798, December 5, 1991); Guidelines for Reproductive Toxicity Risk Assessment (Pub. No. EPA/600/AP–94/001, February 1994). Finally, certain aspects of the neurotoxicity and immunotoxicity testing required in this proposed rule warrant more explanation, which is provided below. EPA recently published a proposed revision of the 1986 Guidelines for Carcinogen Risk Assessment (see ''Proposed Guidelines for Carcinogen Risk Assessment'' at 61 FR 17960, April 23, 1996 (FRL–5460–3)).

Neurotoxicity resulting from chemical exposure can affect an organism in many ways, causing, for example, functional and structural deficits as well as behavioral effects. To assess neurotoxicity, EPA is proposing a screening-level battery, consisting of the functional observational battery and motoractivity and neuropathology tests. At this time, EPA is not proposing to require additional, more specialized testing for cognitive functions such as learning, memory, and performance.

The interest in the potential toxic effects of chemicals on the immune system arises from the critical role that the immune system plays in maintaining health. EPA considers the field of immunotoxicity a promising, scientifically sound, and important area in public health protection. From time to time, the Agency has considered information on the effects of chemicals on the immune system in risk assessments. For example, in its draft report reassessing the effects of dioxin compounds on human health (Ref. 8), EPA considered the effects of dioxin on the immune system to serve as an important health endpoint that provides useful information in developing a hypothesis about toxicity. In the draft reassessment report, however, EPA arrived at the preliminary conclusion that ''the impact of dioxin and related compounds on the immune system and

implications for characterizing risks are largely unknown at this time.''

This rule calls for an immunotoxicity screening test which can be performed as a satellite test to either a 90-day subchronic test or a reproductive effects test. This immunotoxicity screen will help identify chemicals as potential immunotoxicants. EPA is not proposing more comprehensive immunotoxicity testing at present because the application of immunotoxicity data in risk assessment has not yet sufficiently matured. As EPA's science policy develops and the Agency's use of immunotoxicity data in risk assessment increases, EPA will reconsider this position. Meanwhile, EPA seeks comments on its proposed approach of using a minimal screen and its preliminary conclusion that it is premature at this time to include more comprehensive immunotoxicity testing in this proposed HAPs test rule.

In developing this proposed rule, EPA considered the following range of options to select the information needed to characterize health effects of concern to implement section 112 of the CAA.

Option 1. One-species 90-day inhalation subchronic plus follow-up for known or suspect toxicities. Under this option, a 90-day inhalation subchronic test would be required, as well as testing for endpoints that have already been identified as existing or potential concerns, including cancer, by previous test results of the HAP at issue or structurally similar agents. A one-species 90-day inhalation test is considered the minimum information for the development of an RfC. The inhalation RfC takes into account toxic effects both for the respiratory tract (portal-of-entry effects) and peripheral to the respiratory system (extra-respiratory effects). Well-defined and well-conducted inhalation subchronic toxicity studies—that provide for histopathologic evaluation of organ toxicities, including the respiratory tract—are considered to be reliable predictors of certain kinds of chronic toxicity. But such studies do not, or do not adequately, account for neurological, developmental and reproductive toxicities. An RfC based solely on a 90-day subchronic test is, thus, usually given a low confidence rating because some potentially important toxic endpoints are not characterized.

In addition, EPA believes that for 90-day inhalation subchronic testing to constitute a minimally credible option, such a test should at least be augmented by testing for adverse health effects that are suggested or indicated, but not adequately characterized, by existing information such as short-term test data, mechanistic information or structure-activity relationships (SAR). Even with this modification, however, Option 1 still provides no test data on those health endpoints of concern for which no current information exists. If such testing were included, these effects might become critical in evaluating dose-response relationships or in demonstrating that a standard uncertainty factor is inadequate or inappropriate.

EPA thus believes that Option 1 is insufficient to meet EPA's mandate under section 112 of the CAA because the endpoints listed in section 112(b)(2) of the CAA, in particular, reproductive, developmental, and neurological toxicities, would be considered for testing only if data already exist that indicate or suggest the potential for these adverse effects. Moreover, this option also does not adequately address health risks associated with acute or accidental releases.

EPA did not select Option 1 for the reasons stated above. EPA believes that the TSCA section 4 program adopted for testing HAPs must go further toward ensuring that no serious health threat exists from both long- and short-term exposure for endpoints of potential concern for which there are no existing data.

Option 2. Option 1 plus inhalation screening for untested toxicity endpoints. The second option considered by EPA would require the incorporation of screening level testing for certain untested toxicities into Option 1. Like Option 1, Option 2 would include testing for endpoints (including cancer) that have already been identified as existing or potential concerns. At a minimum Option 2 would consist of—a 90-day subchronic inhalation study, a screening test for reproductive effects (i.e., a one-generation reproductive effects study), a subchronic inhalation neurotoxicity screening battery (consisting of the functional observation battery and motor activity and neuropathology tests), an *E. coli* reverse mutation assay, gene mutation in somatic cells in culture detection, an *in vivo* cytogenetics test (chromosomal analysis or micronucleus assay), and an immunotoxicity screening test. Any toxicity suggested but not characterized by existing studies in the toxicological literature would still be followed up on through more rigorous protocols.

Although Option 2 would conserve resources while allowing for the testing of a broader range of endpoints, including cancer, it has serious shortcomings. First, a one-generation reproductive test does not adequately address reproductive and developmental risk. Two-generation tests (in which animals have been exposed prenatally as well as postnatally, including the prepubertal period) are generally needed to evaluate the effects on reproduction from most exposures to chemical substances (Ref. 9). Two-generation tests permit the evaluation of delayed or latent manifestations of some toxicities, detection of effects absent in the first generation, and the expression and detection of some effects that may have a heritable basis. Because the standard two-generation reproductive test would not detect internal malformations, however, developmental toxicity testing is also needed for an adequate assessment of developmental risk. The Agency's policy is to require developmental testing in two species to adequately characterize the risk because of species-specific differences.

EPA did not select Option 2 because this level of testing would not provide an adequate evaluation of developmental or reproductive toxicity. Additional follow-up testing would be required to confirm suggestive results obtained in screening studies and provide data adequate for risk assessment under this option. Such testing would require an additional rulemaking cycle, costing further resources and incurring so much delay that data would not be available to meet the deadlines for setting risk-based standards. Moreover, this option does not adequately address health risks, such as respiratory tract effects and neurotoxicity, associated with acute or accidental releases.

Option 3. Option 1 plus less than chronic testing for noncancer endpoints of concern. In addition to the 90-day inhalation subchronic testing specified in Option 1, this option would add inhalation testing to assess reproductive effects (i.e., two-generation reproductive test) and developmental effects (developmental toxicity tests in two mammalian species). Option 3 includes an acute toxicity testing guideline for histopathology of the respiratory tract, kidney, and liver and a bronchoalveolar lavage after four hours of exposure. EPA believes that it is necessary to characterize the acute effects associated with accidental releases of HAPs. In addition, a respiratory sensory irritation assay is included. Acute and subchronic inhalation neurotoxicity screening batteries consisting of the functional observation battery, and motor activity and neuropathology tests would also be conducted. As in Option 2, first-tier tests would be required for mutagenicity

(i.e., an *E. coli* reverse mutation assay, gene mutation in somatic cells in culture detection, an *in vivo* cytogenetics test (chromosomal analysis or micronucleus assay)), as well as immunotoxicity.

Option 3 would follow Options 1 and 2 in requiring a cancer bioassay where concern for cancer is indicated by short-term data, general toxicity data, mechanistic information or structure-activity relationships (SAR). Where no cancer bioassay data exist, testing two species in both sexes would be required. If cancer bioassay data exist but are found to be too uncertain for inhalation dose-response assessment, a modified test, such as testing of the opposite sex in two species, may be required (Ref. 10).

The Option 3 level of testing would enable EPA to better characterize risk associated with both acute and longer-term exposures by providing data to identify and evaluate all the health effects listed under section 112 of the CAA and by providing data for dose-response evaluation within the general time frame for risk-based standards under CAA section 112(f). Accordingly, EPA has selected the Option 3 level as its preferred option for testing under this proposed rule.

Option 4. Option 3 plus chronic testing. Under this option, in the absence of existing adequate data, EPA would require chronic inhalation bioassays (for both cancer and noncancer effects) in two different mammalian species for each chemical substance. The balance of the test program would be the same as under Option 3 (developmental studies in two mammalian species, a two-generation reproductive study, acute and subchronic neurotoxicity screening batteries, first-tier mutagenicity tests, an immunotoxicity screening test, and acute testing). In general, cancer bioassay data in two species, a two-generation reproductive test, and a developmental study in two species are required to establish a high-confidence RfC. Because the RfC is intended to serve as a lifetime estimate, lifetime exposure studies to evaluate potential health endpoints at various critical life stages should be considered.

To a greater degree than under other options, the broad and deep database that would be produced by this comprehensive testing scheme could help defuse complaints that EPA frequently regulates industrial activities without sufficient data regarding either the need for an appropriate level of regulation or what such a level should be. EPA has decided, however, that the disadvantages of choosing this option outweigh its considerable benefits. The extensive chronic testing required under Option 4 would impose a significant cost on industry. In addition, as compared to Option 3, the strain that choosing this option would place on certain resources—such as inhalation testing facilities and supplies of laboratory animals—would significantly diminish the cost-effectiveness of compiling the data. For these reasons, EPA did not select this option. EPA is soliciting comments on the testing approach to the HAPs that it has selected in this proposal.

It should be noted that, regardless of the test option chosen, if adequate toxicity data on a HAP is produced by testing using a route of exposure other than inhalation, route-to-route extrapolation may be possible (see Unit IV.D. of this preamble).

B. National Academy of Sciences Approach

In section 112(o) of the CAA, 42 U.S.C. 7412(o), Congress directed EPA to arrange for the NAS to review EPA's risk assessment methodology relevant to HAPs subject to section 112. EPA has considered the recommendations of the NAS regarding the assessment of risks associated with HAPs. The NAS recommended that EPA ''* * * compile for each of the 189 chemicals an inventory of the existing and relevant chemical, toxicologic, clinical, and epidemiologic literature'' (Ref. 5). It also recommended that EPA ''screen the 189 chemicals for priorities for the assessment of health risks, identify the data gaps, and develop incentives to expedite generation of the needed data by other public agencies (such as the National Toxicology Program, the Agency for Toxic Substances and Disease Registry, and state agencies) and by other organizations (industry, academia, etc.)'' (Ref. 5). As discussed in Unit III.C. of this preamble, EPA agrees and has taken this approach. To identify testing needs and help prioritize HAPs testing, Syracuse Research Corporation, an EPA contractor, has identified and summarized the existing health and exposure literature on the HAPs, and has identified testing programs currently in progress (Refs. 11, 12).

The NAS report also discussed how a gradual, highly iterative testing approach to the generation of health effects data on HAPs might work. The report recommended that HAPs could be prioritized on the basis of their acute toxicity and chemical structure, and testing might proceed stepwise, on a case-by-case basis, from acute toxicity to studies of the uptake, distribution, retention, and excretion of the substance, to subchronic toxicity, and ultimately, if needed, to endpoint testing in animals. Depending on the animal toxicity data produced by this iterative testing scheme, according to the NAS, EPA might decide that further studies of human toxicity or mechanisms of toxicity are warranted.

Although EPA agrees with the need to prioritize testing, it has taken a different approach to prioritization that is based on consideration of exposure potential and the rulemaking schedule of section 112 of the CAA. The amount and type of existing data vary greatly among the chemical substances that Congress designated as HAPs. In practice, therefore, no single uniform iterative approach based on toxicity factors alone would apply to all chemical substances. For example, one HAP might have only acute and short-term test data, while longer-term studies might exist for another HAP. Nevertheless, both the NAS and EPA approaches recognize that existing data must be considered if EPA is to avoid requiring duplicative testing that previously produced adequate data.

An iterative testing approach based on toxicity factors alone would be time consuming and require multiple rulemakings. This process would take too long to collect useful data for making decisions needed to meet upcoming statutory deadlines established in the CAA. Furthermore, multiple iterative rulemakings to develop needed test data would be prohibitively costly to EPA and would not recognize limitations on EPA resources. For Option 3, EPA's preferred testing level, follow-up testing would rarely be required beyond that level proposed in this rule. Such testing, if necessary, would be required in a separate rulemaking.

To make the multichemical decisions required under section 112 of the CAA regarding, for example, residual risk and delisting HAPs, EPA believes that it needs a consistent, even database covering HAPs across the same broad set of endpoints. EPA believes that Option 3 will permit timely gathering of a consistent database on HAPs more efficiently and at less cost to industry and EPA than is possible with other approaches.

C. Review of Data and Selection of HAPs

In choosing candidates for this proposed test rule, EPA considered, consistent with TSCA section 4 requirements, the potential for a chemical substance to present an unreasonable risk of injury to health or the environment, the production

volume of the substance, the amount of emissions produced by the chemical substance entering or reasonably anticipated to enter the environment or become a source of exposure for humans, the sufficiency of the existing database, and the need for further testing to develop needed data. Consequently, as indicated in Unit IV of this preamble, and explained in a separate document in the record entitled ''TSCA Section 4 Findings for 21 Hazardous Air Pollutants'', each candidate listed for testing in this proposed rule is:

(1) Considered to have the potential of presenting an unreasonable risk of injury to health or the environment (except in the case of ethylene glycol, for which no A finding was made—see the table in Unit V of this preamble);

(2) Produced in quantities exceeding 1,000,000 pounds per year;

(3) Emitted (i.e., released into the atmosphere) in the amount of 50 tons (100,000 pounds) per year or more according to the 1993 Toxics Release Inventory (TRI);

(4) Considered to have health effects data needs not addressed in other testing and research programs;

(5) Considered to have health effects data that are insufficient under TSCA section 4 for determining effects of the HAP on health; and

(6) Considered to need further testing to develop the needed data.

The determination that data are insufficient to ascertain the effects of the HAPs on human health is based on several factors. First, EPA determined the effects of concern (toxicological endpoints) and the depth and quality of data which the Agency needs in order to make residual risk determinations. This decision and the range of options EPA considered are discussed in Unit III.A. of this preamble. Having made the decision that standard endpoint tests are appropriate, EPA reviewed existing studies and, for the purposes of this rule, compared such studies against the testing methodology used in the 1985 version of the EPA test guidelines for these endpoints. The 1985 test guidelines were the first test guidelines issued by EPA for its TSCA chemical testing program and represent widely accepted, peer-reviewed methods for characterizing chemical toxicity.

The reasons why existing studies were judged to be inadequate are explained in a separate document in the record entitled ''TSCA Section 4 Findings for 21 Hazardous Air Pollutants'', and summarized in the table in Unit V of this preamble. The reasons are varied but include the following examples—not studying the appropriate endpoint; too few dose levels; inappropriately high- or low-dose levels; and too few animals to have statistical confidence in the results. Nevertheless, in some cases, EPA toxicologists determined that data were adequate when the weight of evidence from several flawed studies, which, when considered individually were determined to be inadequate, gave an adequate characterization of the toxicity of the substance. Thus expert judgment must always play a role in determinations of data adequacy. Indeed, the determination of adequacy is so intimately connected to the unique characteristics of study design for each toxicological endpoint that EPA is unable to articulate a universal test of data adequacy that might be applied consistently in all situations. EPA is soliciting comments on its approach to determining data adequacy for the HAPs.

To select HAPs for testing, EPA initially reviewed the production data and TRI data for all 189 HAPs. EPA realizes that TRI data represent estimates of environmental emissions of the TRI-listed chemicals and do not account for all chemical substances in the United States. Nevertheless, TRI figures offer the most complete, readily available emissions data, and EPA has determined that this database is sufficient for the purpose of helping EPA select high-emission HAPs for consideration as potential test candidates. While publicly available sources of production data are cited in the analysis supporting this rule, data from these sources were checked against the TSCA chemical inventory update production data, most of which are claimed as CBI.

After reviewing TRI data for all HAPs, EPA decided to select a number of HAPs for initial consideration by focusing its attention on HAPs with TRI emissions of 50 tons or more per year. The 66 HAPs in this group constituted a reasonably sized group for further review. The selection of 50 tons per year or more as a cutoff is appropriate because this number captures high-emission HAPs and because section 112 (a)(1) of the CAA, 42 U.S.C. 7412(a)(1), defines ''major source'' as emitting ''* * * 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants * * *.''

A survey of testing conducted by EPA under TSCA section 4, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and other testing programs supplemented a preliminary review of health findings from secondary source documents and the IRIS database. This initial survey revealed that certain HAPs having high emissions (50 tons or more) already have a large inhalation toxicology database or are subject to testing or research in existing programs. Therefore, EPA decided not to pursue additional testing under this rule for benzene, butadiene, carbon disulfide, chromium, cyanide, ethylene oxide, formaldehyde, lead, methanol, methyl tertiary butyl ether, methylene chloride, tetrachloroethylene, toluene, trichloroethylene, vinyl chloride, and vinyl acetate. Additional testing under TSCA for these chemicals may be considered at some time in the future.

EPA decided that the remaining group of 50 HAPs could be handled most efficiently by promulgating more than one rule. Consequently, 21 high-emission HAPs were scrutinized further and were selected as candidates for this proposed rule, and the remaining 29 HAPs were deferred for consideration in subsequent HAPs test rulemaking efforts. In the second HAPs test rule, EPA plans to focus on persistent HAPs that may bioaccumulate. EPA may, therefore, require ecological and environmental testing for these HAPs. EPA also may require testing in the second rule to collect data needed to implement the ''Great Waters'' program of section 112(m) of the CAA, 42 U.S.C. 7412(m).

During the selection process for this proposed rule, EPA's contractor undertook a comprehensive search of the toxicological, health, and exposure literature for the 21 HAPs proposed for testing in the current rule (Refs. 11, 12). EPA's contractor performed the literature search in a stepwise manner to save both time and expense. The first step was to review secondary source health effects documents. EPA's contractor identified documents published by EPA, the International Agency for Research on Cancer (IARC), and ATSDR and extracted relevant data. EPA performed online Environmental Mutagen Information Center (EMIC) searches for genetic toxicity information (Ref. 13). In addition, an article entitled ''Genetic Activity Profiles of 110 Hazardous Air Pollutants Listed Under Title III of the Clean Air Act'' (Ref. 14) and the International Commission for Protection against Environmental Mutagens and Carcinogens (ICPEMC) have provided useful summary information.

EPA realizes that using secondary sources of information is not ideal. For example, it is possible that a secondary source document could miss an important study or that the document could fail to properly interpret a study. Consequently, whenever essential

information appeared to be missing from the review documents or was not explained clearly, EPA's contractor consulted original articles.

Through its contractor, EPA next checked several sources for relevant published and unpublished studies. It obtained unpublished but publicly available studies submitted to EPA under TSCA, searched the Toxic Substances Control Act Test Submissions (TSCATS) database by CAS Registry number, and reviewed the National Toxicology Program (NTP) Results Report (generated from NTP's CHEMTRACK database) to locate completed but unpublished NTP studies. With the contractor's assistance, EPA next undertook an update search of the open literature to locate any as yet unidentified studies published either shortly before or after the review documents appeared. For this purpose, EPA's contractor searched the National Library of Medicine (NLM) TOXLINE database for studies published during a period of time beginning three years prior to the date of the review document initially used to obtain toxicity information and ending on the date of the search.

In addition, EPA's contractor consulted with representatives of NIOSH, OSHA, the Food and Drug Administration (FDA), the National Institute of Environmental Health Sciences (NIEHS), and various chemical companies. The purpose of these inquiries was to determine if these organizations had any information on completed or ongoing studies that might not be found in any readily available database. Through its contractor, EPA also contacted the Chemical Industry Institute of Toxicology (CIIT), as well as trade associations and allied organizations to determine whether these organizations were sponsoring or knew of any relevant studies currently in progress. Finally, EPA's contractor closely reviewed data sheets compiled by EPA's IRIS RfD/RfC Working Group to ascertain if the group had identified any additional, otherwise unlocated information.

Varied levels of scrutiny were applied to different types of toxicity testing information throughout the literature search. Because the primary focus of the review of acute, subchronic, and chronic systemic toxicity literature was inhalation exposure, only inhalation studies were reviewed for these endpoints. Although oral studies can provide important information on target organ toxicity and should be considered in the design of any testing protocol, these studies usually provide limited information on the effects of a compound on the respiratory tract. In addition, the systemic dose remote to the respiratory tract for many compounds is affected by modulation of uptake at the portal of entry into the body. This modulation is not only from first-pass effects but from other influences of anatomy and physiology (Ref. 15). Because EPA's literature search did not encompass oral acute and subchronic toxicity studies, the preliminary findings of risk that EPA is making below, under TSCA section 4(a)(1)(A), are not based on such studies. Thus, oral acute and subchronic studies may provide additional evidence of potential toxicity.

The contractor reviewed studies of carcinogenicity, neurotoxicity, and reproductive and developmental toxicity, regardless of the route of administration.

EPA took a different approach to identify HAP candidates for immunotoxicity testing. EPA relied on an EPA document ''Hazardous Air Pollutants: Profiles of Non-Cancer Toxicity from Inhalation Exposures'' (Ref. 16), containing a database that was developed from EPA and ATSDR documents and data files, and from the Hazardous Substances Data Bank (HSDB) of NLM. The contractor searched recent literature (i.e., 1989 to present) for immunotoxicity data on the 21 HAPs in both MEDLINE and TOXLINE. For chemicals with ATSDR Toxicological Profiles, the profile was used to identify immunotoxicity data. Much of the identified immunotoxicity literature used rather insensitive indicators of impact (e.g., organ weight changes, histopathology, leukocyte counts, and total serum protein determinations), that were judged to constitute an inadequate evaluation of suppression of immune system responsiveness (Ref. 17). Thus, an immunotoxicity screening test is being proposed in this rule for many of these HAPs.

Although EPA has made intense and thorough attempts to identify all relevant studies, EPA recognizes the limitations inherent in relying on secondary sources and realizes that its literature search may have failed to locate studies recently undertaken or completed. Therefore, EPA solicits comments bringing to its attention any valid studies not identified in its search efforts.

D. Previous TSCA Testing Actions Affecting These Chemical Substances

Eight of the substances included in this proposed rule have been the subject of previous testing under TSCA section 4. Testing by the inhalation route was not generally required, however, and acute effects—including respiratory tract effects—were not generally a target endpoint. This subunit will briefly summarize previous testing decisions and explain the relationship between those activities and this proposed rule.

1,1'-Biphenyl was recommended by the Interagency Testing Committee (ITC) in its 10th report for environmental effects and chemical fate testing (47 FR 22585, May 25, 1982). Focusing only on environmental testing, EPA found that 1,1'-biphenyl may present an unreasonable risk to the environment and issued a test rule requiring environmental effects and chemical fate testing of the chemical on September 12, 1985 (50 FR 37182). This proposed rule complements the earlier action by requiring health effects testing of 1,1'-biphenyl, namely, acute toxicity, respiratory sensory irritation, subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity and immunotoxicity.

Chlorobenzene was recommended to EPA for health and environmental effects testing in the first report of the ITC (42 FR 55026, October 12, 1977). Subsequently, EPA found that the chemical may present an unreasonable risk to human health (an A finding) and issued a rule requiring reproductive effects testing (51 FR 24657, July 8, 1986). Although the preamble of the proposed rule described specific neurotoxicity concerns, EPA stated that neurotoxicity testing requirements were not being proposed because it had not issued neurotoxicity test guidelines at that time. Instead EPA explained its then-current views on neurotoxicity testing in the preamble and solicited public comment on those views (45 FR 48524, July 18, 1980). Because a neurotoxicity screening battery guideline (OPPTS 870.6200) has since been proposed, this rule proposes the testing of chlorobenzene for neurotoxicity, acute toxicity, respiratory sensory irritation, subchronic toxicity, and immunotoxicity.

Cresols are members of a chemical category consisting of three isomers: *ortho-*, *para-*, and *meta*-cresol. Based on both A and B findings, a test rule proposed on July 11, 1983 (48 FR 31812) would have required testing of cresols for subchronic toxicity, mutagenicity, carcinogenicity, developmental toxicity, reproductive effects, neurotoxicity, and skin sensitization. The final rule, published on April 28, 1986 (51 FR 15771), which specified testing for all three isomers and provided a rationale for this decision, required testing for mutagenicity, developmental toxicity, and reproductive effects. Data received

under this test rule satisfy the HAPs data needs for these endpoints. Based on the results from this first tier of tests, a conditionally required cancer bioassay was not triggered. In addition, oral subchronic toxicity studies and subchronic neurotoxicity studies were conducted by EPA's Office of Solid Waste. In accordance with the need for data on respiratory tract effects, today's rule proposes acute and subchronic inhalation toxicity, respiratory sensory irritation, acute neurotoxicity, and immunotoxicity tests for all three cresol isomers (see Unit IV.B. of this preamble). For the purposes of this proposal, the three cresol isomers are counted as a single chemical.

Methyl isobutyl ketone was the subject of a negotiated testing agreement between EPA and industry for mutagenicity, developmental toxicity, and subchronic testing (47 FR 58025, December 29, 1982, and 48 FR 44905, September 30, 1983). Data received under the negotiated testing agreement satisfy the HAPs data needs for these endpoints. Methyl isobutyl ketone is also being tested for neurotoxicity under a TSCA enforceable consent agreement (ECA) with industry (announced at 60 FR 4514, January 23, 1995 (FRL–4924–8)). This rule proposes testing for reproductive toxicity, acute toxicity, respiratory sensory irritation, and immunotoxicity to complement ongoing testing and existing data.

Phenol is the subject of a test rule proposed on the basis of A and B findings on November 22, 1993 (58 FR 61654). That rule proposed subchronic toxicity, neurotoxicity, and reproductive and developmental toxicity testing and a study of phenol's pharmacokinetics. EPA has received a proposal for an ECA for this chemical substance that would cover the testing proposed in the 1993 rule. The rule proposed herein would add acute inhalation toxicity, respiratory sensory irritation, and immunotoxicity to the testing program for phenol. Under the procedures set forth at 40 CFR 790.22, members of the CMA Phenol Panel and EPA have negotiated an ECA which provides for the testing proposed in November 1993 as well as additional testing, including immunotoxicity. Such testing would meet the HAPs-related data needs for phenol. If the ECA is successfully concluded, EPA will drop the testing requirement for phenol from the final HAPs rule.

1,2,4-Trichlorobenzene has been tested for carcinogenicity under a test rule (51 FR 24657, July 8, 1986) based on an A finding. Data received under this test rule satisfy the HAPs data needs for this endpoint. Although the preamble of the proposed rule described specific neurotoxicity concerns, EPA stated that neurotoxicity testing requirements were not being proposed because it had not issued neurotoxicity test guidelines at that time (45 FR 48545, July 18, 1980). Because a neurotoxity screening battery guideline (OPPTS 870.6200) has since been proposed, this rule proposes the testing of 1,2,4-trichlorobenzene for acute toxicity, respiratory sensory irritation, neurotoxicity, immunotoxicity, and developmental toxicity.

Oncogenicity testing for *vinylidene chloride* was called for in a proposed test rule based on an A finding on August 12, 1986 (51 FR 28840). The rule proposed that distribution, metabolism, and excretion studies and an inhalation oncogenicity study be conducted in mice on behalf of EPA's Office of Air Quality Planning and Standards (OAQPS). EPA has not finalized the vinylidene chloride proposal and is hereby withdrawing it. EPA is not pursuing these studies because the Agency has concluded that, at this time, an oncogenicity bioassay would do little to add to EPA's understanding of the oncogenic potential of the substance. Today's rule proposes testing for acute toxicity, respiratory sensory irritation, and neurotoxicity.

IV. Proposed Testing

A. Testing and Reporting Requirements

EPA is proposing specific testing and reporting requirements for each of the 21 HAPs as specified in table 1 in § 799.5053(a)(5) of this proposed rule. EPA is proposing for the first time in a TSCA section 4 rule to require an immunotoxicity screen and an acute inhalation toxicity test that focuses on respiratory damage and sublethal systemic toxicity. These and other test guidelines are discussed below in Unit IV.C. of this preamble.

EPA is proposing to require a modified inhalation carcinogenicity bioassay using only the male rat and female mouse when existing oral carcinogenicity data and supporting information for a chemical substance are deemed too uncertain to determine its carcinogenicity via inhalation (Ref. 10). The reduced protocol is less expensive than a traditional bioassay. However, test sponsors would also have the alternative of performing pharmacokinetics studies and using route-to-route extrapolation from existing adequate oral toxicity data under enforceable consent agreements (EDAs) in lieu of this and other test requirements if the Agency decides to use this approach (see Units IV.D. and IV.E. of this preamble).

A total of 21 months would be given for the submission of final reports for acute toxicity testing because the acute inhalation toxicity with histopathology guideline proposes to make certain histopathology studies contingent upon the results of the 90-day subchronic studies. The time for the submission of immunotoxicity studies would vary as a function of the test with which they can be combined (e.g., subchronic and reproductive effects).

B. Test Substance

EPA is proposing that a substance of at least 97% purity be used as the test substance. EPA recognizes that exposure to HAPs will occur as exposure to complex mixtures and that ideally one would like data on the mixtures themselves. However, it is not practical to test mixtures due to the huge number of possible combinations. EPA will thus evaluate the toxicity of HAP mixtures using data on the relatively pure components in order to avoid the possible confounding effects of impurities that might be found in technical grade substances. These impurities, if substantial contributors to air pollution, should also be captured as separate entries on the CAA list of HAPs. EPA believes that a purity of 97% is available or readily achievable for all substances covered by this rule.

For cresols, the subject of the test rule is a mixture (CAS No. 1319–77–3) of three isomers: ortho- (CAS No. 95–48–7), para- (CAS No. 106–44–5) and meta- (CAS No. 108–39–4). The mixture and individual isomers are contained in the CAA section 112(b)(1) list of hazardous air pollutants. Most human exposure is to the mixture. However, because the mixture is of variable composition, EPA believes that it would be very burdensome to test every possible variation of the mixture, which would have different proportions of isomers. Therefore EPA is proposing to follow the approach taken in the final test rule for cresols (51 FR 15771, 15776, April 28, 1986) and test each isomer (see Unit III.D. of this preamble).

Another critical factor in study design for HAP testing is the low vapor pressure of several of these substances (diethanolamine, 1,1'-biphenyl, phthalic anhydride). This raises two questions. To which forms of the chemical are humans exposed—vapor, aerosol or particle? How does one design a valid toxicity study that can be used to assess human risk to such exposures? Given the reported TRI releases to the atmosphere for these substances, EPA has assumed that exposures are to

aerosols or particulates from the condensation of high temperature stack gases. EPA is proposing that diethanolamine, 1,1'-biphenyl and phthalic anhydride be tested via aerosol exposure. EPA invites manufacturers and processors to submit information about the forms of these substances that are encountered in ambient exposures and the forms that should be tested, and encourages the development of pharmacokinetics data that would permit testing by the less expensive oral route for HAPs with low vapor pressure.

C. Test Guidelines

The 11 guidelines being proposed for use in testing HAPs under this rule are included in the recently harmonized health effects test guidelines proposed by EPA's Office of Prevention, Pesticides, and Toxic Substances (OPPTS). When final, these harmonized guidelines will incorporate an updated version of the test guidelines previously developed for use under TSCA and FIFRA into a single set. A notice of availability and request for comments on the proposed guidelines was published in the Federal Register of June 20, 1996 (61 FR 31522).

The 11 guidelines proposed for use in testing HAPs are included in the public version of the record for this rulemaking at the address specified in the ''ADDRESSES'' section of this document. The complete set of proposed guidelines is available electronically from the EPA Public Access Gopher (gopher.epa.gov) under the heading: ''Environmental Test Methods and Guidelines''; by internet e-mail: guidelines@epamail.epa.gov; by mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, DC 20460; or in person or for courier pick-up: Room 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA; telephone: (703) 305–5805.

The 11 guidelines proposed to be used for testing HAPs are as follows:

(1) Acute Inhalation Toxicity with Histopathology, OPPTS 870.1350, EPA Pub. No. 712–C–96–291, June 1996;

(2) Subchronic Inhalation Toxicity, OPPTS 870.3465, EPA Pub. No. 712–C–96–204, June 1996;

(3) Inhalation Developmental Toxicity Study, OPPTS 870–3600, EPA Pub. No. 712–C–96–206, June 1996;

(4) Reproduction and Fertility Effects, OPPTS 870.3800, EPA Pub. No. 712–C–96–208, February 1996;

(5) Carcinogenicity, OPPTS 870.4200, EPA Pub. No. 712–C–96–211, June 1996;

(6) *Escherichia coli* WP2 and WP2 uvrA Reverse Mutation Assays, OPPTS 870.5100, EPA Pub. No. 712–C–96–247, June 1996;

(7) Detection of Gene Mutations in Somatic Cells in Culture, OPPTS 870.5300, EPA Pub. No. 712–C–96–221, June 1996;

(8) In Vivo Mammalian Cytogenetics Tests: Bone Marrow Chromosomal Analysis, OPPTS 870.5385, EPA Pub. No. 712–C–96–225, June 1996;

(9) In Vivo Mammalian Cytogenetics Tests: Erythrocyte Micronucleus Assay, OPPTS 870.5395, EPA Pub. No. 712–C–96–226, June 1996;

(10) Neurotoxicity Screening Battery, OPPTS 870.6200, EPA Pub. No. 712–C–96–238, June 1996; and

(11) Immunotoxicity, OPPTS 870.7800, EPA Pub. No. 712–C–96–351, June 1996.

To be considered in this rulemaking, comments on the 11 proposed test guidelines that are specific to HAPs testing must be submitted to the OPPT Document Control Office. The comments must be submitted in the manner specified in the ''DATES'' and ''ADDRESSES'' sections at the beginning of this document. Comments on the 11 proposed guidelines, which are not specific to the HAPs test rule must be submitted to the Office of Pesticide Programs by August 19, 1996, at the address identified in the Federal Register of June 20, 1996 (61 FR 31522).

The process of developing OPPTS harmonized guidelines described above is proceeding at the same time as the development of the HAPs test rule. The OPPTS harmonization process may result in the revision of the guidelines prior to the end of the ocmment period for this proposed rule. If so, EPA will announce the availability of those of the 11 guidelines used in the HAPs rule that have been revised in order to allow for public comment on the applicability of the revised guidelines to the HAPs rule. If any of these 11 guidelines has not been revised by the end of the comment period for this proposed rule, EPA may issue the corresponding HAPs-specific guideline independent of the OPPTS harmonization process.

EPA is proposing to modify the subchronic inhalation toxicity test guideline (OPPTS 870.3465) for the purposes of this rulemaking to include enhanced histopathology of the respiratory tract and an assay for cell damage via lung lavage. EPA is requesting comment on adding these parameters to the subchronic test guideline for testing HAPs.

As part of this rulemaking, EPA proposes to use the acute inhalation toxicity with histopathology test guideline (OPPTS 870.1350). As indicated in Unit III.A. of this preamble, the study of sublethal effects, especially effects on the respiratory system, associated with accidental release and acute exposures is necessary for the HAPs. The standard acute inhalation toxicity test guideline (OPPTS 870.1300) focuses on gross lesions, body weight changes, and effects on mortality. The acute inhalation toxicity with histopathology test guideline assesses two endpoints: (1) histopathology of the respiratory tract, kidney, liver, and other target organs; and (2) cell damage via lung lavage. The guideline takes a stepwise approach to the evaluation of acute toxicity and initially requires a 4-hour exposure at three concentration levels. If the 4-hour study shows positive results in histopathology or the bronchoalveolar lavage, a 1-hour study and an 8-hour study would be required to define better the time and concentration dependence of acute exposures. Histopathology is being proposed for the respiratory tract, liver, and kidney. Other target organs identified by either gross pathology in the 4-hour acute study or by histopathology in the 90-day study would also have to be examined by histopathology in the 4-hour acute study. If these results are positive in the 4-hour study, histopathology in the 1-hour and 8-hour studies would be required. The 4-hour acute testing may be combined with acute neurotoxicity testing.

A respiratory sensory irritation test using American Standard Test Method (ASTM) E 981–84 is also being proposed to provide a quantitative estimate of the sensory irritant potential of an inhaled chemical. Irritation is detected by a characteristic change in the breathing pattern of mice, which results in a reduction in the breathing rate during exposure to a test atmosphere.

For all testing proposed in this rule, test sponsors would have to conduct testing and generate data in accordance with the specified test guideline. Data developed under the final rule must be reported in accordance with TSCA Good Laboratory Practice (GLP) Standards, 40 CFR part 792.

EPA is considering three alternative procedures for handling these test guidelines in the context of the final HAPs test rule. The first alternative is for the final HAPs rule to incorporate the guidelines by reference. Under this alternative, the text of the guideline would not appear in the Code of Federal Regulations. Instead the rule would include a reference to the guideline which would be available on the internet and elsewhere, as noted above.

A copy of the applicable guideline would also be maintained in the public version of the rulemaking record.

The second alternative would be for the final HAPs rule to refer to the guideline, the text of which would be available on the internet and elsewhere, as the pre-approved protocol. However, test sponsors may use other protocols after such protocols have been approved by EPA (''previously approved equivalents''). If EPA decides on this course of action, the Agency may issue a supplemental notice proposing specific implementation procedures if they are significantly different from the following procedures. A test sponsor would be required to submit to EPA for review and approval each test protocol that such sponsor believes is equivalent to the corresponding OPPTS test guideline. A submission would have to demonstrate equivalency, include a description of the differences between the sponsor's protocol and the corresponding OPPTS guideline, and indicate the rationale for changing the guideline. The deadline for these submissions would be 90 days after the effective date of the final HAPs rule. In the case of a study where the design depends upon the results of an earlier test (such as carcinogenicity where the dose level is contingent upon the results of a subchronic study), the deadline is 90 days following the date of submission of the final report for that study.

The third alternative is for the final HAPs rule to reference the guidelines currently in part 798 of title 40 of the Code of Federal Regulations and modify these guidelines to make them as nearly identical as possible to the harmonized OPPTS guidelines. The modifications that the Agency currently believes would be appropriate are set forth in a separate document in the record entitled ''Modifications to Health Effects Test Guidelines Currently in 40 CFR Part 798 for Use in the HAPs Test Rule''. EPA is soliciting comment on these three alternative procedures.

D. Route-to-Route Extrapolation

EPA would consider route-to-route extrapolation of toxicity data from routes other than inhalation when it is scientifically defensible to empirically derive the inhalation risk. Derivation of the inhalation risk is generally only reasonable when portal-of-entry effects (toxic effects on the respiratory tract from inhalation exposure) and/or first-pass effects can be ruled out or adequately characterized.

''First-pass'' effects refer to the metabolism that can take place in portal-of-entry tissue, prior to a chemical's entry into the systemic circulation. For example, after oral administration, many chemicals are delivered to the liver via the portal vein from the gastrointestinal (GI) tract before they enter into the systemic circulation. The respiratory tract can also exhibit a first-pass effect after inhalation due to its various cell types and metabolic enzyme systems. The first-pass action can alter the disposition of the parent and metabolites, thereby modulating the dose to remote or systemic target tissues in a route-dependent fashion. Therefore, unless this first-pass effect and dosimetry are adequately understood and taken into account, substantial error can be introduced in route-to-route extrapolation.

In the absence of data to determine dosimetry via inhalation, quantitative route-to-route extrapolation is subject to substantial error when a chemical is thought to be susceptible to first-pass effects (e.g., metabolized) or when a potential for portal-of-entry effects is indicated (e.g., skin irritation after dermal administration). There are situations where oral data should not be used for route extrapolation to inhalation. For example, chemicals with a short active half-life that were administered by gavage may result in high short-term blood concentrations and consequently much greater effects than the much lower constant blood levels that occur with inhalation exposure. Conversely, if a chemical requires metabolic activation via a rate-limited reaction, bolus dosing via gavage may underestimate the dose. Consideration of factors such as these is important in judging whether the oral study of interest qualifies for route extrapolation.

Regardless of the toxic endpoint considered, EPA's ability to perform quantitative route-to-route extrapolation is critically dependent on the amount and type of data available. The minimum information generally needed includes both the nature of the toxic effect and a description of the relationship between exposure and the toxic effect. The actual impact of exposure by different routes can best be estimated by taking account of factors that influence absorption at the portal of entry, such as:

(1) Physicochemical characteristics of the chemical (e.g., disassociation state, molecular weight, partition coefficient, reactivity, solubility);

(2) Exposure factors (e.g., concentration, duration, regimen); and

(3) Physiologic parameters (e.g., barrier capacity as related to variability in species, blood flow, cell types and morphology, metabolism, pH, specialized absorption sites, storage in cells) and those parameters that influence dose that are remote to the portal of entry including metabolism, clearance, tissue binding, tissue blood flows, tissue:blood partition coefficients, and tissue volumes.

Oral toxicity data are the most commonly available data as alternatives to inhalation data. Oral data are problematic for route-to-route extrapolation in the following instances:

(1) When groups of chemicals are expected to have different toxicities by the two routes, for example, metals, irritants, and sensitizers.

(2) When a first-pass effect by the liver is expected.

(3) When a respiratory tract effect is established but nodosimetry comparison can be clearly established between the two routes.

(4) When the respiratory tract was not adequately studied in the oral studies.

(5) When short-term inhalation studies, dermal irritation, or *in vitro* studies indicate potential portal-of-entry effects at the respiratory tract, but the studies themselves are not adequate for risk assessment.

Dose-response data from other routes of exposure, such as intravenous, intraperitoneal, subcutaneous, dermal, and intramuscular routes also may be available. Intravenous data can provide reliable information on blood levels, but such information should be supplemented by knowledge of the quantitative relationship between exposure concentration and blood levels in order to be useful. The other routes usually are less useful in route-to-route extrapolation because the pharmacokinetics are, in general, poorly characterized.

Methods for route-to-route extrapolation vary in accuracy and, therefore, in inherent uncertainty. The simplest approach is to use default absorption values for each exposure route dependent on the chemical class in question. Such values have only been developed for a few classes of organic chemicals. Because this approach entails increased uncertainty compared with those that use pharmacokinetics (PK) data and physiologically based pharmacokinetics (PBPK) modeling, use of default absorption values is generally considered highly uncertain for quantitative dose-response assessment.

EPA's optimal but most complex and data intensive method for performing route-to-route extrapolation involves the development of a PBPK model that describes the disposition (deposition, absorption, distribution, metabolism, and elimination) of the chemical for the routes of interest (Ref. 15). Such models

account for fundamental physiological and biochemical parameters and processes such as blood flows, ventilatory parameters, metabolic capacities, and renal clearance tailored by the physicochemical (e.g., blood:air and tissue:blood partitions) and biochemical properties (e.g., binding, depletion of cofactors) of the chemical in question. PBPK models should be used in conjunction with toxicity and mechanistic studies in order to relate the effective dose associated with an adverse effect for the test species and conditions to other scenarios. Although the development of a full PBPK model can involve greater effort than other methods using pharmacokinetics data, the application of pharmacokinetics modeling to determine health risk provides a considerable improvement in the reliability of an extrapolation across routes. The use of an existing model structure, essentially a template, can greatly reduce the effort required for model development of analogous chemicals.

More limited pharmacokinetics data such as measurement of bioavailability and disposition of an internal dose marker (e.g., blood cholinesterase activity, enzyme elevation, and amount of chemical bound to protein) may be used for route-to-route extrapolation in conjunction with a consideration of the uncertainties involved in each case. As above, if the portal of entry is affected by the agent, then more elaborate data may be required.

EPA realizes that the use of pharmacokinetics data for route-to-route extrapolation, as well as for the broader purpose of generally identifying the mechanisms by which exposure to a specific agent causes particular health effects, is a fast-developing and often controversial area of science at this time. However, under certain circumstances, as explained above, route-to-route extrapolation based on valid pharmacokinetics data can offer a useful and less expensive alternative to testing or retesting by another route of exposure.

E. Opportunity To Submit Proposals for Enforceable Consent Agreements for Pharmacokinetics Studies

Basic pharmacokinetics parameters provide information on a substance's absorption, distribution, biotransformation, and excretion which can aid in understanding the potential for accumulation of the substance in various tissues or organs and the mechanism of toxicity. Basic PK parameters can be determined through use of the OPPTS harmonized test guideline for pharmacokinetics studies (870.7485). EPA considered but rejected the option of requiring the use of this guideline in this proposed rule because the Agency is interested in a more sophisticated level of study that could potentially support PBPK modeling.

EPA believes that enforceable consent agreements (ECAs) and testing consent orders offer an opportunity to obtain this more in-depth understanding of the pharmacokinetics of HAPs. The Agency, therefore, is inviting manufacturers to submit proposals for pharmokinetics studies for HAPs to be used in the ECA process. Each study proposal should include the name of the chemical(s), a detailed description of the proposed pharmacokinetics study, and discussion of the application of the pharmacokinetics data in performing route-to-route extrapolations. Study proposals should reflect an understanding of the scientific reasoning presented in Unit IV.D. of this preamble, the existing database on the chemical and testing required under this proposed test rule. EPA expects to use a previously published decision tree (Ref. 15) as an element in the evaluation of these proposals. As noted in Unit IV.D., these data may be used for route-to-route extrapolation with a level of uncertainty in inverse proportion to their level of complexity and sophistication.

Each study proposal should be labeled: ''Proposal for Pharmacokinetics Study of (name of chemical),'' identified by document control number (OPPTS–42187B, FRL–4869–1), and sent to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, Document Control Office (7407), Room G–099, 401 M St., SW., Washington, DC 20460. Proposals for pharmacokinetics studies must be received by EPA no later than October 24, 1996. Enforceable consent agreements must be negotiated and signed no later than 12 months after the date of proposal of this rule in order to permit timely development of the final HAPs rule.

EPA will review the submissions and will select promising candidates for negotiation under the procedures in 40 CFR 790.22. If the Agency decides to proceed with the ECA process, it will publish a notice in the Federal Register soliciting persons interested in participating in or monitoring negotiations for the development of ECAs for PK studies to notify the Agency in writing.

EPA noted in Unit IV.D. that the development and use of a PBPK model represents the optimal approach to route-to-route extrapolation. The development of such models is often a complex and uncertain task that in most cases lies beyond the expectations of performance that could be embodied in an ECA. However, EPA would like to encourage extension of the data generated under the ECAs described above to the development of PBPK models. EPA envisions that PBPK models could be developed through voluntary cooperative arrangements and is interested in a dialogue with industry and others on ways to encourage and support PBPK model development.

F. Persons Required To Test

Based on the findings in Unit V of this preamble, EPA is proposing that persons who manufacture (including import) or process, or who intend to manufacture or process 1,1'-biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, cresols (all three isomers), diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride, other than as an impurity, at any time from the effective date of the final test rule to the end of the reimbursement period, be subject to the testing requirements in this rule. Manufacturers would be required to submit letters of intent to conduct testing or exemption applications (40 CFR 790.45). However, under 40 CFR 790.42, processors, small-quantity manufacturers, and manufacturers of small quantities of these substances solely for research and development purposes would not be required to submit letters of intent or exemption applications unless directed to do so in a subsequent notice as described in 40 CFR 790.48(b).

EPA is proposing to exempt those manufacturers and processors that produce the chemical substances listed above only as an impurity, as defined in 40 CFR 790.3, because it would be difficult and prohibitively expensive for EPA, manufacturers, and processors to identify with complete assurance all chemical substances that contain the 21 substances solely as an impurity. In addition, EPA would find it difficult to apply both the exemption and reimbursement processes to those who manufacture and/or process these chemical substances solely as an impurity. EPA's reimbursement regulations, issued pursuant to TSCA section 4(c), 15 U.S.C. 2603(c), state that those persons who manufacture or process chemical substances as impurities are not subject to test

requirements unless a particular test rule specifically states otherwise (40 CFR 791.48(b)). EPA finds no basis to propose such a requirement in this rule.

Persons who manufacture these substances as byproducts, as defined in 40 CFR 791.3(c), would be subject to the testing requirements set forth in this proposed rule. The total amount of imports and domestic production of these chemical substances, including the amount produced as a byproduct, would be used in determining reimbursement shares under the TSCA section 4 data reimbursement regulations in 40 CFR part 791. In a previous multichemical test rule (undertaken for EPA's Office of Solid Waste) for which EPA had likewise proposed that byproducts be subject to the rule, an industry commenter objected to this inclusion based on historical grounds. The commenter said, ''The historical roots of section 4 in the Eckart Subcommittee work on TSCA were the sharing of the costs of test generation in direct proportion to the economic benefits which producers derived from the chemicals.'' In response to this comment, EPA explained that,

> EPA does not agree that the intention of Congress to have producers share the cost of testing should be interpreted to exclude producers of byproducts from TSCA section 4 testing requirements. While economic benefit is not derived directly from the production of the subject chemical, the production and disposal of the byproduct are a result of a production process by which the company does derive economic benefit (an indirect benefit). (53 FR 22300, 22305, June 15, 1988)

Carbonyl sulfide would be the first chemical substance subject to a TSCA section 4 test rule that is produced almost exclusively as a byproduct. Although some carbonyl sulfide is reported to be used in chemical synthesis, its large production and release, as reported in the TRI, is due to its creation as a byproduct which is unwanted. Consistent with EPA's position on byproducts testing, as explained above, all persons reporting the release of carbonyl sulfide in the TRI would be considered to be manufacturers of carbonyl sulfide and would be subject to the provisions of this proposed rule.

V. Findings

As explained in Unit I of this preamble, EPA is proposing findings under TSCA sections 4(a)(1)(A) and 4(a)(1)(B) for the 21 HAPs subject to this rule. The findings are summarized in the table below. The detailed discussion of the findings for each chemical substance included in this rule is contained in a separate document entitled ''TSCA Section 4 Findings for 21 Hazardous Air Pollutants'' that is available in the rulemaking record. Requirements for sections 4(a)(1)(A) and 4(a)(1)(B) findings appear in Unit I of this preamble.

In articulating its policy for making findings under TSCA section 4(a)(1)(B) (frequently described as the ''B policy'', see Unit I of this preamble), EPA has defined ''substantial production'' as aggregate annual production of 1 million pounds or more and ''substantial release'' as an annual release, from all sources, into the environment of 1 million pounds or 10% of production, whichever is lower (58 FR 28736, 28746, May 14, 1993). These definitions apply to the terms ''substantial production'' and ''substantial release'' as used in this preamble. (As explained in Unit III.C. of this preamble, all the chemical substances proposed for testing in this proposed rule are emitted into the atmosphere in the amount of 50 tons per year or more according to the TRI.) EPA also defined ''substantial human exposure'' as an annual exposure of 100,000 members of the general population, 10,000 consumers, or 1,000 workers. *Id.*

TSCA Section 4(a) Statutory Findings

Chemical substance	4(a)(1)(A)(i) Finding is based on:	4(a)(1)(B)(i) Finding[a] is based on:	4(a)(1)(A)(ii)/(iii) and 4(a)(1)(B)(ii)/(iii) Finding are for:
1,1'-Biphenyl (CAS No. 92-52-4)	Reproductive toxicity Respiratory toxicity	Substantial production: 53.5 million lbs Substantial human exposure: 20,351 workers Consumer exposure	Acute toxicity[6,9] Subchronic toxicity[5,9] Developmental toxicity[2] Reproductive toxicity[1] Neurotoxicity[7] Immunotoxicity[7] Respiratory sensory irritation[7]
Carbonyl Sulfide (CAS No. 463-58-1)	Oncogenicity Neurotoxicity	Substantial production: production is at least as much as environmental release (produced as a byproduct) Substantial environmental release: 16.7 million lbs	Acute toxicity[6] Subchronic toxicity[7] Developmental toxicity[7] Reproductive toxicity[5,6] Neurotoxicity[6,7] Oncogenicity[7] Immunotoxicity[7] Genetic toxicity[7] Respiratory sensory irritation[7]
Chlorine (CAS No. 7782-50-5)	Respiratory toxicity	Substantial production: 22.3 billion lbs Substantial human exposure: 170,000 workers Consumer exposure Substantial environmental release: 78,498 million lbs	Acute toxicity[5,8]

TSCA Section 4(a) Statutory Findings—Continued

Chemical substance	4(a)(1)(A)(i) Finding is based on:	4(a)(1)(B)(i) Finding[a] is based on:	4(a)(1)(A)(ii)/(iii) and 4(a)(1)(B)(ii)/(iii) Finding are for:
Chlorobenzene (CAS No. 108-90-7)	Respiratory toxicity Developmental toxicity Reproductive toxicity Liver toxicity Kidney toxicity Neurotoxicity	Substantial production: 210 million lbs Substantial human exposure: 17,056 workers General population Substantial environmental release: 2.58 million lbs	Acute toxicity[6] Subchronic toxicity[3,4,6,8] Neurotoxicity[7] Immunotoxicity[6,7]
Chloroprene (CAS No. 126-99-8)	Respiratory toxicity Reproductive toxicity Liver toxicity Neurotoxicity Hematotoxicity Developmental toxicity	Substantial production: 321 million lbs Substantial human exposure: 17,749 workers General population Substantial environmental release: 1.7 million lbs	Acute toxicity[3,6] Reproductive toxicity[7,8] Neurotoxicity[6,8] Immunotoxicity[7] Respiratory sensory irritation[7]
Cresols (CAS No. 1319-77-3) mixture of 3 isomers: ortho-isomer (CAS No. 95–48–7) para-isomer (CAS No. 106–445) meta-isomer (CAS No. 108–39–4)	Respiratory toxicity Developmental toxicity Neurotoxicity	Substantial production: 84.3 million lbs Substantial human exposure: 132,742 workers Consumer exposure General population Substantial environmental release: 1.5 million lbs	Acute toxicity[8] Subchronic toxicity[5,8] Acute neurotoxicity[5,6] Immunotoxicity[6,7] Respiratory sensory irritation[7]
Diethanolamine (CAS No. 111-42-2)	Reproductive toxicity Neurotoxicity	Substantial production: 198 million lbs Substantial human exposure: 573,025 workers Consumer exposure	Acute toxicity[8] Subchronic toxicity[5] Developmental toxicity[6] Reproductive toxicity[7] Neurotoxicity[5,6,7] Immunotoxicity[7] Respiratory sensory irritation[7]
Ethylbenzene (CAS No. 100-41-4)	Developmental toxicity Kidney toxicity Neurotoxicity	Substantial production: 11.4 billion lbs Substantial human exposure: 80,726 workers Consumer exposure General population Substantial environmental release: 8.8 million lbs	Acute toxicity[6] Developmental toxicity[2] Reproductive toxicity[7] Neurotoxicity[6,7] Immunotoxicity[6,7] Respiratory sensory irritation[7]
Ethylene dichloride (CAS No. 107-06-2)	Oncogenicity General systemic toxicity	Substantial production: 14.3 billion lbs General population Substantial human exposure: 77,111 workers Consumer exposure Substantial environmental release: 4 million lbs	Acute toxicity[1,4,5,6] Subchronic toxicity[4,5,8] Developmental toxicity[2] Reproductive toxicity[9] Neurotoxicity[6,7] Respiratory sensory irritation[7]
Ethylene glycol (CAS No. 107-21-1)		Substantial production: 7.2 billion lbs Substantial human exposure: 1,133,792 workers Consumer exposure Substantial environmental release: 17.5 million lbs	Acute toxicity[7] Subchronic toxicity[4,6] Neurotoxicity[7] Immunotoxicity[5] Respiratory sensory irritation[7]
Hydrochloric acid (CAS No. 7647-01-0)	Respiratory toxicity	Substantial production: 5.75 billion lbs Substantial human exposure: 1,131,879 workers Consumer exposure Substantial environmental release: 287.7 million lbs	Acute toxicity[5,6]

TSCA Section 4(a) Statutory Findings—Continued

Chemical substance	4(a)(1)(A)(i) Finding is based on:	4(a)(1)(B)(i) Finding[a] is based on:	4(a)(1)(A)(ii)/(iii) and 4(a)(1)(B)(ii)/(iii) Finding are for:
Hydrogen fluoride (CAS No. 7664-39-3)	Respiratory toxicity Liver toxicity Eye irritation	Substantial production: 322 million lbs Substantial human exposure: 182,589 workers Substantial environmental release: 9.2 million lbs	Acute toxicity[3,5,6,8] Subchronic toxicity[8,10] Developmental toxicity[7] Reproductive toxicity[7] Neurotoxicity[7] Immunotoxicity[7] Respiratory sensory irritation[7]
Maleic anhydride (CAS No. 108-31-6)	Respiratory toxicity Eye irritation	Substantial production: 382 million lbs Substantial human exposure: 37,897 workers	Acute toxicity[7] Developmental toxicity[2] Neurotoxicity[7] Oncogenicity[5,6] Immunotoxicity[7] Respiratory sensory irritation[7]
Methyl isobutyl ketone (CAS No. 108-10-1)	Developmental toxicity Neurotoxicity	Substantial production: 175 million lbs Substantial human exposure: 467,763 workers Consumer exposure General population Substantial environmental release: 27.7 million lbs	Acute toxicity[5,6] Reproductive toxicity[7] Immunotoxicity[7] Respiratory sensory irritation
Methyl methacrylate (CAS No. 80-62-6)	Respiratory toxicity Liver toxicity Kidney toxicity Neurotoxicity	Substantial production: 1,200 million lbs Substantial human exposure: 120,788 workers Consumer exposure Substantial environmental release: 2.8 million lbs	Acute toxicity[1,3,4,6] Developmental toxicity[2] Reproductive toxicity[7] Neurotoxicity[3,4,6,8] Immunotoxicity[6,7] Respiratory sensory irritation[7]
Naphthalene (CAS No. 91-20-3)	Respiratory toxicity Neurotoxicity	Substantial production: 235 million lbs Substantial human exposure: 23,092 workers Consumer exposure General population Substantial environmental release: 2.8 million lbs	Acute toxicity[5,6] Reproductive toxicity[5,6,7] Immunotoxicity[6,7] Respiratory sensory irritation[7]
Phenol[b] (CAS No. 108-95-2)	Respiratory toxicity	Substantial production: 3.9 billion lbs Substantial human exposure: 192,739 workers Consumer exposure General population Substantial environmental release: 10 million lbs	Acute toxicity[4,5,8] Immunotoxicity[4,5,6] Respiratory sensory irritation
Phthalic anhydride (CAS No. 85-44-9)	Respiratory sensitization	Substantial production: 874 million lbs Substantial human exposure: 62,644 workers	Acute toxicity[6,7] Subchronic toxicity[7] Developmental toxicity[5,8] Reproductive toxicity[7] Neurotoxicity[7] Oncogenicity[5] Immunotoxicity[7] Respiratory sensory irritation[7]
1,2,4-Trichlorobenzene (CAS No. 120-82-1)	Oncogenicity Developmental toxicity	Substantial production: CBI Substantial human exposure: 4,032 workers General population	Acute toxicity[1,3,6] Developmental toxicity[1,5,6] Neurotoxicity[6] Immunotoxicity[7] Respiratory sensory irritation[7]

TSCA Section 4(a) Statutory Findings—Continued

Chemical substance	4(a)(1)(A)(i) Finding is based on:	4(a)(1)(B)(i) Finding[a] is based on:	4(a)(1)(A)(ii)/(iii) and 4(a)(1)(B)(ii)/(iii) Finding are for:
1,1,2-Trichloroethane (CAS No. 79-00-5)	Oncogenicity Liver toxicity Kidney toxicity Neurotoxicity	Substantial production: estimated - 210 million lbs Substantial human exposure: 1,036 workers General population	Acute toxicity[7] Subchronic toxicity[7] Developmental toxicity[5,6] Reproductive toxicity[7] Neurotoxicity[6,7] Oncogenicity[5] In vivo cytogenicity[7] Immunotoxicity[6] Respiratory sensory irritation[7]
Vinylidene chloride (CAS No. 75-35-4)	Oncogenicity Respiratory toxicity Developmental toxicity Liver toxicity Kidney toxicity	Substantial production: 230 million lbs Substantial human exposure: 2,675 workers Consumer exposure	Acute toxicity[5,6] Neurotoxicity[7] Respiratory sensory irritation[7]

[1] Too few animals were tested.
[2] Only one species was adequately tested.
[3] Only one sex was tested.
[4] Too few exposure levels were tested.
[5] Inadequate exposure duration, schedule, or route.
[6] Only limited endpoints were assessed.
[7] No study addressing the specific endpoint was found.
[8] Insufficient reporting of data to make the study useful.
[9] No no-observed-adverse-effect level (NOAEL) was identified.
[10] No lowest-observed-adverse-effect level (LOAEL) was identified.

Notes to table:

a ''B'' findings are based on Ref. (10). It should be noted that all HAPs meet the 50 tons of emissions per year selection criteria discussed in Unit III.C. of this preamble.

b Findings made in 58 FR 61654, 61659-60, November 22, 1993.

VI. Economic Analysis of the Proposed Rule

EPA has prepared and placed in the record for this proposed rule an economic analysis that evaluates the potential for significant economic impacts as a result of the testing proposed in this notice. The total cost of this proposed rule is estimated to range up to $41.4 million. The total cost of testing for each chemical substance has been annualized and compared with annual revenues (defined as the product of sales price and total supply) as an indication of potential economic impact. Annualized test costs, calculated over 15 years using a 7% discount rate, represent the equivalent constant costs that would have to be recouped each year of the payback period to finance the testing expenditure in the first year. Annualized test costs are then divided by the total supply of the chemical substance to derive the annualized unit test costs. The percent price impact is calculated by dividing the annualized unit test costs by the sales price and multiplying by 100.

The upper-bound estimated total costs of testing (including both laboratory costs and administrative costs), annualized tests costs, and price impact for the chemicals in this proposed rule are as follows:

Chemical Substances	Total test cost ($)	Annualized test cost ($)	Price impact (%)
1,1'-Biphenyl	2,213,900	243,074	0.64
Carbonyl sulfide	5,509,163	609,876	NA
Chlorine	85,400	9,376	0.0003
Chlorobenzene	972,900	106,819	0.098
Chloroprene	1,603,488	176,054	0.076
Cresols (all 3 isomers)	2,139,600	234,917	0.39
Diethanolamine	2,327,838	255,584	0.23
Ethylbenzene	1,732,050	190,170	0.013
Ethylene dichloride	2,007,325	220,393	0.0071
Ethylene glycol	986,638	108,327	0.0097
Hydrochloric acid	85,400	9,376	0.0040
Hydrogen fluoride	2,135,888	234,509	0.094
Maleic anhydride	4,148,588	454,834	0.25
Methyl isobutyl ketone	1,228,913	134,928	0.16
Methyl methacrylate	1,732,050	190,170	0.023
Naphthalene	1,242,650	136,436	0.16
Phenol	85,400	9,376	0.0010

Chemical Substances	Total test cost ($)	Annualized test cost ($)	Price impact (%)
Phthalic anhydride	5,650,338	620,377	0.21
1,2,4-Trichlorobenzene	963,163	105,750	CBI
1,1,2-Trichloroethane	3,837,900	421,381	0.41
Vinylidene chloride	708,700	77,811	0.12

Note: The table shows the maximum costs and impacts estimated by EPA. The full range of estimates is given in the economic analysis document placed in the record for this proposed rule.

EPA believes, on the basis of these calculations, that the proposed testing of the HAPs presents a low potential for adverse economic impact. Because these chemical substances have relatively large production volumes, with the exception of carbonyl sulfide (to which this methodology does not apply) the annualized costs of testing, expressed as a percentage of annual revenue, are very small—ranging from 0.0003% to 0.64%. Costs of testing are therefore found to be insignificant relative to revenues for these chemical substances.

VII. Availability of Test Facilities and Personnel

Although earlier studies indicated that test facilities and personnel were available to perform the testing specified in this proposed rule (Ref. 18), the impact of this rule combined with other testing requirements may exceed capacity for inhalation testing facilities in the short term. While EPA believes that over the longer term, additional inhalation facilities will become available, any short-term effects can be dealt with by adjusting study due dates in response to comments on this rule or in response to a request for modification of reporting deadlines.

VIII. Public Meeting

EPA will hold a public meeting in Washington, DC prior to the close of the comment period. Announcemment of this meeting will be published in the Federal Register. If requested, EPA will hold an additional public meeting in Washington, DC.

IX. Comments Containing Confidential Business Information

All comments will be placed in the public version of the rulemaking record unless they are clearly labeled as containing information claimed as CBI when they are submitted. CBI claims will be deemed to have been waived if they are not made at the time of submission of the document containing the information claimed as CBI, and such document may be made public with no further notice to the submitter. While a part of the rulemaking record, comments claimed as CBI will be treated in accordance with 40 CFR part 2. A sanitized version of all comments containing information claimed as CBI must be submitted to EPA for inclusion in the public version of the rulemaking record.

It is the responsibility of the submitter to comply with 40 CFR part 2 so that all materials claimed as CBI may be properly protected. This includes, but is not limited to, clearly indicating on the face of the revelant section of the comment (as well as on any revelant associated correspondence) that information claimed as CBI is included and marking ''CONFIDENTIAL,'' ''TSCA CBI,'' or similar designation on the face of each section of any document or attachment in the comment that contains information claimed as CBI. Should putatively private information be put into the public file because of the submitter's failure to clearly claim and designate its confidential claim on the face of the comment, EPA will presume any such information that has been in the public file for more than 30 days to be in the public domain.

X. Rulemaking Record

EPA has established a record for this rulemaking (docket number OPPTS–42187) (including comments and data submitted electronically). This record contains the basic information considered by EPA in developing this proposal and appropriate Federal Register notices. EPA will supplement this record as necessary.

A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Comments in electronic form may be submitted directly to EPA at:

ncic@epamail.epa.gov

Comments in electronic form must be submitted in an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing.

The record includes the following information.

A. Supporting Documentation

(1) Federal Register notices/EPA documents pertaining to this proposed rule consisting of:

(a) ''TSCA Interagency Testing Committee; Initial Report to the Administrator, Environmental Protection Agency'' (42 FR 55026, October 12, 1977).

(b) ''Chloromethane and Chlorinated Benzenes Proposed Test Rule; Amendment to Proposed Health Effects Standards'' (45 FR 48524, July 18, 1980).

(c) ''Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed Test Rule'' (46 FR 30300, June 5, 1981).

(d) ''Tenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals'' (47 FR 22585, May 12, 1982).

(e) ''Methyl Isobutyl Ketone and Methyl Ethyl Ketone; Response to the Interagency Testing Committee'' (47 FR 58025, December 29, 1982).

(f) ''Toxic Substances Control Act; Data Reimbursement'' (48 FR 31786, July 11, 1983).

(g) ''Cresols; Proposed Test Rule'' (48 FR 31813, July 11, 1983).

(h) ''Methyl Isobutyl Ketone and Methyl Ethyl Ketone Decision to Adopt Negotiated Testing Program'' (48 FR 44905, September 30, 1983).

(i) ''Toxic Substances; Biphenyl; Test Rule'' (50 FR 37182, September 12, 1985).

(j) ''Cresols; Testing Requirements'' (51 FR 15771, April 28, 1986).

(k) ''Chlorinated Benzenes; Final Test Rule'' (51 FR 24657, July 8, 1986).

(l) ''Toxic Substances, 1,1,-Dichloroethylene; Proposed Test Rule'' (51 FR 28840, August 12, 1986).

(m) ''Guidelines for Carcinogen Risk Assessment'' (51 FR 33992 (September 24, 1986).

(n) ''Office of Solid Waste Chemicals; Final Test Rule'' (53 FR 22300, June 15, 1988).

(o) ''Toxic Substances Control Act (TSCA); Good Laboratory Practice Standards'' (54 FR 34034, August 17, 1989).

(p) ''Metabolism and Pharmacokinetics Test Guideline'' (56 FR 32537, July 17, 1991).

(q) ''Guidelines for Developmental Toxicity Risk Assessment'' (56 FR 63798, December 5, 1991).

(r) ''TSCA section 4(a)(1)(B) Final Statement of Policy; Criteria for Evaluating Substantial Production, Substantial Release, and Substantial or Significant Human Exposure'' (58 FR 28736, May 14, 1993).

(s) ''Office of Water Chemicals; Final Test Rule'' (58 FR 59667, November 10, 1993).

(t) ''Acetophenone, Phenol, N,N-Dimethylaniline, Ethyl Acetate, and 2,6-Dimethylphenol; Proposes Test Rule, Notice of Opportunity to Initiate Negotiations for TSCA Section 4 Testing Consent Agreements'' (58 FR 61654, November 22, 1993).

(u) ''Testing Consent Orders for Acetone, n-Amyl Acetate, n-Butyl Acetate, Ethyl Acetate, Isobutyl Alcohol, Methyl Isobutyl Ketone, and Tetrahyrofuran'' (60 FR 4514, January 23, 1995).

(v) ''Executive Order 12866 of September 30, 1993; Regulatory Planning and Review'' (58 FR 51735, October 4, 1993).

(w) ''Executive Order 12898 of February 11, 1994; Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

(x) ''Guidelines for Reproductive Toxicity Risk Assessment'' (Pub. No. EPA/600/AP-94/001, February 1994).

(2) OPPTS test guidelines used in this proposed rule:

(a) Acute Inhalation Toxicity with Histopathology, OPPTS 870.1350, EPA Pub. No. 712–C–96–291, June 1996;

(b) Subchronic Inhalation Toxicity, OPPTS 870.3465, EPA Pub. No. 712–C–96–204, June 1996;

(c) Inhalation Developmental Toxicity Study, OPPTS 870–3600, EPA Pub. No. 712–C–96–206, June 1996;

(d) Reproduction and Fertility Effects, OPPTS 870.3800, EPA Pub. No. 712–C–96–208, February 1996;

(e) Carcinogenicity, OPPTS 870.4200, EPA Pub. No. 712–C–96–211, June 1996;

(f) *Escherichia coli* WP2 and WP2 uvrA Reverse Mutation Assays, OPPTS 870.5100, EPA Pub. No. 712–C–96–247, June 1996;

(g) Detection of Gene Mutations in Somatic Cells in Culture, OPPTS 870.5300, EPA Pub. No. 712–C–96–221, June 1996;

(h) In Vivo Mammalian Cytogenetics Tests: Bone Marrow Chromosomal Analysis, OPPTS 870.5385, EPA Pub. No. 712–C–96–225, June 1996;

(i) In Vivo Mammalian Cytogenetics Tests: Erythrocyte Micronucleus Assay, OPPTS 870.5395, EPA Pub. No. 712–C–96–226, June 1996;

(j) Neurotoxicity Screening Battery, OPPTS 870.6200, EPA Pub. No. 712–C–96–238, June 1996; and

(k) Immunotoxicity, OPPTS 870.7800, EPA Pub. No. 712–C–96–351, June 1996.

(3) Technical Support Documents consisting of:

(a) TSCA Section 4 Findings for 21 Hazardous Air Pollutants.

(b) Exposure Profiles for HAPs—Group 1.

(c) Summary Tables on the Health Effects Data for Hazardous Air Pollutants (HAPs)—Group 1.

(d) Economic Analysis of the Impact of the Test Rule.

(4) Communications consisting of:

(a) Written letters and memoranda.

(b) Contact reports of telephone conversations.

(c) Meeting summaries.

B. References

(1) U.S. Environmental Protection Agency. ''Methods for derivation of inhalation reference concentrations and application of inhalation dosimetry.'' p. xxviii. Prepared by the Office of Health and Environmental Assessment, Washington, DC. EPA/600/8–90/066F (1994).

(2) Letter from John F. Martonik, OSHA, to Susan B. Hazen, EPA, May 31, 1995.

(3) Letter from Val Schaeffer, CPSC, to Joe Carra, EPA, June 2, 1995.

(4) Orme-Zavaleta, J. ''OMB Question-Reply.'' Memorandum to Vicki Dellarco. May 9, 1996.

(5) NAS. National Academy of Sciences, Washington DC, ''Science and Judgment in Risk Assessment'' pp. 154, 157, 265 (1994).

(6) Siegel-Scott, C. ''Slope factors for hazardous air pollutants.'' Memorandum to Vicki Dellarco. September 7, 1994.

(7) Shoaf, C.R. ''Clean Air Act chemicals with adequate databases for development of RfC's.'' Memorandum to Vicki Dellarco. September 20, 1994.

(8) U.S. Environmental Protection Agency. Health assessment document for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) and related compounds, Vol. III of III, pp. 9–48 to 9–50. Prepared by the Office of Health and Environmental Assessment, Washington, DC. EPA/600/PB–92/001C (1994).

(9) Francis, E.Z., and Kimmel, G.A. ''Proceedings of the workshop on one versus two-generation reproductive effects studies.'' *Journal of the American College of Toxicology.* 7:911–925 (1988).

(10) Lai, D.Y., Baetcke, K.P., Vu, V.T., Cotruvo, J.A., and Eustis, S.L. ''Evaluation of reduced protocols for carcinogenicity testing of chemicals: Report of a joint EPA/NIEHS workshop.'' *Regulatory Toxicology and Pharmacology.* 19:183–201 (1994).

(11) Syracuse Research Corporation. ''Summary tables on the health effects data for hazardous air pollutants (HARs)–Group 1.'' Syracuse, New York. (1995a).

(12) Syracuse Research Corporation. ''Exposure profiles for HAPs–Group 1.'' Syracuse, New York. (1995b).

(13) Valcovic, L.R. Memorandum: ''Genetic toxicity evaluation of HAPs'' to Vicki Dellarco, July 14, 1994.

(14) Waters, M.D., Stack, H.F., and Jackson, M.A. 1990. ''Genetic Activity Profiles of 110 Hazardous Air Pollutants Listed Under Title III of the Clean Air Act, as amended.'' U. S. Environmental Protection Agency. Internal Report. October 30, (1990).

(15) Gerrity, T.R., and Henry, C.J. ed. *Principles of Route-to-Route Extrapolation for Risk Assessment.* pp 1–12. Elsevier Science Publishing Co., Inc. New York, N.Y. (1990).

(16) U.S. Environmental Protection Agency. ''Hazardous Air Pollutants: Profiles of Non-Cancer Toxicity from Inhalation Exposures.'' Washington, DC. EPA/600/R-93/142. September 1993.

(17) Luster, M.I., Portier, C., Pait, D.G., White, K.L., Genings, C., Munson, A.E., and Rosenthal, G.J. ''Risk assessment in immunotoxicology. I. Sensitivity and predictability of immune tests.'' *Fundamental and Applied Toxicology.* 18:200–210 (1992).

(18) U.S. Environmental Protection Agency. ''EPA census of the toxicological testing industry final report.'' (1990).

XI. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined by OMB that this is a ''significant regulatory action.'' OMB was concerned that the amount of inhalation testing required by this rule may exceed the capacity of the testing industry, at least in the short run. This action was submitted to OMB for review, and any comments or changes made during that review have been documented in the public record.

In addition, EPA has prepared an economic analysis of the impact of this

action, which is contained in a document entitled ''Test Rule Support for 21 Hazardous Air Pollutants.'' This document is available as a part of the public record at the address listed in Unit X of this preamble and is briefly summarized in Unit VI of this preamble.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), EPA has determined that this test rule, if promulgated, would not have a significant impact on small businesses. EPA has identified the entities that currently manufacture or import the chemical substances required to be tested under this proposed rule and examined the practices that industry uses in carrying out chemical testing in response to EPA test rules. EPA believes that: (1) small businesses would not be expected to perform testing themselves, or to participate in the organization of the testing effort, because health effects testing of chemical substances is generally carried out by consortia of the large manufacturers or importers of the chemical substances; (2) small businesses would experience only very minor costs, if any, in securing exemption from testing requirements because exemption request requirements, described at 40 CFR 790.82, are minimal—particularly when, as in this proposed rule, EPA is not requiring exemption applicants to submit equivalence data (see Unit IV.F of this preamble)—and EPA does not charge a fee for filing such requests; and (3) small businesses are unlikely to be affected by reimbursement requirements because under the reimbursement rules (at 40 CFR 791.40 through 791.52), manufacturers or importers with a significant share of production or importation are the entities that must share testing costs under the reimbursement rules, and small businesses generally do not manufacture or import a significant portion of high-volume chemical substances.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070–0033.

The public reporting burden for this collection of information is estimated to average approximately the following number of hours per response for the chemicals listed below, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Chemical substance	Total burden
1,1'-Biphenyl	20,620
Carbonyl sulfide	47,644
Chlorine	693
Chlorobenzene	7,707
Chloroprene	13,039
Cresols (all 3 isomers)	6,048
Diethanolamine	21,826
Ethylbenzene	14,400
Ethylene dichloride	16,707
Ethylene glycol	7,816
Hydrochloric acid	693
Hydrogen fluoride	18,068
Maleic anhydride	35,849
Methyl isobutyl ketone	10,471
Methyl methacrylate	14,400
Naphthalene	10,580
Phenol	693
Phthalic anhydride	51,032
1,2,4-Trichlorobenzene	8,091
1,1,2-Trichloroethane	33,133
Vinylidene chloride	5,439

The total public reporting burden is estimated to be 357,045 hours for all responses. The overall average per chemical is 15,524 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 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.

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.

Comments are requested 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. Send comments on the ICR to Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2136), 401 M St., SW., Washington, DC 20460, (202) 260–2740, or electronically by sending an e-mail message to: farmer.sandy@epamail.epa.gov. Send a copy of these comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Please remember to include the ICR number in any correspondence. The final rule will respond to any comments on the information collection requirements contained in this proposal.

D. Unfunded Mandates Reform Act and Executive Order 12875

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4), EPA has determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. (The analysis of the costs associated with this action is referenced in Unit XI.A. of this preamble.) Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 12898

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' the Agency has considered environmental justice-related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities. Because many sources of HAP emissions are located near populations of lower socioeconomic status and with a higher proportion of minorities, the improved health database that will be generated by this action will help to protect these individuals and communities.

List of Subjects in 40 CFR Part 799

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

Dated: June 20, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR, chapter I, subchapter R, be amended as follows:

PART 799—[AMENDED]

3. The authority citation for part 799 would continue to read as follows:

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

4. By adding § 799.5053 to Subpart D of part 799 to read as follows:

§ 799.5053 Chemical testing requirements for hazardous air pollutants.

(a) *General testing provisions*—(1) *Identification of test substances.* Table 1 in paragraph (a)(5) of this section identifies those chemical substances that shall be tested in accordance with this section. The purity of each test substance shall be 97 percent or greater unless otherwise specified.

(2) *Persons required to submit study plans, conduct tests, and submit data.* All persons who manufacture (including those who import the substance or manufacture it as a byproduct) or intend to manufacture one or more of the substances listed in table 1 after the effective date listed in table 1 until the end of the reimbursement period shall submit letters of intent to conduct testing, submit study plans, conduct tests and submit data, or submit exemption applications, as specified in this section, subpart A of this part and parts 790 and 792 of this chapter. Persons who manufacture or process these substances only as an impurity are not subject to these requirements. As explained in part 790 of this chapter, processors, small-quantity manufacturers, and manufacturers of small quantities of these substances solely for research and development purposes would become subject to these requirements only after notification in the Federal Register that no manufacturer had notified EPA of its intent to conduct testing.

(3) *Applicability of test guidelines.* The guidelines and other test methods cited in table 1 in paragraph (a)(5) of this section are referenced here as they exist on the effective date listed in table 1 for that specific test. Testing shall be conducted in accordance with the designated Series 870—Health Effects Test Guidelines and other test methods. 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 the Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20360. Copies may be inspected at the above address or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(4) *Interim reporting requirements.* All testing requirements in this section are subject to the submission of interim progress reports every 6 months beginning 6 months after the effective date for any specific test listed in table 1 in paragraph (a)(5) of this section. The date for the submission of final reports is specified as the number of months after the effective date for the specific test listed in table 1.

(5) *Testing and reporting requirements.* The substances identified by CAS Registry number and chemical name in the following table 1 shall be tested in accordance with the designated OPPTS Harmonized Guideline testing requirements and any additional requirements and limitations specified in the ''Specific requirements under this section'' column of table 1. The numbers and letters in this column refer to the specific requirements set forth in paragraph (b) of this section. Final reports shall be submitted by the deadlines indicated as the number of months after the effective date shown in table 1.

TABLE 1

CAS No.	Chemical substance/required testing	OPPTS harmonized guidelines	Specific requirements under this section	Final report	Effective date
75-35-4	Vinylidene chloride:				
	Acute	870.1350	(b)(2)	21 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
79-00-5	1,1,2-Trichloroethane:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Developmental	870.3600		12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Carcinogenicity	870.4200	(b)(1)(i)(D), (b)(1)(ii)(A)	60 mo	
	In vivo cytogenetics	870.5385 or 870.5395	(b)(1)(ii)(A)	14 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	
80-62-6	Methyl methacrylate:				
	Acute	870.1350	(b)(2)	21 mo	
	Developmental	870.3600	(b)(1)(i)(A)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
85-44-9	Phthalic anhydride:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(1)(ii)(B), (b)(3)	18 mo	
	Developmental	870.3600	(b)(1)(ii)(B)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(B), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(B), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Carcinogenicity	870.4200	(b)(1)(ii)(B)	60 mo	

TABLE 1—Continued

CAS No.	Chemical substance/required testing	OPPTS harmonized guidelines	Specific requirements under this section	Final report	Effective date
	Immunotoxicity	870.7800	(b)(1)(ii)(B)	18 mo	
91-20-3	Naphthalene:				
	Acute	870.1350	(b)(2)	21 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
92-52-4	1,1'-Biphenyl:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(1)(ii)(B), (b)(3)	18 mo	
	Developmental	870.3600	(b)(1)(i)(A), (b)(1)(ii)(B)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(B), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(B), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(B)	18 mo	
95-48-7, 106-44-5, and 108-39-4	Cresols:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	
100-41-4	Ethylbenzene:				
	Acute	870.1350	(b)(2)	21 mo	
	Developmental	870.3600	(b)(1)(i)(A)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
107-06-2	Ethylene dichloride:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Developmental	870.3600	(b)(1)(i)(C)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
107-21-1	Ethylene glycol:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	
108-10-1	Methyl isobutyl ketone:				
	Acute	870.1350	(b)(2)	21 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	29 mo	
108-31-6	Maleic anhydride:				
	Acute	870.1350	(b)(2)	21 mo	
	Developmental	870.3600	(b)(1)(i)(A)	12 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Carcinogenicity	870.4200	(b)(1)(ii)(A)	60 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
108-90-7	Chlorobenzene:				
	Acute	870.1350		21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	

TABLE 1—Continued

CAS No.	Chemical substance/required testing	OPPTS harmonized guidelines	Specific requirements under this section	Final report	Effective date
108-95-2	Phenol:				
	Acute	870.1350	(b)(2)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	12 mo	
111-42-2	Diethanolamine:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(1)(ii)(B), (b)(3)	18 mo	
	Developmental	870.3600	(b)(1)(ii)(B)	12 mo	
	Reproductive	870.3800	(b)(1)(ii)(B), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(B), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(B)	18 mo	
120-82-1	1,2,4-Trichlorobenzene:				
	Acute	870.1350	(b)(2)	21 mo	
	Developmental	870.3600		12 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
126-99-8	Chloroprene:				
	Acute	870.1350	(b)(2)	21 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	21 mo	
463-58-1	Carbonyl sulfide:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Developmental	870.3600		12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Carcinogenicity	870.4200	(b)(1)(ii)(A)	60 mo	
	E.coli reverse mutation	870.5100		6 mo	
	Gene mutation	870.5300		6 mo	
	In vivo cytogenetics	870.5385 or 870.5395	(b)(1)(ii)(A)	14 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	
7647-01-0	Hydrochloric acid:				
	Acute	870.1350	(b)(2)	21 mo	
7664-39-3	Hydrogen fluoride:				
	Acute	870.1350	(b)(2)	21 mo	
	Subchronic	870.3465	(b)(3)	18 mo	
	Developmental	870.3600		12 mo	
	Reproductive	870.3800	(b)(1)(ii)(A), (b)(5)	29 mo	
	Neurotoxicity	870.6200	(b)(1)(ii)(A), (b)(1)(iii)(A), (b)(1)(iii)(B)	21 mo	
	Immunotoxicity	870.7800	(b)(1)(ii)(A)	18 mo	
7782-50-5	Chlorine:				
	Acute	870.1350	(b)(2)	21 mo	

(b) *Test-specific requirements*—(1) *General.* In addition to the testing requirements specified in table 1 in paragraph (a)(5) of this section and applicable test guideline-specific modifications listed therein, the following additional requirements and limitations also apply when specified for a particular chemical substance in table 1 under ''Specific requirements under this section''.

(i) *Test species.* The test animal shall be:

(A) A mammalian species other than the rat.

(B) A mammalian species other than the mouse.

(C) A mammalian species other than the rabbit.

(D) The male rat and the female mouse.

(ii) *Route of exposure.* Animals shall be exposed:

(A) Via vapor-phase inhalation.

(B) Via inhalation of aerosol.

(C) Orally in the diet.

(iii) *Duration and frequency of exposure.* (A) Animals shall be exposed for a 4-hour period in an acute study.

(B) Animals shall be exposed for 6 hours per day, 5 days per week for a 90-day period in a subchronic study.

(2) *Acute test modifications.* In addition to the acute testing requirements specified in table 1 in paragraph (a)(5) of this section, the following additional requirements and limitations also apply when specified for a particular chemical substance in table 1 under ''Specific requirements under this section''.

(i) The appraisal of pulmonary irritation shall be evaluated during exposure to the substance by the use of the mouse respiratory sensory irritation assay method as outlined in ASTM E 981–84 (see paragraph (b)(2)(iii)(C) of this section). This method assesses the breathing patterns of test animals. 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. This material is incorporated as it exists on the date of approval and notice of any change in this material will be published in the Federal Register. Copies of the incorporated materials may be obtained from the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC, 20460 or from the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 10103. Copies may be inspected at the above address or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. For information on this test guideline, the references in paragraph (b)(2)(iii) should be consulted.

(ii) Results of respiratory sensory irritation assay. (A) Data shall be included in the final report and tabulated to show:

(*1*) The magnitude of change in respiratory rate with exposure concentration and with time for each animal.

(*2*) A response concentration, which indicates the concentration at which the respiration rate is decreased by 50% (RD_{50}), will be calculated, along with the 95% confidence limits.

(B) Time-effect curves shall be included in the final report to evaluate the onset and shape of the response.

(iii) References.

(A) Alarie, Y., and Luo, J.E. ''Sensory Irritation by Airborne Chemicals: A basis to establish acceptable levels of exposure.'' *Toxicology of the Nasal Passages.* Hemisphere Publishing Corporation: New York pp. 91–100 (1986).

(B) Alarie, Y., and Stokinger, H.E. ''Sensory Irritation by Airborne Chemicals.'' *CRC Critical Reviews in Toxicology.* pp. 299–363 (1973).

(C) ASTM. ''Standard Test Method for Estimating Sensory Irritancy of Airborne Chemicals.'' In: *1984 Annual Book of ASTM Standards. Water and Environmental Technology.* Section 11. Volume 11.04 Designation E 981–84 pp. 572–584 (1984).

(3) *Subchronic test modifications.* In addition to the subchronic testing requirements specified in table 1 in paragraph (a)(5) of this section, the following additional requirements and limitations also apply when specified for a particular chemical substance in table 1 under ''Specific requirements under this section''.

(i) *Respiratory tract pathology.* (A) Care shall be taken that the method used to kill the animal does not result in damage to the tissues of the upper or lower respiratory tract. The heart-lung, including the trachea, shall be removed in bloc.

(B) Representative sections of the lungs shall be examined histologically. This shall include trachea, major conducting airways, alveolar region, terminal and respiratory bronchioles, alveolar ducts and sacs, and interstitial tissues.

(C) The nasopharyngeal tissue shall be examined for histopathologic lesions. This shall include sections through the nasal cavity, and examination of the squamous, transitional, respiratory, and olfactory epithelia.

(D) The larynx mucosa shall be examined for histopathologic changes. Sections of the larynx to be examined include the epithelium covering the base of the epiglottis, the ventral pouch, and the medial surfaces of the vocal processes of the arytenoid cartilages.

(ii) *Bronchoalveolar lavage.* (A) The lungs shall be lavaged *in situ* or after sacrifice. If the study will not be compromised, one lobe of the lungs may be used for lung lavage while the other is fixed for histologic evaluation. The lungs shall be lavaged using physiological saline after cannulation of the trachea. The lavages shall consist of two washes each of which consists of approximately 80 percent (e.g., 5 ml in rats and 1 ml in mice) of total lung volume. Additional washes merely tend to reduce the concentrations of the material collected. The lung lavage fluid shall be stored on ice at approximately 5 °C until assayed.

(B) The following parameters shall be determined in the lavage fluid as indicators of cellular damage in the lungs: total protein, cell count and percent leukocytes. In addition, a phagocytosis assay using the procedure of Burleson (Burleson et al., 1987; Gilmour and Selgrade, 1993) shall be performed to determine macrophage activity. The following references may be consulted:

(*1*) Burleson, G.R. et al. ''Poly (I): poly (C)-enhanced alveolar peritoneal macrophage phagocytosis: Quantification by a new method utilizing fluorescent beads.'' *Proceedings of the Society for Experimental Biology and Medicine.* 184:468–476 (1987).

(*2*) Gilmour, G.I., and Selgrade, M.K. ''A Comparison of the Pulmonary Defenses against Streptococcal Infection in Rats and Mice Following O_3 Exposure: Differences in Disease Susceptibility and Neutrophil Recruitment.'' *Toxicology and Applied Pharmacology.* 123:211–218 (1993).

(4) [Reserved]

(5) *Reproductive toxicity and fertility study test modifications.* In addition to the reproductive toxicity and fertility testing requirements specified in table 1 in paragraph (a)(5) of this section, the following additional requirements and limitations also apply when specified for a particular chemical substance in table 1 under ''Specific requirements under this section''.

(i) *Administration of the test substance.* The test substance shall be administered by inhalation. The requirements of OPPTS 870.3800(e)(2)(iii) do not apply.

(ii) [Reserved]

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Part III

Environmental Protection Agency

40 CFR Parts 9 and 170

Pesticide Worker Protection Standards; Language and Size Requirement for Warning Sign; Decontamination Requirements; Final Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 170

RIN 2070–AC93

[OPP–250107A; FRL–5358–7]

Pesticide Worker Protection Standard; Language and Size Requirement for Warning Sign

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS) to allow the substitution of an alternative language for the Spanish portion of the warning sign. This change is designed to promote worker understanding of the information on the sign by allowing agricultural employers to tailor the sign to accommodate a work force whose predominant language is neither English nor Spanish. This would be an option for the agricultural employer and would not preclude the continued use of the English/Spanish sign, which would remain acceptable. This amendment also permits the use in nurseries and greenhouses of smaller warning signs no further apart than 25 feet and 50 feet, depending on the size of the smaller sign. This modification to the existing criteria in the use of small size signs in greenhouses and nurseries is intended to more clearly identify the treated area and enhance worker safety.

EFFECTIVE DATE: This rule will become effective August 26, 1996.

FOR FURTHER INFORMATION CONTACT: John R. MacDonald or Donald Eckerman, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Room 1121, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Telephone: 703-305-7666. By electronic mail: eckerman.donald@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Entities potentially regulated by this action are agricultural employers who use pesticides that are regulated by the Worker Protection Standard.

Category	Regulated entities
Industry	Agricultural employers

This table is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. To determine whether or not you are subject to regulation by this action, you should carefully examine 40 CFR part 180.

This document discusses the background leading to this final rule amending the WPS; summarizes the public comments on the provision of the proposed amendments published in the Federal Register of September 29, 1995 (60 FR 50682) (FRL–4969–4); provides EPA's responses to comments and final determination with respect to modification of the warning sign language and size requirement of the WPS, and provides information on the applicable statutory and regulatory review requirements.

I. Statutory Authority

This rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a). Under FIFRA, EPA may register a pesticide if its use does not cause unreasonable adverse effects on the environment. FIFRA also directs the cancellation of any pesticide found to cause unreasonable adverse effects on the environment. FIFRA section 2(u) defines unreasonable adverse effects on the environment to mean any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits to the use of any pesticide. Thus, in deciding how to regulate a pesticide, FIFRA requires EPA to balance the risk associated with pesticide exposure to human health and the environment and the benefits of pesticide use to society and the economy.

II. Background

In 1992 EPA revised the Worker Protection Standard (40 CFR part 170) (published in 57 FR 38102, August 21, 1992). The WPS is intended to reduce the risk of pesticide poisonings and injuries among agricultural workers who are exposed to pesticide residues, and to reduce the risk of pesticide poisonings and injuries among pesticide handlers who may face hazardous levels of exposure. The 1992 WPS superseded a rule promulgated in 1974 and expanded the WPS scope not only to include workers performing hand labor operations in fields treated with pesticides, but also to include all other workers exposed to pesticide residues in or on farms, forests, nurseries, and greenhouses, as well as pesticide handlers who mix, load, apply, or otherwise handle pesticides. In general, the WPS contains requirements for pesticide safety training, notification of pesticide applications, decontamination supplies, emergency medical assistance, use of personal protective equipment, and restrictions for entry into treated areas during restricted entry intervals following pesticide application.

Section 170.120 of the WPS requires that warning signs containing prescribed graphics and text in both English and Spanish be posted around pesticide-treated areas. The words ''DANGER'' and ''PELIGRO,'' plus ''PESTICIDES'' and ''PESTICIDAS,'' are required at the top of the sign, and the words ''KEEP OUT'' and ''NO ENTRE'' are required at the bottom of the sign. All letters must be clearly legible and visible from all usual points of worker entry into the treated area. Also, the regulation allows additional information to be placed on the warning sign if the information does not detract from the appearance of the sign or change the meaning of the required information.

WPS § 170.120(c)(2) specifies that warning signs shall be at least 14 inches x 16 inches (standard) in size, and the letters shall be at least 1 inch in height, unless a smaller sign and smaller letters are necessary ''because the treated area is too small to accommodate a sign of this size.''

Also, the signs must remain visible and legible during the time they are required to be posted. On agricultural establishments, the signs must be visible from all usual points of worker entry to the treated area, or if there are no usual points of entry, signs must be posted in the corners of the treated area or in any other location affording maximum visibility. On farms and in forests and nurseries, usual points of entry include each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. In greenhouses, usual points of entry include each aisle or other walking route that enters the treated area.

Since the WPS was issued in 1992, the National Association of State Departments of Agriculture, the American Association of Nurserymen, Oregon Association of Nurserymen, and other stakeholders have expressed an interest in addressing practical concerns with the WPS. The Agency received many requests and comments in the form of letters, petitions, and conversations at individual and public meetings to address concerns with the WPS, including some specifically suggesting a change to the warning sign requirements.

In response to comments received, on September 29, 1995, EPA proposed to allow the agricultural employer the option to replace the Spanish portion of

the warning sign with an appropriate language that is more representative of the language read by the workforce. EPA also proposed allowing the use of smaller signs in greenhouses and nurseries when use of a larger sign may interfere with operations or the clear identification of treated areas. EPA also proposed setting a minimum size requirement for smaller signs that would apply to all uses of small signs, including uses already allowed by the WPS. Signs would have to meet all other posting requirements of the rule, including that they be visible and legible during the time they are posted.

III. Summary of the Final Rule Amendment

The Agency is amending 40 CFR 170.120(c)(1) to allow the replacement of the Spanish portion of the warning sign with another language which is read by the largest group of workers at the work site who do not read English. The sign with substitute language must be in the same format as required by the regulations and be visible and legible.

Additionally, the Agency is amending 40 CFR 170.120(c)(2) to allow operators of nurseries and greenhouses to use a sign smaller than the standard size of 14 inches by 16 inches. The Agency is establishing criteria for two additional sign sizes. Regardless of the size of the treated area in nurseries and greenhouses, the agricultural employer may chose to utilize a sign smaller than the standard size sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least ½ inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face, the signs may be no further than 50 feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least ¼ inch in height and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face, the signs may be no further than 25 feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than ¼ inch in height or a red circle smaller than 1½ inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule.

These changes modify the rule's existing criterion for allowing smaller signs in nurseries and greenhouses and facilitate posting treated areas. No other sections of the posted warning signs provision are affected by this final action.

IV. Summary of Response to Comments

EPA's proposal to change the language and size requirement for warning signs received 30 comments from farm worker groups, a farm supply company, States, a professional association, commodity groups, and agricultural employers.

A. Languages Other Than English or Spanish

In the September 29, 1995 proposal, EPA proposed to allow agricultural employers the option to replace the Spanish portion of the warning sign with an appropriate language that is more representative of the language read by the work force in order to promote worker understanding of the information on the sign and to enhance worker safety. For agricultural employers who wish to replace the Spanish portion of the sign, EPA proposed options to accomplish this, including the use of stickers with the appropriate second language, writing in the substitute language on a sign produced with a blank portion, or using originally produced warning signs with a second language other than Spanish.

Several comments from farmworker groups recommended that all languages represented by workers on a site, in addition to English and Spanish, be required on the warning signs. Farmworker Justice Fund, Inc. noted that agricultural employers must be aware of the languages used by their crews to comply with other provisions and legal requirements. On the other hand, the Rural Opportunities, Inc. noted concerns that signs may become crowded and result in confusion and be unreadable; they specifically opposed handwriting additional languages. The Migrant Legal Action Program, Inc. expressed concerns about the accuracy of translations, the need to update signs based on the changing composition of the work force, and an increased enforcement burden.

Comments from the agricultural equipment supply company, Gempler's, indicate that it can and will produce warning signs in different languages shortly after translations become available. The Farmworker Justice Fund, Inc. has suggested that EPA provide translations of the standard phrases contained on the warning sign in the various languages that may be encountered across the country.

Two state agencies support the EPA proposal while two different state agencies objected to the substitution of another language for Spanish. One of the objecting agencies noted that the symbols on the current sign are effective thereby negating the need for the proposed change and noted the difficulty and expense of complying, especially when there are frequent workcrew changes. The other state agency did not present supporting reasons for their objections.

The American Society of Safety Engineers (ASSE) commented that EPA should use the standards for signs adopted by the American National Standards Institute (ANSI). The recently adopted ANSI standard for signs relies heavily on symbols in lieu of language. ASSE believes this approach is especially valid with farmworkers, because of their high illiteracy rate in any language. Comments from agricultural employers generally supported the proposal and supported the option to permit handwriting of substitute languages for Spanish.

For several reasons, the Agency has decided to adopt the September 29, 1995 proposal and has decided against requiring employers to post warning signs with all languages represented in the workforce on the establishment. Under both the 1992 WPS and this final amendment, employers are permitted, but not required, to add languages.

The Agency is concerned that if every language read by the workers were required on every warning sign, the signs would become overcrowded with text or become so large that they would become unwieldy, or both. Additionally, the Agency believes it is unreasonable to impose a requirement that potentially could require an employer with a rapidly changing work force to change the warning sign posted with each hire.

EPA recognizes the benefit of presenting information in a language workers understand and that symbols are effective in conveying environmental warnings. Therefore, the red circle graphic currently required on the WPS warning sign should prove effective in reaching the worker population, even if the workers cannot read the text.

EPA also recognizes the potential for increased complexity and burden associated with using additional or substitute languages on the English/Spanish warning sign. EPA believes that the flexibility provided by this final rule, allowing employers to substitute languages, outweighs the potential for problems due to inaccurate translations and illegible signs. Employers can accomplish substitution by use of commercial prepared signs, handwritten signs, or by stickering over existing signs as long as the languages on the sign remain visible and legible. The Agency is committed to making publicly

available a list of acceptable translations of the required warnings, and believes that there will be an adequate supply of commercially produced signs before the rule becomes effective. Employers are currently using commercially produced English/Spanish signs which are readily available at reasonable cost. Although the 1992 WPS allows for handwritten signs, the Agency does not expect that handwritten signs will be used significantly more often under this rule amendment than under current practice. Nonetheless, the Agency believes it is appropriate to give employers the flexibility to prepare their own signs to respond to the needs of the work force, in the event that commercially produced signs are unavailable.

It appears that signs with a substitute language would benefit about 5% of the population of agricultural workers, since about 95% of the work force understand English or Spanish (U.S. Department of Labor, National Agricultural Worker Survey, 1990). The Association of Farmworker Opportunity Programs believes that the proportion of the agricultural work force that speaks neither English or Spanish is greater than 5%.

Moreover, the Agency acknowledges that agricultural employers must be aware of the languages used by workers to comply with other WPS provisions. This will enable the employer to readily identify the appropriate language(s) and choose a substitute language for the warning sign. State inspectors monitoring compliance with other WPS requirements, such as training, will become aware of the languages used on a particular establishment. This will enable inspectors to ascertain if a substitute language is appropriate on the warning sign.

B. Use of Smaller Signs

In addition to allowing the use of smaller signs when the treated area is too small to accommodate the 14 inches x 16 inches sign, EPA proposed allowing the use of smaller signs in greenhouses and nurseries when use of a larger sign may interfere with operations or the clear identification of treated areas. The proposal would not have precluded the continued use of a small sign based on space limitations, as presently allowed. EPA also proposed setting a minimum size requirement for smaller signs that would apply to all uses of small signs, including uses already allowed by the WPS. Signs would have to meet all other posting requirements of the rule, including that they be visible and legible during the time they are posted.

The 1992 WPS set standards for the large sign and permitted proportionally smaller signs. Minimum lettering size was established as was the relationship between the size of the hand in the symbol relative to the size of lettering as well as the color and contrast of the lettering and symbol with the background. Based on these specifications, commercial suppliers have marketed a standard size sign (14 inches x 16 inches) and smaller size signs, particularly 5 inches x 5 inches for use in greenhouses and nurseries. The commercially available 5 inches x 5 inches sign has ''DANGER'' and ''PELIGRO'' in letters 7⁄16 inch tall with the minimum size lettering of ¼ inch. The red circle graphic is 1¾ inches in diameter and the signs conform with all other requirements for WPS signs.

Nurseries and greenhouses in Oregon have been utilizing the commercially available 5 inches x 5 inches signs and Oregon OSHA requires these signs to be posted at a distance not exceeding 25 feet between signs. EPA has monitored the effectiveness of these smaller signs in coordination with Oregon and participated in field visits to sites where the smaller signs were in use.

All state agency comments supported the use of smaller size signs in greenhouses and nurseries. The ASSE's comments discussed previously in Unit IV.A. of this preamble pertains to this discussion as well. The ASSE commented that EPA should review the recommendations of the American National Standards Institute (ANSI) in regard to signs, especially lettering size, use of symbols and posting distances. The ANSI standards indicate that written statements on a sign are readable at a distance 300 times the height of the lettering. ASSE recommends that EPA use the ANSI standards for signs and supported the use of symbols in lieu of language.

Several farm worker groups commented that the need for smaller size signs in greenhouses and nurseries requires further substantiation, and that the effectiveness of smaller signs be field tested extensively. Worker organizations also expressed concerns that small signs would be chosen over large signs as a means of minimizing public awareness of pesticide applications.

Grower and commodity group comments were generally supportive of the proposal. However, some expressed concerns regarding the subjective nature of the proposed requirement that small signs can only be used when a large sign would interfere with operations or the clear identification of the treated area. They view these criteria as vague, unclear, and open to varied and inconsistent interpretation by government regulators.

After considering the comments and recognizing that there will be a range of different situations in greenhouses and nurseries where employers would want to use small signs, EPA has decided to establish criteria based upon size and posting distance for the use of smaller signs. EPA attempted to balance the concerns of the various parties with particular attention to the concerns of workers and greenhouse and nursery operators. EPA shared the concerns of the workers regarding the effectiveness of small signs. EPA also understands the greenhouse and nursery operators' desire for objective criteria on when small signs can be utilized. EPA believes that by specifying maximum posting distances in conjunction with minimum sign size, the warning message will still be effectively communicated. EPA further believes that this approach eliminates the need for the proposed requirement that small signs may be used only when the larger sign would interfere with operations or the clear identification of the treated area in greenhouses and nurseries. Therefore, the final rule permits the use of a small sign in greenhouses and nurseries at the discretion of the agricultural employer. Since this standard will result in greater cost than the large sign, EPA anticipates small sign use only in those instances where the benefits clearly justify the increased cost.

In addition to the standard size sign of at least 14 inches x 16 inches with letters at least one inch in height specified in the 1992 WPS, this amendment establishes two additional sets of criteria for signs. One set of criteria permits a sign with letters at least a ¼ inch in height, ''DANGER'' and ''PELIGRO'' words at least 7⁄16 inch in height and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face to be posted at a distance not to exceed 25 feet. The second set of criteria permits a sign with letters at least ½ inch in height, ''DANGER'' and ''PELIGRO'' words at least ⅞ inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face to be posted at a distance not to exceed 50 feet. The lettering and symbols can always be larger and the posting distances closer. Given the larger scale operations in forests and on farms, the Agency is retaining the requirement for the standard size sign to be used in forests and on farms except where the size of the treated area would

not accommodate a 14 inches x 16 inches size sign.

EPA believes that proponents of using smaller warning signs inside greenhouses and in nurseries have adequately demonstrated the need for greater flexibility than allowed in the 1992 WPS. Representatives of greenhouse operators and nurserymen have repeatedly raised issues with using the standard-size 14 inches x 16 inches WPS warning signs, and have persuaded the Oregon Department of Occupational Safety that their concerns have sufficient merit to conduct considerable field testing with smaller signs in the Oregon horticultural industry. In addition, although there is no systematic survey of either the greenhouse or nursery industry, observations during site visits by EPA staff to a number of such operations in different parts of the country have supported the conclusion that more flexibility in using smaller signs would enhance worker safety by more clearly identifying treated areas as well as aid industry compliance. Finally, EPA notes that using more, smaller signs generally would cost more than using the minimum number of standard size warning signs. The Agency does not believe employers would seek regulatory changes that would increase compliance costs unless there were offsetting factors, such as greater convenience of operations and worker safety.

The smallest sign must contain a red circle at least 1½ inches in diameter containing an upraised hand and stern face, lettering at least ¼ inch tall with the ''DANGER'' and ''PELIGRO'' words at least 7⁄16 inch tall. EPA estimates that this size lettering and graphic will result in a minimum size sign of 4½ inches x 5 inches. When signs of this size are used they must be posted no more than 25 feet apart. This spacing means that any person who approaches a posted area will always be within 12½ feet of a warning sign before actually entering the treated area.

If the ANSI standard is applied to the 1½ inches in diameter red circle containing an upraised hand and stern face, the viewing distance is 37½ feet. Therefore, the red circle graphic on the sign easily meets the ANSI criteria for recognition when the posting distance is 25 feet. Also, under this criteria a 7⁄16 inch word could be read at 11 feet. If the worker entered anywhere other than exactly between the signs, the worker would be closer to a sign than 12½ feet.

The Agency believes that it is not necessary that all words on the WPS warning sign be large enough to be read for the sign to fulfill its purpose of alerting individuals that they are approaching an area that has been treated with pesticides and that entry into the area is prohibited. As with common traffic signs and other types of signs, it is sufficient that an individual recognize the sign to know what it means. This view is also expressed in the ANSI standard with respect to signs containing warning of environmental hazards. Since workers are required to be informed on the meaning of the WPS warning signs before they enter any area where pesticides have been recently used, EPA expects that most or all workers will understand the significance of the sign even if they cannot read all of the words on it.

Because there is ample technical basis and field experience showing that properly spaced small signs will provide acceptable notice to people approaching treated areas, EPA has decided that no further field trials are necessary at this time to support the promulgation of this final rule. The Agency, however, will continue to monitor the implementation of this provision and will consider further revision if reports identify additional concerns.

V. Public Docket

A record has been established for this rulemaking under docket number OPP-250107. This record is available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday. The public record is located in Rm. 1132, Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA.

VI. Statutory Review

As required by FIFRA section 25(a), this rule was provided to the United States Department of Agriculture (USDA) and Congress for review. The final rule was provided formally to USDA, as required by FIFRA. The USDA had no comment on the final rule. The FIFRA Scientific Advisory Panel waived its review.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is therefore not subject to OMB review. The Agency believes that the amendments associated with this action constitute regulatory relief, and therefore will not impose any additional costs. The analysis related to the costs of the sign requirements were discussed in conjunction with their promulgation in 1992 as part of the Worker Protection Standards. Each amendment provides an alternative to an existing requirement, allowing the regulated community to choose the most effective and appropriate language and size for the sign they use.

B. Executive Order 12898

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, the Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, (P.L. 104-4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any ''unfunded mandates'' as defined by Title II. The costs associated with this action are described in the Executive Order 12866 section above.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

D. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency determined that this regulatory action does not impose any adverse economic impacts on small entities. I therefore certify that this regulatory action does not require a separate regulatory flexibility analysis. Information relating to this determination has been provided to the Chief Counsel for Advocacy of the Small Business Administration, and is included in the docket for this rulemaking. Any comments regarding the economic impacts that this proposed regulatory action may impose on small entities should be submitted to the Agency at the address listed above.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business

Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

F. Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the existing information collection requirement related to these sign requirments under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 2070-0148 (EPA ICR No. 1759.01). The amendments contained in this rule do not increase the burden hours or costs associated with this requirement, except to perhaps decrease any unnecessary burdens that may have resulted from the lack of these options. Since the base requirement and its burden have not changed, EPA has not prepared any amendment to the existing ICR.

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. This notice satisfies that initial display and EPA is also amending the table at 40 CFR part 9, which lists all the currently approved information collection requests (ICR) control numbers issued by OMB for various regulations, which appears at 40 CFR part 9. This amendment updates the table to accurately display OMB approval of the information requirements contained in this final rule. The display of the OMB control number in this notice and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320. The ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without additional notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Send comments on the burden estimates and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to EPA at the address provided above, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Please remember to include the ICR number in any correspondence.

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 170

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pests.

Dated: June 18, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR chapter I is amended as follows:

PART 9–[AMENDED]

1. In part 9:

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

b. Section 9.1 is amended by deleting the entry for 170.112 under the category ''Worker Protection Standards for Agricultural Pesticides'' and adding the following entry to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Worker Protection Standards for Agricultural Pesticides	
part 170	2070-0148
* * * * *	

PART 170—[AMENDED]

2. In part 170:

a. The authority citation for part 170 continues to read as follows:

Authority: 7 U.S.C. 136w.

b. In § 170.120, by revising paragraph (c)(2), redesignating existing paragraphs (c)(3) through (c)(7) as (c)(4) through (c)(8) respectively, and adding a new paragraph (c)(3) to read as follows:

§ 170.120 Notice of applications.

* * * * *

(c) * * *

(2) The standard sign shall be at least 14 inches by 16 inches with letters at least 1 inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least ⅞ inch in height and the remaining letters at least ½ inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than 50 feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7⁄16 inch in height and the remaining letters at least ¼ inch in height and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face, the signs shall be no further than 25 feet apart. A sign with DANGER and PELIGRO in letters less than 7⁄16 inch in height or with any words in letters less than ¼ inch in height or a red circle smaller than 1½ inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of paragraph (c)(1) of this section.

(3) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

* * * * *

[FR Doc. 96–16201 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250108A; FRL–5358–8]

RIN 2070–AC93

Pesticide Worker Protection Standard; Decontamination Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS) by establishing the length of time for which decontamination supplies are required at 7 days following the expiration of pesticide restricted-entry intervals (REIs) of 4 hours or less. Pesticides with REIs of 4 hours or less have passed an EPA risk screening process because of their low acute toxicity, an absence of evidence of worker poisonings after the REI, and a lack of other concerns about toxicity. The decontamination requirements for all other pesticides are not affected by this amendment.

EFFECTIVE DATE: This rule will become effective August 26, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Strauss or Joshua First, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Room 1121, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. By telephone: (703) 308-3240 or 305-7437. By electronic mail: strauss.linda@epamail.epa.gov or first.joshua@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Entities potentially regulated by this action are agricultural employers who use pesticides that are regulated by the Worker Protection Standard.

Category	Regulated entities
Industry	Agricultural employers

This table is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. To determine whether or not you are subject to regulation by this action, you should carefully examine 40 CFR part 180.

This Federal Register document discusses the background and events leading to this final rule amending the WPS; summarizes the public's comments on the provisions of the

proposed amendments published in the Federal Register of September 29, 1995 (60 FR 50686) (FRL–4969–5); provides EPA's response to these comments; and presents the Agency's final determination to amend the decontamination provisions of the WPS.

I. Statutory Authority

This rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a). Under FIFRA, EPA may register a pesticide if its use does not cause unreasonable adverse effects on the environment. FIFRA also directs the cancellation of any pesticide found to cause unreasonable adverse effects on the environment. FIFRA section 2(bb) defines unreasonable adverse effects on the environment to mean any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide. Thus, in deciding how to regulate a pesticide, FIFRA requires EPA to balance the risks to human health and the environment associated with pesticide exposure and the benefits of pesticide use to society and the economy.

II. Background

A. This Notice

In 1992, EPA revised the WPS (40 CFR parts 156 and 170) (57 FR 38102, August 21, 1992). The WPS is intended to reduce the risk of pesticide poisonings and injuries among agricultural workers who are exposed to pesticide residues, and to reduce the risk of pesticide poisonings and injuries among pesticide handlers who may face more hazardous levels of exposure. The 1992 WPS superseded a rule promulgated in 1974 and expanded the WPS scope not only to include workers performing hand labor operations in fields treated with pesticides, but also to include all other workers exposed to pesticide residues in or on farms, forests, nurseries, and greenhouses, as well as pesticide handlers who mix, load, apply, or otherwise handle pesticides. In general, the WPS contains requirements for pesticide safety training, notification of pesticide applications, decontamination supplies, emergency medical assistance, use of personal protective equipment, and restrictions on entry into treated areas during restricted entry intervals following pesticide application.

Section 170.150 of the 1992 WPS requires that a worker be provided with a ''decontamination site'' which consists of supplies (including water, soap, disposable towels) for washing off pesticide residues whenever that worker ''performs any activity in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with the pesticide.'' (As explained in Unit V. of this preamble, EPA is also making a technical amendment to the WPS rule to use the phrase ''decontamination supplies,'' instead of ''decontamination site.'' The phrase ''decontamination supplies'' will be used in the rest of this preamble.)

Decontamination supplies must consist of soap and single-use towels sufficient to meet workers' needs and enough water for routine washing and emergency eyeflushing. EPA recommends that at least 1 gallon of water be available per worker; see the WPS ''How to Comply'' manual. The decontamination supplies must be reasonably accessible to workers and not more than ¼ mile from where workers are working. Section 170.150 also specifies additional requirements regarding the general conditions and location of decontamination supplies, as well as requirements for these materials after early entry activities.

Since the WPS was issued in 1992, the National Association of State Departments of Agriculture and other stakeholders have expressed an interest in addressing practical concerns with the WPS. The Agency received many requests and comments in the form of letters, petitions, and conversations at individual and public meetings to address concerns with the WPS, including concerns specifically suggesting a change to the decontamination requirement. With regard to the decontamination requirement, several commodity and other groups stated their belief that the duration of the 30–day requirement is unnecessary because decontamination supplies must be provided even when there is no apparent risk, in their estimation.

On September 29, 1995, EPA proposed to amend the decontamination requirement by reducing the length of time that decontamination supplies are required following use of pesticides with restricted-entry intervals (REIs) of 4 hours or less. EPA proposed, for these lower toxicity pesticides, that the length of time be reduced from 30 days to a length of time between 1 and 15 days after the expiration of the REI. During the public comment period, EPA subsequently received more comments from its stakeholders, including growers, farmworker groups, state agencies, and private citizens. This action announces EPA's final decision to amend the decontamination requirement in the WPS.

B. Future Considerations

The requirement for maintaining decontamination supplies in the field for 30 days when workers are present was a risk-mitigation measure prompted by the risks to workers by some of the most acutely toxic pesticides. The requirement's length (30 days) was largely based on available data on pesticide-related poisonings from the 1980s. A combination of EPA regulatory actions during the past decade eliminating some of the most acutely toxic pesticides and the other worker protection requirements may mitigate risks sufficiently to prompt consideration of a reassessment, should relevant new data become available.

The Agency is committed to assessing new data to resolve questions about the appropriateness of the length of time associated with this requirement, for some or all pesticide products. The EPA registration and reregistration programs, as well as focused contract efforts, can be the sources of new data. EPA will monitor these data and, if appropriate, apply them toward re-evaluating the WPS requirement that decontamination supplies be maintained in the field for 30 days if workers are present.

III. Summary of This Final Rule Amendment

EPA is amending 40 CFR 170.150 to establish the length of time for which decontamination supplies are required at 7 days following the expiration of pesticide restricted-entry intervals (REIs) of 4 hours or less. Because such pesticides are relatively low in toxicity, and therefore may pose very little or no risk to workers, EPA is reducing the time from 30 days to 7 days following the end of the REI of any of these pesticides or a mix of such pesticides. This change will not apply for situations where REIs for two or more pesticides are in effect, unless all pesticides have REIs of 4 hours or less. EPA is retaining the 30–day decontamination requirement for pesticides with REIs of more than 4 hours and those pesticides without REIs. However, in order to clarify the meaning of the existing requirement, EPA has modified the language of 40 CFR 170.150(a)(1).

EPA is not amending other aspects of the decontamination requirement, including the provision on decontamination supplies for handlers, which is located in 40 CFR 170.250. EPA has made the risk-benefit finding to alter the length of the decontamination

requirement only for pesticide products with REIs of 4 hours or less, but not for other products.

In the Federal Register of May 3, 1995 (60 FR 21965) (FRL–4950–8), EPA issued PR Notice 95-3 listing active ingredients subject to the WPS rule which had been reviewed for toxicity and found to pose little or no risk to workers. Pesticide products containing these active ingredients would be eligible for a reduced REI of 4 hours. As explained more fully in the PR Notice, EPA examined each active ingredient for acute toxicity risk and other forms of toxicity-related risk, including cancer, birth defects, effects on the reproductive and nervous system and long-term harm to health, as well as data on reported field poisonings. Whenever EPA lacked information on a particular type of potential adverse effect, the Agency considered information on pesticide chemicals with similar molecular structures. The Agency will list an active ingredient as eligible for a reduced REI only if all of the information available indicates that it will be of low toxicity to humans, i.e., that it poses little or no risk to workers. A pesticide product will actually be assigned the 4-hour REI only if data on that particular pesticide formulation satisfy additional criteria indicating that the formulation is not acutely toxic. Only those pesticide products which either meet the criteria of PR Notice 95-3 or which have been reviewed on a case-by-case basis will have REIs that short, and all of those products pose little or no risk to workers.

Any end-use pesticide that has an approved 4-hour REI will have met or exceeded the standard for low or insignificant risk described in the May 3, 1995 Pesticide Regulatory (PR) Notice 95-3. For instance, pesticides approved for a 4-hour REI have a very low acute toxicity and have not been found to have other associated developmental, reproductive, neurotoxic, or carcinogenic effects. Additionally, none of their active ingredients is a cholinesterase inhibitor, and the Agency does not have any information about poisoning incidents (illness or injury reports) that are ''definitely'' or ''probably'' related to post-application exposures to the active ingredient.

In summary, in deciding to amend the decontamination requirement for low toxicity pesticides, EPA has weighed the risks of possible increased exposure to products with REIs of 4 hours or less against the benefits of reduced grower costs. EPA has concluded that the very low risk posed by these products do not justify the costs of maintaining decontamination supplies for more than 7 days after the expiration of the REI. Reducing the length of time decontamination supplies are required for the 4-hour REI products may also encourage the use of these low toxicity products, thereby lowering potential risk to workers. The Agency finds substantial justification for this amendment for the reasons summarized in this Unit and discussed in detail in the Response to Comments section below.

IV. Summary of Response to Comments

EPA received a total of 15 comments on the proposal to amend the requirements relating to the provision of decontamination supplies. Comments were received from States, commodity and industry groups, farmworker groups, and individuals.

A. Comments on the Requirement's Scope and Duration of Time

Comments

The Agency proposed to reduce the length of time for which decontamination supplies are required when established low toxicity pesticides are used. The proposal indicated EPA was considering a timeframe from 1 to 15 days and requested comment.

In their comments, farmworker groups were opposed to shortening the 30-day time period for any pesticides, including those with 4-hour REIs. One such group suggested, however, that if EPA shortened the time period for the decontamination requirement, the duration should not be less than 15 days. They stated that EPA's understanding of identified low-toxicity pesticides is inadequate. Further, they stated that, even in situations where there is no known risk from these pesticides, decontamination supplies are needed to address pesticide exposure resulting from drift, spills, and other accidents. Finally, some commenters noted that on small farms that are not required to have OSHA handwashing facilities, these supplies may be the only water source available for workers in case of an emergency.

On the other hand, some grower groups commented that EPA should not require that decontamination supplies be made available after the REI expires. Others supported reducing the duration that decontamination supplies are provided for all pesticides to a range of 1 to 15 days. These commenters stated that the current requirement is unnecessary and burdensome, given the low risk from pesticide exposure after the end of the REI and the high cost of supplying and transporting the supplies.

The California Department of Pesticide Regulation stated that, when EPA assigns permanent, chemical-specific REIs during pesticide reregistration, decontamination sites (supplies) should be required only during the REI. (EPA reregistration involves a comprehensive review of pesticides to ensure current scientific standards are met.) Thus, they argued, EPA should consider the generic 30–day period requirement as an interim requirement. State agricultural agencies in Georgia and Arizona recommended reducing the requirement to 7 days for all pesticides. Comments from the Michigan Department of Agriculture supported reducing the timeframe if it were limited to the low toxicity pesticides.

Agency Response

The purpose of the decontamination requirement is two-fold. First, the decontamination supplies allow a worker, whose skin or eyes have been exposed to pesticide residues, to wash off the residues quickly and thoroughly in or near the site where the exposure occurred in order to prevent adverse effects, including acute and chronic effects. Prompt action may dramatically reduce further exposure and can prevent or mitigate illness or injury. Second, the availability of decontamination supplies allows workers to engage in routine washing which has been demonstrated to reduce pesticide exposure (i.e., washing off hands before using the toilet, smoking or eating) and which is taught as part of the WPS training program required for all workers before they may enter any pesticide-treated areas.

In the 1992 WPS rule, EPA set the length of time that decontamination supplies must be available to workers at 30 days after the expiration of any REI at a treated site. In choosing to require the 30-day period, EPA relied on an analysis of pesticide poisoning incident data. Examination of these data indicated that poisoning episodes from re-entry to treated areas could continue up to and beyond 30 days after the end of the REI. Thus, the Agency concluded that there could be sufficient pesticide residues to cause poisoning episodes up to 30 days after the end of the REI, and that the availability of decontamination supplies was an inexpensive method of mitigating this potential risk (See 57 FR 38123). No information presented in public comments has justified any departure from the 1992 decision for chemicals other than the low toxicity pesticides addressed in PR Notice 95-3. Thus, this conclusion remains unchanged.

EPA disagrees with the comments suggesting that the requirement for

decontamination supplies should be eliminated for all pesticides after the REI has expired and should be shortened significantly for all pesticides. Some of these comments recommend, in effect, that EPA rely on the REI to address the risks of all potential exposures of workers entering pesticide-treated areas. REIs, however, were not developed for that purpose. The Agency currently has two types of REIs: interim REIs established by the 1992 WPS rule (or by the Agency based on epidemiological information and/or preliminary adverse toxicological data) and chemical- and crop-specific REIs established by EPA after case-by-case consideration of data. The WPS interim REIs are based on the acute toxicity of the active ingredient in pesticides subject to the WPS. Acute toxicity (the capacity of a substance to cause toxic or adverse effects as a consequence of a single, short duration exposure) is a significant concern with respect to protection of agricultural workers, and the acute toxicity of an active ingredient is a suitable proxy for evaluating the potential for this type of risk under field conditions.

The WPS established interim REIs for pesticides of 12 to 72 hours, based on the level of acute toxicity displayed by the active ingredients in the product, when tested in established laboratory assays (See 57 FR 38110-38111; August 21, 1992). Workers are generally prohibited from entering treated sites during an REI; the more acutely toxic the active ingredient, the longer the REI. Because interim REIs established by the WPS or through other Agency actions do not reflect consideration of all potential factors or risks, however, EPA cannot conclude that they will protect against all potential worker exposures.

Chemical- and crop-specific REIs are established after taking into account other factors, not considered when interim REIs were created, which may influence the level of potential risk to workers. A number of factors affect the level of risk faced by a worker performing activities in or on a pesticide-treated area. In addition to the acute toxicity of the pesticide, the Agency considers the potential for other adverse effects, such as cancer, birth defects, damage to the reproductive or nervous systems arising from exposures of longer duration. Typically, these effects occur at much lower levels of exposure than do acute toxic effects. The Agency is also able to consider the level of pesticide residues remaining at a treated site, using information on the rate at which the residues decline following pesticide application. Finally, EPA is able to take into account the extent to which the residues are transferred to and enter into the human body as a consequence of the pattern of work activity an employee performs at a treated site. In fact, using more complete information during the chemical-by-chemical review conducted in the reregistration process, a number of interim REIs have been replaced by chemical or crop-specific REIs that are longer than the interim REIs set by the 1992 rule.

On the other hand, even permanent, product-specific REIs established during registration and reregistration are based on ''average'' conditions. They do not and cannot practically take into account differences due to temperature and humidity; rainfall and irrigation practices; degree of sunlight; crop type, height, and density; region-specific production practices or worker activity and length of exposure. Evidence indicates the importance of washing pesticides off as soon as possible after an exposure to mitigate adverse effects. Retaining decontamination requirements for a period of 30 days after the expiration of an REI for pesticides other than the low toxicity pesticides lessens the chances that workers will be harmed by pesticide residues and decreases their chronic exposures to pesticides.

If there were no requirement for making decontamination supplies available, the Agency would be able to reduce the potential for such risks by extending REIs. Such an approach, however would be more burdensome to agricultural producers than retaining the requirement for decontamination supplies. Longer REIs would be considerably more likely to interfere with agricultural operations. Therefore, EPA continues to believe that the risk mitigation from making decontamination supplies available to workers clearly justifies the additional costs of complying with this requirement.

Even in the ideal situation, where worker entry into pesticide-treated areas is based on on-site field tests, situations may arise where workers will be exposed to unacceptable levels of residues. These situations include mistakes in warnings about areas not yet safe to enter, ''hot spots'' within the treated areas from spills, application mistakes, etc. In addition, the establishment of a residue level that is ''safe'' for entry involves, at this time, only an analysis of exposure to a specific product on a specific occasion. The Agency is also concerned about acute and delayed health effect risks from the cumulative effect of multiple exposures to a single product and multiple exposures to multiple products. Since the opportunities for exposure are so variable, providing decontamination supplies for a period of 30 days after the REI for pesticides other than the low toxicity pesticides seems to be a prudent, low-cost measure that can reduce pesticide-related illnesses and injuries that may stem from such exposures.

Other commenters objected to shortening the time period even for the low- toxicity pesticides, because decontamination supplies could mitigate risks associated with unsafe exposures resulting from spills, drift, or most other accidents. Even in the face of application mistakes, such as spills, and insufficient entry warnings, EPA can lower the decontamination timeframe for pesticides that have passed EPA's screening process because of their low acute toxicity, an absence of evidence of worker poisonings after the REI, and lack of other toxicity concerns.

Further, while mitigating exposure to drift is one of the purposes of having decontamination supplies available for 30 days after the expiration of the REI, the primary purpose of the decontamination requirements is to mitigate potential adverse effects of exposure to pesticide residues remaining in the treated area after the REI has expired. In addition, because off-site drift can occur at any time and consist of low or high toxicity pesticides, it cannot be most effectively remedied by time-limited measures. If decontamination supplies were the sole means of addressing drift, the Agency would have to require that supplies always be available, regardless of the length of the REI or the toxicity of the pesticide. While EPA recognizes that having decontamination supplies available at all times would reduce the risk from drift, it would not reduce risk adequately to outweigh the costs of permanently maintaining decontamination supplies in all treated fields.

The most effective means of mitigating drift exposure is to prevent drift from occurring. Accordingly, the WPS requires that no pesticide be applied so as to contact, either directly or through drift, any worker or other person other than the person applying the pesticide. The Agency is also working to develop engineering and use controls to address further the problem of pesticide drift. With regard to pesticide spills, the WPS requires decontamination supplies during pesticide application, when spills are most likely to occur. Finally, reducing the duration of decontamination

supplies for pesticides with REIs of 4 hours or less will also encourage the use of low toxicity products, which may afford greater risk reduction than if pesticides with higher toxicity levels were used.

The costs of supplying and maintaining decontamination supplies (which consist of water, soap, and disposable towels) are relatively low. Supplies are generally not bulky and can be taken with the workers on foot, in a vehicle, or on a tractor. The requirement will be satisfied so long as the decontamination supplies are reasonably accessible to workers (within 1/4 mile or at the nearest point of vehicular access), and the water is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. Although the costs of maintaining decontamination supplies are low, the risks posed by products with REI of 4 hours or less are negligible after the first 7 days of the decontamination period. Therefore, the costs of maintaining decontamination supplies for more than 7 days are not justified by the very low risk posed by these products.

EPA disagrees with those commenters who asserted that decontamination supplies should be required for all pesticides for 30 days following the expiration of the REI. Some comments objected to the proposed reduction for lower toxicity pesticides because they believe EPA did not have a full understanding of the potential risks of these products. Under PR Notice 95-3, both pesticide active ingredients and specific product formulations go through a careful screen to determine their eligibility for a reduced REI. The screen provided EPA with a good understanding of the nature of potential risks posed by these products.

The Agency notes that many of the products which have been identified under PR Notice 95-3 are biological pesticides, which are generally low in toxicity to humans. These products were not in wide use before the 1990s and were not specifically considered as part of the development of the 1992 WPS. In recent years, EPA has adopted a policy of encouraging the use of these products because they are inherently less risky than conventional chemical pesticides. Shortening the duration of the requirement for decontamination supplies is one way EPA can distinguish these lower toxicity pesticides from more risky pesticide products and can provide an incentive for pesticide users to choose these products.

In its proposal, EPA proposed to reduce the amount of time decontamination supplies would be required for certain lower toxicity pesticides, those with REIs of 4 hours or less, but did not specify the length of the shortened time period. The Agency noted that it was considering time periods in the range of 15 days to 1 day, and EPA specifically requested comment on this time period. In response, commenters suggested a range of timeframes, including 7 days for all pesticides. EPA has decided that decontamination supplies must be available for 7 days following the expiration of the REI of pesticides for which EPA has data to indicate a low level of toxicity. This timeframe represents a significant shortening of the requirement and corresponds to the midpoint of the range of times suggested between 1 and 15 by commenters. Although the Agency's data show that these pesticides pose a low risk, reducing the duration of decontamination supplies to 7 days after the REI expires still provides an additional safeguard from any possible adverse effects of exposure to these low toxicity pesticides.

In sum, the Agency concludes that it is appropriate to reduce the duration of the decontamination requirement for pesticides which have REIs of 4 hours or less, from 30 days to 7 days. This conclusion is based on its identification of a group of pesticide products which may pose little or no risk to agricultural workers. EPA has concluded that the low risks posed by these products do not justify the costs of maintaining decontamination supplies for more than 7 days after the expiration of the REI. The benefits of shortening the time period do not appear to be outweighed by any potential increase in risk. At the same time, EPA has decided to retain for other pesticides the requirement that decontamination supplies be available to workers for 30 days following expiration of the REI for pesticide treated areas.

B. Location of Decontamination Supplies

Comments

The American Farm Bureau stated that EPA should allow decontamination supplies to be located in an area under an REI provided that the site (supplies) is reasonably accessible to workers.

Agency Response

Section 170.150(c)(4) states that decontamination supplies may be placed in an area under an REI if workers are performing early entry activities permitted by § 170.112 involving contact with treated areas, and this location is necessary for the supplies to be reasonably accessible to workers. Early entry (entry by a worker into a treated area after a pesticide application but before the REI has expired) is allowed under certain conditions specified in the rule. Thus, the WPS allows for decontamination supplies to be placed in an area under an REI for use by those performing early entry activities under the rule, since these workers are already allowed access to the area. Placement of the decontamination supplies within a treated area is allowed if this choice of site is necessary for the supplies to be reasonably accessible to workers. The rule, however, does not allow agricultural workers, who are not performing early entry activities, into the area under the REI, and therefore supplies for these workers must be located outside the area under an REI.

C. Decontamination Requirement After Harvest

Comments

The American Farm Bureau commented that decontamination supplies should not be required after crops are harvested because there are few post-harvest, farm practices that bring workers into contact with treated surfaces. They also believe that there is such a small number of crops where contact with treated surfaces occurs, and that therefore, EPA should identify the specific crops that do require decontamination supplies after the REI expires.

Agency Response

The Agency agrees that the decontamination supplies should not be required when workers will not contact pesticide-treated surfaces at post-harvest times. 40 CFR 170.150(a) states that decontamination supplies are required when a worker ''performs any activity in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with a pesticide, including but not limited to, soil, water or surfaces of plants. . . .'' In those cases where there is no contact with pesticide-treated surfaces, as may be the situation when all treated surfaces have been completely removed during harvest, the rule already allows entry without requiring decontamination supplies.

In response to the request to identify certain crops for which decontamination supplies would be required, there are cultural activities for virtually all crops which involve contact with previously-treated surfaces, and activities in which there is no contact. Given this fact, it would be difficult for the Agency to determine at which times

decontamination supplies would be needed on the basis of the specific crop. Rather, EPA will continue to require these supplies when there is contact with pesticide-treated surfaces.

V. Technical Amendment

EPA is revising §§ 170.150 and 170.250 to replace the words ''decontamination site'' with ''decontamination supplies.'' In the past and in public comments on the proposal, the phrase ''decontamination site'' has sometimes been misconstrued to mean a physical, stationary structure or trailer where supplies are kept. The WPS, however, only requires specific decontamination supplies be made available. These supplies must be reasonably accessible to and not more than ¼ mile from the workers. They may be kept in a backpack or decontamination kit in the field or in a van or truck. The text has been reformatted without changing the meaning of the provision.

VI. Public Docket

A record has been established for this rulemaking under docket number OPP-250108A. This record is available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday. The public record is located in Rm. 1132, Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway., Arlington, VA. Written requests should be mailed to: Public Response and Program Resources Branch (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

VII. Statutory Review

As required by FIFRA section 25(a), this final rule was provided to the United States Department of Agriculture (USDA) and to Congress for review. During the development of this rule, EPA addressed all of USDA's concerns and comments through extensive informal consultations, and the final rule was presented formally to USDA for comment. The USDA had no comment on this final rule. The FIFRA Scientific Advisory Panel waived its review.

VIII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is therefore not subject to OMB review. The Agency believes that the amendments associated with this action constitute regulatory relief, and therefore will not impose any additional costs. The analysis related to the costs of the original requirements were discussed in conjunction with their promulgation in 1992 as part of the Worker Protection Standards.

B. Executive Order 12898

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, the Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any unfunded mandates as defined by Title II. The costs associated with this action are described in the Executive Order 12866 section above.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

D. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency determined that this regulatory action does not impose any adverse economic impacts on small entities. I therefore certify that this regulatory action does not require a separate regulatory flexibility analysis. Information relating to this determination has been provided to the Chief Counsel for Advocacy of the Small Business Administration, and is included in the docket for this rulemaking. Any comments regarding the economic impacts that this regulatory action may impose on small entities should be submitted to the Agency at the address listed above.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

F. Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the information collection requirement related to Worker Protection Standards under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 2070-0148 (EPA ICR No. 1759.01). The amendments contained in this rule do not increase the burden hours or costs associated with this requirement, or require any separate approval from OMB.

List of Subjects in 40 CFR Part 170

Administrative practice and procedure, Occupational safety and health, Pesticides and pests.

Dated: June 18, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR part 170 is amended as follows:

PART 170—[AMENDED]

1. The authority citation for part 170 continues to read as follows:

Authority: 7 U.S.C. 136w.

2. In § 170.150 by revising paragraphs (a), (b)(3), (c)(1), (c)(2)(ii), (c)(3), and (c)(4) to read as follows:

§ 170.150 Decontamination.

(a)(1) *Requirement.* The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(i) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last 30 days, and;

(ii) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts.

(2) *Exception.* The 30–day time period established in paragraph (a)(1)(i) of this section shall not apply if the only pesticides used in the treated area are products with an REI of 4 hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less

than 7 days following the expiration of any applicable REI.

(b) * * *

(3) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet worker's needs.

* * * * *

(c) *Location*. (1) The decontamination supplies shall be located together and be reasonably accessible to and not more than 1/4 mile from where workers are working.

(2) * * *

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(3) The decontamination supplies shall not be maintained in an area being treated with pesticides.

(4) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the supplies are provided are performing early-entry activities permitted by § 170.112 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

* * * * *

3. In § 170.250 by revising paragraphs (a), (b)(3) and (b)(4), the introductory text of (c), (c)(1), (c)(2), (c)(3)(ii), (c)(4) introductory text, and (c)(4)(i) to read as follows:

§ 170.250 Decontamination.

(a) *Requirement*. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(b) * * *

(3) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(4) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

(c) *Location*. The decontamination supplies shall be located together and be reasonably accessible to and not more than ¼ mile from each handler during the handling activity.

(1) *Exception for mixing sites*. For mixing activities, decontamination supplies shall be at the mixing site.

(2) *Exception for pilots*. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplaine or at the aircraft loading site.

(3) * * *

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(4) *Decontamination supplies in treated areas*. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

* * * * *

[FR Doc. 96–16202 Filed 6–25–96; 8:45 am]

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Part IV

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171, et al.

Performance-Oriented Packaging Standards: Final Transitional Provisions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 178

[Docket No. HM–181H; Notice No. 96–11]

RIN 2137–AC80

Performance-Oriented Packaging Standards; Final Transitional Provisions

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA is proposing to incorporate into the Department's Hazardous Materials Regulations (HMR) a number of changes, based on agency initiative, petitions for rulemaking and comments received at public meetings, to the classification of certain hazardous materials which are poisonous by inhalation and to provisions for the manufacture, use and reuse of hazardous materials packagings. The intended effect of these regulatory changes is to improve safety, reduce costs to offerors and transporters of hazardous materials, make the regulations easier to use and correct errors.

DATES: Comments must be received on or before August 2, 1996.

ADDRESSES: Address comments to Dockets Unit (DHM–30), Hazardous Materials Safety, RSPA, U.S. Department of Transportation, Washington, DC 20590–0001. Comments should identify the docket and notice number and be submitted, when possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001. Office hours are 8:30 am to 5:00 pm Monday through Friday, except on public holidays when the office is closed.

FOR FURTHER INFORMATION CONTACT: Beth Romo, telephone (202) 366–8553, Office of Hazardous Materials Standards, or Bill Gramer, telephone (202) 366–4545, Office of Hazardous Materials Technology, Research and Special Programs Administration, Washington DC, 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 1990, RSPA published a final rule [Docket HM–181; 55 FR 52402], which comprehensively revised the HMR with respect to hazard communication, classification, and packaging requirements based on the United Nations (UN) Recommendations on the Transport of Dangerous Goods. A document responding to petitions for reconsideration and containing editorial and substantive revisions to the final rule was published on December 20, 1991 [56 FR 66124]. On October 1, 1992, under Dockets HM–181 and HM–189, RSPA issued editorial and technical corrections to the regulations published in 1991. On September 24, 1993, RSPA issued a final rule under Docket HM–181F [58 FR 50224] which made changes to the HMR based on agency initiative and petitions for rulemaking received since the December 20, 1991 response to petitions for reconsideration. That final rule primarily revised requirements with a mandatory compliance date of October 1, 1993, as provided in the transitional provisions in § 171.14(b)(4).

This rule, as proposed, addresses most remaining issues associated with the implementation of Docket HM–181 provisions and certain other issues arising from a final rule issued December 29, 1994, under Docket HM–215A [59 FR 67390]. Many of these proposed changes are to requirements with a compliance date of October 1, 1996. These issues have been raised through petitions for rulemaking and agency initiative. Although these proposed changes focus primarily on provisions concerning hazard classification and the maintenance and use of performance packaging, RSPA also is proposing changes to intermediate bulk container (IBC) requirements, portable tank requirements, and regulated medical waste provisions adopted under Dockets HM–181E and HM–181G, respectively. Several current exemptions would be converted into regulations of general applicability, and an approval concerning design qualification and periodic testing would be incorporated into the HMR.

This proposed rule does not address the manufacture, maintenance and use of fiber drums. A final rule was published February 29, 1996 [61 FR 7958] which extends the authority to ship certain liquid hazardous materials in open-head fiber drums that do not meet performance-oriented packaging standards for hazardous materials in Packing Group III.

This proposed rule is consistent with the goals of President Clinton's Regulatory Reinvention Initiative. The President directed Federal agencies to review all agency regulations and eliminate or revise those that are outdated or in need of reform. A notice issued April 4, 1995 by RSPA requested comments on regulatory reform (Docket HM–222; 60 FR 17049) and announced a comprehensive review of the HMR to identify provisions that are candidates for elimination, revision, clarification, or relaxation. Certain proposed changes in this document reflect the results of this review.

II. Summary of Proposed Regulatory Changes by Section

Listed below is a section-by-section summary of the proposed changes and, where applicable, the assigned petition number.

Part 171

Section 171.7. The table of material incorporated by reference would be amended by adding a new entry referencing a publication issued by the Department of Health and Human Services for defining biosafety levels.

Section 171.14. All transitional provisions reflecting a compliance date of October 1, 1996, or earlier would be removed. Three remaining transition provisions apply to packages filled prior to October 1, 1991, new placard specifications, and authorization for use of fiber drums.

Part 172

Section 172.101. The text preceding the § 172.101 Hazardous Materials Table (HMT) sets forth procedures for using the HMT. RSPA received a petition for rulemaking [P–1169] from the Hazardous Materials Advisory Council (HMAC) requesting clarification of the procedures contained in paragraph (c)(12)(iii) for selecting a proper shipping name for a material that meets the definition of more than one hazard class. RSPA agrees and is proposing to replace the phrase ''identify . . . by a specific description'' with ''identify . . . specifically by name'' and include an example.

Section 172.101; the Hazardous Materials Table (HMT). A new entry to provide for the domestic transportation of black powder for small arms reclassed as a Division 4.1 would be added. This proposed revision is in response to a petition [P–1295] asking RSPA to incorporate the provisions of an exemption (DOT–E–8958) into regulations of general applicability. As part of the justification for the request, the petitioner noted an incident-free shipping history of more than 12 years and cited comparable provisions for smokeless powder, small arms cartridges and power device cartridges. In conjunction with this proposed

change, a new Special Provision 70 and new non-bulk packaging section § 173.170 would be added.

In the HMT, the entries ''Chlorosilanes, n.o.s.'', with identification numbers UN 2986, UN 2987, and UN 2988, are not authorized to be shipped in IM portable tanks. A petitioner [P–1257] requested that RSPA authorize IM portable tanks for all chlorosilanes because individual chlorosilanes, such as Ethyldichlorosilane, Methyldichlorosilane and Trichlorosilane, pose similar hazards and are authorized under the HMR to be shipped in IM portable tanks. RSPA agrees with the petitioner that authorizing certain IM portable tanks for all chlorosilanes would not compromise safety and would be consistent with packaging authorizations for other materials posing similar hazards. RSPA proposes to add special provisions in Column (7) for ''Chlorosilanes, n.o.s.'', with identification numbers UN 2986, UN 2987, and UN 2988, to permit the transport of these materials in IM portable tanks.

Bulk packaging references for three Type F organic peroxides (UN 3110, UN 3119, and UN 3120) would be revised by changing ''None'' to ''225'' in Column (8C) to indicate that these materials are authorized in bulk packagings. In addition, for the entries ''Organic Peroxide, type F, liquid (or solid), temperature controlled'' (UN 3119 and UN 3120), in Column (8A), the packaging exception reference ''152'' would be removed for each entry to indicate that these temperature controlled organic peroxides are not eligible for packaging exceptions.

Twenty-nine entries classed as Division 4.3 (dangerous when wet) solids in Packing Groups II and III would be amended by revising Column (8A) to authorize § 173.151 as a packaging exception section.

Revisions to Classification and Hazard Zone Identification for Certain Materials Poisonous by Inhalation. Based on acute inhalation toxicity data and related information obtained by RSPA, the HMT would be amended to change the hazard zone for some materials poisonous by inhalation, and to add other materials to the list of materials poisonous by inhalation. For certain materials this revision would impose more stringent hazard communication and packaging requirements. The materials and a description of the data on which these proposals are based are listed as follows:

a. *Bromine trifluoride (UN1746).* This material is a liquid at 20°C and is identified as a Hazard Zone B inhalation hazard. Based on harmonization of the HMR with the UN Recommendations (Eighth revised edition), bromine trifluoride is assigned to Division 5.1. However, according to § 173.2a(a), ''Division 6.1 (poisonous liquids), Packing Group I, poisonous-by-inhalation only'' takes precedence over ''Division 5.1 (oxidizers).'' Therefore, RSPA is proposing to add the plus (+) symbol to Column 1 of the entry for bromine trifluoride.

b. Hydrogen cyanide, solution in alcohol (with not more than 45 percent hydrogen cyanide) (UN3294). This material is a liquid at 20°C and is classified as a Division 6.1 material. Packing Group I only is assigned. Hydrogen cyanide, stabilized (UN1051), is identified as a Hazard Zone A inhalation hazard. Therefore, based on the toxicity and volatility of hydrogen cyanide, the packing group assigned and the dilution factor for this solution of hydrogen cyanide, RSPA is proposing to identify hydrogen cyanide, solution in alcohol *with not more than 45 percent hydrogen cyanide* as a Hazard Zone B inhalation hazard.

c. Metal carbonyls, n.o.s. (UN3281). This generic entry covers Division 6.1, Packing Group I, II and III toxic metal carbonyls that are not specifically listed by name but which exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these metal carbonyls may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Others may not be toxic by inhalation, but may exhibit oral and/or dermal toxicity, which places them in Division 6.1, Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of the entry for metal carbonyls, n.o.s. at the Packing Group I level.

d. Methanesulfonyl chloride (UN3246). This material is a liquid at 20°C and is classified as a Division 6.1 material. Acute inhalation toxicity data for this material was obtained from a Special Approval application before the material was listed by name in the UN Recommendations (Seventh revised edition) and, subsequently, in the HMR. Following publication of the final rule under Docket HM–215A (59 FR 67390; December 29, 1994), a manufacturer submitted data identifying the material as a Hazard Zone B inhalation hazard (rat; LC50:205 ppm/1H (hour); V (saturated vapor concentration):2760 ppm). RSPA agrees with the data and is proposing to identify methanesulfonyl chloride as a Hazard Zone B inhalation hazard.

e. Methyl vinyl ketone (UN1251). This material is a liquid at 20°C and is classified as a Class 3 material. Acute inhalation toxicity data for methyl vinyl ketone was listed in the Registry of Toxic Effects of Chemical Substances (RTECS) (RTECS: EM9800000), as follows: Rat; LC50:7 mg/m^3/4H. The value, converted to ppm/one hour, was: Rat; LC50:5 ppm/1H. The saturated vapor concentration was calculated to be: V:93400 ppm at 20°C, indicating that methyl vinyl ketone is a material poisonous by inhalation and falls within Hazard Zone A. RSPA agrees with this data and is proposing to identify methyl vinyl ketone as a Hazard Zone A inhalation hazard. Also, to maintain harmony with the UN Recommendations (Eighth revised edition), RSPA is proposing to add the plus (+) symbol to Column 1 of the entry for methyl vinyl ketone.

f. Nitriles, toxic, flammable, n.o.s. (UN3275). This generic entry covers Division 6.1, Packing Group I and II toxic, flammable nitriles that are not specifically listed by name but exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these nitriles may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Other nitriles may not be toxic by inhalation, but may exhibit oral and/or dermal toxicity which places them in Division 6.1, Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of the entry for nitriles, toxic, flammable, n.o.s. at the Packing Group I level.

g. Nitriles, toxic, n.o.s. (UN3276). This generic entry covers Division 6.1, Packing Group I, II and III toxic nitriles that are not specifically listed by name but exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these nitriles may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Other nitriles may not be toxic by inhalation, but may exhibit oral and/or dermal toxicity which places them in Division 6.1, Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of the entry for nitriles, toxic, n.o.s. at the Packing Group I level.

h. Organoarsenic compound, n.o.s. (UN3280). This generic entry covers Division 6.1, Packing Group I, II and III toxic organoarsenic compounds that are not specifically listed by name but exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these organoarsenic compounds may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Others may not be toxic by inhalation, but may exhibit oral and/or dermal

toxicity which places them in Division 6.1, Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of the entry for organoarsenic compound, n.o.s. at the Packing Group I level.

i. Organophosphorus compound, toxic, flammable, n.o.s. (UN3279). This generic entry covers Division 6.1, Packing Group I and II toxic, flammable organophosphorus compounds that are not specifically listed by name but may exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these organophosphorus compounds may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Others may not be toxic by inhalation, but may exhibit oral and/or dermal toxicity which places them in Division 6.1, Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of the entry for organophosphorus compound, toxic, flammable, n.o.s. at the Packing Group I level.

j. Organophosphorus compound, toxic, n.o.s. (UN3278). This generic entry covers Division 6.1, Packing Group I, II and III toxic organophosphorus compounds that are not listed by name but exhibit acute oral, dermal and/or inhalation toxicity. The acute toxicity of these organophosphorus compounds may differ from one compound to another. Those toxic by inhalation may fall into Hazard Zone A or Hazard Zone B. Others may not be toxic by inhalation, but may exhibit oral and/or dermal toxicity which places them in Packing Group I. Therefore, RSPA is proposing to add special provision ''5'' to Column 7 of this entry for organophosphorus compound, toxic, n.o.s. at the Packing Group I level.

k. Phosphorus pentafluoride (UN2198). This material is a gas at 20°C and is currently identified as a Hazard Zone A inhalation hazard - a tentative classification since no acute inhalation toxicity data was available. The Compressed Gas Association, Inc. (CGA) has reviewed the acute inhalation toxicity of phosphorous pentafluoride, among others. In their Standard for Classification of Toxic Gas Mixtures (CGA P–20—1995), the CGA estimates the toxicity to be: Rat; LC50:260 ppm/1H. RSPA agrees with the CGA estimate and is proposing to identify phosphorus pentafluoride as a Hazard Zone B inhalation hazard.

l. Tungsten hexafluoride (UN2196). This material is a gas at 20°C and is currently identified as a Hazard Zone C inhalation hazard. This was an RSPA estimate since no acute inhalation toxicity data was available. The CGA has reviewed the acute inhalation toxicity of tungsten hexafluoride. In their Standard for Classification of Toxic Gas Mixtures, the CGA estimates the toxicity to be: Rat; LC50:217 ppm/1H. RSPA agrees with the CGA estimate and is proposing to identify phosphorus pentafluoride as a Hazard Zone B inhalation hazard.

Section 172.102. Special Provision B59, which authorizes AAR 207A rail cars for phosphorus pentasulfide, would be revised based on a petition [P–1286] submitted by the Association of American Railroads (AAR). In its petition, the AAR maintained that the current authorization in B59 for AAR Specification ''207A tank cars'' is not correct. The AAR acknowledged that it has contributed to the problem by referring to these cars in its Tank Car Manual as tank cars, when they are, in fact, hopper cars used to transport solid materials. RSPA agrees that these cars are more appropriately described as hopper cars and proposes to amend Special Provision B59 accordingly.

A new special provision (N42) would be added to authorize a UN 1A1 steel drum for stabilized benzyl chloride. Prior to the adoption of performance packaging standards under Docket HM–181, the use of DOT Specification 5A and 17C steel drums was authorized for stabilized benzyl chloride. Under Docket HM–181, Special Provision N43 was assigned to both stabilized and unstabilized benzyl chloride, which prohibited use of metal drums other than those constructed of monel or nickel. Based on a petition for rulemaking [P–1296], RSPA agrees with the petitioner that certain 1A1 steel drums having a phenolic lining are appropriate for stabilized benzyl chloride. Therefore, RSPA is proposing to remove N43 from the entry for benzyl chloride and replace it with a new special provision N42, which will allow use of phenolic-lined steel drums with a minimum thickness of 0.050 inches which have been tested and certified to a Packing Group I level at a specific gravity of 1.8.

Section 172.302. In the general marking requirements for bulk packagings, markings on portable tanks with capacities of less than 3,785 L (1,000 gallons) must be at least 6.0 mm (0.24 inch) wide and at least 25 mm (one inch) high. RSPA received a petition for rulemaking [P–1191] requesting that paragraph (b)(2) of this section be amended to decrease to 3 mm the minimum width of markings required on portable tanks having a capacity less than 3,785 L (1,000 gallons). The petitioner stated that the required minimum width (6 mm) is disproportionate to the required minimum height (25 mm). The petitioner stated that this marking is difficult to read, which reduces the effectiveness of the marking. RSPA agrees that the width of the markings should be proportionate to the height, but believes that 3 mm may be too narrow for the size of the packaging. In this notice, RSPA proposes to revise the minimum width of markings for portable tanks with capacities less than 3,785 L (1,000 gallons) to 4 mm (0.16 inches). In addition, minimum height of markings required on IBCs would be specified in paragraph (b)(2) as 25 mm (one inch). Currently, minimum height markings for IBCs would fall under paragraph (b)(3) with IBCs described as ''other bulk packagings'' which are required to have a minimum height of 50 mm (2.0 inches). RSPA has received comments requesting the minimum height requirement be lowered for IBCs. After reviewing this issue, RSPA agrees that the minimum marking height for IBCs should be consistent with markings for smaller portable tanks and is proposing a reduction in both height and width for IBCs.

Section 172.504. In response to a petition for rulemaking from HMAC [P–1169], RSPA is proposing to remove paragraph (f)(8), which allows a CLASS 9 placard to be substituted for a COMBUSTIBLE LIQUID placard for a material meeting both Combustible liquid and Class 9 hazard classes. HMAC noted the potential for confusion and delay of a shipment because of inconsistencies between the documentation and marking requirements describing a Combustible liquid and the application of CLASS 9 placards. In addition, this alternative placarding conflicts with paragraph (f)(9), which provides an exception from placarding for Class 9 materials in domestic transportation.

Part 173

Section 173.24a. It has come to RSPA's attention that certain cushioning materials deteriorate if there is even minimal leakage from an inner packaging. A degradation of cushioning materials could seriously reduce the effectiveness of a packaging and render it as not conforming to its marked performance standard or not meeting general packaging requirements. Paragraph (a)(3) would be revised to clarify that cushioning material used to protect inner packagings must not be adversely affected (e.g., disintegrate) if there is leakage of a hazardous material from the inner packagings. This clarification is consistent with

international air transport provisions contained in the International Civil Aviation Organization's Technical Instructions.

Currently, paragraphs (b)(1) and (b)(2) provide filling limits for single and composite packagings, but no such limits are provided for combination packagings. RSPA proposes to revise paragraph (b)(2) of this section to prescribe filling limits for all non-bulk packagings, including combination packagings. This provision would prohibit combination packagings from being filled with a hazardous material to a gross mass greater than the maximum gross mass marked on the packaging.

In addition, a new paragraph (e) would be added to incorporate a definition for stainless steel as it pertains to non-bulk packaging. This is consistent with paragraph (b) in § 173.24b for calculating equivalent steel for bulk packagings.

Section 173.28. RSPA received a petition [P–1303] requesting that paragraph (b)(4) be revised to incorporate a calculation which may be used to determine an equivalent drum thickness for stainless steel drums. The petitioner maintained that drums fabricated of stainless steel are less susceptible to damage or a reduction in structural integrity resulting from mechanical stresses associated with handling and reuse. The petitioner further claimed that an equivalent level of safety can be achieved through reuse of a thinner stainless steel drum and noted the same method is authorized already in the HMR for calculating equivalent minimum thicknesses of portable tanks and metal IBCs. RSPA agrees, and is proposing to add a formula in paragraph (b)(4) for calculating an equivalent minimum thickness for stainless steel drums. This proposed formula is consistent with the formula contained in § 178.705 for calculating minimum wall thicknesses for metal IBCs.

The Association of Container Reconditioners (ACR) submitted a petition for rulemaking [P–1292] dated August 10, 1995, asking RSPA to revise the footnote in paragraph (b)(4) once again to reflect a 1.1 mm (0.043 inch) head. This footnote has been revised three times since the issuance of the 1990 Docket HM–181 final rule. In 1988, ACR (formerly National Barrel and Drum Association) was among commenters to the HM–181 NPRM asking RSPA to allow the ''20/18 gauge'' drum. RSPA responded to this comment in the 1990 final rule by adopting a footnote to the § 173.28(b)(4) minimum thickness table, to allow the ''20/18 gauge'' drum, (i.e. drums of 220 liters with a body thickness of 0.82 mm and head thickness of 1.09 mm) to be reused. The 1991 revised final rule under Docket HM–181 amended the footnote to allow a minimum body thickness of 0.8 mm, with minimum head thickness of 1.1 mm. This change was not based on comments or RSPA's intent to change minimum thickness requirements, but from revised methods of rounding metric units. In 1993, the eighth revised edition of the UN Recommendations adopted a requirement to mark *nominal* thickness, which is tied to minimum thickness by ISO 3574. RSPA, in response to an ACR request for clarification, stated that drums marked in accordance with the UN Recommendations would be satisfactory, but they must be marked with the *minimum* thickness to the nearest 0.1 mm. In the 1994 edition of the HMR, Footnote 1 continued to authorize a minimum thickness of 0.8 mm (0.03 inch) body and 1.1 mm (0.043 inch) head. No changes to the footnote were proposed in the Docket HM–215A NPRM published July 18, 1994, but in its September 6, 1994 comment to this proposed rule, ACR ''strongly'' urged RSPA to restore Footnote 1 to the original provision implemented in the 1990 HM–181 final rule (0.82 mm body and 1.09 mm head). ACR stated: ''In reprinting this table in 1991, however, the thicknesses identified in this footnote were changed, from 0.82 mm (0.0324 inch) to '0.8 mm (0.03 inch' in the body and from 1.09 mm (0.0428 inch) to '1.1 mm (0.043 inch)' in the heads.'' ACR claimed these criteria do *not* correspond to the 20/18 gauge DOT specification drums in current use at the time HM–181 was adopted, ''nor were they explained in any fashion in the preamble to the second printing of the final rule.'' ACR suggested that the footnote ''could be recast'' to prescribe ''0.9 mm nominal (0.82 mm minimum) body and 1.2 mm nominal (1.1 mm minimum) body''. In the December 29, 1994 final rule issued under HM–215A, RSPA adopted a requirement to mark drums with *nominal*, rather than *minimum* thickness, based on revised UN Recommendations, but retained minimum thickness standards for reuse. In Footnote 1, RSPA revised the 0.8 mm thickness to read ''0.80 mm'' for clarity. On January 27, 1995, ACR submitted a petition for reconsideration of HM–215A final rule within the prescribed 30-day period following the December 29, 1994 final rule. ACR requested an immediate ''spot'' amendment to Footnote 1. In its petition, ACR stated ''. . . we ask you to issue an immediate correction to the footnote to § 173.28(b)(4) to make it read properly as it did in the December 21, 1990 Federal Register: 'Metal drums or jerricans constructed with a minimum thickness of 0.82 mm (0.032 inch) body and 1.09 mm (0.043 inch) heads are authorized.' '' However, on February 24, 1995, after the petition for reconsideration period for HM–215A had ended, ACR submitted another letter ''intended to provide *clarifying detail*'' regarding Footnote 1. This letter indicated the footnote should be corrected to express minimum thicknesses for nominal markings in accordance with the ISO standard and should reference a minimum thickness of 0.82 mm body and *1.11 mm* heads, which would bear a nominal marking ''1.2/0.9/1.2.'' Less than a month after receipt of the petition requesting an immediate correction to authorize 1.09 mm minimum thickness for heads, ACR again requested a minimum thickness of 1.11 mm heads. A revised final rule under Docket HM–215A issued on May 18, 1995, addressed the ACR petition of January 27, 1995, by restoring the minimum thicknesses of 0.82 mm body and 1.09 heads, as adopted in the HM–181 final rule issued December 21, 1990. ACR responded by submitting a petition for rulemaking on August 10, 1995, claiming that RSPA had not adjusted Footnote 1 to correlate with ISO Standard 3574:1986, and petitioning RSPA to revise Footnote 1 to prescribe a metal drum minimum thickness of 0.82 mm body and 1.11 mm heads. ACR indicated that this would result in a ''modest increase in the minimum head thickness of 0.02 mm, . . . most of the metal thicknesses now set forth in the table . . . also involved modest increases.'' In a subsequent action, ACR sent a letter to the RSPA Administrator, claiming that ''DOT has been unable to successfully marry the international standards used and cited by the UN with DOT's minimum thickness requirements, with respect to '20/18' style drums.'' ACR also cited ''changes made by RSPA in HM–215A'' (one based on the ACR petition for a spot amendment to restore the footnote to 0.82 body and 1.09 heads) and noted the agency's failure to adjust the § 173.28 footnote to correspond with ISO. Based on this discussion, RSPA is proposing one final adjustment to Footnote 1 to specify a minimum thickness of 0.82 mm body and 1.11 mm head to correspond with ISO and respond to ACR's latest petition.

Paragraph (b)(7)(iv)(C) would be revised to clarify that there are established conditions which must be met before an approval is granted by the

Associate Administrator for Hazardous Materials Safety to allow relief from leakproofness testing for a packaging constructed of a material or thickness not otherwise authorized in the exception.

Paragraph (c)(2) prescribes reconditioning requirements for non-bulk packagings other than metal drums. Based on the merits of a request for clarification from the National Association of Chemical Distributors, RSPA is proposing that paragraph (c)(2) be revised to clarify that repair or replacement of a bung or a removable gasket in a plastic closed head (UN 1H1) drum is not considered reconditioning and does not subject the drum to reconditioning marking requirements or to leakproofness testing requirements if the drum was otherwise excepted from leakproofness testing.

Section 173.32. A final rule issued July 26, 1994, under Docket HM–181E adopted provisions for intermediate bulk containers and imposed a termination date of September 30, 1996 for new construction of DOT Specification 56 and 57 portable tanks. As part of that final rule, requirements in Part 178 for design, construction and testing of these tanks were removed. Although new construction of these tanks will no longer be authorized after September 30, 1996, existing DOT 57 tanks are authorized for use as long as they are successfully retested in accordance with retest provisions of § 173.32(e). Because the pressure testing requirements for DOT 57 tanks refer to a section in Part 178 which has been removed, RSPA is proposing to reinstate this requirement in paragraph (e)(2)(i). In addition, based on the merits of a petition [P–1092], RSPA is proposing to amend paragraph (d) to allow plastic discharge valves for certain stainless steel DOT 57 tanks constructed before October 1, 1996. Allowing a plastic discharge valve on these tanks will eliminate the need for an existing exemption, DOT–E–10916, and will permit continued use of thousands of portable tanks with a proven safety record.

Section 173.115. The Association of American Railroads (AAR), in a petition for rulemaking [P–1152], requested a revision to paragraph (b)(1) to correct the conversion of 280 kPa to read ''280 kPa (40.6 psia).'' RSPA agrees and paragraph (b)(1) is revised to reflect the correct conversion in parentheses for informational purposes.

Section 173.120 and Appendix H to Part 173. Based on the merit of requests from industry, RSPA is proposing to add provisions to test combustible liquids with a flash point above 60.5°C (141°F) and below 93°C (200°F) for the ability to sustain combustion. Appendix H was added in the Docket HM–215A final rule to incorporate additional testing procedures for a material meeting the definition of Class 3 (flammable liquid). If this material was unable to sustain combustion when heated under test conditions and exposed to an external source of flame, it was excepted from the regulations as a Class 3 material. This notice proposes to expand the exception to apply to materials which meet the definition in paragraph (b) for combustible liquids. Appendix H to Part 173 would be revised to provide additional test temperatures in paragraph 5.(h) for combustible liquids that would closely parallel the approach for flammable liquids.

Sections 173.121, 173.125, and 173.127. Currently, procedures for assigning a packing group to a hazardous material in these sections convey to the reader that the § 172.101 Table indicates that the packing group is to be determined on the basis of the grouping criteria for a given hazard class. The AAR and HMAC, in petitions for rulemaking [P–1152 and P–1169, respectively], requested that RSPA amend the regulatory language in §§ 173.121(a), 173.125(a), and 173.127(b) to mirror the language in §§ 173.133 and 173.137 for consistency and clarity. In this notice, RSPA proposes to clarify the methods for determining packing groups described in §§ 173.121(a), 173.125(a), and 173.127(b) for Class 3, Class 4, and Class 5 materials, respectively.

Section 173.133. The introductory text of paragraph (a) sets forth procedures for selecting packing group or hazard zone when the § 172.101 Table provides more than one packing group and hazard zone for a hazardous material. The AAR requested, in a petition for rulemaking [P–1152], that RSPA revise the wording ''provides more than one packing group and hazard zone'' to read ''provides more than one packing and/or hazard zone'' because hazard zones do not apply to Packing Group II and III Division 6.1 materials. RSPA agrees and proposes to revise the wording ''more than one packing group and hazard zone'' to read ''more than one packing group or hazard zone''.

Section 173.134. Paragraph (a)(4) limits the definition of regulated medical waste to exclude discarded cultures and stocks of infectious substances. In this proposed rule, paragraph (b) would be revised by adding a new paragraph (b)(4) authorizing discarded cultures and stocks in Biosafety Levels 1, 2 and 3, as defined in HHS Publication No. (CDC) 93–8395, *Biosafety in Microbiological and Biomedical Laboratories*, 3rd Edition, May 1993, Section II to be described and packaged as regulated medical waste rather than infectious substances. Packagings would be required to conform to Packing Group II performance requirements. Transport of these materials would be limited to private or contract motor freight carriers in dedicated service to the transportation of medical waste.

Section 173.151. A new paragraph (d) would be added to incorporate limited quantity provisions for Division 4.3 (dangerous when wet) solid materials in Packing Groups II and III. This proposal would align the HMR with limited quantity exceptions contained in the UN Recommendations.

Section 173.156. In the December 21, 1990 final rule under Docket HM–181, RSPA imposed a gross weight limit of 30 kg (66 pounds) per package on materials shipped under limited quantity and consumer commodity provisions to minimize their aggregate risk. RSPA also provided an exception in § 173.156 from this 30 kg weight limitation for packages of consumer commodities unitized in cages, carts, boxes, or similar overpacks when shipped by private or contract carrier or common carrier in exclusive use between a manufacturer, a distribution center, and a retail outlet. RSPA received a petition for rulemaking [P–1213] from the Conference on the Safe Transportation of Hazardous Articles (COSTHA) requesting removal of the 30 kg weight restriction for ORM–D materials packaged in ''display packs.'' COSTHA described these display packs as containing inner receptacles of ORM–D materials which are secured in corrugated fiberboard trays and then stacked and placed within a strong outer container. Each outer container is strapped to a wooden pallet with steel or polyester strapping to form an integral part of the packaging. COSTHA claimed the completed package meets the general packaging requirements of Subpart B of Part 173 and is marked in accordance with § 172.316. As part of its petition, COSTHA cited an exemplary safety record in transporting these display packs under pre-HM–181 limited quantity provisions, which do not impose any weight limitations, but will no longer be authorized after October 1, 1996.

RSPA believes that ORM–D materials shipped in the above-described display packs achieve an adequate level of safety in transportation. Therefore, RSPA proposes to amend § 173.156 by revising paragraph (b) to authorize

ORM–D materials in palletized display packs exceeding the 30 kg (66 pound) gross weight limitation to be offered for transportation, or transported, by highway or rail between a manufacturer, a distribution center, and a retail outlet.

In addition, RSPA is proposing to provide an exception for transportation of ORM–D materials to disposal facilities. A petitioner [P–1308] requested that RSPA amend paragraph (b) to allow discarded consumer commodities to be transported from manufacturing, distribution or retail facilities to a disposal facility when packaged in large boxes or overpacks exceeding 30 kg (66 pounds). The petitioner claimed that the cost of meeting the 30 kg weight limit or packaging these consumer commodities in UN-certified performance packagings far exceeds any safety benefit achieved. The petitioner also noted that allowing distribution centers and retail outlets to ship discarded consumer commodities to local disposal facilities rather than back to the manufacturer could enhance transportation safety by shortening the shipping distance. RSPA agrees and is proposing to amend paragraph (b) to authorize discarded consumer commodities to be shipped to disposal facilities when packaged in large boxes or similar overpacks exceeding 30 kg (66 pounds).

Section 173.158. This section would be revised to authorize additional packagings for nitric acid. RSPA received one petition [P–1280] which pointed out that packaging authorizations for nitric acid in 90 percent or greater concentrations, when offered for transportation or transported by rail, highway or water, are more stringent than packaging authorizations for transportation by cargo aircraft only or packaging authorizations for red fuming nitric acid, a toxic by inhalation hazard material. RSPA agrees with this petitioner, and paragraph (d) would be revised to authorize additional packagings for nitric acid in concentrations of 90 percent or greater when offered for transportation or transported by rail, highway or water. A combination packaging consisting of a 1A2, 1B2, 1D, 1G, 1H2, 3H2 or 4G outer packaging with inner glass packagings of 2.5 L (0.66 gallons) or less capacity cushioned with a non-reactive, absorbent material and packed within a leak-tight packaging of metal or plastic would be authorized.

In addition, RSPA is proposing to revise paragraph (f)(1) based on the merits of a petition [P–1289] requesting that 6HH1 and 6HA1 composite packagings with PFA Teflon inner receptacles be authorized for nitric acid concentrations of 70 percent or less. These composite packagings are authorized under the provisions of three exemptions and have demonstrated an equivalent level of safety

Section 173.183. Currently under the HMR, § 173.183 authorizes nitrocellulose base film to be packaged in combination packagings consisting of inner packagings made of metal, strong cardboard, or fiberboard, that are packed in certain UN standard packagings. Plastic inner packagings are not authorized except under the terms of an exemption. A petitioner [P–1130] requested that RSPA amend § 173.183 to authorize the use of polypropylene inner packagings because polypropylene is flame-retardant, produces minimum toxic gases when burned, and will not deteriorate film. Because the petitioner has been using the packaging under the terms of an exemption and has encountered no adverse experience in transportation, RSPA proposes to amend § 173.183 by adding a packaging authorization to allow the use of polypropylene inner packagings for nitrocellulose base film.

Section 173.225. Paragraph (a) would be revised to specify that inner plastic packagings of a combination packaging used for transporting organic peroxides must be constructed of new resin. This proposed change is based on a petition for rulemaking [P–1281] submitted by the Society of the Plastics Industry for the Organic Peroxide Producers Safety Division, which represents major U.S. organic peroxide manufacturers. RSPA agrees with the petitioner's claim that most regulated organic peroxides are too sensitive to contamination to be stored in packages manufactured from ''resin of unknown history.''

Section 173.306. This section specifies limited quantity provisions for compressed gases. In its petition [P–1169], HMAC requested that RSPA amend § 173.306 by removing paragraph (i)(1) because it is ineffective and does not provide accurate results. In addition, RSPA is proposing to revise the introductory text of paragraph (i) to clarify that flammability of aerosols is based on obtaining a positive test result from any of the three methods contained in this paragraph. This approach is consistent with the ICAO Technical Instructions.

Section 173.314. Prior to issuance of a final rule under Docket HM–181, the HMR contained summer and winter fill tables that authorized an increase in filling densities for liquids and liquefied gases during the winter months. In a supplemental notice of proposed rulemaking under Docket HM–181C (55 FR 21342), RSPA noted that this filling limit provision was ambiguous and did not take into account lading temperatures that might be encountered in transit, such as temperature extremes in the Northern and Southern regions of the United States. Without regard for these broad ranges of temperature, the HMR authorized a higher filling limit for certain Class 2 (compressed gas) materials in the same tank car during the months of November through March (winter) than during the months of April through October (summer). Also, for certain products RSPA discovered that the filling limit was higher for noninsulated tanks than for insulated tanks during the winter season. Based on these inconsistencies and comments received to the Docket HM–181C NPRM, RSPA removed the winter filling limit criteria for tank cars in the Docket HM–181 final rule published December 21, 1990. When transitional provisions for the maintenance and use of current packagings end on October 1, 1996, the regulations will require for hazardous materials (other than those meeting the criteria for materials poisonous by inhalation) a 1.0% outage (or 99.0% filling limit) at 41° C (105° F) for insulated tanks and 46° C (115° F) for noninsulated tanks, throughout the year. Unless otherwise specified in the HMR, materials poisonous by inhalation require a 5.0% outage (or 95% filling limit) at 41° C (105° F) for insulated tanks and 46° C (115° F) for noninsulated tanks.

In a letter dated May 24,1996, the American Petroleum Institute (API) petitioned RSPA to amend the filling limit regulations to account for lower air temperatures during the winter months. The basis for API's letter was its further review of safety and economic impacts of the final rule on its member companies. As stated in API's letter, ''the industry calculates that the amount of product loaded will be reduced by 3.9 percent from the amount of product now loaded using the Winter Fill tables. In the case of uninsulated tank cars, there is a 4.8 percent reduction. * * *'' As part of its petition, API referenced a Phillips Petroleum report, Maximum Calculated Liquid Temperatures for Tank Cars in Anhydrous Ammonia and LP Gas Service for 14 Summer and 23 Winter Locations in the United States for the Years 1933 through 1957, that empirically calculated the maximum liquid temperature in a tank under extreme temperature conditions. This report concludes that for liquefied petroleum gas, the maximum temperature of the liquid in transit would reach 83° F in an insulated tank car and 100.6° F for a noninsulated tank

car in the winter months. The temperatures indicated in the Phillips Petroleum report are for the years 1933 through 1957.

The Phillips Petroleum report confirms RSPA's earlier findings that the filling limit requirement did not take into account the maximum lading temperatures that might be encountered in transit; i.e, the temperature maximum for a noninsulated tank car loaded in the winter season was recorded at 100.6° F, but the pre-HM–181 regulations assumed a temperature maximum of 32° C (90° F). The Phillips Petroleum report also indicates a number of data points within the range of 90° F to 100° F during the winter season. This data confirms that the pre-HM–181 filling limit for noninsulated tanks loaded in the winter months did not allow sufficient outage for gas expansion.

In its letter, API petitioned for a reference temperature of 80° F for insulated tanks, 87° F for certain thermally protected and jacketed tanks, and 90° F for noninsulated tanks. If adopted, API stated that its proposed reference temperatures for the winter months would align the filling limit requirement for tank cars with the regulations in effect prior to Docket HM–181. The filling limit reference temperature used by API for thermally protected and jacketed tanks is based on RSPA's provisions adopted recently under Docket HM–216. In the Docket HM–216 final rule, RSPA authorized a new reference temperature for certain tank cars having a thermal protection material (see §§ 173.24b and 173.314(c) Note 2) that reduces heat transfer into the tank. (See 61 FR 28665)

The following Table I compares API's proposal and the post-HM–181 fill limit requirement. The filling limit reference temperatures of 46° C (115° F) and 41° C (105° F) in § 173.24b are adjusted to 15.5° C (60° F) for liquefied petroleum gas to correspond to pre-HM–181 regulations and to aid in the comparison between the old and the new requirements.

TABLE I.—API AND PRE- AND POST-HM–181 REQUIREMENTS

[Filling Limits for LPG]

Type of tank	Winter (adjusted to 60° F)		
	Pre HM–181	Post HM–181	API Proposal
Insulated	0.9495	0.9108	0.9489
Thermally-protected, jacketed (See HM–216)	.....	.....	0.9440
Noninsulated	0.9386	0.8915	0.9380

Note: The American Society for Testing Materials' Table-24 provides an easy correction factor for the conversion of a liquid volume to 15.5° C (60° F). For liquefied petroleum gas at 46° C (115° F), the correction factor is 0.904. Multiplying the post-HM–181 filling limit of 99.0% (0.990) by the ASTM correction factor of 0.904 yields an authorized filling limit of 89.5% at 15.5° C (60° F), a close approximation to the pre-HM–181 requirement.

Although the Phillips Petroleum data supports RSPA's earlier findings, the data does suggest that a lower reference temperature than the post-HM–181 regulatory minimum may be acceptable during the winter months. Based on a review of API's application and the Phillips Petroleum report, RSPA is proposing an amendment to the HMR to recognize a winter filling reference temperature. However, to account for the maximum liquid temperature extremes expected in transit, RSPA is proposing winter reference temperatures of 29° C (85° F), 32° C (90° F), and 38° C (100° F), compared to API's request of 84° F, 87° F, and 90° F, for insulated, thermally-protected and jacketed, and noninsulated tanks respectively.

RSPA is soliciting comments on whether the temperature extremes shown in the Phillips Petroleum report have changed since 1957 and, if so, whether the proposed changes in this NPRM would have an adverse impact on transportation safety. Commenters also are encouraged to supply transportation data to support or argue against the proposed reference temperatures in this NPRM. Such data may be used to increase or decrease the proposed reference temperatures.

Table II shows RSPA's proposed filling limits, adjusted to 15.5° C (60° F). RSPA's proposal would authorize a filling limit less than API's suggestion, but greater than the HM–181 final rule for noninsulated tanks loaded in the winter. For insulated and thermally-protected and jacketed tanks, the proposed filling limits would authorize a filling limit greater than the HM–181 final rule. RSPA believes that the proposed filling limits will ensure safety in transit while providing economic relief from the requirements adopted in the HM–181 final rule.

TABLE II.—PROPOSED AMENDMENTS

[Filling Limits for LPG]

Type of tank	Winter adjusted to 60°F		
	Pre-HM–181	Post-HM–181	RSPA proposal
Insulated	0.9495	0.9108	0.9484
Thermally-protected, jacketed (See HM–216)	.....	.....	0.9306
Noninsulated	0.9386	0.8915	0.9010

In this NPRM, RSPA is proposing to amend the reference temperatures used to calculate the required outage for tank car tanks that are loaded during the winter (November through March). No changes are proposed to the reference temperatures used for other bulk packagings; i.e., cargo tanks and portable tanks. This decision is based on the Phillips Petroleum report, which considered only tank car tanks. No similar information has been submitted on temperature extremes for insulated and noninsulated cargo tanks or portable tanks. Commenters seeking corresponding changes for other bulk packagings and materials should provide RSPA with information and an analysis similar to the Phillips Petroleum report.

Part 178

Section 178.245. RSPA is proposing to make several editorial changes for clarity and one significant change to allow DOT Specification 51 portable tanks to have openings at locations other than the top or one end of the tank under certain circumstances.

Section 178.245–1. This section would be reorganized for clarity and revised to allow DOT Specification 51 portable tanks to have openings at locations other than the top or one end of the tank under certain circumstances. When originally developed, the DOT Specification 51 portable tank was principally a skid mounted liquefied petroleum gas container. With the advent and acceptance of containerization as a means of shipping bulk quantities of compressed gases, RSPA has issued numerous exemptions which authorize the transportation in commerce of portable tanks which fully conform to the requirements of DOT Specification 51 except for the location of filling and discharge openings. These tanks generally must be enclosed in an ISO frame and fitted with bottom or side filling and discharge openings. Based upon the successful operating experience of these tanks under exemption, RSPA believes that the HMR

should be revised to authorize portable tanks with this type of loading and discharge configuration. Additionally, one petitioner [P–1108] requested that paragraph (b) be amended to permit openings on the sides or bottom of these portable tanks. The petitioner stated that authorizing side or bottom mounted valves and openings on DOT Specification 51 portable tanks is consistent with the IMDG Code and would improve the competitiveness of U.S. manufacturers of these tanks in the European market. The petitioner asserted that the side or bottom mounted valves would be protected to a degree equal or greater than top mounted valves. By adopting this proposed change, numerous exemptions will no longer be required.

Section 178.245–4. RSPA is proposing to add a new paragraph (e) to require that a DOT 51 portable tank in an ISO framework for containerized transportation must meet the requirements specified in 49 CFR Parts 450–453.

Section 178.245–6. The first sentence of paragraph (a) would be revised to require the nameplate to be in close proximity to the ASME plate.

Section 178.270–12. RSPA is proposing to amend paragraph (a) to assure that manufacturers, owners and approval agencies are aware of the requirements for the number and type of closures required for filling and discharge connections located below the normal liquid level of DOT Specification Intermodal (IM) portable tanks. In a review of the regulations concerning IM portable tanks, RSPA discovered a discrepancy in the regulations. While § 173.32c(g) clearly informs shippers of the requirements for the number and type of closures required for filling and discharge connections located below the normal liquid level of the tank, there is no corresponding requirement in the design requirements for the manufacture of IM portable tanks.

Section 178.601. Paragraph (g)(8) would be added, based on an approval issued to the Steel Shipping Container Institute, to list changes in one or more design elements which would constitute a different drum design type. If one or more of these changes is made to a carbon steel drum having a capacity greater than 50 liters, the drum manufacturer must perform design qualification testing and periodic retesting in accordance with Subpart M of Part 178.

Section 178.705. Paragraph (c)(2) of this section specifies pressure relief devices for metal IBCs. RSPA received a petition [P–1271] from a manufacturer of fusible vents stating that since fusible vents do not open at room temperature, start-to-discharge pressure requirements in § 178.702(c)(2) appear to prohibit fusible venting. In response to this petition, RSPA is proposing to add a new sentence in paragraph (c)(2)(ii) to clarify that the specified start-to-discharge pressure does not apply to fusible links unless these links are the sole source of pressure relief for the IBC. In addition, a correction would be made to the constant in the equivalence thickness formula for U.S. Standard Units in paragraph (c)(1)(iv)(B) to ensure that the resulting thickness is in inches.

III. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and therefore, was not reviewed by the Office of Management and Budget. The rule is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11034].

The economic impact of this proposed rule is expected to result in only minimal costs to certain persons subject to the HMR and may result in modest cost savings to a small number of persons subject to the HMR and to the agency. Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted. This certification may be revised as a result of public comment.

B. Executive Order 12612

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''). Federal law expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous material that cover certain subjects and are not substantively the same as Federal requirements. 49 U.S.C. 5125(b)(1). These subjects are:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents pertaining to hazardous material, and requirements respecting the number, content, and placement of such documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(5) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

If adopted as final, this rule would preempt State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are ''substantively the same'' (see 49 CFR 107.202(d) as the Federal requirements.

Federal law (49 U.S.C. 5125(b)(2)) provides that if DOT issues a regulation concerning any of the covered subjects, after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA requests comments on what the effective date of Federal preemption should be for the requirements in this proposed rule that concern covered subjects.

C. Regulatory Flexibility Act

This proposed rule would respond to petitions for rulemaking. It is intended to provide clarification of the regulations and relax certain requirements. Therefore, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

D. Paperwork Reduction Act

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

E. Regulation Identifier Number (RIN)

A regulation identifier 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 number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labels, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is proposed to be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In the § 171.7(a)(3) Table, a new entry would be added in alphabetical order to read as follows:

§ 171.7 Reference material.

(a) Matter incorporated by reference * * *

(3) Table of material incorporated by reference. * * *

Source and name of material	49 CFR reference
* * * * * * *	
Health and Human Services:	
Centers for Disease Control and Prevention, 1600 Clifton Road N.E., Atlanta GA 30333, HHS Publication No. (CDC) 93–8395, Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, Section II	173.134
* * * * * * *	

* * * * *

§ 171.14 [Amended]

3. In § 171.14, as amended at 61 FR 7959, effective October 1, 1996, the following changes would be made:

a. Paragraph (a) introductory text, paragraph (a)(1), and paragraph (b) would be removed.

b. Paragraph (a)(2) heading would be removed, paragraph (a)(2)(i) heading and introductory text would be redesignated as paragraph (a) heading and introductory text, and paragraphs (a)(2)(i)(A) through (a)(2)(i)(D) would be redesignated as (a)(1) through (a)(4).

c. Paragraphs (a)(2)(ii) and (a)(2)(iii) would be redesignated as paragraphs (b) and (c).

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

4. The authority citation for Part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

5. In § 172.101, a new paragraph (c)(10)(iii) would be added to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(10) * * *

(iii) A mixture or solution not identified in the Table by a specific description, comprised of two or more hazardous materials in the same hazard class, shall be described using an appropriate shipping description (e.g., ''Flammable liquid, n.o.s.''). Some mixtures may be more appropriately described according to their application, such as ''Coating solution'' or ''Extracts, flavoring liquid'' rather than by an n.o.s. entry. Under the provisions of subparts C and D of this part, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution may be required in association with the proper shipping name.

* * * * *

§ 172.101 [Amended]

6. In addition, in § 172.101, in paragraph (c)(12), the following changes would be made:

a. In paragraph (c)(12)(ii), in the last sentence, the wording ''technical name of the constituent'' would be revised to read ''technical name of one or more constituents''.

b. In paragraph (c)(12)(iii), in the first sentence, the wording ''by a specific description,'' would be revised to read ''specifically by name (e.g., acetyl chloride),''.

7. In § 172.101, the Hazardous Materials Table, as amended at 61 FR 18932, effective October 1, 1996, would be amended by adding in alphabetical order or revising the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101—HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging authorizations (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions	Nonbulk packaging	Bulk packaging	Passenger aircraft or railcar	Cargo aircraft only	Vessel stowage	Other stowage provisions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*	*		*	*	*		*	*			
	[add:]												
D	Black powder for small arms.	4.1	NA0027	I	4.1	70	None	170	None	Forbidden	Forbidden	E	
	*	*	*		*	*	*		*	*			
	[Revise:]												

§ 172.101—HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging authorizations (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions	Nonbulk packaging	Bulk packaging	Passenger aircraft or railcar	Cargo aircraft only	Vessel stowage	Other stowage provisions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*		*		*		*	*		
	Hydrogen cyanide, solution in alcohol with not more than 45 percent hydrogen cyanide.	6.1	UN3294	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	None	227	244	Forbidden	Forbidden	D	40
	*	*		*		*		*		*	*		
	Methanesulfonyl chloride	6.1	UN3246	I	6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	None	227	244 ...	Forbidden	Forbidden	D	40
	*	*		*		*		*		*	*		
+	Methyl vinyl ketone	3	UN1251	II	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	None	226	244 ...	Forbidden	Forbidden	D	20, 40, 95
	*	*		*		*		*		*	*		

§ 172.101 [Amended]

8. In addition, in § 172.101, in the Hazardous Materials Table, the following changes would be made:

a. For the entry ''Benzyl chloride'', in column (7), Special Provision ''N43'' would be revised to read ''N42''.

b–c. For the entry ''Chlorosilanes, corrosive, flammable, n.o.s.'', in Column (7), Special Provisions '',T18,'' ''T26'' would be added following ''B100''.

d. For the entry ''Chlorosilanes, corrosive, n.o.s.'', in Column (7), Special Provisions '',T8,'' ''T26'' would be added following ''B2''.

e. For the entry, ''Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.'', in Column (7), Special Provisions '',T24,'' ''T26'' would be added following ''A2''.

f. For the entries ''Organic peroxide type F, liquid, temperature controlled'' and ''Organic peroxide type F, solid, temperature controlled'', in Column (8A), the reference ''225'' would be removed each place it appears and ''None'' added in each place, and in Column (8C), the reference ''None'' would be removed each place it appears and ''225'' added in each place.

g. For the entry ''Organic peroxide type F, solid'', in Column (8C), the reference ''None'' would be removed and ''225'' would be added in its place.

h. For the entry ''Phosphorus pentafluoride'', in Column (7), the wording ''1'' would be removed and ''2, B9, B14'' would be added in its place; in Column (8B) ''302'' would be revised to read ''302, 304''; and in Column (8C), ''None'' would be revised to read ''314, 315''.

i. For the entry ''Tungsten hexafluoride'', in Column (7), special provision ''3'' would be revised to read ''2''.

j. For the entries ''Metal carbonyls, n.o.s., UN3281, PG I''; ''Nitriles, toxic, flammable, n.o.s., UN3275, PG I''; ''Nitriles, toxic, n.o.s., UN3276, PG I''; ''Organoarsenic compound, n.o.s., UN3280, PG I''; ''Organophosphorus compound, toxic, flammable, n.o.s., UN3279, PG I''; and ''Organophosphorus compound, toxic, n.o.s., UN3278, PG I'', in Column (7), Special Provision ''5'' would be added.

k. For each of the following entries, in Column (8A), the word ''None'' would be removed and ''151'' added in its place:

Alkali metal amides
Alkaline earth metal alloys, n.o.s.
Aluminum carbide
Aluminum ferrosilicon powder (both entries)
Aluminum powder, uncoated (both entries)
Aluminum processing by-products (both entries)
Aluminum silicon powder, uncoated
Barium
Calcium
Calcium carbide, in Packing Group II
Calcium cyanamide *with more than 0.1 percent of calcium carbide*
Calcium manganese silicon
Calcium silicide (both entries)
Cerium, *turnings or gritty powder*
Ferrosilicon *with 30 percent or more but less than 90 percent silicon*
Lithium ferrosilicon
Lithium hydride, fused solid
Lithium silicon
Magnesium granules, coated *particle size not less than 149 microns*
Magnesium, powder *or* Magnesium alloys, powder, in Packing Groups II and III
Magnesium silicide
Maneb stabilized *or* Maneb preparations, stabilized *against self-heating*
Metal hydrides, water-reactive, n.o.s., in Packing Group II
Metallic substance, water-reactive, n.o.s., in Packing Groups II and III
Phosphorous pentasulfide, *free from yellow or white phosphorous*
Sodium aluminum hydride
Water-reactive solid, n.o.s., in Packing Groups II and III
Zinc ashes

9. In § 172.102, in paragraph (c)(1) Special Provision 70 would be added, in paragraph (c)(3) Special Provision B59 would be revised, and in paragraph (c)(5), Special Provision N42 would be added, to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

* * * * *

70 Black powder that has been classed in accordance with the requirements of § 173.56 of this subchapter may be reclassed and offered for domestic transportation as a Division 4.1 material if it is offered for transportation and transported in accordance with the limitations and packaging requirements of § 173.170 of this subchapter.

* * * * *

(3) * * *

* * * * *

B59 Water-tight, sift-proof, closed-top, metal-covered hopper cars are also authorized provided that the lading is covered with a nitrogen blanket.

* * * * *

(5) * * *

* * * * *

N42 1A1 drums made of carbon steel with thickness of body and heads of not less than 0.050 inches and with a corrosion-resistant phenolic lining are authorized for stabilized benzyl chloride if tested and certified to the Packing Group I performance level at a specific gravity of not less than 1.8.

* * * * *

10. In § 172.302, paragraph (b) would be revised to read as follows:

§ 172.302 General marking requirements for bulk packagings.

* * * * *

(b) *Size of markings.* Except as otherwise provided, markings required by this subpart on bulk packagings must—

(1) Have a width of at least 6.0 mm (0.24 inch) and a height of at least 100 mm (3.9 inches) for rail cars;

(2) Have a width of at least 4.0 mm (0.16 inch) and a height of at least 25 mm (one inch) for portable tanks with capacities of less than 3,785 L (1,000 gallons) and intermediate bulk containers; and

(3) Have a width of at least 6.0 mm (0.24 inch) and a height of at least 50 mm (2.0 inches) for cargo tanks and other bulk packagings.

* * * * *

§ 172.504 [Amended]

11. In § 172.504, paragraph (f)(8) would be removed and reserved.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

12. The authority citation for Part 173 would continue to read as follows:

Authority: 49 U.S.C. 5102–5127; 49 CFR 1.53.

13. In § 173.24a, the last sentence of paragraph (a)(3) and paragraph (b)(2) would be revised, to read as follows:

§ 173.24a Additional general requirements for non-bulk packagings and packages.

(a) * * *

(3) * * * Cushioning material must not be capable of reacting dangerously with the contents of the inner packagings or having its protective properties significantly impaired in the event of leakage.

* * * * *

(b) * * *

(2) Except as otherwise provided in this section, a non-bulk packaging may not be filled with a hazardous material to a gross mass greater than the maximum gross mass marked on the packaging.

* * * * *

§ 173.24b [Amended]

14. In § 173.24b, in the first sentence of paragraph (b), the wording ''stainless steel is steel'' would be revised to read ''the reference stainless steel is stainless steel''.

15–16. In § 173.28, paragraphs (b)(4) and (b)(7)(iv)(C) would be revised and a new sentence would be added in paragraph (c)(2) following the first sentence, to read as follows:

§ 173.28 Reuse, reconditioning and remanufacture of packagings.

* * * * *

(b) * * *

(4) Metal and plastic drums and jerricans used as single packagings or the outer packagings of composite packagings are authorized for reuse only when they are marked in a permanent manner (e.g., embossed) in millimeters with the nominal (for metal packagings) or minimum (for plastic packagings) thickness of the packaging material, as required by § 178.503(a)(9) of this subchapter, and—

(i) Except as provided in paragraph (b)(4)(ii) of this section, conform to the following minimum thickness criteria:

Maximum capacity not over	Minimum thickness of packaging material	
	Metal drum or jerrican	Plastic drum or jerrican
20 L	0.63 mm (0.025 inch)	1.1 mm (0.043 inch)
30 L	0.73 mm (0.029 inch)	1.1 mm (0.043 inch)
40 L	0.73 mm (0.029 inch)	1.8 mm (0.071 inch)
60 L	0.92 mm (0.036 inch)	1.8 mm (0.071 inch)
120 L	0.92 mm (0.036 inch)	2.2 mm (0.087 inch)
220 L	0.92 mm (0.036 inch)[1]	2.2 mm (0.087 inch)
450 L	1.77 mm (0.070 inch)	5.0 mm (0.197 inch)

[1] Metal drums or jerricans constructed with a minimum thickness of 0.82 mm body and 1.11 mm heads are authorized.

(ii) For stainless steel drums and jerricans, conform to a minimum wall thickness as determined by the following equivalence formula:

$$e_1 = \frac{21.4 \times e_0}{\sqrt[3]{Rm_1 \times A_1}}$$

$$e_1 = \frac{21.4 \times e_0}{\sqrt[3]{(Rm_1 \times A_1)/145}}$$

Where:

e_1 = required equivalent wall thickness of the metal to be used (in mm or, for U.S. Standard units, use inches).

e_o = required minimum wall thickness for the reference steel (in mm or, for U.S. Standard units, use inches).

Rm_1 = guaranteed minimum tensile strength of the metal to be used (in N/mm² or for U.S. Standard units, use pounds per square inch).

A_1 = guaranteed minimum elongation (as a percentage) of the metal to be used on fracture under tensile stress (see paragraph (c)(1) of this section).

* * * * *

(7) * * *

(iv) * * *

(C) another material or thickness when approved under the conditions established by the Associate

Administrator for Hazardous Materials Safety for reuse without retesting.

(c) * * *

(2) * * * For a UN 1H1 plastic drum, replacing a removable gasket or closure device with a replacement which provides equivalent performance does not constitute reconditioning. * * *

* * * * *

§ 173.28 [Amended]

17. In addition, in § 173.28, in the first sentence of paragraph (c)(2), the wording ''or a UN 1H1 plastic drum'' would be added immediately following the wording ''other than a metal drum''.

18. In § 173.32, in paragraph (d) a new sentence would be added at the end of the paragraph and in paragraph (e)(2)(i), the second sentence would be revised, to read as follows:

§ 173.32 Qualification, maintenance and use of portable tanks other than Specification IM portable tanks.

* * * * *

(d) * * * A stainless steel portable tank internally lined with polyethylene, which was constructed on or before October 1, 1996, and complies with all requirements of Specification 57 except that it is equipped with a polypropylene discharge ball valve and polypropylene secondary discharge opening closure, may be marked as a Specification 57 portable tank and used in accordance with the provisions of this section.

(e) * * *

(2) * * *

(i) * * * Each Specification 57 tank must be leak tested by a minimum sustained air pressure of at least three pounds per square inch gage applied to the entire tank. * * *

* * * * *

§ 173.115 [Amended]

19. In § 173.115, in paragraph (b)(1), the wording ''(41 psia)'' would be revised to read ''(40.6 psia)''.

20. In § 173.120, paragraph (b)(1) would be amended by adding two sentences at the end of the paragraph to read as follows:

§ 173.120 Class 3—Definitions.

* * * * *

(b) * * *

(1) * * * A combustible liquid which does not sustain combustion is not subject to the requirements of this subchapter as a combustible liquid. A procedure for determining if a material sustains combustion when heated under test conditions and exposed to an external source of flame is provided in Appendix H of this part.

* * * * *

§ 173.121 [Amended]

21. In § 173.121, in the second sentence of paragraph (a), the wording ''or indicates that the packing group is to be determined on the basis of the grouping criteria for Class 3,'' would be removed.

22. In § 173.125, paragraph (a) would be revised to read as follows:

§ 173.125 Class 4—Assignment of packing group.

(a) The packing group of a Class 4 material is assigned in Column (5) of the § 172.101 Table. When the § 172.101 Table provides more than one packing group for a hazardous material, the packing group shall be determined on the basis of test results following test methods given in appendix E of this part and by applying the appropriate criteria given in this section.

* * * * *

23. In § 173.127, the section heading would be revised, paragraph (b)(1) would be removed, paragraphs (b)(2) and (b)(3) would be redesignated as paragraphs (b)(1) and (b)(2), and the paragraph (b) heading and newly designated paragraph (b)(1) introductory text would be revised to read as follows:

§ 173.127 Class 5, Division 5.1—Definition and assignment of packing group.

* * * * *

(b) *Assignment of packing group.* (1) The packing group of a Division 5.1 material shall be as assigned in Column (5) of the § 172.101 Table. When the § 172.101 Table provides more than one packing group for a hazardous material, the packing group shall be determined on the basis of test results following test methods given in appendix F of this part and by applying the following criteria:

* * * * *

§ 173.133 [Amended]

24. In § 173.133, in paragraph (a) introductory text, in the second sentence, the wording ''more than one packing group and hazard zone'' would be revised to read ''more than one packing group or hazard zone''.

25. In § 173.134, the introductory text of paragraph (b)(3)(ii) would be revised and a new paragraph (b)(4) would be added to read as follows:

§ 173.134 Class 6, Division 6.2—Definitions, exceptions and packing group assignments.

* * * * *

(b) * * *

(3) * * *

(ii) For other than a waste culture or stock of an infectious substance, the specific packaging requirements of § 173.197, if packaged in a rigid non-bulk packaging conforming to—

* * * * *

(4) A waste culture or stock of infectious substances may be offered for transportation and transported as a regulated medical waste when the culture or stock—

(i) Conforms to Biosafety Levels 1, 2 or 3, as defined in HHS Publication No. (CDC) 93–8395, *Biosafety in Microbiological and Biomedical Laboratories.* 3rd Edition, May 1993, Section II;

(ii) Is packaged in accordance with requirements specified in § 173.197; and

(iii) Is transported by a private or contract carrier using a vehicle dedicated to the transportation of medical waste.

* * * * *

26. In § 173.151, the section heading would be revised and a new paragraph (d) would be added to read as follows:

§ 173.151 Exceptions for Class 4.

* * * * *

(d) *Limited quantities of Division 4.3 (dangerous when wet) material.* Limited quantities of Division 4.3 (dangerous when wet) solids in Packing Groups II and III are excepted from labeling, unless offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For Division 4.3 solids in Packing Group II, inner packagings not over 0.5 kg (1.1 pound) net capacity each, packed in strong outer packagings; and

(2) For Division 4.3 solids in Packing Group III, inner packagings not over 1 kg (2.2 pounds) net capacity each, packed in strong outer packagings.

27. In § 173.156, paragraph (b) would be revised to read as follows.

§ 173.156 Exceptions for ORM materials.

* * * * *

(b) *ORM–D.* Packagings for ORM–D materials are specified according to hazard class in §§ 173.150 through 173.155 and in § 173.306. In addition to other exceptions specified for ORM–D materials in this part:

(1) Strong outer packagings as specified in this part, the marking requirements specified in § 172.316 of this subchapter, and the 30 kg (66

pound) gross weight limitation are not required for materials classed as ORM–D when unitized in cages, carts, boxes or similar overpacks and when offered for transportation, or transported, by rail or by a private or contract motor carrier or a common carrier vehicle under exclusive use for such service, to or from a manufacturer, a distribution center, or a retail outlet, or to a disposal facility.

(2) The 30 kg (66 pound) gross weight limitation does not apply to materials classed as ORM–D when offered for transportation, or transported, by highway or rail between a manufacturer, a distribution center, and a retail outlet provided—

(i) The combination packaging consists of inner containers conforming to the quantity limits for inner packagings specified in §§ 173.150(b), 173.152(b), 173.154(b), 173.155(b) and 173.306(a) and (b), as appropriate;

(ii) The inner containers are packed into corrugated fiberboard trays to prevent individual containers from moving freely inside the completed combination packaging;

(iii) The trays are placed in a fiberboard box which is banded and secured to a wooden pallet by metal, fabric, or plastic straps, to form a single palletized unit;

(iv) The package conforms to the general packaging requirements of subpart B of this part;

(v) The maximum net quantity of hazardous material permitted on one palletized unit is 250 kg (550 pounds); and

(vi) The package is properly marked in accordance with § 172.316 of this subchapter.

28. In § 173.158, paragraph (d) would be revised, and paragraph (f)(1) would be amended by adding a sentence at the end of the paragraph, to read as follows:

§ 173.158 Nitric acid.

* * * * *

(d) Nitric acid of 90 percent or greater concentration, when offered for transportation or transported by rail, highway, or water may be packaged as follows:

(1) In 4C1, 4C2, 4D or 4F wooden boxes with inner packagings consisting of glass bottles further individually overpacked in tightly closed metal packagings. Glass bottles must be of 2.5 L (0.66 gallon) or less capacity and cushioned with a non-reactive, absorbent material within the metal packagings.

(2) In combination packagings with 1A2, 1B2, 1D, 1G, 1H2, 3H2 or 4G outer packagings with inner glass packagings of 2.5 L (0.66 gallons) or less capacity cushioned with a non-reactive, absorbent material and packed within a tightly closed intermediate packaging of metal or plastic.

* * * * *

(f) * * *

(1) * * * 6HH1 and 6HA1 composite packaging with plastic inner receptacles meeting the compatibility requirements § 173.24(e) (e.g., PFA Teflon) are authorized.

* * * * *

29. Section 173.170 would be added to read as follows:

§ 173.170 Black powder for small arms.

Black powder for small arms that has been classed in Division 1.1 may be reclassed as a Division 4.1 material, for domestic transportation by motor vehicle, rail freight, and cargo vessel only, subject to the following conditions:

(a) The powder must be examined and approved for Division 1.1 classification in accordance with § 173.56 and 173.58;

(b) The total quantity of black powder in one motor vehicle, rail car, or freight container may not exceed 45.4 kg (100 pounds) net mass, and no more than four freight containers may be on board one cargo vessel;

(c) The black powder must be packed in inner metal or heavy wall conductive plastic receptacles not over 450 g (15.9 ounces) net capacity each, with no more than 25 cans in one outer UN 4G fiberboard box. The inner packagings must be arranged and protected so as to prevent simultaneous ignition of the contents;

(d) Each completed package must be marked ''BLACK POWDER FOR SMALL ARMS'' and ''UN 1325''; and

(e) Each package must bear the FLAMMABLE SOLID label.

§ 173.183 [Amended]

30. In § 173.183, in paragraphs (a) and (b), the wording '', polypropylene canister,'' would be added immediately following the wording ''closed metal can'' each place it appears.

31. In § 173.225, in paragraph (a), a new sentence would be added as the penultimate sentence to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

(a) * * * No used material, other than production residues or regrind from the same production process, may be used in plastic packagings. * * *

* * * * *

32. In § 173.306, paragraph (i)(1) would be removed, paragraphs (i)(2) through (i)(4) would be redesignated as paragraphs (i)(1) through (i)(3), respectively, and the introductory text in paragraph (i) would be revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(i) An aerosol is flammable if a positive test result is obtained using any of the following test methods:

* * * * *

33. In § 173.314, as amended at 60 FR 49074, effective July 1, 1996, and further amended at 61 FR 28676, effective October 1, 1996, in the paragraph (c) table, Note 2 would be revised and Notes 9 and 10 would be added, to read as follows:

§ 173.314 Compressed gases in tank cars and multi-unit tank cars.

* * * * *

(c) * * *

Notes:

* * * * *

2. The liquefied gas must be loaded so that the outage is at least two percent of the total capacity of the tank at the reference temperature of 46°C (115°F) for a noninsulated tank; 43°C (110°F) for a tank having a thermal protection system incorporating a metal jacket that provides an overall thermal conductance at 15.5°C (60°F) of no more than 10.22 kilojoules per hour per square meter per degree Celsius (0.5 Btu per hour/per square foot/per degree F) temperature differential; and 41°C (105°F) for an insulated tank having an insulation system incorporating a metal jacket that provides an overall thermal conductance at 15.5°C (60°F) of no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour/per square foot/per degree F) temperature differential.

* * * * *

9. For a liquefied petroleum gas, the liquefied gas must be loaded so that the outage is at least one percent of the total capacity of the tank at the reference temperature of 46°C (115°F) for a noninsulated tank; 43°C (110°F) for a tank having a thermal protection system incorporating a metal jacket that provides an overall thermal conductance at 15.5°C (60°F) of no more than 10.22 kilojoules per hour per square meter per degree Celsius (0.5 Btu per hour/per square foot/per degree F) temperature differential; and 41°C (105°F) for an insulated tank having an insulation system incorporating a metal jacket that provides an overall thermal conductance at 15.5°C (60°F) of no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour/per square foot/per degree F) temperature differential.

10. For liquefied petroleum gas and anhydrous ammonia, during the months of November through March (winter), the following reference temperatures may be used: 38°C (100°F) for a noninsulated tank; 32°C (90°F) for a tank having a thermal protection system incorporating a metal jacket that provides an overall thermal conductance at 15.5°C (60°F) of no more than 10.22 kilojoules per hour per square meter

per degree Celsius (0.5 Btu per hour/per square foot/per degree F) temperature differential; and 29°C (85°F) for an insulated tank having an insulation system incorporating a metal jacket and insulation that provides an overall thermal conductance at 15.5°C (60°F) of no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour/per square foot/per degree F) temperature differential. The winter reference temperatures may only be used for a tank car shipped directly to a consumer for unloading and not stored in transit. The offeror of the tank must inform each customer that the tank car was filled based on winter reference temperatures and must be unloaded as soon as possible after March in order to retain the specified outage and to prevent a release of hazardous material which might occur due to the tank car becoming liquid full at higher temperatures.

* * * * *

§ 173.314 [Amended]

34. In addition, in § 173.314, in the paragraph (c) table, as amended at 60 FR 49074, effective July 1, 1996, and further amended at 61 FR 28676, effective October 1, 1996, the following changes would be made:

a. For the entry ''Ammonia, anhydrous, or ammonia solutions > 50 percent ammonia'', in Column 2, the wording ''Note 2'' would be removed and ''Notes 2, 10'' added in its place.

b. For the entry ''Division 2.1 materials not specifically provided in this table'' in Column 2, the wording ''Note 3'' would be removed and the wording ''Notes 3, 9, 10'' added in its place.

Appendix H to Part 173 [Amended]

35. In Appendix H to Part 173, the second sentence of paragraph 5.(b) would be revised and in paragraph 5.(h), a sentence would be added at the end of the paragraph to read as follows:

Appendix H to Part 173—Method of Testing for Sustained Combustibility

* * * * *

5. * * *

(b) * * * For the appropriate test temperature, see paragraph 5.(h) of this appendix. * * *

* * * * *

(h) * * * In the case of a material which has a flash point above 60.5°C (141°F) and below 93°C (200°F), if sustained combustion interpreted in accordance with paragraph 6. of this appendix is not found at a test temperature of 5°C (9°F) above its flash point, repeat the complete procedure with new test portions, but at a test temperature of 20°C (36°F) above its flash point.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

36. The authority citation for part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

37. Section 178.245–1 would be revised to read as follows:

§ 178.245–1 Requirements for design and construction.

(a) Tanks must be seamless or welded steel construction or combination of both and have a water capacity in excess of 1,000 pounds. Tanks must be designed, constructed, certified and stamped in accordance with the ASME Code.

(b) Tanks must be postweld heat treated and radiographed as prescribed in the ASME Code except that each tank constructed in accordance with part UHT of the ASME Code must be postweld heat treated. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds in and/or to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. A tank used for anhydrous ammonia must be postweld heat treated. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050°F tank metal temperature. Additionally, tanks constructed in accordance with part UHT of the ASME Code must conform to the following requirements:

(1) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein the following must be considered to be essential variables: Number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(2) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0°F Charpy V–Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(c) Except as provided in paragraph (d) of this section, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

(d) The following openings may be installed at locations other than on the top or end of the tank:

(1) The openings for liquid level gauging devices, or for safety devices, may be installed separately at the other location or in the side of the shell;

(2) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere;

(3) An opening of 3-inch National Pipe Size or less may be provided at another location, when necessary, to facilitate installation of condensing coils; or

(4) Filling and discharge connections may be installed below the normal liquid level of the tank if the tank design conforms to the following requirements:

(i) The tank must be permanently mounted in a full framework for containerized transport. For each tank design, a prototype tank, must fulfill the requirements of parts 450 through 453 of this title for compliance with the requirements of Annex II of the International Convention for Safe Containers.

(ii) Each filling and discharge connection must be equipped with an internal self-closing stop-valve capable of closing within 30 seconds of actuation. Each internal self-closing stop-valve must be protected by a shear section or sacrificial device located outboard of the valve. The shear section or sacrificial device must break at no more than 70 percent of the load that would cause failure of the internal self-closing stop-valve.

(iii) Each internal self-closing stop-valve must be provided with remote means of automatic closure, both thermal and mechanical. The thermal means of automatic closure must actuate at a temperature of not over 250°F.

(e) Each uninsulated tank used for the transportation of compressed gas, as defined in § 173.300 of this subchapter, must have an exterior surface finish that is significantly reflective, such as a light reflecting color if painted, or a bright reflective metal or other material if unpainted.

38. In § 178.245–4, a new paragraph (e) would be added to read as follows:

§ 178.245–4 Tank mountings.

* * * * *

(e) A DOT 51 portable tank that meets the definition of ''container'' in § 450.3(a)(3) must meet the requirements of parts 450 through 453 of this title, in addition to the requirements of this subchapter.

§ 178.245–6 [Amended]

39. In § 178.245–6, in the first sentence of paragraph (a), the wording ''on one of the heads of the tank'' would be revised to read ''in close proximity to the ASME ''U'' stamp certification''.

40. In § 178.270–12, in paragraph (a), the first two sentences would be revised to read as follows:

§ 178.270–12 Valves, nozzles, piping, and gauging devices.

(a) All tank nozzles, except those provided for filling and discharge connections below the normal liquid level of the tank, relief devices, thermometer wells, and inspection openings, must be fitted with manually operated stop valves located as near the shell as practicable either internal or external to the shell. Each filling and discharge connection located below the normal liquid level of the tank must be equipped with an internal discharge valve. * * *

* * * * *

41. In § 178.601, the word ''or'' would be removed at the end of paragraph (c)(4)(iv), the period at the end of (c)(4)(v) would be removed and ''; or'' added in its place and new paragraphs (c)(4)(vi) and (g)(8) would be added to read as follows:

§ 178.601 General requirements.

* * * * *

(c) * * *

(4) * * *

(vi) For a steel drum, variations in design elements which do not constitute a different design type under the provisions of paragraph (g)(8) of this section.

* * * * *

(g) * * *

(8)(i) For a steel drum with a capacity greater than 50 liters manufactured from low carbon, cold-rolled sheet steel meeting ASTM designations A366/A366M or A568/A568M, a change in any one or more of the following design elements constitutes a different drum design type:

(A) The packaging type and category of the original drum and the remanufactured drum, i.e., 1A1 or 1A2;

(B) The style, (i.e., straight-sided or tapered);

(C) The rated (marked) capacity and outside dimensions;

(D) The physical state for which the packaging was originally approved (e.g., tested for solids or liquids);

(E) The marked level of performance of the original drum (i.e., the highest packing group, hydrostatic test pressure, or specific gravity to which the packaging has been tested);

(F) Type of side seam welding;

(G) Steel thicknesses in the head, in the body and in the bottom, and type of steel, i.e., stainless or low-carbon;

(H) End seam type, (e.g., triple or double seam);

(I) The number of rolling hoops which equal or exceed the diameter over the chimes;

(J) The location, type or size, and material of closures (other than the cover of UN 1A2 drums); and

(K) For UN 1A2 drums:

(*1*) Gasket material (e.g., plastic), or properties affecting the performance of the gasket;

(*2*) Configuration or dimensions of the gasket;

(*3*) Closure ring style including bolt size, (e.g., square or round back, 0.625'' bolt); and

(*4*) Closure ring thickness.

(ii) Variations in elements other than those listed in paragraph (g)(8)(i) of this section are considered minor and do not constitute a different drum design type, or ''different packaging'' as defined in paragraph (c) of this section for which design qualification testing and periodic retesting are required. Minor variations authorized without further testing include changes in the identity of the supplier of component material made to the same specifications, or the original manufacturer of a DOT specification or UN standard drum to be remanufactured.

* * * * *

42. In § 178.705, in paragraph (c)(2)(ii), a new second sentence would be added after the first sentence to read as follows.

§ 178.705 Standards for metal intermediate bulk containers.

* * * * *

(c) * * *

(2) * * *

(ii) * * * This does not apply to fusible links unless such devices are the only source of pressure relief for the IBC. * * *

* * * * *

§ 178.705 [Amended]

43. In addition, in § 178.705, in paragraph (c)(1)(iv)(B), in the second formula, the Formula for U.S. Standard units, the number ''544'' would be revised to read ''21.4''.

Issued in Washington, DC on June 12, 1996 under authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96–15272 Filed 6–25–96; 8:45 am]

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Part V

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 20 and 814
Medical Devices; Humanitarian Use Devices; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 20 and 814

[Docket No. 91N–0404]

RIN 0910–AA09

Medical Devices; Humanitarian Use Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to implement the provisions of the Safe Medical Devices Act of 1990 (the SMDA) regarding humanitarian use devices (HUD's). A HUD is a device that is intended to benefit patients by treating or diagnosing a disease or condition that affects or is manifested in fewer than 4,000 individuals in the United States per year. This final rule prescribes the procedures for submitting humanitarian device exemption (HDE) applications, amendments, and supplements; procedures for obtaining an extension of the exemption; and the criteria for FDA review and approval of HDE's. The purpose of this HDE is, to the extent consistent with the protection of the public health and safety and with ethical standards, to encourage the discovery and use of devices intended to benefit patients in the treatment or diagnosis of diseases or conditions that affect fewer than 4,000 individuals in the United States.

DATES: This final rule is effective October 24, 1996.

Written comments on the information collection requirements should be submitted by August 26, 1996.

ADDRESSES: Submit written comments on the information collection requirements to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Joanne R. Less, Office of Device Evaluation (HFZ–403), Center for Devices and Radiological Health, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1190.

SUPPLEMENTARY INFORMATION:

I. Background

On November 28, 1990, the President signed into law the SMDA (Pub. L. 101–629). In enacting the SMDA, Congress sought to improve the Medical Device Amendments of 1976 (the amendments). The amendments were the first legislative effort to establish a comprehensive framework to regulate medical devices and to ensure their safety and effectiveness. Congress subsequently recognized that for diseases and conditions affecting small populations, a device manufacturer's research and development costs could exceed its market returns, thereby creating an impediment to the development of such devices. In the SMDA, Congress enacted an amendment to section 520(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(m)) to create an incentive for the development of devices for use in the treatment or diagnosis of diseases or conditions affecting a small number of individuals.

Accordingly, section 520(m) of the act authorizes FDA, by regulation, to exempt a HUD from the effectiveness requirements of sections 514 and 515 of the act (21 U.S.C. 360d and 360e) (i.e., ''reasonable assurance that the device is effective'') provided that: (1) The device is to be used to treat or diagnose a disease or condition that affects fewer than 4,000 individuals in the United States; (2) the device would not be available to a person with such a disease or condition unless the exemption is granted; (3) no comparable device (other than a device that has been granted such an exemption) is available to treat or diagnose the disease or condition; and (4) the device will not expose patients to an unreasonable or significant risk of illness or injury, and the probable benefit to health from using the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment.

As specified in the statute, an HDE is valid for a term of 18 months from the date of approval but can be extended at 18-month intervals as long as certain approval criteria are met. Under section 520(m)(5) of the act, an exemption may only be initially granted in the 5-year period commencing on the effective date of this rule, although extensions may continue to be granted after the expiration of the initial 5-year period. Section 520(m) of the act also states that a HUD cannot be sold for an amount that exceeds the costs of research and development, fabrication, and distribution. In addition, such devices may only be used in facilities that have established a local institutional review board (IRB) to supervise clinical testing of devices, and after an IRB has approved the use of the device to treat or diagnose the specific rare disease (section 520(m)(3) and (m)(4) of the act).

On December 21, 1992 (57 FR 60491), FDA published a proposed rule on humanitarian use devices in the Federal Register. The proposed rule would have amended the investigational device exemption (IDE) regulations at part 812 (21 CFR part 812). At that time, FDA believed that amending the IDE regulations would be preferable to creating a new part to its premarket approval regulations because part 812 already contains provisions on IRB review and approval, patient informed consent, and limitations on charging. In the proposed rule, FDA explicitly invited comment on ''the advantages or disadvantages of using the IDE regulation as the means to implement section 520(m) of the act, as well as the desirability of using other alternative methods of implementation'' (57 FR 60491 at 60492).

FDA received 11 comments on the proposed rule. In general, most of the comments opposed including the HDE provisions in part 812. These comments asserted that applying the IDE regulations would make the HDE process more burdensome, discourage HUD development, prevent firms from promoting a HUD or distributing information about a HUD, preclude firms from obtaining third party reimbursement for a HUD, and increase a firm's liability insurance costs. In addition, these comments asserted that this approach would be contrary to the intent behind section 520(m) of the act which, some comments claimed, was to facilitate marketing of HUD's rather than clinical investigations involving HUD's. Three comments suggested that FDA implement section 520(m) of the act by creating special marketing procedures for HUD's under the premarket approval regulations of part 814 (21 CFR part 814), which implement section 515 of the act. One of these comments stated that FDA should issue a new proposal requesting comments on this approach.

Upon further consideration, the agency agrees that placing the HDE provisions in the IDE regulations is inappropriate because section 520(m) of the act is intended to facilitate the discovery and use of HUD's rather than to promote their use in clinical studies. Accordingly, the agency has chosen to create a new subpart H under part 814, specifically addressing HUD's, thereby establishing these devices as legally marketed products under the act.

However, section 520(m) of the act, which provides for an exemption from the effectiveness requirements of sections 514 and 515, also establishes a number of specific requirements for HUD's that do not apply to medical devices that are reviewed for both safety and effectiveness. Therefore, while subpart H references many of the procedures and requirements set forth elsewhere in part 814, it also explicitly incorporates the statutory requirements of section 520(m) of the act.

The final rule is responsive to the comments FDA received on the proposed rule, which generally objected to the use of the IDE regulations and supported a marketing approval procedure for HUD's. As noted above, several comments specifically requested FDA to regulate HUD's by amending part 814 for device premarket approval applications. In accordance with the statute and the comments received, the general approach of this final rule is to treat HDE's as premarket approval applications (PMA's) that do not require evidence or review of effectiveness. FDA has followed the statutory provisions of section 520(m) of the act closely in issuing this final rule, and the differences between the PMA and HDE approval process reflect the requirements established by Congress for an HDE.

The agency has determined that a reproposal is neither necessary for reasoned decisionmaking nor desirable as a matter of policy. As noted above, the proposed rule invited comments on alternative approaches, including the one now adopted. The comments FDA received contained significant and thoughtful analysis in favor of the approach being adopted in this final rule. Accordingly, the agency has concluded that there is no legal requirement to repropose. Moreover, the SMDA provided that FDA should issue regulations implementing section 520(m) of the act within 1 year of the statute's enactment. Further delay caused by reproposal, therefore, would be inconsistent with the legislative intent of section 520(m) of the act.

II. Summary of the Final Rule

A HUD is approved for marketing through an HDE application filed in accordance with the requirements of this final rule. An HDE application is a PMA application that is not required to contain clinical data demonstrating ''effectiveness'' (defined under § 860.7(e)(1) (21 CFR 860.(e)(1))) as ''reasonable assurance * * * based upon valid scientific evidence, that in a significant portion of the target population, the use of the device for its intended uses and conditions of use, when accompanied by adequate directions for use and warnings against unsafe use, will provide clinically significant results''). An HDE application will contain all other information ordinarily required in a PMA. In addition, an HDE application will require certain special information to satisfy the statutory requirements established by section 520(m) of the act.

A. HUD Designation

Under Subpart H, marketing approval for a HUD is accomplished in two distinct steps. First, the sponsor of a HUD must submit a request to FDA's Office of Orphan Products Development (OOPD) seeking a determination that the disease or condition which the device is intended to treat or diagnose affects or is manifested in fewer than 4,000 individuals in the United States per year. FDA added the qualifying phrase ''per year'' in order to clarify this provision of the statute. The agency believes that defining the criteria on a per year basis is consistent with the intent of section 520(m) of the act (i.e., to provide an incentive for the development of devices to be used in the treatment or diagnosis of diseases or conditions affecting small patient populations), whereas a point prevalence definition would be considerably more restrictive and provide less of an incentive for the development of such devices. In response to comments, FDA also has added ''or is manifested'' to the definition of a HUD in order to establish that HUD designation may be appropriate in cases where more than 4,000 people have the disease but fewer than 4,000 manifest the condition.

A request for HUD designation may be made at any time, and FDA encourages applicants to submit the request at the earliest possible time. In the request for designation, the applicant should include information that addresses the following three areas. First, the proposed indication(s) for use should be precisely defined within the context of current medical and scientific knowledge. If the proposed indication represents a subset of a larger, more common disease or condition, the applicant should provide a justification for limiting the patient population to this subset. Factors such as identification of the basic pathologic process, chronic versus acute nature of the disease or condition, age of the patient, compliance history, or mental competence may also create a viable subset, but the applicant is responsible for demonstrating that the defined population is medically plausible. Some devices may be used to achieve similar functions across a broad spectrum of diagnoses. For example, some apheresis devices are approved for separation of blood components, generally, and not approved on a disease by disease basis. In this situation, the appropriate prevalence would be determined by the combined use of the device for all diagnostic indications.

Second, in order to permit an understanding of the use of the device for the proposed indication, the request for HUD designation should also include a brief description of the device, including illustrations, as well as a discussion of its principle of operation.

Finally, in order to demonstrate that the rare disease or condition affects or is manifested in fewer than 4,000 people in the United States per year, the request should include documentation, with appended authoritative references, estimating the target population. For diagnostic devices, the documentation should demonstrate that fewer than 4,000 patients in the United States per year would be subjected to diagnosis with the device. FDA recognizes that, in some cases, the number of patient contacts with a device may exceed one per patient. Such devices may still qualify for HUD designation as long as the total number of patients treated or diagnosed with the device is less than 4,000 per year in the United States.

Within 45 days of receiving a request for HUD designation, OOPD will issue its determination based upon the information submitted by the sponsor as well as OOPD's own research and consultation. In some cases, OOPD may consult with the Center for Devices and Radiological Health (CDRH) regarding the proposed patient population to be treated or diagnosed with the device. In response to the designation request, OOPD will either approve the request, return it pending submission of additional information, or disapprove the request. If the request for designation does not contain all of the information required under § 814.102(a), it will be returned to the applicant with a description of the deficiencies. If the applicant chooses to address the deficiencies and resubmit the request for HUD designation, OOPD will reevaluate the application. The request for HUD designation may be disapproved if: (1) There is insufficient evidence to support the estimate that the disease or condition which the device is designed to treat or diagnose affects or is manifested in fewer than 4,000 people in the United States per year; (2) FDA determines that, for a diagnostic device, 4,000 or more patients in the United States would be

subjected to diagnosis using the device per year; or (3) FDA determines that the patient population defined in the request is not a medically plausible subset of a larger population. If FDA disapproves the request for HUD designation, the applicant may address the reasons for disapproval and resubmit the request.

B. HDE Application

If OOPD determines that a device is eligible for designation as a HUD, this determination must be included or referenced in the HDE application that is subsequently submitted to the Office of Device Evaluation (ODE), CDRH, FDA. The agency believes that this two-step process will make optimal use of its own time and resources as well as that of HDE applicants by ensuring that HDE's are only prepared and reviewed for devices genuinely eligible for HUD status.

The HDE application, which should be submitted to ODE, is similar in both form and content to a PMA application submitted under § 814.20. For example, the HDE application must contain a summary of the indications for use of the device, significant physical and performance characteristics of the device, and any clinical and nonclinical data that are relevant to evaluating the safety and probable benefit of the device. The application must contain sufficient information for FDA to determine, as required by the statute, that the device does not pose an unreasonable risk of illness or injury to patients and that the probable benefit outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment. FDA believes that such a determination cannot be made in the absence of most of the information required to be filed under a full PMA submitted in accordance with § 814.20.

However, the HDE is not required to contain the results of scientifically valid clinical investigations demonstrating that the device is effective for its intended purpose. While in some instances there may be little or no clinical experience with the device, an applicant is required to include such information in the HDE whenever it is available. Depending upon the nature of the device and its associated risks, FDA may require that clinical data regarding the safety of the device be collected in support of an HDE. Clinical investigations of a HUD are subject to the requirements of part 812, which may require the submission of an IDE to FDA if the device study poses a ''significant risk'' (§ 812.3(m)).

An HDE application must also contain information that will allow FDA to make the other determinations required by section 520(m) of the act. Specifically, the HDE must contain information to enable FDA to determine that: (1) The device would not otherwise be available unless an HDE were granted, and (2) no comparable device (other than another HUD approved under this subpart or a device being studied under an approved IDE) is available to treat or diagnose the disease or condition. In order to address why the device would not otherwise be available unless an exemption is granted, the applicant should estimate the number of patients who would be required to generate data to support a full PMA and explain why such a study is not feasible or why the cost of conducting such a study could not reasonably be expected to be recovered. (See S. Rept. 513, 101st Cong., 2d sess. 41 (1990).)

C. Charging for the Device

Section 520(m) of the act does not permit devices marketed under the HDE provision to be sold for a price that exceeds the costs of research and development, fabrication, and distribution of the device. Therefore, the final rule requires that an HDE application include a report by an independent certified public accountant verifying that the amount to be charged does not exceed the costs of research and development, fabrication, and distribution for the device. FDA also expects research and development costs to be treated (i.e., capitalized or expensed) in accordance with guidelines or requirements of the Financial Accounting Standards Board.

D. FDA Action

As with a PMA application, FDA will notify the submitter of an original HDE or an HDE supplement, within 45 days, whether the submission is sufficiently complete to permit substantive review. FDA may refuse to file an HDE or HDE supplement if: (1) The application is incomplete; (2) FDA determines that there is a comparable device available, other than under this exemption or an approved IDE, to treat or diagnose the disease or condition for which approval of the HUD is being sought; or (3) the application contains a false statement of material fact.

If the HDE is filed, the agency will act upon the application within 180 days from the time such application is received by the agency. FDA believes that this timeframe will generally be required to perform a thorough evaluation of a HUD's safety, probable benefit, proposed labeling, and any appropriate conditions of approval. If the HDE applicant believes that the HUD may meet the agency's criteria for expedited review (i.e., the device is for a life-threatening or irreversibly debilitating condition, provides a clear, clinically meaningful advantage over existing technology, or meets a specific public health need, as determined by FDA), the applicant is encouraged to raise this issue when submitting the application. In reviewing an HDE, the same options available to FDA under the PMA regulations (namely, issuing an approval order, an approvable letter, a not approvable letter, or a denial of approval order) are available, although the criteria for each action are different in some important respects from §§ 814.44 and 814.45 of the PMA regulations. For example, as specified by the statute, one of the criteria for approval of an HDE is that the device would not otherwise be available unless this exemption were granted. Therefore, if an HDE applicant has established that the affected patient population is fewer than 4,000 per year but each patient may require numerous devices, the agency may determine that the device would be commercially viable and thus not meet this statutory requirement for the exemption. (See H. Conf. Rept. 959, 101st Cong., 2d sess. 28 (1990).)

Approval of an HDE is valid for a period of 18 months. After that time, the device may continue to be marketed only if the HDE holder has sought and obtained an extension of the exemption as provided for in § 814.120. During the period of marketing approval, HDE holders are strongly encouraged to collect data that may later be submitted in support of a full PMA.

E. Labeling for a HUD

Because labeling for a humanitarian use device is not addressed in section 520(m) of the act, the labeling requirements for a HUD reflect the comments received on this issue and the agency's desire to disclose pertinent information regarding HUD's to health care practitioners. Therefore, under the final rule, the labeling for a HUD will state that the device is a humanitarian device, that use of the device to treat or diagnose a specific disease or condition is authorized by Federal law, and that the effectiveness of the device for the specific use has not yet been demonstrated.

F. Postapproval Requirements

During the period of marketing approval, the HDE holder is subject to the requirements of the good manufacturing practice (GMP)

regulations unless an exemption is sought by the applicant and granted by FDA. Devices approved under subpart H are also subject to the postapproval requirements and reports set forth under subpart E of part 814, including medical device reporting requirements (part 803 (21 CFR part 803)) and labeling requirements (21 CFR parts 801 and 809). In addition, a holder of an approved HDE is required to notify FDA of the withdrawal of approval for the use of a HUD by a reviewing IRB within 5 working days after being notified of the action.

G. Extension Requests

As stated previously, approval of an HDE differs in several important respects from the approval of a PMA submitted under § 814.20. By statute, approval of an HDE is valid for a period of 18 months, after which the device may no longer be marketed unless the HDE holder has sought and obtained an extension as provided for in § 814.120 of subpart H. The request must be submitted prior to expiration of marketing approval. FDA will review extension requests within 90 days; therefore, in order to avoid the risk of a lapse in approval, the request must be submitted at least 90 days prior to the expiration. The request for extension shall be clearly marked as such, and should be submitted to ODE.

The request should also include an update of the information that was originally submitted in the HDE application, as well as a separately bound volume which addresses the device's continuing qualification for HUD designation. (ODE will submit this volume to OOPD for review.) The request should include an update of the information originally required (§ 814.104(c)(2), (c)(3), and (c)(5)) as well as information describing the applicant's experience with the device since the HDE was initially approved (§ 814.120(b)(4)). This shall include any new safety information that is known or reasonably should be known to the applicant, medical device reports made pursuant to part 803, any data generated from postmarketing studies, and any published or unpublished information that is known or reasonably should be known that may affect an evaluation of the safety of the device or that may affect the statement of contraindications, warnings, precautions, and adverse reactions in the labeling. In order to allow the applicant adequate time to prepare the request for extension, FDA would expect the request for extension to include the applicant's experience with the device based on the first 12-month period following the most recent approval of the HDE. The request shall also include a summary of any changes to the device (as permitted under § 814.108 of the final rule).

The HDE holder must also include data demonstrating that the number of devices shipped or sold is consistent with the earlier determination by OOPD that the device is for a disease or condition affecting or manifested in fewer than 4,000 patients per year. If the number of devices shipped or sold during the previous 12 months of marketing approval exceeds 4,000, the HDE holder should include an explanation and estimate of the number of devices used per patient. If a single device is used on multiple patients, the applicant shall submit an estimate of the number of patients treated or diagnosed using the device together with an explanation of the basis for the estimate. If experience during the period of marketing approval so indicates, the agency may determine that the device no longer meets the statutory requirements for HDE's.

Under the final rule, FDA will respond to extension requests within 90 days of receipt of such a request, or the request shall be deemed approved. Requests for extension may be granted more than once and may be granted even after the expiration of the initial 5-year period. In the event that the HDE holder does not wish to extend the HDE, a final report is required to be submitted no later than 90 days following the expiration of the period of marketing approval (§ 814.126(b)(i)).

H. IRB Approval

Section 520(m)(4) of the act states that a HUD may only be used in facilities that have established, in accordance with FDA regulations, ''a local institutional review committee [commonly known as an institutional review board or IRB] to supervise clinical testing of devices in the facilities.'' The statute also requires an IRB to approve the use of the HUD before the device is administered to humans. In accordance with this statutory requirement, FDA has specified in subpart H of part 814 that the HDE holder must ensure that the HUD is administered only to patients at health care facilities having an IRB.

IRB's which oversee the use of a HUD should be constituted and act in accordance with the agency's regulations governing IRB's (21 CFR part 56), including responsibility for continuing review of use of the device. FDA has codified this requirement in § 814.124. The agency does not believe the statute intends to require IRB review and approval for each individual use of the HUD. FDA has interpreted the statute to permit the IRB to approve the use of the device in general, use of the device for groups of patients meeting certain criteria, or use of the device under a treatment protocol. If it so wishes, an IRB may specify limitations on the use of the device based upon one or more measures of disease progression, prior use and failure of any alternative treatment modalities, reporting requirements to the IRB or IRB chair, appropriate followup precautions and evaluations, or any other criteria it determines to be appropriate.

It should be emphasized that under the final rule (§ 814.124), it is the HDE holder who is responsible for ensuring that the HUD is not administered to or implanted in a patient prior to obtaining IRB approval at the health care facility. An HDE holder may wish to enforce this requirement by not shipping the HUD to the health care facility until it has received confirmation of IRB approval. In order to provide flexibility to the approval requirement, FDA has included a provision that permits an IRB located at a treatment facility to defer (in writing) to another similarly constituted IRB that has agreed to assume responsibility for initial and continuing review of the use of the device.

I. Informed Consent

Section 520(m) of the act does not require that informed consent be obtained before a HUD is used. Therefore, subpart H of the final rule does not include a provision requiring compliance with the informed consent regulations (part 50 (21 CFR part 50)). FDA has decided that a humanitarian device exemption, which provides for temporary marketing approval, does not constitute ''research'' or an ''investigation,'' which would normally require informed consent. A HUD is intended to benefit patients who have a rare disease or condition rather than to generate data to support a finding of effectiveness. FDA believes, therefore, that waiving compliance with the informed consent regulations is consistent with section 520(m) of the act because the statute expressly uses the phrase ''to the extent consistent with the protection of the public health and safety and with ethical standards'' rather than requiring informed consent from each patient. Notwithstanding the above, FDA does not intend to preempt any applicable requirement for informed consent that may be imposed as a matter of State law or institutional policy.

As a point of clarification, however, if a HUD is the subject of a clinical

investigation, informed consent from the patients involved in the study would be required. Thus, if a holder of an approved HDE wishes to collect safety and effectiveness data in support of a PMA, compliance with part 50 would be required at those institutions participating in the investigation.

III. Response to Comments

The proposed rule consisted of 10 provisions. Nine provisions proposed amending the existing IDE regulations to establish content requirements for HDE applications and supplements, as well as FDA action on such applications; the tenth provision proposed a certification statement for HDE applications. FDA received 11 comments on the proposed rule. As discussed earlier, most of the comments generally disagreed with the proposed amendments to the IDE regulations or sought changes to the proposed HDE provisions. One comment supported the proposed rule without any changes. A summary of the comments and the agency's response to them is provided below.

A. General Comments

1. Several comments asserted that the proposed rule would require too much data and information from HUD sponsors.

FDA disagrees with these comments. In granting an HDE, the agency must have sufficient information to enable it to make the determinations required by section 520(m) of the act, including the pivotal determinations that the device will not expose patients to an unreasonable or significant risk of illness or injury and that the probable benefit to health from use of the device outweighs the risk of injury or illness, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment. The agency can only make these determinations if the sponsor provides FDA with sufficient data, including information about device design, materials, laboratory and animal studies, as well as any available clinical experience with the device.

2. One comment claimed that the proposal had little value because long PMA review times would mean that few HUD's could be approved for use before section 520(m) of the act expired (since the HDE authority expires 5 years from the date this final rule takes effect).

FDA disagrees with this comment. Average FDA review times for original PMA's have been decreasing. In addition, there is not necessarily a correlation between PMA review times and review times for HDE's. FDA believes that it will be able to meet the 180-day review time set forth in subpart H. Moreover, although an HDE is initially approved for only 18 months, extensions of the exemption period may continue to be granted after the end of the 5-year period.

3. One comment recommended amending the PMA regulations instead of the IDE regulations and also relieving HUD's from certain IDE requirements. The comment would amend § 812.2(b) so that a HUD would be considered to have an approved IDE and be subject only to the ''abbreviated requirements'' of the IDE regulations.

As recommended in the comment, FDA has chosen to amend the PMA regulations rather than the IDE regulations as a means of implementing section 520(m) of the act. The agency declines, however, to adopt the recommended change to § 812.2(b). Section 812.2(b) states, in essence, that an investigation involving a nonsignificant risk device shall be considered as having an approved IDE as long as certain regulatory requirements are met. Although section 520(m) of the act only permits approval of HDE's if the device ''will not expose patients to an unreasonable or significant risk,'' it is possible that a HUD could be tested in an investigation involving procedures that present a serious risk to a subject's health or safety (i.e., a ''significant risk'' study that requires an FDA-approved IDE). Furthermore, rare diseases for which HUD's are developed may be serious conditions requiring an intervention that poses some risk of harm. Consequently, it would be inappropriate to presume, or to infer that Congress intended, that all HUD's qualify as ''nonsignificant risk'' devices, as proposed in the comment.

4. The same comment, as part of its recommendation to place the HUD requirements in part 814, suggested conforming changes to the ''Purpose'' and ''Definitions'' sections at §§ 814.2 and 814.3, respectively, to account for HUD's. The comment would create a new subpart F in part 814, entitled ''Humanitarian Device Applications,'' that would contain a general statement on HUD's, prescribe labeling requirements (including a required statement showing that the device is a humanitarian device whose use is limited to a specific treatment or diagnosis of a disease or condition and has not been shown to be effective), and prohibit commercialization (although it would permit ''incidental'' profits which exceed ''good faith estimates of costs''). The comment patterned its suggested HDE application requirements after the PMA application requirements in § 814.20, recommending that an HDE application include, among other things, information on the device's indications for use, a description of the device (including an explanation of how the device functions, the basic scientific concepts forming the basis for the device, and the device's significant physical and performance characteristics), a description of the device's marketing history in the United States and in foreign countries, a summary of safety studies or other information, and conclusions drawn from safety studies or other information. The comment further suggested that the application contain a complete description of the device, its functional components or ingredients, the device's properties relevant to the diagnosis, treatment, prevention, cure, or mitigation of a disease or condition, its operating principles, a discussion of current good manufacturing practices applied to the device, references to any performance standard under section 514 of the act or the Radiation Control for Health and Safety Act of 1968 or any voluntary standard relevant to any aspect of the device's safety ''that is known to or that should reasonably be known to the applicant,'' including information demonstrating how the device meets or deviates from a performance standard or deviates from a voluntary standard.

The comment further suggested that FDA create a new provision on labels and that the labels provide the manufacturer, packager, or distributor's name and place of business, the quantity of contents (if appropriate), and a ''Caution'' statement declaring:

> CAUTION—Humanitarian Device. Limited by Federal (or United States) law to use in the treatment or diagnosis of [specify disease or condition]. The effectiveness of this device in treating or diagnosing [specify disease or condition] had not been demonstrated.

The label would also describe ''all relevant contraindications, hazards, adverse effects, interfering substances or devices, warnings, and precautions'' and not represent that the device is effective for the humanitarian use.

Additionally, the comment would have the application contain information showing why any amount to be charged does not constitute commercialization of the device, an environmental assessment or request for categorical exclusion under part 25, and ''such other information as FDA may request.'' The comment would also authorize FDA to refer to information in a master file or to other information submitted to FDA by a person other than the applicant, but only if the applicant had written authorization to

refer to such information. The comment would have FDA return a master file to the person who filed it if no one referenced that master file within 5 years after it was submitted to FDA.

The agency agrees, in part, with the comment and has revised the final rule to amend the PMA regulations by adding a new subpart concerning premarket approval for HUD's. The agency elected to adopt this approach because it was persuaded by the comments that section 520(m) of the act was intended to encourage marketing rather than investigational use of humanitarian use devices. While it exempts a HUD from demonstrating effectiveness, section 520(m) of the act establishes some requirements for approval of HUD's that are similar to the IDE requirements under section 520(g). For example, section 520(m) of the act states that the HUD provisions should function to the extent ''consistent with the protection of the public health and safety and with ethical standards'' and require IRB approval before the use of the device.

Thus, FDA used the PMA provisions suggested by the comments as a template for the format and content of an HDE and issued different or additional provisions when such changes were required by the statute. Accordingly, § 814.104(c)(4) requires the application to contain most of the information required under § 814.20(b), with the exception of clinical data demonstrating the effectiveness of the device. In lieu of such evidence, the HDE must nevertheless contain ''summaries, conclusions, and results of all clinical experience or investigations (whether adverse or supportive) reasonably obtainable by the applicant which are relevant to an assessment of the risks and probable benefits of the device.'' FDA emphasizes that data or information, whether derived from clinical or nonclinical studies or laboratory experience, relating to the device's use in humans may be critical in determining whether the risk of illness or injury outweighs the probable benefit from using the device, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment. While an HDE applicant will not be required to generate data from clinical investigations to demonstrate the device's effectiveness, clinical data may sometimes be necessary in order to demonstrate this risk/benefit relationship.

FDA agrees, in part, with the comment's suggested format and content for the labeling of a HUD. FDA believes that the label should disclose that the effectiveness of the device has not yet been demonstrated. The agency does not, however, believe that the HUD label needs to contain the word ''Caution,'' because that term may imply that the device exposes the patient to dangers not ordinarily associated with lawfully marketed products. Also, in view of the safety analysis that FDA will perform in reviewing HDE's, as well as the requirement of IRB approval, the agency does not believe that the word ''Caution'' is necessary.

In response to the comment suggesting that FDA return a master file to the person who submitted it in the event that the file is not referenced within 5 years after its submission to FDA, the agency notes that such a requirement already exists in part 814 (§ 814.20(c)) and that it is therefore applicable to applications submitted under subpart H.

5. As part of its recommendation to amend the PMA regulations to include HDE's, one comment would create a new reporting provision to require applicants to update safety information ''that may reasonably affect the evaluation of the safety of the device or that may reasonably affect the statement of contraindications, warnings, precautions, and adverse reactions'' in the labeling. The comment would require compliance with the medical device reporting requirements in part 803 and would require the submission of reports at 6-month intervals after approval of the HDE application. These reports would identify changes affecting the device and contain a summary and bibliography of unpublished reports involving the device or related devices that are known to or should reasonably be known by the applicant as well as reports in the scientific literature. The comment would not require the applicant to provide copies of reports in the scientific literature unless FDA notified the applicant that it should submit those reports. The comment's suggested provision would be similar to the existing reporting requirements for PMA's at § 814.84.

The agency agrees, in part, with the comment. Under § 814.126, an HDE approved under subpart H is subject to the postapproval requirements and reports as required for PMA's (subpart E of part 814). In addition, HDE holders must provide the IRB of record with a copy of any report submitted in compliance with the requirements of part 803. Also, under § 814.126(b)(1), if a request for extension of the exemption is not submitted, a final report must be submitted to the agency no later than 90 days after the expiration of the marketing approval. This final report should contain an estimate of the number of devices shipped or sold and the number of patients treated or diagnosed, information regarding the retrieval or disabling of unused devices, a summary of results or conclusions with regard to the clinical use of the device, and a summary of the medical device reports submitted under part 803. The final report should also contain a summary and bibliography of published and unpublished data, reports, and studies involving the device that are known to or should reasonably be known by the applicant and were not previously submitted to the agency.

In addition to the above reports, § 814.124(b) requires the holder of an approved HDE to notify FDA within 5 working days of any withdrawal of approval for use of a HUD by a reviewing IRB. Finally, § 814.126(b)(2) instructs applicants to maintain records of the names and addresses of the facilities to which the HUD's have been shipped, correspondence with reviewing IRB's, and any other information requested by a reviewing IRB or FDA. All such records should be maintained for the duration of the period that a HUD is approved for marketing.

The agency declined to accept the comment's suggestion for the submission of periodic reports (at 6-month intervals) because FDA believes it is unlikely that many changes or significant new information ordinarily would be generated for a HUD in such a short period of time.

6. As part of its suggestion that FDA amend the PMA regulations rather than the IDE regulations, one comment proposed a new provision describing where an HDE application should be sent.

The agency agrees that such a provision is necessary and has specified in § 814.104(e) that HDE applications, amendments, supplements, requests for extension, and related correspondence (excluding reports submitted under part 803) should be sent or delivered to the Document Mail Center (HFZ–401), Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

B. Specific Provisions and Comments

Proposed § 812.1(b) Scope

7. Proposed § 812.1(b) would have added HDE provisions to the IDE regulations. Because the agency has elected to create a new subpart H under part 814, the agency has renumbered this provision as § 814.100 and

redesignated it as ''Purpose and Scope.'' Under this section, FDA has also modified the reference to uses other than humanitarian uses. The proposed rule stated that the HDE provisions applied only to humanitarian uses; FDA has modified this statement to note that persons seeking approval of non-HUD uses must comply with the premarket approval or premarket notification provisions of the regulations, as appropriate.

Proposed § 812.3(d) Humanitarian Use Device (HUD)

8. Proposed § 812.3(d) defined a HUD as ''a device that is intended for use in the treatment or diagnosis of a disease or condition that affects fewer than 4,000 individuals in the United States and that otherwise meets the requirements in 21 U.S.C. 360j(m)(2).''

Three comments recommended revising the definition of a HUD. The comments would revise the definition to include manifestations of a disease so that, even if the total number of patients who had a disease or condition exceeded 4,000, one could obtain an HDE if the patient population that manifested the disease was less than 4,000.

FDA agrees with the comments and has modified the definition of a HUD to state that the device must be intended for use in the treatment or diagnosis of a disease or condition that ''affects or is manifested in fewer than 4,000 individuals in the United States per year.'' This definition has been added to the existing definition section of part 814. The agency has also modified the definition to clarify that the number of affected patients is determined at the time the request for HUD designation is submitted under § 814.102, and again each time a request for extension is submitted under § 814.120. Regarding this prevalence determination, FDA would not withdraw approval of an HDE solely because it is subsequently determined that the disease or condition for which the HUD is intended affects or is manifested in more than 4,000 people in the United States per year. However, this fact may serve as a basis for disapproving an extension request.

9. One comment suggested revising the definition of a HUD by paraphrasing section 520(m)(2)(A) through (m)(2)(C) of the act.

FDA declines to amend the definition as suggested by the comment. The final rule's definition of a HUD incorporates language from section 520(m)(2)(A) of the act and conveys that, based solely on the estimated prevalence or manifestation of a rare disease or condition, a particular device has been found eligible for review under subpart H. This eligibility will be determined by the division within OOPD with the most expertise in these matters. The statutory provisions which the comment suggests for inclusion in the definition of a HUD are requirements for approval of the HDE application (i.e., the device would not otherwise be available, there is no comparable device, the device would not expose patients to an unreasonable or significant risk of illness or injury, and the benefits of using the device outweigh the risks). Review of the HDE application and these approval decisions will be made by ODE, which is the group within CDRH that reviews PMA's. Furthermore, FDA believes that it is useful to have a term that describes those devices that are eligible for an HDE, i.e., qualify as a humanitarian use device, but have not yet been granted marketing approval under subpart H.

10. One comment suggested defining ''HDA'' as ''any humanitarian device application, including all information submitted with or incorporated by reference therein.'' The comment also suggested defining ''safe'' or ''safety,'' for HUD purposes, as meaning that the device ''will not expose patients to an unreasonable or significant risk of illness or injury and the device's probable benefit outweighs the risk of injury or illness associated with its use.''

FDA declines to adopt this suggestion. Section 520(m) of the act is titled ''Humanitarian Device Exemption'' and authorizes the agency to grant an exemption from the effectiveness requirements of sections 514 and 515 of the act. Therefore, the agency will refer to an application submitted pursuant to section 520(m) of the act as a ''humanitarian device exemption application'' or ''HDE.'' This represents a more accurate description of the application itself.

Regarding the comment's suggested definition of ''safe'' or ''safety,'' FDA notes that this definition is similar to the statutory requirement that a HUD ''not expose patients to an unreasonable or significant risk of illness or injury, and the probable benefit to health from using the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment.'' Because § 814.118 of the final rule includes failure to meet this criterion as a basis for denying or withdrawing approval of an HDE, FDA believes that repeating the risk-benefit concept in the definition section is unnecessary.

Proposed § 812.10 Waivers

FDA received four comments on the proposed waivers from the IDE requirements. Although the final rule does not waive any sections of the IDE regulations, the agency believes that some of the issues raised in the comments merit discussion or clarification.

11. One comment questioned whether clinical data generated under an HDE application would still qualify as ''valid scientific evidence'' under § 860.7. The comment asserted that, if clinical data generated under an HDE application is not ''valid scientific evidence'' within § 860.7, then there would be little incentive to submit an HDE application.

Although the final rule for HDE's provides for marketing approval under subpart H of part 814, rather than investigation under part 812, this comment does raise the issue of whether the HDE application, which is a marketing application under part 814, must contain ''valid scientific evidence'' as defined in § 860.7. FDA recognizes that there are a limited number of patients for whom a HUD may have been prescribed and that the device was likely to have been used in a treatment rather than research context. FDA, therefore, intends to exercise its discretion in applying § 860.7 to the data submitted in support of an original HDE or HDE extension request and not require the HDE to contain the same valid scientific evidence as other premarket approval applications. However, FDA urges HDE applicants, whenever possible, to try to ensure that clinical information submitted in support of an original HDE or an HDE extension request does constitute ''valid scientific evidence.''

12. One comment questioned the applicability of GMP regulations to HDE applicants, particularly where the applicant is a university or hospital.

The quality systems for FDA regulated products (food, drugs, biologics, and devices) are known as the good manufacturing practice regulations or GMP's. GMP requirements for devices (part 820 (21 CFR part 820)) were first authorized by section 520(f) of the act which was among the authorities added to the act by the 1976 Amendments (Pub. L. 94–295). GMP's are intended to ensure that the methods, facilities, and controls used for manufacturing, packing, storing, and installing a finished device are appropriate and will ensure that the device is safe for use.

The SMDA amended section 520(f) of the act, providing FDA with the explicit authority to add preproduction design validation controls to the GMP

regulation. FDA expects to publish a final rule revising the GMP regulations in the near future.

Under the final rule, HUD's will be subject to the GMP regulations, as are other legally marketed devices. The agency may require as a condition of approval that the HDE applicant demonstrate compliance with these regulations (e.g., through an inspection). However, consistent with the regulatory flexibility which FDA believes Congress intended in enacting the HUD exemption, the agency intends to focus primarily on those manufacturing practices that the agency deems most relevant to the safety of the device. An HDE applicant or holder who believes that he/she cannot comply or should not be held to GMP standards may request an exemption from such requirements (§ 820.1(d)). In evaluating such exemption requests, FDA will give overriding consideration to the risks posed by the device, the potential risks that a manufacturing defect might pose to patients, and the public health need for the device.

13. One comment suggested adding § 812.35(a) and (b) to the list of IDE requirements that would be waived for a HUD. Currently, § 812.35(a) requires a supplemental IDE if a sponsor or investigator proposes a change in the investigational plan that may affect the plan's scientific soundness or the subjects' rights, safety, or welfare. Section 812.35(b) requires sponsors to submit to FDA a certification of any IRB approval of an investigation or part of an investigation that is not included in an IDE. The comment asserted that these supplemental IDE requirements are time-consuming and deprive patients from receiving a device.

Because the agency has elected to create a new subpart H that provides for marketing approval for HUD's rather than amending the IDE regulations, the issue raised by the first part of this comment is moot. In reference to the suggestion that sponsors should not be required to submit supplemental applications to FDA when IRB approval is obtained, the agency agrees, and the final rule does not require FDA to be notified of such approval.

14. One comment asserted that the waivers in proposed § 812.10 would not adequately reduce the cost of preparing IDE's and PMA's.

Although proposed § 812.10 is not a part of the final rule, the agency notes that section 520(m) of the act is intended to encourage the discovery and use of devices intended to benefit patients in the treatment or diagnosis of diseases or conditions that affect small populations by granting an exemption from the effectiveness requirements of sections 514 and 515 of the act. Such an exemption from the effectiveness requirements should significantly lower the cost of preparing a marketing application.

Proposed § 812.20(e)(2) Information Required for HUD's

15. Proposed § 812.20(e)(2) would have required the agency to determine that the device would not be available to a person with a rare disease or condition without an exemption and that ''there is no comparable device, other than under this exemption, available to treat or diagnose such disease or condition.'' One comment would modify the reference to ''no comparable devices'' so that other investigational devices in addition to HDE-devices would not be considered as ''comparable devices.''

FDA agrees with the comment and has modified the provision, which is now codified at § 814.104(c)(2), to include devices under an approved IDE. FDA wishes to emphasize that a ''comparable'' device need not be identical to the device that is the subject of the HDE application in order for the agency to determine that the applicant's device does not qualify for the statutory exemption. In determining whether a ''comparable device'' exists, FDA will consider the device's intended use and technological characteristics and make a judgment regarding the degree to which it is similar to any lawfully distributed device (other than another HUD or a device under an approved IDE). The agency will use the information provided by the applicant as well as any other information at its disposal to determine whether a comparable device exists.

§ 812.27 Report of Prior Investigations

16. Although FDA did not propose any amendments to § 812.27, one comment suggested adding a new paragraph to § 812.27(a) to state:

> When long-term testing is required to justify the proposed investigation, the application must include: (i) A description of the long-term tests; (ii) a description of the test protocol and number of samples in the test; (iii) the rationale for the test and protocol; and (iv) a timetable for completing the tests.

Although the comment is no longer literally applicable because the final rule amends part 814 rather than part 812, the agency agrees in part with the comment. The HDE application, which is now part of the PMA regulations, must provide sufficient information about the device to permit the agency to determine that its use will not unduly put patients at risk and that there is some probable benefit to using the device. This determination requires the submission of preclinical testing, and in some cases clinical testing, to support such a finding. However, because section 520(m) of the act provides for initial humanitarian use exemptions only for 5 years from the effective date of the final rule, and because the term of an exemption or renewal is 18 months, the agency does not anticipate that many long-term tests will be performed in support of an original HDE application. When appropriate, FDA could provide for such testing as a condition of approval under § 814.116(c).

Proposed § 812.35(c) Request for Extension of a HUD Investigation

FDA received three comments pertaining to proposed § 812.35(c), which would have established certain requirements for requesting an extension of a HUD investigation.

17. One comment asserted that clinical investigations may prompt a sponsor to change a device's design or performance characteristics, but that submitting a supplemental application (to reflect the changes in the device) would be time consuming and would deny patients access to the modified device. The comment suggested adding a new provision stating that supplemental HDE applications are not required to be submitted to FDA if an IRB reviewed the device modification together with other relevant data and determined that the modification will not expose patients to additional risk. Additionally, the comment would require the sponsor to maintain a description of each device modification, a summary of all tests, a rationale for why the modification does not expose patients to additional risk, a modification to any long-term clinical investigation plans, and a copy of a letter from the IRB that reviewed the modification.

The agency declines to amend the rule as suggested by the comment. While section 520(m)(4)(B) of the act requires IRB approval for the use of a HUD, it is FDA that is required to determine the relative safety and potential benefit of the device for the intended patient population. Additionally, the agency notes that IRB's may not possess the technical or scientific expertise that may be required to review a supplemental application for device modifications. FDA regulations require IRB's to have members who ''shall be sufficiently qualified through the experience and expertise of its members * * * to promote respect for its advice and counsel in safeguarding the

rights and welfare of human subjects'' (21 CFR 56.107(a)). Thus, IRB members focus on ethical concerns rather than on the scientific and technological issues that supplemental applications usually address. Finally, the requirement for agency review of device modifications for HUD's is consistent with the procedures required for other types of marketing applications (PMA's and premarket notifications (510(k)'s)).

18. One comment addressed the preamble discussion for proposed § 812.35. The comment claimed that the preamble to the proposed rule erred in describing extensions of an HDE. The preamble to the proposed rule stated that, ''[a] request for an exemption extension which would allow the continuation of the investigation would have to contain any relevant new information as to the safety and effectiveness of the HUD or the prevalence of the disease or condition for which the exemption was first approved * * *'' (57 FR 60491 at 60493). The comment said that FDA should delete the word ''effectiveness'' because the HDE eliminates the need to comply with the effectiveness requirements in the act.

FDA agrees that an approved HDE relieves a party from the effectiveness requirements of sections 514 and 515 of the act. Accordingly, § 814.120 of the final rule, which provides for extensions of the exemption, does not require that effectiveness information be included with the request. The agency wishes to note, however, that clinical experience gathered under an HDE may provide information regarding a device's effectiveness that would be relevant to FDA's making the statutorily-mandated determination that ''the probable benefit to health * * * outweighs the risk of injury or illness * * *.'' In addition, § 814.118(a)(2) of the final rule states that a determination by FDA that the ''device is ineffective under the conditions of use prescribed, recommended, or suggested in the labeling thereof'' is sufficient grounds for denial of approval of an HDE or of a request for an extension. FDA believes that no device that is demonstrably ineffective can pass the ''probable benefit'' test. Therefore, while effectiveness data is not required for an extension of the exemption, if any such information is available, it should be submitted to aid the agency in making its benefit/risk determination. As the Conference Report states, ''this inquiry requires the Secretary to consider the efficacy and potential benefits of the device * * *'' (H. Conf. Rept. at 28).

19. One comment suggested a new provision on supplemental applications, specifying the types of supplements that would or would not require FDA approval. The changes suggested by the comment would mirror the requirements of the PMA regulations. The comment also suggested that supplements follow format and content requirements similar to those for original HDE applications (which, under the comment, would be similar to PMA requirements) and be subject to the same time periods for review as original HDE applications.

The agency agrees, in part, with the comment. Under the final rule (§§ 814.106 and 814.108), HDE amendments and supplements (with one exception) are subject to the same regulations and time periods as those for PMA's. The single exception under the final rule is that a request for a new indication for use of a HUD may not be submitted as a supplement, but instead shall be treated as a new application, requiring redesignation of HUD status and an original HDE (see § 814.110). As with PMA's, a major amendment to an original HDE or HDE supplement may extend the review period for 180 days, and failure to respond in writing to an agency request for an amendment within 180 days will result in the pending HDE or supplement being deemed voluntarily withdrawn by the applicant (see § 814.37).

20. One comment would amend the rule to add a new provision describing an applicant's obligations when requesting an extension of an HDE. Section 520(m)(5) of the act states that the agency may extend an exemption for an additional 18 months if the agency is able to make the same findings that were necessary to grant the initial request for an HDE exemption. The statute also requires applicants to supply information showing that the applicant is not selling the device for an amount that exceeds the cost of research and development, fabrication, and distribution. The comment would require applicants to provide such information, and require FDA to grant an extension if the request for an extension ''confirms the FDA's original findings'' and demonstrates compliance with the statutory prohibition against commercialization. The comment would also permit applicants to request, and FDA to approve, more than one extension.

The agency agrees with the comment. Section 814.120 of the final rule states that FDA may, in response to a request by the holder of an HDE, extend the HDE for an additional 18-month term. The contents of the extension request and the approval criteria parallel the statutory requirements and are set forth under § 814.120(b) and (c), respectively. The agency also agrees that extending an exemption more than once is consistent with section 520(m)(5) of the act.

Institutional Review Board Review

21. One comment would add a new provision describing an IRB's role, including requiring IRB's to presume that FDA approval of an HDE application establishes that a device is designed to treat or diagnose a disease or condition that affects fewer than 4,000 individuals in the United States. The comment would also confine the IRB's review to ''the patient's need for the device and the likelihood that the device is appropriate for the patient's condition or disease state.'' The comment would further state that an IRB may deny approval of the use of the device ''if it finds that the device has no potential to benefit the patient'' and require semiannual submissions to the holder of the approved HDE of ''all records of approvals for use of the humanitarian device.''

FDA agrees, in part, with the comment. Section 814.124(a) states that, before administering a humanitarian use device to humans, the applicant must obtain review and approval by an IRB that is established at the facility or site where the device is to be used or the local IRB must defer, in writing, to a similarly constituted IRB that has agreed to oversee such use. Absent IRB approval, the device cannot be administered to humans. The agency declines to limit the IRB's review or its functions in the manner suggested by the comment because IRB's have traditionally enjoyed considerable latitude in establishing their own operational procedures and reviews. FDA believes that the approval criteria set forth in the IRB regulations (21 CFR 56.111) can and should be interpreted to include consideration of the patient's need for the HUD and the likelihood that the device is appropriate for the patient's condition or disease state. For example, the regulations require that the IRB determine that the ''risks to subjects are reasonable in relation to anticipated benefits.'' Such a determination would necessarily require a balancing of patient need together with the probability of clinical benefit against the possible risks of using the device. In contrast, an IRB evaluating a HUD retains the discretion to minimize or ignore approval criteria that may be inappropriate in the treatment context (e.g., ''the importance of the knowledge that may be expected to result'').

FDA declines to adopt the suggestion that the IRB make semiannual

submissions to the holder of the HDE of ''all records of approvals for use of the humanitarian device.'' Section 814.124(a) requires the IRB to comply with the regulations in part 56 (21 CFR part 56), including provisions concerning continuing review and recordkeeping. Insofar as the holder of the approved HDE retains control over the shipment of the device, it has the discretion to require any reports from the IRB or the treating physician as a condition of the initial shipment of the device or future shipments.

Proposed § 812.30(d) and (e) FDA Action on Applications and Revocation of an Application for a HUD

Proposed § 812.30(d) and (e) described FDA action on HDE applications, and the agency received two comments on these sections.

22. One comment suggested amending the requirement that an application list the name, address, and chairperson of each IRB that has been or will be asked to review the investigation and a certification of the action taken by the IRB's. The comment asserted that requiring individual approval of each location where a clinical investigation would be conducted would deny timely access to HUD's. Alternatively, the comment suggested that FDA only approve the study protocol and a sample consent form, and that IRB's rather than FDA approve participation of each location. The sponsor would send information regarding additional study locations and IRB's to FDA every 18 months.

Because FDA has elected not to regulate HUD's as investigational devices subject to the requirements of part 812, the final regulation does not include any provision requiring the applicant to submit the name or address of any reviewing IRB. Nor will FDA review sample consent forms since informed consent is not being required by FDA. As discussed elsewhere in this notice, the HDE applicant is responsible for ensuring that the HUD is not used in the treatment or diagnosis of a patient prior to obtaining IRB approval from either the IRB at the health care facility or another IRB who has assumed that responsibility for the facility. Although IRB's are required to comply with the regulations in part 56, FDA will not require any reports from IRB's or HDE applicants other than those specified in part 56 and §§ 814.124 and 814.126.

23. The second comment suggested a new provision establishing strict timeframes for FDA review, criteria for approving, not approving, and withdrawing approval of an HDE application, and the factors and evidence FDA would consider in deciding whether the device would expose patients to an unreasonable or significant risk of illness or injury. For example, the comment would require FDA to notify applicants, in writing, when the agency receives an HDE application and would require FDA to approve the HDE application within 30 days of receipt or, if the agency did not approve the HDE application within 30 days, the application would be considered to be approved unless FDA requested additional information from the HDE applicant or denied approval within 30 days. The comment's suggested criteria for approving an HDE application paraphrased the statutory requirements at section 520(m)(2) of the act. The criteria the comment suggested for denying approval included the applicant's failure to comply with application or labeling requirements or, if nonclinical laboratory studies were involved, failure to comply with good laboratory practice requirements, a false statement of material fact, and the applicant's refusal to permit an authorized FDA employee to conduct an inspection. The comment would also create an administrative appeals mechanism to the ODE and later to the Office of the Center Director, CDRH for a decision not to approve an HDE application.

FDA agrees, in part, with the comment and has established specific timeframes for processing requests for HUD designation as well as for filing and reviewing HDE applications. Under § 814.102 of the final rule, a request for HUD designation will be reviewed within 45 days of receipt by OOPD. If the request for HUD designation is approved, this designation may be submitted or referenced in the HDE application (§ 814.104) which is submitted to ODE.

ODE will notify the applicant within 45 days of receiving an original HDE application or HDE supplement whether the application has been accepted for filing (see § 814.112). The criteria and procedures for filing an HDE are similar to those for PMA's. After filing an HDE or HDE supplement, § 814.114(a) requires that FDA take action on the application within 180 days from the date of receipt. (This time period includes the 45 days allotted to FDA under § 814.112 for making the filing decision.)

Although these time periods are longer than the 30 day IDE review period suggested by the comment, FDA believes that they are warranted. While HDE applications will not contain data intended to establish effectiveness, they will contain other information that is not included in PMA's under part 814. As discussed previously, therefore, the agency believes that 180 days will generally be required in order to review the information submitted in the HDE application and to make the determinations required by the statute (section 520(m)(2)(A) through (m)(2)(C)). By establishing intermediate steps in the submission and review process, the agency has attempted to ensure expeditious review of an HDE application, because only those applications that contain (or reference) a HUD designation and are complete enough to be filed will enter the review queue. In addition, FDA notes that there is nothing in the legislative history of section 520(m) of the act to suggest that Congress expected FDA to review marketing applications for HUD's within accelerated timeframes which would detract resources from reviews of other devices that may benefit larger populations. Furthermore, as discussed earlier, humanitarian use devices may meet the criteria for expedited review. In such cases, the agency will review these applications as quickly as possible.

The agency agrees with the comment's suggestion that criteria for the various actions FDA may take on an application should be incorporated into the final rule. Section 814.116 specifies the criteria for issuing an approval order, an approvable letter, or a not approvable letter, while § 814.118 specifies the criteria for issuing a denial or withdrawal of approval. These criteria are largely similar to the criteria for FDA action on a PMA and, thus, are consistent with those suggested by the comment.

The agency agrees with the comment that administrative appeal mechanisms should be provided. Thus, subpart H provides for such mechanisms by referencing § 814.42(d) for filing decisions and § 814.44 for not approvable letters.

Proposed § 812.38(e) Availability of Data and Information

24. Proposed § 812.38(e) would have maintained the confidentiality of data and information in an HDE application until final approval of the IDE application for the HUD. At that time, FDA would make publicly available information such as the identity of the device, the disease or condition to be treated, patient exclusion criteria, and the name, address, and phone number of a contact person for the sponsor. One comment suggested a new confidentiality provision that would be similar, but not identical, to the confidentiality provision for PMA's at

§ 814.9. The comment would essentially permit disclosure of information in an HDE application in accordance with the agency's regulations governing disclosure of information in a PMA application. The comment would permit disclosure of the existence of an application only if the application had been publicly disclosed or acknowledged, and, if the HDE application's existence had been publicly disclosed or acknowledged, restrict disclosures to summaries of portions of the safety data. If FDA approved the HDE application, the comment suggested that FDA could disclose the HDE application's existence and a detailed summary of the safety information, including any adverse event reports or consumer complaints, assay or analytical methods (unless otherwise protected as confidential or trade secret information), and all correspondence and written summaries of oral discussions. The comment would also permit disclosure of a summary of portions of the safety data before FDA approved the HDE application ''if disclosure is relevant to public consideration of a specific pending issue.''

Because the agency has moved the HDE provisions from the IDE regulations to the PMA regulations, FDA has created § 814.122 to address the confidentiality of data and information in an HDE application. Under § 814.122(a), the HDE application file consists of all data and information submitted with or incorporated by reference in the HDE application, any IDE incorporated into the HDE application, or any other related submission. Disclosure of any record contained in an HDE application file will be in accordance with part 20 (21 CFR part 20) and § 814.122. (In this final rule, the agency is amending part 20 to include a reference to HDE's.)

Section 814.122(b) states that HDE's shall be subject to the same restrictions and conditions regarding disclosure as are applied to PMA's under the provisions of § 814.9(b) through (h), as applicable. FDA has included ''as applicable'' in this provision, as in other provisions in subpart H, to signify that certain portions of the PMA regulations, namely those relating to the submission, review, or disclosure of effectiveness data, may not be applicable to HDE's. In accordance with § 814.9, the existence of an HDE file or data and information in the file may not be disclosed by FDA unless the existence of the file has been publicly disclosed or acknowledged. Also, if the existence of the HDE file has been publicly disclosed or acknowledged before an order approving or denying approval issued, data and information in the file are not available for disclosure. Once FDA has issued an approval order or an order denying approval of an application, FDA will make available to the public the fact of the existence of the HDE and a detailed summary of information submitted to FDA respecting the safety of the device and the basis for the order. Information such as safety data, test or study protocols, adverse event reports, product experience reports, consumer complaints or similar information, lists of components previously disclosed to the public, assay methods or analytical methods, and all correspondence and written summaries of oral discussions related to the HDE file, in accordance with the provisions of § 814.9(e) also become available for public disclosure. Finally, FDA may disclose a summary of portions of the safety data before an approval order or an order denying approval of the HDE issues, if disclosure is relevant to public consideration of a pending issue and, in accordance with § 814.9(g), other information contained in an HDE becomes available under the particular circumstances set forth in that provision.

Proposed § 812.39 Certification

25. Proposed § 812.39 would have required sponsors to certify that the data and information submitted to the agency are true and accurate.

FDA received no comments on this provision but has reconsidered the need for it. As provided for in §§ 814.42 and 814.45 for PMA's, subpart H includes provisions that would permit FDA to not file, deny approval, or withdraw approval of an HDE application if the agency determines that the application contained a false statement of material fact. Therefore, the agency has concluded that a certification as to the truthfulness and accuracy of the information submitted in an application is not needed.

Limitations on Charging

26. One comment suggested that, because the original proposed rule included a prohibition against commercialization, a provision should be added to insulate HDE holders from charges of commercialization in the event that they earned ''incidental profits which exceed its good faith estimates of costs.''

To address the cost issue, the final rule requires a report by an independent certified public accountant, made in accordance with the Statement on Standards for Attestation established by the American Institute of Certified Public Accountants, verifying that the amount charged will not exceed the costs of the device's research, development, fabrication, and distribution. The statute does not create an exemption for ''incidental profits.'' FDA believes that a report made in accordance with the requirements stated above should provide adequate assurance to both the HDE holder and the agency that the amount being charged does not violate section 520(m)(3) of the act. This requirement is also consistent with the cost verification procedures required for orphan drugs under 21 CFR 316.21(c)(8). However, as suggested by the Conference Report on the SMDA, an applicant will not be considered in violation of this provision if it receives incidental profits which exceed its good faith estimates of costs (H. Conf. Rept. at 28).

IV. 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 rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the final rule reduces the requirements imposed on firms conducting research and development activities on devices intended for use in diagnosing or treating small populations, 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.

V. 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.

VI. Paperwork Reduction Act of 1995

This final rule contains information collections which are subject to review by OMB under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The title, description, and respondent description of the information collections are shown below with an estimate of the annual recordkeeping and periodic reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: Medical Devices; Humanitarian Use Devices.

Description: This regulation implements the provision of the SMDA regarding HUD's. A HUD is exempt from the effectiveness requirements of sections 514 and 515 of the act. In order to implement this exemption, FDA is amending the premarket approval regulations in part 814 by creating new subpart H. This final regulation prescribes the procedures for submitting HDE applications, amendments, and supplements; procedures for obtaining an extension of the exemption; and the criteria for FDA review and approval of HDE's. This final rule will create a needed incentive for the development of devices for use in the treatment or diagnosis of diseases or conditions affecting a small number of individuals.

Description of Respondents: Businesses or other for profit organizations.

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
814.102	20	1	20	40	800
814.104	15	1	15	320	4,800
814.106	10	1	10	120	1,200
814.108	12	1	12	80	960
814.110(a)	1	1	1	80	80
814.112(b)	1	1	1	8	8
814.116(b)	12	1	12	8	96
814.118(d)	1	1	1	8	8
814.120(b)	10	1	10	200	2,000
814.124(b)	2	1	2	2	4
814.126(b)(i)	2	1	2	120	240
TOTAL					10,196

ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
814.126(b)(ii)	12	1	12	2	24
Total					24

There are no operating and maintenance costs or capitol costs associated with this information collection.

Although the December 21, 1992, proposed rule provided a 60-day comment period under the Paperwork Reduction Act of 1980, and this final rule is based on the comments received, as required by 44 U.S.C. section 3507(d), FDA is providing additional opportunities for public comment under the Paperwork Reduction Act of 1995, which applies to this final rule and was enacted after the expiration of the comment period. Organizations and individuals wishing to submit comments regarding these burden estimates or any aspect of these information collection requirements should do so by August 26, 1996. These comments should be directed to FDA's Dockets Management Branch (address above). FDA particularly invites comments on: (1) 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) 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 through the use of automated collection techniques, when appropriate, and other forms of information technology.

At the close of the 60-day comment period, FDA will review the comments received, make revisions as necessary to the information collection requirements, and submit the requirements to OMB for review and approval. Additional time will be allotted for public comment to OMB on the requirements and OMB review. Prior to the effective date of this final rule, FDA will publish a notice in the Federal Register of OMB's decision to approve, modify, or disapprove the information collection requirements. 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.

List of Subjects

21 CFR Part 20

Confidential business information, Courts, Freedom of information, Government employees.

21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 20 and 814 are amended as follows:

PART 20—PUBLIC INFORMATION

1. The authority citation for 21 CFR part 20 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1); 5 U.S.C. 552; 18 U.S.C. 1905; 19 U.S.C. 2531–2582; 21 U.S.C. 1401–1403.

2. Section 20.100 is amended by adding new paragraph (c)(41) to read as follows:

§ 20.100 Applicability; cross-reference to other regulations.

* * * * *

(c) * * *

(41) Humanitarian device exemption application, in § 814.122 of this chapter.

PART 814—PREMARKET APPROVAL OF MEDICAL DEVICES

3. The authority citation for 21 CFR part 814 continues to read as follows:

Authority: Secs. 501, 502, 503, 510, 513–520, 701, 702, 703, 704, 705, 708, 721, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 353, 360, 360c–360j, 371, 372, 373, 374, 375, 379, 379e, 381).

4. Section 814.3 is amended by adding new paragraphs (m) and (n) to read as follows:

§ 814.3 Definitions.

* * * * *

(m) *HDE* means a premarket approval application submitted pursuant to this subpart seeking a humanitarian device exemption from the effectiveness requirements of sections 514 and 515 of the act as authorized by section 520(m)(2) of the act.

(n) *HUD* (humanitarian use device) means a medical device intended to benefit patients in the treatment or diagnosis of a disease or condition that affects or is manifested in fewer than 4,000 individuals in the United States per year.

5. New subparts F and G are added and reserved and subpart H, consisting of §§ 814.100 through 814.126, is added to read as follows:

Subpart H—Humanitarian Use Devices

Sec.

814.100 Purpose and scope.
814.102 Designation of HUD status.
814.104 Original applications.
814.106 HDE amendments and resubmitted HDE's.
814.108 Supplemental applications.
814.110 New indications for use.
814.112 Filing an HDE.
814.114 Timeframes for reviewing an HDE.
814.116 Procedures for review of an HDE.
814.118 Denial of approval or withdrawal of approval of an HDE.
814.120 Requests for extension.
814.122 Confidentiality of data and information.
814.124 Institutional Review Board requirements.
814.126 Postapproval requirements and reports.

Subpart H—Humanitarian Use Devices

§ 814.100 Purpose and scope.

(a) This subpart H implements section 520(m) of the act. The purpose of section 520(m) is, to the extent consistent with the protection of the public health and safety and with ethical standards, to encourage the discovery and use of devices intended to benefit patients in the treatment or diagnosis of diseases or conditions that affect or are manifested in fewer than 4,000 individuals in the United States per year. This subpart provides procedures for obtaining:

(1) HUD designation of a medical device; and

(2) Temporary marketing approval for the HUD notwithstanding the absence of reasonable assurance of effectiveness that would otherwise be required under sections 514 and 515 of the act.

(b) Although a HUD may also have uses that differ from the humanitarian use, applicants seeking approval of any non-HUD use shall submit a PMA as required under § 814.20, or a premarket notification as required under part 807 of this chapter.

(c) Obtaining marketing approval for a HUD involves two steps:

(1) Obtaining designation of the device as a HUD from FDA's Office of Orphan Products Development, and

(2) Submitting an HDE to the Office of Device Evaluation (ODE), Center for Devices and Radiological Health (CDRH).

(d) The approval by ODE of an HDE under this subpart H shall be effective for a period of 18 months from the date of the approval letter, and shall permit the applicant to market the HUD in the United States in accordance with the restrictions described in this subpart H. Extensions of the approval may be granted in accordance with this subpart H.

§ 814.102 Designation of HUD status.

(a) *Request for designation*. Prior to submitting an HDE application, the applicant shall submit a request for HUD designation to FDA's Office of Orphan Products Development. The request shall contain the following:

(1) A statement that the applicant requests HUD designation for a rare disease or condition or a valid subset of a disease or condition which shall be identified with specificity;

(2) The name and address of the applicant, the name of the applicant's primary contact person and/or resident agent, including title, address, and telephone number;

(3) A description of the rare disease or condition for which the device is to be used, the proposed indication or indications for use of the device, and the reasons why such therapy is needed. If the device is proposed for an indication that represents a subset of a common disease or condition, a demonstration that the subset is medically plausible should be included;

(4) A description of the device and a discussion of the scientific rationale for the use of the device for the rare disease or condition; and

(5) Documentation, with appended authoritative references, to demonstrate that the device is designed to treat or diagnose a disease or condition that affects or is manifested in fewer than 4,000 people in the United States per year. If the device is for diagnostic purposes, the documentation must demonstrate that fewer than 4,000 patients per year would be subjected to diagnosis by the device in the United States. Authoritative references include literature citations in specialized medical journals, textbooks, specialized medical society proceedings, or governmental statistics publications. When no such studies or literature citations exist, the applicant may be able to demonstrate the prevalence of the disease or condition in the United States by providing credible conclusions from appropriate research or surveys.

(b) *FDA action*. Within 45 days of receipt of a request for HUD designation, FDA will take one of the following actions:

(1) Approve the request and notify the applicant that the device has been designated as a HUD based on the information submitted;

(2) Return the request to the applicant pending further review upon submission of additional information. This action will ensue if the request is incomplete because it does not on its face contain all of the information required under § 814.102(a). Upon receipt of this additional information, the review period may be extended up to 45 days; or

(3) Disapprove the request for HUD designation based on a substantive review of the information submitted. FDA may disapprove a request for HUD designation if:

(i) There is insufficient evidence to support the estimate that the disease or condition for which the device is

designed to treat or diagnose affects or is manifested in fewer than 4,000 people in the United States per year;

(ii) FDA determines that, for a diagnostic device, 4,000 or more patients in the United States would be subjected to diagnosis using the device per year; or

(iii) FDA determines that the patient population defined in the request is not a medically plausible subset of a larger population.

(c) *Revocation of designation*. FDA may revoke a HUD designation if the agency finds that:

(1) The request for designation contained an untrue statement of material fact or omitted material information; or

(2) Based on the evidence available, the device is not eligible for HUD designation.

(d) *Submission*. The applicant shall submit two copies of a completed, dated, and signed request for HUD designation to: Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

§ 814.104 Original applications.

(a) *United States applicant or representative*. The applicant or an authorized representative shall sign the HDE. If the applicant does not reside or have a place of business within the United States, the HDE shall be countersigned by an authorized representative residing or maintaining a place of business in the United States and shall identify the representative's name and address.

(b) *Time for submission*. An original HDE may only be submitted to the agency between October 24, 1996, and April 27, 2001, unless otherwise permitted by statute.

(c) *Contents*. Unless the applicant justifies an omission in accordance with paragraph (d) of this section, an HDE shall include:

(1) A copy of or reference to the determination made by FDA's Office of Orphan Products Development (in accordance with § 814.102) that the device qualifies as a HUD;

(2) An explanation of why the device would not be available unless an HDE were granted and a statement that no comparable device (other than another HUD approved under this subpart or a device under an approved IDE) is available to treat or diagnose the disease or condition. The application also shall contain a discussion of the risks and benefits of currently available devices or alternative forms of treatment in the United States;

(3) An explanation of why the probable benefit to health from the use of the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment. Such explanation shall include a description, explanation, or theory of the underlying disease process or condition, and known or postulated mechanism(s) of action of the device in relation to the disease process or condition;

(4) All of the information required to be submitted under § 814.20(b), except that:

(i) In lieu of the summaries, conclusions, and results from clinical investigations required under §§ 814.20(b)(3)(v)(B), (b)(3)(vi), and (b)(6)(ii), the applicant shall include the summaries, conclusions, and results of all clinical experience or investigations (whether adverse or supportive) reasonably obtainable by the applicant that are relevant to an assessment of the risks and probable benefits of the device; and

(ii) In addition to the proposed labeling requirement set forth in § 814.20(b)(10), the labeling shall bear the following statement: Humanitarian Device. Authorized by Federal law for use in the [treatment or diagnosis] of [specify disease or condition]. The effectiveness of this device for this use has not been demonstrated; and

(5) The amount to be charged for the device and a report by an independent certified public accountant, made in accordance with the Statement on Standards for Attestation established by the American Institute of Certified Public Accountants, verifying that the amount charged does not exceed the costs of the device's research, development, fabrication, and distribution.

(d) *Omission of information*. If the applicant believes that certain information required under paragraph (c) of this section is not applicable to the device that is the subject of the HDE, and omits any such information from its HDE, the applicant shall submit a statement that identifies and justifies the omission. The statement shall be submitted as a separate section in the HDE and identified in the table of contents. If the justification for the omission is not accepted by the agency, FDA will so notify the applicant.

(e) *Address for submissions and correspondence*. Copies of all original HDE's, amendments, supplements, and requests for extension, as well as any correspondence relating to an HDE, shall be sent or delivered to the Document Mail Center (HFZ–401), Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

§ 814.106 HDE amendments and resubmitted HDE's.

An HDE or HDE supplement may be amended or resubmitted upon an applicant's own initiative, or at the request of FDA, for the same reasons and in the same manner as prescribed for PMA's in § 814.37. The timeframes and extension of review times set forth in § 814.37 for PMA's shall also be applicable to HDE's.

§ 814.108 Supplemental applications.

After FDA approval of an original HDE, an applicant shall submit supplements in accordance with the requirements for PMA's under § 814.39, except that a request for a new indication for use of a HUD shall comply with the requirements set forth in § 814.110.

§ 814.110 New indications for use.

(a) An applicant seeking a new indication for use of a HUD approved under this subpart H shall obtain a new designation of HUD status in accordance with § 814.102 and shall submit an original HDE in accordance with § 814.104.

(b) An application for a new indication for use made under § 814.104 may incorporate by reference any information or data previously submitted to the agency under an HDE.

§ 814.112 Filing an HDE.

(a) The filing of an HDE means that FDA has made a threshold determination that the application is sufficiently complete to permit substantive review. Within 45 days from the date an HDE is received by FDA, the agency will notify the applicant whether the application has been filed. FDA may refuse to file an HDE if any of the following applies:

(1) The application is incomplete because it does not on its face contain all the information required under § 814.104(c);

(2) FDA determines that there is a comparable device available (other than another HUD approved under this subpart or a device under an approved IDE) to treat or diagnose the disease or condition for which approval of the HUD is being sought; or

(3) The application contains an untrue statement of material fact or omits material information.

(b) The provisions contained in § 814.42(b), (c), and (d) regarding notification of filing decisions, filing dates, the start of the 180-day review

period, and applicant's options in response to FDA refuse to file decisions shall apply to HDE's submitted under this subpart as well as to PMA's submitted under § 814.20.

§ 814.114 Timeframes for reviewing an HDE.

Within 180 days after receipt of an HDE that is accepted for filing and to which the applicant does not submit a major amendment, FDA will send the applicant an approval order, an approvable letter, or a not approvable letter (under § 814.116), or an order denying approval (under § 814.118).

§ 814.116 Procedures for review of an HDE.

(a) *Substantive review*. FDA will begin substantive review of an HDE after the HDE is accepted for filing under § 814.112. FDA may refer an original HDE application to a panel on its own initiative, and shall do so upon the request of an applicant, unless FDA determines that the application substantially duplicates information previously reviewed by a panel. If the HDE is referred to a panel, the agency shall follow the procedures set forth under § 814.44.

(b) *Approval order*. FDA will issue to the applicant an order approving an HDE if none of the reasons in § 814.118 for denying approval of the application applies. FDA will approve an application on the basis of draft final labeling if the only deficiencies in the application concern editorial or similar minor deficiencies in the draft final labeling. Such approval will be conditioned upon the applicant incorporating the specified labeling changes exactly as directed and upon the applicant submitting to FDA a copy of the final printed labeling before marketing. The notice of approval of an HDE will be published in the Federal Register in accordance with the rules and policies applicable to PMA's submitted under § 814.20. Following the issuance of an approval order, data and information in the HDE file will be available for public disclosure in accordance with § 814.9(b) through (h), as applicable.

(c) *Approvable letter*. FDA will send the applicant an approvable letter if the application substantially meets the requirements of this subpart and the agency believes it can approve the application if specific additional information is submitted or specific conditions are agreed to by the applicant. The approvable letter will describe the information FDA requires to be provided by the applicant or the conditions the applicant is required to meet to obtain approval. For example, FDA may require as a condition to approval:

(1) The submission of certain information identified in the approvable letter, e.g., final labeling;

(2) Restrictions imposed on the device under section 520(e) of the act;

(3) Postapproval requirements as described in subpart E of this part; and

(4) An FDA inspection that finds the manufacturing facilities, methods, and controls in compliance with part 820 of this chapter and, if applicable, that verifies records pertinent to the HDE.

(d) *Not approvable letter*. FDA will send the applicant a not approvable letter if the agency believes that the application may not be approved for one or more of the reasons given in § 814.118. The not approvable letter will describe the deficiencies in the application and, where practical, will identify measures required to place the HDE in approvable form. The applicant may respond to the not approvable letter in the same manner as permitted for not approvable letters for PMA's under § 814.44(f).

§ 814.118 Denial of approval or withdrawal of approval of an HDE.

(a) FDA may deny approval or withdraw approval of an application if the applicant fails to meet the requirements of section 520(m) of the act or of this part, or of any condition of approval imposed by an IRB or by FDA, or any postapproval requirements imposed under § 814.126. In addition, FDA may deny approval or withdraw approval of an application if, upon the basis of the information submitted in the HDE or any other information before the agency, FDA determines that:

(1) There is a lack of a showing of reasonable assurance that the device is safe under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

(2) The device is ineffective under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

(3) The applicant has not demonstrated that there is a reasonable basis from which to conclude that the probable benefit to health from the use of the device outweighs the risk of injury or illness, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment;

(4) The application or a report submitted by or on behalf of the applicant contains an untrue statement of material fact, or omits material information;

(5) The device's labeling does not comply with the requirements in part 801 or part 809 of this chapter;

(6) A nonclinical laboratory study that is described in the HDE and that is essential to show that the device is safe for use under the conditions prescribed, recommended, or suggested in its proposed labeling, was not conducted in compliance with the good laboratory practice regulations in part 58 of this chapter and no reason for the noncompliance is provided or, if it is, the differences between the practices used in conducting the study and the good laboratory practice regulations do not support the validity of the study;

(7) Any clinical investigation involving human subjects described in the HDE, subject to the institutional review board regulations in part 56 of this chapter or the informed consent regulations in part 50 of this chapter, was not conducted in compliance with those regulations such that the rights or safety of human subjects were not adequately protected;

(8) The applicant does not permit an authorized FDA employee an opportunity to inspect at a reasonable time and in a reasonable manner the facilities and controls, and to have access to and to copy and verify all records pertinent to the application; and

(9) The device's HUD designation should be revoked in accordance with § 814.102(c).

(b) If FDA issues an order denying approval of an application, the agency will comply with the same notice and disclosure provisions required for PMA's under § 814.45(b) and (d), as applicable.

(c) FDA will issue an order denying approval of an HDE after an approvable or not approvable letter has been sent and the applicant:

(1) Submits a requested amendment but any ground for denying approval of the application under § 814.118(a) still applies;

(2) Notifies FDA in writing that the requested amendment will not be submitted; or

(3) Petitions for review under section 515(d)(3) of the act by filing a petition in the form of a petition for reconsideration under § 10.33 of this chapter.

(d) Before issuing an order withdrawing approval of an HDE, FDA will provide the applicant with notice and an opportunity for a hearing as required for PMA's under § 814.46(c) and (d), and will provide the public with notice in accordance with § 814.46(e), as applicable.

(e) Unless FDA otherwise determines that continued marketing under the

HDE is inconsistent with the intent of section 520(m) of the act, FDA will not withdraw approval of an HDE solely because it is subsequently determined that the disease or condition for which the HUD is intended affects or is manifested in more than 4,000 people in the United States per year. However, this fact may serve as a basis for disapproving an extension request.

§ 814.120 Requests for extension.

(a) *Eligibility*. In response to a request by the holder of an HDE, FDA may extend the HDE for an additional 18-month term. An exemption may be extended more than once, and may be extended after the expiration of the 5-year period that began on October 24, 1996, as provided by section 520(m)(5) of the act. If the approval term for an HDE has lapsed, the HDE is ineligible for extension under this section and the applicant must cease marketing the device until a new HDE has been submitted and approved in accordance with this part.

(b) *Submission*. In order to avoid the risk of a lapse in marketing approval, the holder of an HDE wishing to obtain an extension shall submit such a request to FDA at least 90 days prior to the expiration of the HDE. A request for extension must be submitted in writing, together with a new, separately bound, request for HUD designation. The request for extension and the request for HUD designation shall be submitted to the Office of Device Evaluation, CDRH at the address specified for the submission of original HDE's (§ 814.104(e)), and the outside envelope should be plainly marked: ''Request for Extension of HDE Approval.'' The submission shall state the applicant's name and address, the HDE number, and shall include the following information based upon the first 12 months of experience with the device following the most recent HDE approval or extension:

(1) An update of the information required under § 814.102(a) in a separately bound volume;

(2) An update of the information required under §§ 814.104(c)(2), (c)(3),and (c)(5);

(3) The number of devices that have been shipped or sold since initial marketing approval under this subpart and, if the number shipped or sold exceeds 4,000, an explanation and estimate of the number of devices used per patient. If a single device is used on multiple patients, the applicant shall submit an estimate of the number of patients treated or diagnosed using the device together with an explanation of the basis for the estimate;

(4) Information describing the applicant's clinical experience with the device since the HDE was initially approved. This shall include safety information that is known or reasonably should be known to the applicant, medical device reports made pursuant to part 803 of this chapter, any data generated from postmarketing studies, and information (whether published or unpublished) that is known or reasonably expected to be known by the applicant that may affect an evaluation of the safety of the device or that may affect the statement of contraindications, warnings, precautions, and adverse reactions in the device labeling; and

(5) A summary of any changes made to the device in accordance with supplements submitted under § 814.108.

(c) *Action*. Within 90 days of receipt of a request for an extension of an HDE that is submitted in accordance with this section, FDA will send the applicant either an approval order, approvable letter, a not approvable letter, or an order denying approval, applying the same criteria under this subpart as are applicable to the original HUD designation and HDE application. The effective date of an extension shall be the day the extension was granted or the day following the last effective day of the original HDE approval or the most recent extension, whichever is later. An extension request not acted upon by FDA within 90 days shall be deemed approved.

(d) *Waiver of final report*. An HDE holder seeking a request for extension under this section is exempt from the requirement of submitting a final report under § 814.126(b).

§ 814.122 Confidentiality of data and information.

(a) *Requirement for disclosure*. The ''HDE file'' includes all data and information submitted with or referenced in the HDE, any IDE incorporated into the HDE, any HDE amendment or supplement, any report submitted under § 814.126, any master file, or any other related submission. Any record in the HDE file will be available for public disclosure in accordance with the provisions of this section and part 20 of this chapter.

(b) *Extent of disclosure*. Disclosure by FDA of the existence and contents of an HDE file shall be subject to the same rules that pertain to PMA's under § 814.9(b) through (h), as applicable.

§ 814.124 Institutional Review Board requirements.

(a) *IRB approval*. The HDE holder is responsible for ensuring that a HUD approved under this subpart is administered only in facilities having an Institutional Review Board (IRB) constituted and acting pursuant to part 56 of this chapter, including continuing review of use of the device. In addition, a HUD may be administered only if such use has been approved by the IRB located at the facility or by a similarly constituted IRB that has agreed to oversee such use and to which the local IRB has deferred in a letter to the HDE holder, signed by the IRB chair or an authorized designee.

(b) *Withdrawal of IRB approval*. A holder of an approved HDE shall notify FDA of any withdrawal of approval for the use of a HUD by a reviewing IRB within 5 working days after being notified of the withdrawal of approval.

§ 814.126 Postapproval requirements and reports.

(a) An HDE approved under this subpart H shall be subject to the postapproval requirements and reports set forth under subpart E of this part, as applicable. In addition, medical device reports submitted to FDA in compliance with the requirements of part 803 of this chapter shall also be submitted to the IRB of record.

(b) In addition to the reports required under subpart E of this part, the holder of an approved HDE shall prepare and submit the following complete, accurate, and timely reports:

(1) *Final report*. Unless a request for extension is submitted in accordance with § 814.120, a final report shall be submitted no later than 90 days following the expiration of the period of marketing approval. The final report shall include: An estimate of the number of patients who were treated or diagnosed with the device and the number of devices shipped or sold since initial marketing approval under this subpart H. (If the number of devices shipped or sold exceeds 4,000 per year, an explanation and estimate of the number of devices used per patient shall be included. Similarly, if a single device is used on multiple patients, the applicant shall submit an estimate of the number of patients treated or diagnosed using the device together with an explanation of the basis for the estimate.) The holder of the HDE shall also report information regarding retrieval or disabling of unused devices, a summary of results and conclusions with regard to clinical use of the device, and a summary of the medical device reports submitted under part 803 of this chapter. The report shall also contain a summary and bibliography of published and unpublished data, reports, and studies involving the device that are

known to or that reasonably should be known to the applicant and were not previously submitted to FDA. If, after reviewing the summary and bibliography, FDA concludes that FDA needs a copy of the unpublished or published information, FDA will notify the applicant that copies shall be submitted.

(2) *Other.* An HDE holder shall, for the duration of the period that a HUD is approved for marketing, maintain records of the names and addresses of the facilities to which the HUD has been shipped, correspondence with reviewing IRB's, as well as any other information requested by a reviewing IRB or FDA.

Dated: June 14, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–15993 Filed 6–25–96; 8:45 am]

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Part VI

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171, et al.

Tank Cars: Crashworthiness Protection Requirements; Corrections and Response to Petitions for Reconsideration; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 179, and 180

[Docket Nos. HM–175A and HM–201; Amdt. Nos. 171–137, 173–245, 179–50, and 180–8]

RIN 2137–AC85

Crashworthiness Protection Requirements for Tank Cars; Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks; Corrections and Response to Petitions for Reconsideration

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

ACTION: Final rule; corrections and response to petitions for reconsideration.

SUMMARY: This final rule revises certain requirements in the Hazardous Materials Regulations to improve the crashworthiness of tank cars and to increase the probability of detecting critical tank car defects. In response to two petitions for reconsideration and other comments, RSPA is allowing an analysis using independent mathematical or computer modeling procedures to verify compliance with the thermal protection standard for certain tank cars. In addition, RSPA is clarifying the head-puncture resistance requirements and thermal protection requirements, and is making other minor editorial and technical changes for clarity. The changes made in this document are intended to ease certain regulatory requirements where there will be no adverse effect on safety.

DATES: *Effective date:* The effective date of this final rule is July 1, 1996.

Compliance date: Compliance with the regulations, as amended herein, is authorized as of June 26, 1996.

FOR FURTHER INFORMATION CONTACT: James H. Rader (telephone 202-366-0510), Office of Safety Assurance and Compliance; or Thomas A. Phemister (telephone 202-366-0635), Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street S.W., Washington, D.C., 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Background

On September 21, 1995, RSPA, with the assistance of the Federal Railroad Administration (FRA), published a final rule under Docket Nos. HM–175A and HM–201 (60 FR 49048) that addressed the safe performance of tank cars used to transport hazardous materials. The final rule amended the Hazardous Materials Regulations (HMR) to, among other changes, expand the use of thermal protection and head protection systems on tank cars.

FRA gave presentations providing an overview of the final rule at numerous outreach meetings that were attended by over 750 representatives from trade associations, rail carriers, shippers, and manufacturers and repairers of tank cars. In addition, RSPA received two petitions for reconsideration of certain aspects of the final rule. One petition was filed by The Sulphur Institute (TSI) and the other was filed jointly by The Fertilizer Institute (TFI) and CF Industries, Incorporated (CF). The Railway Progress Institute (RPI) wrote to RSPA requesting an editorial correction in § 173.31(b)(6)(ii) to eliminate the need for listing each tank car's reporting mark and number to FRA for each car modified, reassigned, retired, or removed from service. Finally, the Chemical Manufacturers Association (CMA), joined later by TFI, petitioned the United States Court of Appeals to review the provision in § 173.31(d)(2) that the discovery of a loose closure on a tank car would give rise to a ''rebuttable presumption'' that a proper inspection had not been performed. Based on the merits of the comments, questions and suggestions received and the petitions, RSPA is revising the final rule as discussed below. Editorial corrections and minor revisions based on suggestions from commenters or RSPA's own initiative are discussed in the summary of regulatory changes by section.

Because the amendments adopted herein clarify and relax certain provisions of the September 21, 1995 final rule, and impose no new regulatory burden on any person, notice and public procedure are unnecessary. For these same reasons, these amendments are being made effective on the same effective date of the September 21, 1995 final rule, without the usual 30-day delay following publication.

II. Discussion

Head protection: In § 173.31(b)(3)(ii) of the final rule, RSPA required full-head protection for tank cars carrying a Class 2 material and tank cars constructed from aluminum or nickel plate when they are used to transport hazardous material. Section 173.31(b)(3)(iii) requires full compliance with this requirement by July 1, 2006. TSI stated that the preamble discussion in the final rule indicated that the head protection applied only to tank cars used to transport Class 2 materials and to aluminum and nickel plate tank cars used to transport any hazardous material. However, the wording in paragraph (b)(3)(iii) could imply that *all* tank cars must have head protection by the July 1, 2006 compliance date. TSI petitioned RSPA to revise the provision.

RSPA agrees with TSI that the wording in § 173.31(b)(3)(iii) could be misunderstood. RSPA notes that similar wording is used in § 173.31(b)(4)(ii), (e)(2), and (f), which specify the compliance period for other requirements adopted in the final rule relating to thermal protection, tank cars used to transport certain poisonous-by-inhalation (PIH) materials, and hazardous substances. Therefore, in this document, RSPA is revising paragraphs (b)(3)(iii), (b)(4)(ii), (e)(2), and (f)(1) to clarify that these requirements apply to only certain tank cars.

One commenter asked RSPA to clarify the requirements for the head protection system required in the September 21 final rule. The commenter asked whether the head on the tank car could be considered a ''head protection system'' if it had adequate thickness. The commenter requested that § 173.31 be modified to ''clearly state that the head itself may serve as the tank head protection system.'' The commenter also asked if ''cars with a configuration essentially equal to the cars tested by DOT (DOT/FRA/ORD–92/11) be deemed * * * acceptable without further testing''? RSPA and FRA agree that the heads on a tank car can be considered a head protection system provided it met the appropriate performance criteria; however, RSPA believes placing this revision in the testing requirements in Appendix A would be more appropriate. Therefore, RSPA is clarifying in Appendix A to Part 179, paragraph 1, that a tank-head puncture-resistance system is a function of head thickness, jacket thickness, insulation thickness, or the material of construction, or a combination of any of these factors. Further, RSPA and FRA will accept testing of a specific head protection design to qualify like designs.

Progress reporting: In a letter dated October 19, 1995, RPI asked RSPA to revise § 173.31(b)(6)(ii); RPI asserted that reporting the mark of each modified car would be an administrative burden and stated that what was important was providing information on the number and percent of in-service tank cars modified, reassigned, retired, or removed to meet the requirement in § 173.31(b)(6). RSPA agrees with RPI and has amended paragraph (b)(6)(ii). The provision that each owner modify, reassign, retire, or remove at least 50%

of its in-service tank car fleet used to transport these specified hazardous materials within the first half of the compliance period (i.e., by July 1, 2001) is retained.

Thermal protection: In the final rule, the thermal protection requirements formerly found in § 179.105-4(a), (b), and (c) were moved to new § 179.18. In § 179.18, paragraph (a) specifies that thermal protection, when required, must be sufficient to prevent a release of the lading, except through the pressure relief device, when the tank car is subjected to (1) a pool fire for 100 minutes, and (2) a torch fire for 30 minutes. The overall thermal performance of the tank and its cargo is influenced by the heat capacity and volatility of the cargo, the flow capacity of the pressure relief device, the heat transfer characteristics of the tank, and the type of thermal protection material used. Paragraph (b)(1) requires verification of compliance with this standard by modeling the fire effects on the entire surface of the tank car according to the procedures outlined in a FRA contract report entitled ''Temperatures, Pressures and Liquid Levels of Tank Cars Engulfed in Fires,'' DOT/FRA/OR&D–84/08.11 (1984) (hereinafter referred to as ''1984 thermal model''). Prior to adoption of the final rule, the regulations did not specify any particular method to conduct such an analysis. The final rule also broadened the thermal protection requirements to apply to all tank cars used to transport Class 2 materials, with certain limited exceptions.

TFI and CF petitioned RSPA to delay the use of implementation of the thermal protection standard and asserted that adoption of the 1984 thermal model violated the Administrative Procedure Act, 5 U.S.C. 553.

In the preamble to the final rule, RSPA and FRA discussed in detail the objections of TFI and others to extending thermal protection to tank cars transporting anhydrous ammonia (and other Division 2.2 materials), and indicated their agreement with the views of one commenter who stated that ''there can be little basis for exempting anhydrous ammonia from the thermal protection requirements because it is not likely to catch fire once released. Its material poisonous by inhalation (PIH) characteristic remains, and the potential for rupturing in a non-insulated tank car is high.'' (60 FR 49053) RSPA and FRA believe that the NPRM provided adequate notice that they might adopt the 1984 thermal model if, as it occurred, that model had not been updated by the time the final rule was issued.

RSPA and FRA are aware of industry support for the 1984 thermal model and ongoing research by the FRA will address specific concerns about the *use* of the model. RSPA and FRA believe the 1984 thermal model produces supportable results at reasonable cost, but also understand that certain persons may wish to continue to perform an analysis using independent mathematical or computer modeling procedures to verify compliance with the thermal protection standard. Accordingly, in this final rule, § 179.18(b)(1) is revised to allow any method of verifying compliance with the thermal protection standard; however, RSPA and FRA reserve the right to require evidence of a model's effectiveness. In addition, RSPA and FRA will accept, without the need to ''prove'' the method, the procedures outlined in the 1984 thermal model.

III. Summary of Regulatory Changes by Section

The following review-by-section summarizes the revisions resulting from the petitions and comments received in response to the September 21 final rule.

Part 171

Section 171.6. In the table in paragraph (b)(2), column 3, under the entry for OMB Control Number 2137–0559, the sections identified in the collection of information are updated to reflect recent changes.

Part 173

Section 173.31. Paragraph (b)(2)(ii) is amended by revising the phrase ''in class DOT 115 tank cars, tank cars'' to read ''in class DOT 115 tank cars, single-unit tank cars'' to correct a typographical error.

Based on the TSI petition for reconsideration, paragraph (b)(3)(iii) is revised to clarify that existing tank cars being used to transport a Class 2 material and tank cars manufactured from aluminum or nickel plate that currently have no head protection must have full-head protection installed by July 1, 2006.

Paragraph (b)(4)(i) is revised to clarify that tank cars having a thermal protection system and tank cars that have an insulation system that has a heat flux of no more than 0.613 kilojoules per hour, per square meter, per degree Celsius temperature differential (0.03 B.t.u. per square foot, per hour, per degree Fahrenheit temperature differential) are considered to meet the thermal protection standard. For example, tank cars currently marked ''J'' or ''T,'' tank cars currently marked ''A'' but having a thermal protection material applied (e.g., 2-inches of ceramic fiber and 2-inches of glass fiber found on chlorine tank cars), and tank cars that have superior thermal resistance, such as tank cars used for carbon dioxide (refrigerated liquid) and nitrous oxide (refrigerated liquid), are considered to conform to the thermal protection standard. Paragraph (b)(4)(ii) is revised to clarify that only tank cars transporting Class 2 materials require thermal protection.

Paragraph (b)(6)(ii) is revised to remove the requirement to include the reporting mark of each tank car and to clarify the reporting period and due date of the progress report.

Paragraph (d)(1)(viii) is revised to clarify that ''other safety systems'' means ''bottom discontinuity protection.'' Paragraph (d)(2) of the final rule contained a rebuttable presumption standard aimed specifically at loose closures on tank cars. The ''secure and leakproof'' standard presently contained in 49 CFR 173.24(f), coupled with the requirement that closures be ''tool tight'' (formerly at 49 CFR 173.31(b)(3)), are not new requirements, and (d)(2) made clear the standard that had always applied. The reasoning behind the new language was amply discussed in the preamble to the final rule (60 FR at 49064–49066). Simply stated, if a hazardous materials package is discovered with loose closures, the closures were not designed properly, or they were not tightened properly, or they were loosened in transit. Neither RSPA nor FRA are aware of hazardous material packaging designs that allow closures to loosen in transit by themselves, even when subjected to overspeed impacts, as noted in the preamble to the final rule, and no commenter offered evidence to disprove this. This does not mean that every time closures are discovered loose, the offeror is at fault. The preamble in the September 21 final rule listed a number of examples where the presumption has been rebutted, taken from FRA's actual enforcement of the HMR against railroads and their shippers. (60 FR 49065)

CMA, joined later by TFI, petitioned the United States Court of Appeals to review the ''rebuttable presumption'' created in relation to the discovery of loose closures on tank cars. CMA's primary contention, as set forth in its Statement of Issues to be Raised filed with the court, is that the presumption as stated shifts the burden of proof in civil penalty cases from the government to the respondents and, accordingly, is contrary to Rule 301 of the Federal

Rules of Evidence. Neither RSPA nor FRA agree that the presumption shifts the burden of proof to respondents. Rather, consistent with Rule 301, the presumption simply imposes on respondents the burden of going forward with evidence to rebut or meet the presumption. It is not intended to shift to respondents the burden of proof in the sense of the risk of nonpersuasion, which remains with FRA. However, for the sake of clarity and consistency with the original preamble, RSPA and FRA have revised the rule. Section 173.31(d)(2) is amended to read:

> Closures on tank cars are required, in accordance with this subchapter, to be designed and closed so that under conditions normally incident to transportation, including the effects of temperature and vibration, there will be no identifiable release of a hazardous material to the environment. In any action brought to enforce this section, the lack of securement of any closure to a tool-tight condition, detected at any point, will establish a rebuttable presumption that a proper inspection was not performed by the offeror of the car. This presumption may be rebutted by any evidence indicating that the lack of securement resulted from a specific cause not within the control of the offeror.

Neither the original rebuttable presumption nor this amendment is in any way intended to abrogate the protections or the burdens of Rule 301. FRA accepts, and always has, the burden of proof inherent in the taking of an action for a civil penalty. The revised language makes FRA's position clear by removing any suggestion that the rule limits the types of evidence that respondents may offer and that the fact finder may consider in a rebuttal case. This clarification harmonizes the language of § 173.31(d)(2) with the description of the provision in the original preamble, which noted that examples of rebuttal evidence stated in the rule were not meant to be exclusive. What is sought in § 173.31(d)(2) is a recognition of the obligation placed on those who offer hazardous materials for transportation—closures on tank cars must be tool tight when the car is offered and they must be designed and closed so that they remain tool tight ''under conditions normally incident to transportation.'' When FRA initiates a civil penalty action for a violation of this section of the HMR, and presents evidence of a loose closure, it expects the respondent to come forward with rebuttal evidence, which may include evidence indicating that the loose closures resulted from a specific cause not within the control of the offeror. After all the evidence is presented, however, FRA still bears the burden of proof.

Paragraph (e)(2) is revised to specify the tank test pressure and other safety provisions required for tank cars transporting a PIH material in place of the list of authorized tank car specifications. Lastly, paragraph (f)(1) is revised to specify the tank test pressure and component requirements for tank cars transporting a hazardous substance, listed in § 173.31(f)(2), in place of the list of authorized tank car specifications.

Section 173.314. In response to suggestions made by commenters, Note 1 in paragraph (c) is clarified by placing the English and metric units in a separate sentence from the definition. In paragraph (n), the paragraph heading is amended by removing the word ''chloride'' because the paragraph applies only to ''hydrogen'' and not ''hydrogen chloride.''

Part 179

Section 179.2. In paragraph (a)(10), the definition for ''tank car facility'' is revised to include an entity that ''qualifies'' or ''maintains'' tank cars to clarify the definition and its relationship to the qualification requirements in Part 180.

Section 179.7. The introductory text in paragraph (a)(2) is revised to clarify that this provision also applies to qualification and maintenance programs.

Paragraph (b)(5) is revised to ensure that the tank car owner's qualification and maintenance program is included in the quality assurance program that tank car facilities will use to identify the characteristics of and elements on each tank car design to be inspected and tested. This change will make clear the relationship between the written procedures, prescribed in paragraph (d) of this section, and the manufacturing, inspection, testing, and maintenance programs.

Paragraph (b)(7) is amended by replacing the word ''imperfections'' with ''nonconformities'' for consistency with the wording used in paragraph (a)(3). A ''nonconformity'' means that the area under observation does not conform to the acceptance criteria; whereas an ''imperfection'' implies there is a defect, regardless of whether the defect conforms to the pass/fail acceptance criteria.

Paragraph (b)(9) is amended by removing the list of specific non-destructive inspection and test methods because authorized methods for non-destructive testing (NDT) are now listed in § 180.509(e). Paragraph (b)(10) is removed because it is no longer necessary to list the qualification requirements for examiners performing specific types of visual inspections based on the changes made to paragraph (b)(9). Paragraph (b)(11) is renumbered as paragraph (b)(10) and is revised by adding the word ''reliability'' to ensure the adequacy and repeatability of the non-destructive inspection test technique. Paragraphs (b) (12) and (13) are renumbered as paragraphs (b) (11) and (12), respectively.

In paragraph (d), the word ''establish'' is corrected to read ''provide'' because the owner of the tank car generally will provide the written procedures for inspecting the tank to the tank car facility. In the September 21 final rule, RSPA stated that these procedures belong in the tank car owner's written maintenance plan or Association of American Railroads (AAR) Specifications for Tank Cars. Further, the approach adopted by RSPA and FRA allows each tank car owner the flexibility to develop inspection and test procedures appropriate for each unique tank car or series of tank cars based on operating and maintenance experience (see 60 FR 49063).

In paragraph (f), the words ''inspect, or test'' are revised to read ''inspect, test, qualify or maintain'' for consistency with § 179.2.

Section 179.16. Paragraph (b) is revised to clarify that two methods may be used to achieve compliance with the performance standard prescribed for the tank-head puncture-resistance system. The method prescribing that the tank-head resistance system must be verified by testing in accordance with Appendix A to Part 179 is retained in paragraph (b). The method allowing the installation of full-head protection (shields) or full tank head jackets, as an alternative to verification by testing, is moved to new paragraph (c). In addition, in new paragraphs (c)(1) and (c)(2), the phrase ''tank-head puncture-resistance system'' is corrected to read ''full tank-head protection (shields) or full tank-head jackets.''

Section 179.18. In paragraph (a), the phrase ''safety relief valve'' is revised to read ''pressure relief device'' for consistency with existing regulations. Paragraph (b)(1) is amended to specify that FRA's 1984 thermal model is an optional pre-approved procedure for verifying compliance with the thermal protection standard in paragraph (a). In paragraph (b)(2), the words ''an unlisted'' are revised to read ''a new or untried'', for consistency with language used in the opening paragraphs of Appendix B to Part 179.

Section 179.22. In paragraphs (b), (c), and (d), the phrase ''is equipped with'' is revised to read ''requires''. This

change will allow the optional marking of a tank car ''S,'' ''J,'' or ''T'' when such car has, but does not require, head or thermal protection. Tank cars requiring such protection must be marked to show the appropriate tank specification.

Appendix A to Part 179. In Appendix A to Part 179, a second sentence is added to paragraph 1, based on comments received, to clarify that tank-head puncture-resistance is a function of one or more of the following: head thickness, jacket thickness, insulation thickness, and the material of construction.

Part 180

Section 180.501. Paragraph (a) is amended by removing the phrase ''that the tank cars are in proper condition for transportation'' and by inserting in its place ''continuing qualification''. This change will help clarify that the tank cars must continue to conform to the qualification requirements of subpart F of Part 180.

Section 180.509. Paragraph (b)(1) is revised to replace the requirement to inspect all ''tank cars showing any evidence of a condition....that would make them unsafe for transportation'' with a requirement to perform a leakage pressure test after reassembly of the tank car or service equipment. This revision will clarify that repairs or maintenance will not subject the tank to the full inspection and test program because repairs and maintenance must be done in accordance with Appendix R of the AAR's Specifications for Tank Cars (see also 60 FR 49060). It also clarifies that a leakage pressure test, as prescribed in paragraph (j), must be performed after reassembly of the tank car. Paragraph (b)(2) is amended to clarify that leaking tank cars or tank cars showing evidence of structural damage are required to be inspected and tested without regard to any other periodic inspection or test requirement. This change will clarify that the entire tank structure is subject to an inspection and test only when the structural integrity of the tank may have been compromised.

RSPA is removing the 10-year limit in paragraph (c)(3)(iii) for requalification of inner linings and coatings of tank cars. Paragraph (c)(3)(iii)(A) is revised to require that supporting documentation used to make inspection and test interval determinations for linings or coatings for materials corrosive to the tank be made available to FRA personnel upon request. This requirement was in paragraph (c)(3)(iii)(B). In addition, in paragraph (c)(3)(iii)(A), the phrase '', and acceptance criteria'' is added to the first and second sentence to clarify that an owner must determine not only the inspection interval and test technique, but also the *acceptance criteria* for linings and coatings. Paragraph (c)(3)(iii)(B) is revised to require the owner of a lining or coating to provide the periodic inspection interval, test technique, and acceptance criteria to the person requalifying the lining or coating. This provision was added in response to a National Transportation Safety Board (NTSB) recommendation (NTSB R–95–10/R–95–11) that inspectors have sufficient access to an owner's acceptance criteria. Section 180.511(e) of the final rule defines the lining and coating acceptance criteria as ''no evidence of holes or degraded areas.'' Several commenters stated all linings and coatings have holes or degraded areas and, therefore, all linings and coatings will fail the test. They suggested that the owner of the lining or coating should determine the acceptance criteria (i.e., the allowable number of discontinuities [e.g., a film defect characterized by small pore-like or pin-hole type flaws]), because the number of discontinuities will depend on the film-coating or rubber-lining material, thickness, design, and surface conditions. RSPA and FRA agree that the owner's knowledge of the lining or coating will assist in determining with greater accuracy safe acceptance criteria for linings and coatings.

The table in paragraph (g)(1)(ii) is revised to convert the fractions in column two (''DOT 103 * * *, Top shell'') to their decimal equivalent and the second and fourth column headings are revised from ''Top shell'' to read ''Top shell and head'' to allow limited reductions in the tank head thickness.

In paragraph (i), requirements for inspecting and testing the lining and coating based on the owner's acceptance criteria are added as discussed earlier in this preamble.

Paragraph (j) is revised to clarify that the tank must have a leakage test after reassembly of a tank car or its service equipment. One commenter supplied information on leak testing that shows acceptable results at much lower pressures. Another commenter provided information showing that, for bubble film testing, the rate of bubble formation, the size of bubbles formed, and the rate that individual bubbles increase in size are means for estimating the size of a leak (the rate of gas flow through a leak). At lower pressures, such as 10–15 psi, a leak can be detected with acceptable test techniques. Based on the comments, the leak test requirement is amended by removing the pressure references and by allowing any accepted NDT practices, such as bubble emission testing (solution film tests) and ultrasonic leak detection. This revision provides additional relief from the requirement without compromising safety by authorizing lower test pressures and reducing the potential danger of a pneumatic high-pressure test on an empty tank car.

In paragraph (l), the paragraph heading is amended by removing the phrase ''with metal jackets or thermal protection systems.'' This change will clarify that requirements in the paragraph also apply to non-jacketed tank cars.

Section 180.511. Paragraph (e) is amended by replacing the phrase ''shows no evidence of holes or degraded areas'' with ''conforms to the owner's acceptance criteria.'' This change will clarify that the acceptance criteria are based on the owner's determinations.

Section 180.515. Paragraph (a) is amended by replacing the phrase ''paragraph (b) of this section'' with ''Appendix C of the AAR Specifications for Tank Cars.'' This change removes the cross-reference to paragraph (b) and simplifies the regulation.

Paragraph (b) is removed based on the change above. Paragraphs (c) and (d) are renumbered (b) and (c) respectively.

Section 180.519. The first sentence in paragraph (b)(6) is amended by replacing the reference ''paragraph (d)(8)'' with ''paragraph (c)'' to correct a typographical error, and by replacing the phrase ''1–60 for January 1960'' with ''01–90 for January 1990'' to update the reference date in the example. In paragraph (b)(5), in Retest Table 1, the last entry ''BE–275'' is revised to read ''BE–27'' to correct a typographical error.

In paragraph (c), the phrase ''DOT 110A–Z'' is revised to read ''DOT 110A–W'' to correct a typographical error.

IV. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is considered a non-significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget (OMB). Although the underlying rule was considered significant under the Regulatory policies and Procedures of the Department of Transportation (44 FR 11034), because it affects a significant segment of the tank car industry, this document is considered ''non-significant'' because it clarifies and corrects provisions of the final rule and provides consistency. This final rule

does not impose additional requirements and, in fact, provides relief in some areas. The net result is that costs imposed under the final rule published in the Federal Register on September 21, 1995 are reduced, but without a reduction in safety. The original regulatory evaluation of the final rule was reexamined but not modified because changes made under this rule provide limited relief and thus will result in minimal economic impact on the industry.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''). Federal law expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous material that cover certain subjects and are not ''substantively the same'' as the Federal requirements, 49 U.S.C. 5125(b)(1). These covered subjects are:

(A) The designation, description, and classification of hazardous material;

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(C) The preparation, execution, and use of shipping documents related to hazardous material and requirements respecting the number, contents, and placement of those documents;

(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(E) The design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container which is represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule addresses the design, manufacture, repair, and other requirements for packages represented as qualified for the use in the transportation of hazardous material. Therefore, this final rule preempts State, local, or Indian tribe requirements that are not ''substantively the same'' as Federal requirements on these subjects. Section 5125(b)(2) of Title 49 U.S.C. provides that when DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and no later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption of this final rule will be September 24, 1996.

Because RSPA lacks discretion in this area, preparation of a federalism assessment is not warranted.

C. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The entities affected by the rule are involved in tank car leasing, maintenance, repair and use. There are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. Information collection requirements in 49 CFR 173.31, 179.7, and 180.517 are currently approved under OMB control number 2137-0559. A provision adopted in this final rule, to eliminate a requirement to show the reporting mark of each tank car in an annual progress report, will result in a minor reduction in the amount of burden imposed by this collection. RSPA believes that this change in burden is not sufficient to warrant revision of the currently approved information collection.

E. Regulation Identifier Number (RIN)

A regulation identifier 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 numbers contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and record keeping requirements, Uranium.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and record keeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and record keeping requirements.

ln consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITION

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 171.6 [Amended]

2. In § 171.6, in paragraph (b)(2), column 3 of the table, for the entry ''2137–0559'' the references ''173.31 (a)(4), (c)(8), (d)(8), Table Footnote (i)'' are removed and the references ''173.31(b)(6)(ii),'' and ''179.7 (b)(2), (5), (d), 180.517 (a), (b)'' are added in numerical order.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS

3. The authority citation of Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 173.31 [Amended]

4. In § 173.31, the following changes are made:

a. In paragraph (b)(2)(ii), the phrase ''in class DOT 115 tank cars, tank cars used'' is revised to read ''in class DOT 115 tank cars, single-unit tank cars used''.

5. ln § 173.31, paragraphs (b)(3)(iii), (b)(4)(i), (b)(4)(ii), (b)(6)(ii), (d)(1)(viii), (d)(2), (e)(2) and (f)(1) are revised to read as follows:

§ 173.31 Use of tank cars.

* * * * *

(b) * * *

(3) * * *

(iii) Except as provided in paragraph (b)(3)(iv) of this section, those tank cars specified in paragraphs (b)(3)(i) and (ii) of this section not requiring a tank-head puncture resistance system prior to July 1, 1996, must have a tank-head puncture resistance system installed no later than July 1, 2006.

* * * * *

(4) * * *

(i) Tank cars transporting a Class 2 material, except for a class 106, 107A, 110, and 113 tank car. A tank car equipped with a thermal protection system conforming to § 179.18 of this subchapter, or that has an insulation system having an overall thermal

conductance of no more than 0.613 kilojoules per hour, per square meter, per degree Celsius temperature differential (0.03 B.t.u. per square foot, per hour, per degree Fahrenheit temperature differential), conforms to this requirement.

(ii) A tank car transporting a Class 2 material that was not required to have thermal protection prior to July 1, 1996, must be equipped with thermal protection no later than July 1, 2006.

* * * * *

(6) * * *

(ii) By October 1 of each year, each owner of a tank car subject to this paragraph (b)(6) shall submit to the Hazardous Materials Division (RRS–12), Office of Safety Assurance and Compliance, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590–0001, a progress report that shows the total number of in-service tank cars that need head protection, thermal protection, or bottom-discontinuity protection; the number of new or different tank cars acquired to replace those tank cars required to be upgraded to a higher service pressure; and the total number of tank cars modified, reassigned, acquired, retired, or removed from service the previous year.

* * * * *

(d) * * *

(1) * * *

(viii) The external thermal protection system, tank-head puncture resistance system, coupler vertical restraint system, and bottom discontinuity protection for conditions that make the tank car unsafe for transportation.

* * * * *

(2) Closures on tank cars are required, in accordance with this subchapter, to be designed and closed so that under conditions normally incident to transportation, including the effects of temperature and vibration, there will be no identifiable release of a hazardous material to the environment. ln any action brought to enforce this section, the lack of securement of any closure to a tool-tight condition, detected at any point, will establish a rebuttable presumption that a proper inspection was not performed by the offeror of the car. That presumption may be rebutted by any evidence indicating that the lack of securement resulted from a specific cause not within the control of the offeror.

(e) * * *

(2) Tank car specifications. A tank car used for a material poisonous by inhalation must have a tank test pressure of 20.7 Bar (300 psi) or greater, head protection, and a metal jacket (e.g., DOT 105S300W), except that—

(i) A higher test pressure is required if otherwise specified in this subchapter; and

(ii) Other than as provided in paragraph (b)(6) of this section, a tank car which does not conform to the requirements of this paragraph (e)(2), and was authorized for the material poisonous by inhalation under the regulations in effect on June 30, 1996, may continue in use until July 1, 2006.

(f) * * *

(1) A tank car used for a hazardous substance listed in paragraph (f)(2) of this section must have a tank test pressure of at least 13.8 Bar (200 psi), head protection and a metal jacket, except that—

(i) No metal jacket is required if—

(A) The tank test pressure is 23.4 Bar (340 psi) or higher; or

(B) The tank shell and heads are manufactured from AAR steel specification TC–128, normalized;

(ii) A higher test pressure is required if otherwise specified in this subchapter; and

(iii) Other than as provided in paragraph (b)(6) of this section, a tank car which does not conform to the requirements of this paragraph (f)(1), and was authorized for a hazardous substance under the regulations in effect on June 30, 1996, may continue in use until July 1, 2006.

* * * * *

6. In § 173.314, Note 1 following paragraph (c) table and the heading of paragraph (n) are revised to read as follows:

§ 173.314 Compressed gases in tank cars and multi-unit tank cars.

* * * * *

(c) * * *

NOTES:

1. The percent filling density for liquefied gases is hereby defined as the percent ratio of the mass of gas in the tank to the mass of water that the tank will hold. For determining the water capacity of the tank in kilograms, the mass of one liter of water at 15.5°C in air is 1 kg. (the mass of one gallon of water at 60°F in air is 8.32828 pounds).

* * * * *

(n) *Special requirements for hydrogen.*

* * *

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

7. The authority citation for Part 179 continues to read as follows:

Authority: 49 App. U.S.C. 5101–5127; 49 CFR 1.53.

§ 179.2 [Amended]

8. In § 179.2, in paragraph (a)(10), the words ''inspects, or tests'' are revised to read ''inspects, tests, qualifies, or maintains''.

9. In § 179.7, paragraph (b)(10) is removed, and paragraphs (b)(11), (b)(12), and (b)(13) are redesignated as paragraphs (b)(10), (b)(11), and (b)(12), respectively, and paragraphs (a)(2), (b)(5), (b)(9), and (d) are revised to read as follows:

§ 179.7 Quality assurance program.

(a) * * *

(2) Has the means to detect any nonconformity in the manufacturing, repair, inspection, testing, and qualification or maintenance program of the tank car; and

* * * * *

(b) * * *

(5) A description of the manufacturing, repair, inspection, testing, and qualification or maintenance program, including the acceptance criteria, so that an inspector can identify the characteristics of the tank car and the elements to inspect, examine, and test at each point.

* * * * *

(9) Qualification requirements of personnel performing non-destructive inspections and tests.

* * * * *

(d) Each tank car facility shall provide written procedures to its employees to ensure that the work on the tank car conforms to the specification, AAR approval, and owner's acceptance criteria.

* * * * *

§ 179. 7 [Amended]

10. In addition, in § 179.7, the following changes are made:

a. In paragraph (b)(7) the word ''imperfections'' is revised to read ''nonconformities''.

b. In newly designated paragraph (b)(10), the phrase ''and reliability'' is added after the word ''sensitivity''.

c. In paragraph (f), the words ''inspect, or test'' are revised to read ''inspect, test, qualify or maintain''.

11. In § 179.16, paragraph (b) is revised and a new paragraph (c) is added, to read as follows:

§ 179.16 Tank-head puncture-resistance systems.

* * * * *

(b) *Verification by testing.* Compliance with the requirements of paragraph (a) of this section shall be verified by full-scale testing according to Appendix A of this part.

(c) *Alternative compliance by other than testing.* As an alternative to

requirements prescribed in paragraph (b) of this section, compliance with the requirements of paragraph (a) of this section may be met by installing full-head protection (shields) or full tank-head jackets on each end of the tank car conforming to the following:

(1) The full-head protection (shields) or full tank-head jackets must be at least 1.27 cm (0.5 inch) thick, shaped to the contour of the tank head and made from steel having a tensile strength greater than 379.21 N/mm^2 (55,000 psi).

(2) The design and test requirements of the full-head protection (shields) or full tank-head jackets must meet the impact test requirements of Section 5.3 of the AAR Specifications for Tank Cars.

(3) The workmanship must meet the requirements of Section C, Part II, Chapter 5 of the AAR Specifications for Design, Fabrication, and Construction of Freight Cars.

12. In § 179.18, paragraph (b)(1) is revised to read as follows:

§ 179.18 Thermal protection systems.

* * * * *

(b) * * * (1) Compliance with the requirements of paragraph (a) of this section shall be verified by analyzing the fire effects on the entire surface of the tank car. The analysis must consider the fire effects on and heat flux through tank discontinuities, protective housings, underframes, metal jackets, insulation, and thermal protection. A complete record of each analysis shall be made, retained, and upon request, made available for inspection and copying by an authorized representative of the Department. The procedures outlined in ''Temperatures, Pressures, and Liquid Levels of Tank Cars Engulfed in Fires,'' DOT/FRA/OR&D–84/08.11, (1984), Federal Railroad Administration, Washington, DC (available from the National Technical Information Service, Springfield, VA) shall be deemed acceptable for analyzing the fire effects on the entire surface of the tank car.

* * * * *

§ 179.18 [Amended]

13. In addition, in § 179.18, in paragraph (a) introductory text, the phrase ''safety relief valve'' is revised to read ''pressure relief device'' and in paragraph (b)(2) the phrase ''an unlisted'' is revised to read ''a new or untried''.

§ 179.22 [Amended]

14. In § 179.22, in paragraphs (b), (c) and (d), the wording ''is equipped with'' is revised to read ''requires'' each place it appears.

15. In appendix A to part 179, paragraph 1 is amended by adding a sentence at the end of the paragraph to read as follows:

Appendix A to Part 179—Procedures for Tank-Head Puncture-Resistance Test

1. * * * Tank-head puncture-resistance is a function of one or more of the following: Head thickness, jacket thickness, insulation thickness, and material of construction.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

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

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 180.501 [Amended]

17. In § 180.501, paragraph (a) is amended by removing the phrase ''that the tank cars are in proper condition for transportation'' and adding in its place, the phrase,''continuing qualification''.

18. In § 180.509, a sentence is added at the end of paragraph (b)(1); the introductory text of paragraph (b), and paragraphs (c)(3)(iii) (A) and (B), (j), and the heading of paragraph (l) are revised to read as follows:

§ 180.509 Requirements for inspection and test of specification tank cars.

* * * * *

(b) * * *. Without regard to any other periodic inspection and test requirements, a tank car must have an appropriate inspection and test according to the type of defect and the type of maintenance or repair performed if:

(1) * * *. An example is if maintenance is performed to replace a fitting, then only a leakage pressure test needs to be performed.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(A) When a lining or coating is applied to protect the tank shell from the lading, the owner of the lining or coating shall determine the periodic inspection interval, test technique, and acceptance criteria for the lining or coating. The owner must maintain at its principal place of business all supporting documentation used to make such a determination, such as the lining or coating manufacturer's recommended inspection interval, test technique, and acceptance criteria. The supporting documentation must be made available to FRA upon request.

(B) The owner of the lining or coating shall provide the periodic inspection interval, test technique, and acceptance criteria for the lining or coating to the person responsible for qualifying the lining and coating.

* * * * *

(j) *Leakage pressure test.* After reassembly of a tank car or service equipment, a tank car facility must perform a leak test on the tank or service equipment to detect leakage, if any, between manway covers, cover plates, and service equipment. The test may be conducted with the hazardous material in the tank. When the test pressure exceeds the start-to-discharge or burst pressure of a pressure relief device, the device must be rendered inoperative. The written procedures and test method for leak testing must ensure for the sensitivity and reliability of the test method and for the serviceability of components to prevent premature failure.

* * * * *

(l) *Inspection and test compliance date for tank cars.* * * *

* * * * *

§ 180.509 [Amended]

19. In addition, in § 180.509, the following changes are made:

a. Paragraph (c)(3)(iii) introductory text is amended by removing the phrase '', and when a lining or coating is applied to protect the tank shell from the lading, an interval based on the owner's determination for the lining or coating, but not greater than every 10 years''.

b. In paragraph (g)(1)(ii) introductory text, the phrase ''reduction in thickness'' is revised to read ''reduction in the required minimum thickness''.

c. In the paragraph (g)(1)(ii) table, in the second column, for the third and fifth entries, the parenthetical ''(3⁄16 inch)'' is revised to read ''(0.188 inch)'' each place it appears; and in the second and fourth columns, the column heading ''Top shell'' is revised to read ''Top shell and tank head'' for each column.

d. In paragraph (i), the phrase ''and test technique'' is revised to read '', test technique, and acceptance criteria''.

§ 180.511 [Amended]

20. ln § 180.511, in paragraph (e), the phrase ''shows no evidence of holes or degraded areas'' is revised to read ''conforms to the owner's acceptance criteria''.

§ 180.515 [Amended]

21. ln § 180.515, the following changes are made:

a. In the first sentence in paragraph (a), the phrase ''paragraph (b) of this section'' is revised to read ''Appendix C of the AAR Specifications for Tank Cars''.

b. Paragraph (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c) respectively.

§ 180.519 [Amended]

22. In § 180.519, the following changes are made:

a. In paragraph (b)(5), in the first column of Retest Table 1, the last entry ''BE–275'' is revised to read ''BE–27''.

b. The first sentence of paragraph (b)(6) is amended by revising the reference paragraph ''(d)(8)'' to read ''(c)'', and revising the phrase ''1–60 for January 1960'' to read ''01–90 for January 1990''.

c. In paragraph (c), the phrase ''DOT 110A–Z'' is revised to read ''DOT 110A–W''.

Issued in Washington, DC, on June 10, 1996, under authority delegated in 49 CFR Part 1.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 96–15273 Filed 6–25–96; 8:45 am]

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Federal Register

Wednesday
June 26, 1996

Part VII

Environmental Protection Agency

40 CFR Parts 152 and 156

Pesticides and Ground Water State Management Plan Regulation; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 152 and 156

[OPP–36190; FRL–4981–9]

RIN 2070–AC46

Pesticides and Ground Water State Management Plan Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule implements a key component of the Agency's 1991 *Pesticides and Ground Water Strategy*, and reflects many years of discussions and input from States and other stakeholders. Through the development and use of State Management Plans (SMPs), EPA is proposing to restrict the use of certain pesticides by providing States with the flexibility to protect the ground water in the most appropriate way for local conditions. This approach capitalizes on the most effective and efficient roles for State and Federal governments to collaborate in the protection of the nation's ground water resources. In this proposed rule, using the proposed SMP approach, EPA is proposing to restrict the legal sale and use of five pesticides that have been identified as either ''probable'' or ''possible'' human carcinogens--alachlor, atrazine, cyanazine, metolachlor, and simazine. Because of their potential to contaminate ground water, EPA has determined that these pesticides may cause unreasonable adverse effects on the environment in the absence of effective management measures provided by an SMP. The labels of these pesticides would be changed to require use in accordance with an EPA-approved SMP, after a period allowed for development and approval of these State plans. Incidentally, this proposed rule will also revise existing pesticide labeling regulations, in order to clarify general labeling requirements.

DATES: Written comments must be received on or before October 24, 1996.

ADDRESSES: Submit written comments, bearing the docket control number ''OPP–36190'' by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Comments may be submitted by facsimile to (703) 305–5558. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–36190.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit V. of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Arden Calvert, Policy and Special Projects Staff (7501C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1113, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Telephone: (703) 305–7099, Fax: (703) 305–6244, e-mail: calvert.arden@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document is organized into eight units. Unit I. describes the background and statutory basis for this proposed regulatory action. Unit II. describes the general considerations by which the Agency will decide to classify specific pesticides to be subject to State Management Plans (SMPs). Unit III. describes the content of SMPs as an ''other regulatory restriction'' pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(d). Unit IV. provides the risk and benefit determinations that are the basis for today's proposed rule, summarizing data on human health and environmental risks, ground-water contamination potential and benefits of the five pesticides subject to today's proposal. Unit V. provides further information on the public docket established for this proposed rule. Unit VI. describes referral to the U.S. Department of Agriculture and the Pesticides Scientific Advisory Panel. Unit VII. provides a list of references cited in today's proposal. Unit VIII. provides information on the Regulatory Impact Analysis provided for this proposed rule and other requirements.

Regulated Entities

Category	Examples of Regulated Entities
State Governments	States Developing Pesticide SMPs
Industry	Pesticide registrants; farmers and other commercial pesticide users

This table is not exhaustive, but is a guide to the entities EPA believes would be regulated by this action. Read carefully the contents of the rule to determine whether this rule applies to you.

I. Basis for Regulatory Action

A. Background

Ground-water resources are of vital importance to the United States. The quality of these resources affects the health of its citizens, the integrity of many of its ecosystems, and the vigor of its economy. Ironically, the variety of human activities made possible by healthy ecosystems and abundant clean water also threatens the continued viability of these resources.

Consequently, ground-water protection is a significant responsibility for EPA. In July 1991, the Agency set forth its ground-water protection goals and guiding principles in ''Protecting

the Nation's Ground Water: EPA's Strategy for the 1990's'' (Ref. 11). The centerpiece of Agency ground-water protection efforts is development of Comprehensive State Ground Water Protection Programs (CSGWPPs). These programs are designed to integrate all State and Federal efforts to protect ground water, increasing the efficiency and effectiveness of State and Federal resources. The CSGWPPs also mark a new direction in Federal/State cooperation: EPA supports voluntary State initiatives to harmonize diverse ground-water protection activities. Since the use of pesticides contributes significantly to the problem of ground-water contamination, one of the Agency's first efforts in developing CSGWPPs is the establishment of State Management Plans (SMPs) for certain pesticides.

A State Management Plan consists of 12 components that together:

(a) Describe the State's ground-water protection philosophy and goals, its authority and its organizational and resource basis for fulfilling its commitment to manage the pesticide's use.

(b) Detail the manner in which the State intends to carry out this commitment, using such measures as ground-water vulnerability assessments, ground-water monitoring, and direct management of pesticide use.

(c) Establish the State's commitments to develop and implement these provisions through a process of public participation, to make pesticide users aware of State management measures and to monitor the effectiveness of the Plan through the development of meaningful measurements of environmental results.

A pesticide State Management Plan is envisioned to be developed and implemented in the context of a State's CSGWPP, which outlines the State's overall ground-water protection approach. The additional benefits of coordinated implementation of a State's CSGWPP and its SMPs include: (1) More effective and consistent protection of the resource; (2) increased State control to target efforts towards highest priority protection; (3) more efficient use of limited program resources; and (4) reduced potential for ground-water protection activities to be at cross-purposes.

While EPA regards the creation of SMPs as a significant step in protecting ground water from pesticides, EPA will continue to act to reduce the risk of ground-water contamination in its ongoing national pesticide registration and reregistration efforts. EPA will continue to consider specific label provisions for individual pesticide products as it screens both new and existing uses of pesticides. These may include general advisory language (warning users of a pesticide's potential to contaminate ground water and advising caution in the circumstances of its use) or more specific constraints on the conditions of use, as the evidence of contamination potential warrants. It may also include classifying pesticides for use only by or under the supervision of a certified applicator, under ''conventional'' restricted-use classification authority (see section D. of this Unit). These alternative risk-mitigation measures are also part of EPA's consideration in proposing pesticides for SMPs (see Unit II. of this preamble).

The concept and development of pesticide SMPs is the direct outgrowth of extensive, collaborative work to produce a strategy for achieving ground-water protection by using and integrating all Federal and State pesticide regulatory authorities and resources. Beginning in 1986, with major public workshops EPA created an interactive process with other Federal agencies, State agricultural, environment and health agencies, the private sector, environmentalists, farmers and other pesticide users, and ground-water experts. The States in particular have taken an active and constructive role in addressing pesticide and ground-water issues and have moved ahead with many of the management approaches ultimately endorsed by the final Agency strategy for pesticides and ground water.

The Pesticides and Ground-Water Strategy (hereafter referred to as ''the Strategy'') was issued October 31, 1991 (Ref. 12). The Strategy describes the Agency's goals, policies, management programs, and regulatory approaches for protecting the nation's ground-water resources from risks of contamination by pesticides. The Strategy, and the 1988 proposed Strategy, characterize the breadth and seriousness of the potential problem of pesticides in ground water and the need for coordinated regulatory and nonregulatory initiatives to protect the resource (Ref. 7). Those interested in a more detailed discussion of the history, purpose, objectives, and policy are referred to the Strategy itself.

B. Goal

The Strategy articulated the Agency's goal for pesticides and ground water. In summary, the goal:

> is to *prevent contamination* of ground water resources resulting from the normal, registered use of pesticides that would cause unreasonable risks to human health and the environment by taking appropriate actions *where such risks may occur.* (Ref. 12, p 9, see also pp ES 6-7; emphasis added)

This goal highlights two important elements of EPA's pesticide and ground-water policy: pollution prevention and local action.

Delaying action until ground-water contamination occurs at significant levels and with a frequency sufficient to cause immediate concern is costly, and ultimately counterproductive. ''[G]round-water cleanup is extremely costly, and usually difficult and in some cases impossible to achieve and demonstrate'' (Ref. 12, p. 10; also, Ref. 11, p 5). In some cases, actual ground-water contamination may be virtually irreversible. Allowing contamination to reach a level that presents an immediate threat to human health or the environment forecloses prevention and necessitates remediation. Remediation is more costly, as well as more dangerous, than prudent action to anticipate and prevent harm.

The second element of the Agency goal is local action. Taking action locally, ''where such risks may occur,'' takes into account the highly variable factors affecting the potential for ground-water contamination. ''Ground water is a uniquely local resource due to the ease with which small sources can affect it, and the impact that use and hydrologic characteristics can have on its quality'' (Ref. 11).

There are several factors which generally influence whether pesticides will contaminate ground water: (1) The properties of the chemical itself (e.g., solubility in water, persistence, and mobility in the subsurface environment); (2) the characteristics of the site of use (e.g., soil type, depth to ground water, temperature, rainfall, and site-specific hydrological factors collectively denoted by the term, ''sensitivity''); (3) application practices, (e.g., the amount of pesticide per application, the frequency and method of applications); and (4) other agronomic practices associated with the pesticide use (e.g., irrigation or tillage practices).

The Agency believes that, as a general matter, the best method for addressing differences in sensitivity throughout the country is to tailor prevention measures in a given area to reflect the vulnerability of local ground water to contamination. This approach minimizes the complementary risks of over-regulating where ground water is not particularly vulnerable to contamination and of underprotecting highly vulnerable areas which might result from a solely ''national'' regulatory approach. It is expected to

result in an efficient regulation of pesticide use that will satisfy the pre-eminent objective of reducing or eliminating unreasonable risk with respect to ground water.

The Agency has further concluded that for pesticides which may pose an unreasonable risk, the States can appropriately take the lead in preventing unreasonable risk and protecting ground water through the management of pesticide use. State management of use can be based on local relative vulnerability of the ground-water resource, and where necessary, its use and value. A lead role for the States, consistent with overall Agency ground-water protection principles, acknowledges the traditional primacy of States in the management and protection of ground water as a natural resource; makes best use of expertise at the State level in local hydrogeology, soils, agronomic practices, climate, and pesticide use; and takes advantage of State and local understanding of population and land use trends that help to define the future use of ground-water resources.

C. SMP Start-up

State participation in pesticide-use management is a significant new step for many States, requiring substantial preparation. EPA has assisted this start-up in several ways, described more fully in the Strategy.

1. Since 1990, EPA has provided funds to States to help develop ''generic'' SMPs. In these ''generic'' SMPs, States prepare for development of pesticide-specific requirements by providing basic, generalized information for each of the required components of a pesticide-specific SMP. Generic SMPs give States an early opportunity to consider how they will design Plan components and build the capacity to implement them. Since Generic Plans have no legal force, EPA does not ''approve'' them, in the sense of conferring legal authority upon them; rather, States will submit Generic SMPs for review, comment and concurrence. Fifty-seven States and territories with primary enforcement authority for FIFRA use violations, as well as two Indian tribal authorities, have received funds and are proceeding with development of the generic SMPs. EPA has provided $35 million in grants for this purpose in the Fiscal Years 1990 to 1996. By June 1995, all 50 States had developed and submitted draft Generic Plans to EPA regions for early review and comment.

2. EPA published a *Guidance for Pesticides and Ground Water State Management Plans* with two appendices in December 1993 (Ref. 18, hereafter referred to as the Guidance). It provides practical instruction on how to develop both Generic and pesticide-specific SMPs. Much of the contents of the Guidance and the first Appendix anticipates the contents of today's proposed rule (see Unit II.C. of this preamble). These documents should be referred to for a more complete description of how EPA envisions SMPs will be developed, and what EPA envisions the level of protection will be.

3. As mentioned at the outset of this Unit, pesticide-specific SMPs are intended to operate as an integral part of CSGWPPs. Likewise, pesticide and ground-water protection measures tie into other EPA programs and grants dedicated to ground-water protection. Among the many related activities are: (a) The non-point source program under section 319 of the Clean Water Act; (b) Coastal Zone non-point source measures mandated by the Coastal Zone Management Act as amended in 1990; (c) the emerging ''watershed protection approach'' for implementing the Agency's Clean Water Act activities; (d) Wellhead Protection Programs and other drinking-water source-protection initiatives under the Safe Drinking Water Act (SDWA); and (e) Public Water System regulatory programs under SDWA, in particular, the establishment of Maximum Contaminant Levels (MCLs) and monitoring requirements for a variety of contaminants (including the five pesticides subject to today's proposed rule). For example, an SMP designed to deal with pesticide contamination risks could be integrated with a Well Head Protection Program in a rural community where pesticide use in nearby agricultural areas posed a threat to well field re-charge areas. The SMP would provide Federal and State authorities for pesticide regulation to complement and interact with the State's other water quality protection authorities to help achieve the goal of the Well Head Protection Program. A more detailed description of the variety of interlocking programs is provided in an October 1992 document prepared by EPA's Office of Pesticide Programs (OPP), ''Integrating EPA's Agriculture and Water Grant Programs.''

In addition, the Strategy detailed a variety of related Federal non-regulatory activities, including U.S. Department of Agriculture (USDA) research and the ongoing activities of the U.S. Geological Survey (USGS), as well as the connection between ground-water protection and the Agency's ongoing pesticide regulatory initiatives, such as encouraging the development of reduced-risk pesticides.

D. Statutory Authority

As a general matter, pesticides may not be sold, distributed, or used in the United States unless they are registered by EPA [FIFRA section 3(a)]. The standard for granting and maintaining a registration is found in FIFRA section 3(c)(5). Among other things, this section requires that the pesticide will perform its intended function without causing unreasonable adverse effects on the environment and that, when used in accordance with widespread and commonly recognized practice, will not cause unreasonable effects on the environment.

Further, FIFRA section 3(d) gives EPA authority to classify a pesticide for restricted use if EPA finds its use may cause unreasonable adverse effects on the environment. Specifically, FIFRA section 3 (d)(1)(C) [7 U.S.C. 136a(d)(1)(C)], provides:

> If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more such uses, or in accordance with widespread and commonly accepted practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or particular use or uses to which the determination applies, for restricted use.

In the event the Administrator makes such a determination, ''the pesticide shall be applied ... only by or under the direct supervision of a certified applicator, or *subject to such other restrictions as the Administrator may provide by regulation*'' (FIFRA section 3(d)(1)(C)(ii); emphasis added). An EPA-approved SMP would be such an ''other restriction.''

The basis for determining whether a pesticide warrants the ''additional regulatory restrictions'' referred to in section 3(d)(1)(C), is finding that the pesticide ''may generally cause ... unreasonable adverse effects ...'' without such additional restrictions. FIFRA section 2(bb) defines unreasonable adverse effects as ''any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.'' Thus, one of the critical aspects of determining whether additional regulatory restrictions are necessary is an evaluation of the risks and benefits of the pesticide use. However, in finding a pesticide may cause unreasonable adverse effects, EPA will consider these risks and benefits in a manner that takes into account the considerable uncertainty surrounding both. Unit IV. of this preamble, as well

as the Regulatory Impact Analysis prepared for this proposed rule, describes the relative risks and benefits associated with the five pesticides proposed to be subject to SMPs, as well as the costs and benefits of State Management Plans as a regulatory measure.

Any restrictions imposed under FIFRA section 3(d) authority are fully enforceable under FIFRA. Section 12 (a)(2) of FIFRA specifically provides that it shall be unlawful (in subparagraph (F)):

> to distribute or sell, or make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder.

Thus, once this rulemaking is final and EPA has approved the requirements and specifications that constitute a SMP, that SMP will be fully enforceable by Federal authorities. EPA will also require registrants to incorporate the restriction to use a pesticide according to the provisions of an EPA-approved State Plan as part of that pesticide's labeling. Thus SMP requirements would also be federally enforceable pursuant to section 12 (a)(2)(G), which makes it illegal ''to use any registered pesticide in a manner inconsistent with its labeling.''

II. Process for Selecting Pesticides for Restriction under SMPs

A. Determining Potential to Contaminate Ground Water

As described in Unit I. of this preamble, the Agency's goal for ground-water protection is to prevent contamination that would cause unreasonable risks. Prevention entails the need to act in anticipation of future environmental harm to ensure that this harm does not occur.

There are many uncertainties that limit the ability to quantify risks and benefits to any reasonable degree of accuracy. These stem in part from the circumstances pertaining to ground-water risks, and are discussed further in Unit IV. of this preamble. These and other impediments to national-level risk-benefit analysis were addressed in the development of the Strategy, and in fact were instrumental in the decision to favor the SMP approach in addressing serious pesticide ground-water risks. Prescribing SMPs for individual pesticides fits under EPA's regulatory authority to regulate beneficial but potentially risky substances well before the onset of unreasonable adverse effects. It also accommodates the uncertainties and variations which characterize groundwater risk assessment.

This judgement will be made consistent with the Agency's current regulatory procedures for classifying pesticides for restricted use. These procedures are contained in 40 CFR part 152, subpart I. They provide for EPA to impose restrictions other than limiting use to certified applicators if the Agency determines that:

> (a) Without such restrictions, the product when used in accordance with warnings, cautions and directions for use or in accordance with widespread and commonly recognized practices of use may cause unreasonable adverse effects on the environment; and
>
> (b) The decrease in risks as a result of restricted use would exceed the decrease in benefits as a result of restricted use. (40 CFR 152.171)

Subpart I also provides for restricting use to certified applicators and for other types of future restrictions, as authorized by FIFRA section 3(d)(1)(C). Unit III. of this preamble explains in further detail the distinction between such new ''other regulatory restrictions'' as this SMP requirement and the conventional restricted use of application only by or under the supervision of a certified applicator.

EPA will make such a determination to subject a pesticide to the requirements of an SMP through a weight of evidence analysis, taking into account the economic, social and environmental costs and benefits of the pesticide's use.

The first step in this weight-of-evidence approach is to characterize a pesticide's potential to contaminate ground water. Direct evidence of a pesticide's contamination potential includes its physical-chemical properties (e.g., leaching potential) and the circumstances, frequency and concentrations of known occurrence in ground water. In addition to the direct evidence of contamination potential, EPA will take into account information about use patterns and practices which may supplement the more direct evidence of contamination potential. Specifically, EPA will also consider: (a) The crops and sites on which a pesticide is registered for use; (b) the volume of pesticide used (on specific sites or crops, or in total) and the extent of the pesticide's use (in terms of rates and/or number of acres treated); and (c) the methods, timing, and rates of application of a pesticide.

EPA will also take into account the potential of any of a pesticide's by-products, metabolites or degradates, or any other component of a product associated with the pesticide, to reach ground water or to cause an adverse effect thereby, to the extent such substances have been identified and information about their potentials are known.

B. Determining Potential Risk

The second step is to compare the pesticide's potential to contaminate ground water to an indicator of unreasonable risk. In theory, a pesticide may have a ''potential to contaminate ground water'' but not an associated significant ''potential to cause adverse effects.'' The Ground-Water Reference Point is an important tool in determining whether this association exists. Ground-Water Reference Points are numerical indicators of the toxicity of a substance established by EPA, based on test data and other reliable health effects information. The concept of Ground-Water Reference Points was explicated in the July 1991 *Protecting the Nation's Ground Water: EPA's Strategy for the 1990's* (Ref. 11; in Part D, ''Agency Policy on EPA's Use of Quality Standards in Ground-Water Prevention and Remediation Activities'') and echoed in the Strategy (Ref. 12). Pursuant to these policies, EPA will use as reference points for specific substances any of the following: (1) Maximum Contaminant Levels (MCLs) established under the Safe Drinking Water Act, or (2) Health Advisories (where MCLs are not available for a substance), or (3) Water Quality Standards (where the concern is adverse effects to ecosystems affected by closely hydrologically linked surface waters) under the Clean Water Act. If such numbers are not available, reference points may be derived from the health effects literature where appropriate. In certain cases, the Agency policy (cited above) provides that Maximum Contaminant Level Goals (MCLGs) under the Safe Drinking Water Act may be used in order to comply with Federal statutory requirements; however, MCLGs are unlikely to be used in the context of any regulatory action the Agency might take under FIFRA.

In protecting ground water, the Agency takes the reference point as a benchmark that defines the failure of currently-implemented preventive measures (c.f., Ref. 11, p. 31: ''Reaching the ... appropriate reference point would be considered a failure of prevention.''). In the context of pesticides and ground water, a detection at or above the level established as the appropriate Ground-Water Reference Point for a pesticide ingredient would be considered a failure of measures to prevent unreasonable risk to human health or the environment associated with that ingredient. Known

or predicted levels of contamination can be compared to these reference points in order to gauge the relative risk of adverse effects. Reference points provide a means by which the Agency may assess and take into account the toxicity of ground-water contaminants, and thereby the implicit level of hazard and risk posed by particular contamination levels. Given the uncertainties regarding: (1) The actual level and extent of pesticide contamination in ground water; (2) the nature and degree of human exposure associated with such contamination; (3) either the levels or the mechanisms of pesticide occurrence that may affect ecosystems, habitats, or non-target biological organisms; and (4) the anticipated future levels of occurrence, exposure and associated hazard, it is problematic to make direct estimates of exposure, and hence estimates of risk, with satisfactory accuracy. Therefore, use of reference points to gauge the relative seriousness of detected pesticide contamination serves as a useful surrogate to direct estimates of exposure and risk.

It is theoretically possible to determine that a pesticide has the potential to contaminate ground water, but that it is unlikely to cause adverse effects. In practice, however, this distinction can often be difficult to sustain with reasonable certainty. First, there is often significant uncertainty about the levels and extent of current contamination. Ground water is not systematically monitored across the country. Ground waters susceptible to contamination by pesticides vary significantly in character, limiting the ability to generalize beyond ground-water monitoring sites. For ground water, models are not sufficiently reliable to predict future contamination. Second, any contamination of ground-water resources represents some tangible damage to its value as a resource to present, and especially future, generations. The Agency's pollution prevention philosophy clearly states the Agency's interest in protecting the resource from impairment. Hence, the Agency included in its Reference Point policy that, as a matter of policy (Ref. 11):

> Detection of a percentage of the reference point at an appropriate monitoring location would then be used to trigger consideration of additional action (e.g., additional monitoring, restricting, limiting use or banning the use of a pesticide).

As a matter of prudence, therefore, the Agency considers the ability to reach ground water, as indicated by physical and chemical properties, and detections at any level to be evidence of some potential to reach ground water at an unacceptable level.

C. Determining Appropriate Regulatory Action

After characterizing the pesticide's ground-water contamination potential and its associated health and environmental risk, EPA next considers the adequacy of current labeling safeguards. The Strategy describes this step (Ref. 12):

> If EPA has reasonable assurance from the evidence of a particular chemical's contamination potential that it would not cause 'unreasonable adverse effects on the environment' if used in accordance with the requirements of the label or under the conditions of restricted use [to certified applicators], then ...those national-level management measures [would be] the only measures necessary.
>
> However, if EPA cannot conclude from the available evidence that these measures would sufficiently reduce the risk of ground-water contamination, it could pursue either an approved SMP, ... or national cancellation if State Management Plans would not be adequate to prevent risks.

A judgement on the need for State management measures depends on the Agency's confidence in the effectiveness and efficacy of these uniform national labeling instructions relative to the protection anticipated from SMPs, present use practices and patterns, existing State risk-mitigation measures and other prospective Federal regulatory actions, including label changes and restricting use to certified applicators. When EPA has adequate confidence in the efficacy of such measures, it will conclude SMPs are unnecessary. The decision to prescribe SMPs is a judgement that national labeling limitations likely will not prevent the realization of a pesticide's ground-water contamination potential.

In considering whether to prescribe an SMP for a pesticide, EPA evaluates the benefits of continued pesticide use under the provisions of an SMP. The assessment of whether the reduced risk of ground-water contamination might justify the social and economic costs of the SMP is documented in a Regulatory Impact Assessment. The costs considered include both the expense of developing and implementing SMPs (e.g., direct costs) as well as the costs of foregone benefits (e.g., indirect costs). Indirect costs may include more expensive pest-control substitutes and the economic loss associated with less pest control. The Agency decides to establish the SMP restriction upon a reasoned determination that the benefits of regulatory action justify its costs, recognizing that some costs and benefits are difficult to quantify.

Finally, EPA also considers whether it is likely to take other, more stringent regulatory action such as cancellation of major products and/or uses of a particular pesticide. For instance, the Agency might conclude that a pesticide in Special Review poses an unreasonable risk for reasons different from and in addition to ground-water concerns, so that only cancellation of major products and/or uses would be appropriate. In that case, EPA would be inclined not to require the States to develop SMPs to manage uses that will soon be prohibited. On the other hand, EPA may both start a Special Review of a pesticide and propose the same pesticide for SMPs via rule making. There may be a need to provide the increased level of ground-water protection afforded by State Plans while the Special Review is conducted. As the Strategy explained, EPA may also use its cancellation authorities under FIFRA section 6 to establish SMPs. There are many possible outcomes of a Special Review besides the more stringent measure of cancellation. For example, the Agency is addressing the ground-water contamination potential of the pesticide aldicarb through a Special Review instituted in 1984, and thus is not including it in this proposed rule. EPA sees no inconsistency in pursuing both this proposed rule and the new Special Review for the triazines, initiated in November 1994.

D. Selection of Pesticides for Today's Rule

The Agency has selected five pesticides for regulation under SMPs: atrazine, simazine, cyanazine, alachlor and metolachlor. In selecting these five, the Agency evaluated the ground-water contamination potentials, hazards and uses of 20 currently registered pesticides that have been reported to occur most frequently in ground water, according to the available data compiled by EPA's Office of Pesticide Programs (Ref. 15) (see Table 1). This included the pesticide aldicarb, which was not considered for this proposed rule in light of its ongoing Special Review.

Table 1.—Currently-Registered Pesticides Considered for SMPs Because of Their Detection in Ground Water

Selected	Not selected at this time
Alachlor	Aldicarb
Atrazine	Bentazon
Cyanazine	Bromacil

Table 1.—Currently-Registered Pesticides Considered for SMPs Because of Their Detection in Ground Water—Continued

Selected	Not selected at this time
Metolachlor Simazine	Carbofuran DCPA (Dacthal) Dicamba Diazinon Lindane Picloram Methomyl Metribuzin Oxamyl Promoton 1,3-D (Telone II) 2,4-D

The five pesticides selected for this proposed rule, stand apart in the breadth, frequency, and magnitude of ground-water contamination. While Unit IV. of this preamble goes into the evidence in greater detail, each has been detected hundreds of times in many States. Each has been detected at levels exceeding their corresponding reference points in multiple locations or times, clearly exhibiting a capacity to contaminate ground water at concentrations exceeding health-based standards. All five are also associated with serious and irreversible toxicological effects, including carcinogenicity. One (alachlor) was classified as a B_2 (probable human) carcinogen by EPA, but is now considered to be not classified pending further review of scientific issues; the remaining four have been classified as C (possible human) carcinogens. These classifications are under review, as discussed later in this document.

All five are broad-spectrum herbicides with extensive agricultural uses. These similarities of use suggest that these five can be regulated together as a cluster. Since all raise significant ground-water concerns, dealing with them together also helps prevent creating unintended incentives to substitute ones under State-management constraints for those less stringently regulated. Analytic methods for ground-water monitoring of these compounds are available and in widespread use around the country. This fact, combined with the commonalities of use practices, will make it easier for States to develop coordinated monitoring programs for these five as a group.

Among the other candidates, several are known to have occurred in concentrations exceeding an MCL or Health Advisory Levels, but not as frequently as the pesticides selected. Furthermore, previous regulatory restrictions on use can be considered to have significantly reduced the risks of ground-water contamination for some of these candidates. One example is carbofuran, which has been detected over 4,100 times from 1980-1990 in 11 States, with 73 of those detections at levels over the current MCL of 40 micrograms per liter (µg/l) (Ref. 15). However, the vast preponderance of those detections (and all but one of those above the MCL) occurred in Suffolk County, New York, where all carbofuran use was banned in 1987. In addition, granular carbofuran products (which represent most of the chemical's prior use) have been phased out except for a few specialty uses. Other candidates on the list have had frequent occurrence in ground water, but neither as widely nor as frequently at high concentrations, as the five selected for this proposed rule.

EPA is proposing in today's rule to regulate those pesticides which in its judgement pose the greatest threat to ground water. The number of chemicals involved - five is a manageable number to ask States to manage; EPA hopes to facilitate State participation by designating only a manageable number of pesticides for SMPs at the outset.

III. State Management Plan Specifications, Development and Approval Procedure

A. Introduction

This document proposes adding a new subpart J to 40 CFR part 152, specifying SMPs as an ''other regulatory restriction'' authorized by FIFRA section 3(d).

Much of what SMPs will be and how they will work has been discussed in previous documents (e.g., the Strategy). In particular, this Unit of today's proposal follows closely the contents of EPA's Guidance (Ref. 18). The Guidance (with two Appendices) describes in detail EPA's expectations about the contents of an acceptable SMP, as well as the criteria and procedures EPA Regional Offices will use in deciding whether to accept or reject State Plans. Readers seeking more details on these subjects should refer to the Guidance. EPA intends generally to use the Guidance in reviewing State submissions, and to follow the provisions of the Guidance's Appendix A in review, approval, evaluation, amendment and (where necessary) revocation of State Management Plans. However, the Guidance is subject to revision; for example, the Agency fully expects to supplement the existing guidance in light of comments on today's proposed rule.

As explained in Unit I. of this preamble, State Management Plans are intended to complement CSGWPPs; as such, SMPs can be regarded as a program-specific subset of a CSGWPP. However, the requirements proposed here are specific to pesticide regulation under FIFRA, and so are somewhat more detailed than what is required under a completed CSGWPP as described in the 1992 Guidance. For example, under the Prevention component of SMPs (c.f., section 2(g) of this Unit, below), specific best management practices need to be listed and described for each pesticide. To meet SMP requirements efficiently, a State can extensively refer to portions of its CSGWPP, but the State also will need to build on the basic policies and approaches of the Comprehensive Program. Similarly, in the development of its CSGWPP, a State should ensure that aspects relevant to pesticides management are consistent with the requirements of an SMP. Because development of SMPs and CSGWPPs will occur at the same time in most States, the development of SMPs should not wait until a CSGWPP is completed. The Guidance on Pesticides and Ground Water State Management Plans describes the interrelationships of SMPs and CSGWPPs in greater detail (Ref. 18).

Several definitions of terms, applicable to this new subpart J, are proposed, in the new 40 CFR 152.183. The term ''ground water reference point'' (as discussed in Unit II.B. of this preamble) is defined for purposes of specifying the contents of an approveable SMP, and is consistent with the Agency's reference point policy. Two other terms are defined simply to facilitate reference to frequently referred concepts. The term ''Plan'' is defined as a shorthand term to refer to the SMP which is the subject of subpart J. In addition, ''State'' itself is defined to mean not only the 50 States, but also Puerto Rico, the District of Columbia, Guam and other territories and jurisdictions, plus Indian lands. This last category will be discussed in more detail below.

The proposed restriction itself is relatively simple and straightforward: a pesticide or pesticide product that is classified in this or a subsequent rulemaking may only be used in accordance with the provisions and requirements of an Agency-approved SMP, as of a specific date to be established by the rule. At that time, that pesticide or pesticide product may not be sold or used within a State without an Agency-approved Plan. These restrictions are the meaning of references to a pesticide being ''under,''

''subject to,'' ''classified for,'' ''designated for,'' or ''listed for'' SMPs.

The proposed ''restriction'' section (40 CFR 152.185) also contains some requirements on the registrants to amend the labeling of the products subject to SMPs, in order to notify users that use is now subject to the conditions of an approved SMP. Labeling provisions will be discussed in more detail in Unit III.G. of this preamble. Since the direct effect of this rule would be to limit the sale and use of the pesticide to States with approved SMPs, it would affect distribution and sale of these pesticides. Thus, distribution and sale of the pesticides subject to this rule with improper or obsolete labeling will be prohibited after the effective date of the rule.

The ''restriction'' will entail a specific label statement, as follows:

> For use only in accordance with an EPA-approved State Management Plan (SMP) for ground-water protection. Sale and use are prohibited in States that do not have an EPA-approved State Management Plan.

This restriction would be effective 33 months after promulgation of this proposed rule as final. This period is designed to allow States to develop the Plans, EPA to review them, and registrants to change labels. Comments on the proper time frame for the effective date of SMPs are welcome; the Agency would especially value specific explanations of any procedural or legal constraints that States face in developing SMPs.

This restriction is a classification for restricted use pursuant to FIFRA section 3(d), but the classification does not automatically entail the restriction of use ''only by or under the supervision of a certified applicator.'' Conventionally, ''restricted use'' has come to mean exclusively this restriction to use by certified applicators, as specified in the Act. This disregards the possibility of more flexible meanings for ''other regulatory restrictions.'' Nonetheless, three of the five pesticides being proposed for SMPs today are already classified for restricted use in the conventional sense (one of which, atrazine, is explicitly classified for ground-water contamination concerns). Moreover, all five meet EPA's proposed criteria for considering a pesticide for restricted use classification because of ground-water concerns, as proposed May 13, 1991 (56 FR 22076). Therefore, EPA is interested in receiving comment on whether the Agency should simultaneously classify all of these pesticides for ''conventional'' restricted use due to ground-water concerns when it determines that they require an SMP. Such a procedure would oblige EPA to make a finding that the pesticide in question meets the criteria of 40 CFR 152.170, but such a finding could be made in this rulemaking for SMPs, since the Agency has laid out in this proposed rule an analysis of risks and benefits for these pesticides that could justify such a determination. EPA believes that such findings would be facilitated by the establishment of final ground-water restricted-use criteria.

The provisions, specifications, and requirements of these EPA-required State Plans do not replace, but add to existing or future national-level conditions of use, such as label directions for use, restrictions or precautions. Unless specifically provided, either in a final rule or in some action to amend a product's label, nothing in an SMP will supersede a national-level condition of registration. States may not supplant, override, or nullify a Federal label provision in developing an SMP proposal, or in implementing an EPA-approved SMP.

B. Overview of Application Approval Process

Section 152.187 of the proposed new subpart J sets out the procedures by which a State may submit, and EPA would approve, an SMP for each of the five pesticides covered in today's proposed rule.

1. *State submissions.* While § 152.187 provides that a State may submit a proposed Plan at any time, § 152.187 prohibits use of a pesticide or pesticides in question in States without an EPA-approved Plan after the effective date for the regulation. For practical purposes, then, a State would need an approved SMP in place by the date 33 months after the promulgation of the final rule, the proposed effective date of this regulation, in order that sale and use of the pesticide(s) in question continue within the State's borders.

States that intend to develop SMPs for any or all of the five pesticides in today's proposed rule will be required to submit proposed Plans for official EPA review within 2 years of the promulgation date. This would allow 9 months for EPA to review, consult and decide on approval of the State's submittal, and for States to prepare the implementation of the approved SMP on the effective date of the Federal restriction. States submitting Plans later than 2 years after promulgation of the rule would run a substantial risk that EPA will be unable to perform its review, and approve the Plan before the effective date of the regulation to enable the States to implement it at that time. As noted above, EPA welcomes comments on the feasibility of this proposed schedule.

In the interest of encouraging use of electronic information technology, EPA is proposing to require States submit their SMPs electronically (e.g., by disk) in an appropriate word processing format.

EPA would encourage States to submit SMPs for these five pesticides together, as a single package. While the SMP requirement imposed by this proposed regulation would be a condition of registration for each pesticide individually, EPA believes it is proper for States to combine their SMP submittals, at least for the five pesticides subject to this proposed rule. Combined submittals should be a resource savings for both EPA and the States, since these five pesticides are similar in use patterns and analytic methodologies. For practical purposes, large portions of Plans for individual pesticides can be expected to be substantially identical to each other (e.g., vulnerability assessments, monitoring sites), beyond the shared ''generic'' elements like philosophy and goals, legal authority, and resources. EPA would evaluate the adequacy of such joint SMPs together, as a cohesive multi-chemical Plan. However, EPA would retain the ability to selectively approve or disapprove Plans for individual pesticides covered by such a multi-chemical Plan, based on a judgement that the combined Plan is inadequate in some respect.

2. *EPA review, approval, or disapproval.* EPA intends to be flexible in its review of SMPs, recognizing that different approaches and philosophies can obtain the same environmental results. States will need to tailor prevention measures to local ground-water vulnerability, current and future use and value of ground water, pesticide use and agronomic characteristics and institutional characteristics. Appendix A of the Guidance describes in greater detail the internal process, including the general roles and responsibilities of EPA Headquarters and Regional Offices.

While the regulation specifies that ''the Administrator'' will make the determination whether a State submission is acceptable, it is the Agency's intention to delegate this authority to the Regional Administrator when the regulation is promulgated. The proposal as drafted requires States to submit their Plans to the appropriate EPA regional office. As the Guidance (Appendix A, p. 2-1) makes clear, EPA believes the Regional Administrator is the proper official to make this determination, given the proximity to the States and their particular

circumstances. In delegating approval authority to the Regional Administrator, EPA anticipates that only a limited Agency Headquarters role will be necessary. Headquarters will help assure overall national consistency among Regions by providing a forum to, for example, air issues which Regions believe may need additional clarification. It is EPA's assumption that such consultation will be particularly helpful in the beginning of SMP development and implementation; therefore, the Agency has established a regular schedule of regional/HQ consultation to facilitate regional review of initial Generic and pesticide-specific SMPs. After promulgation of the rule, Headquarters will continue to provide specific national policy guidance and technical assistance as the regions require.

The Guidance, in Appendix A (Chapters 2-4), envisions a two-step process for EPA review and approval or disapproval of proposed State Plans. The first step, a completeness review, is to ensure that the State has addressed all 12 components of an SMP, pursuant to the requirements set forth in § 152.190 of the proposed new subpart J. The second step, content review, is a more thorough examination of the SMP to determine whether it adequately addresses each of the 12 components of an SMP and therefore is likely to protect the ground-water resource from pesticide contamination.

As expressed in Appendix A of the Guidance, EPA expects that during the review and approval process there will be close and frequent interaction between the regions and the States to reach a mutually acceptable final Plan.

However, § 152.187(d) of the proposed rule does provide for the possibility of EPA disapproval of a State-submitted Plan. In content this section parallels the procedure EPA is proposing to revoke previously-approved SMPs (see § 152.195, discussed in F., below and Appendix A).

If the Regional review concludes that the State Plan is inadequate, either in completeness or in content, the Regional Lead Office would work with the State to address concerns before the effective date of the SMP restriction to prevent interruption of sale and use of the subject pesticide in the State. If the State fails to satisfy the Agency's concerns, the sale and use of the pesticide would be prohibited in the absence of EPA approval.

In the event the Region and State fail to reach agreement on an SMP, the Regional Administrator will notify the State Liaison and the officials directing the key State agencies in writing, indicating that EPA will not approve the State's Plan in its present form. This letter of notification will provide the State a last opportunity to satisfy the Regional Administrator's concerns and/or persuade the Regional Administrator that the State's proposal is adequate.

Even formal disapproval would not represent the end of a State's opportunity to develop a Plan. Since proposed § 152.187 provides that States may submit an SMP for regional consideration ''at any time,'' a State whose Plan or Plans have been disapproved would be free to revise and re-submit the Plan at its discretion.

Whether the Regional Administrator approves or disapproves a State's Plan, he or she will publish a formal notice of the decision in the Federal Register. As proposed, notice of the final decision to approve or disapprove is the only formal notice provided for by this regulation. In proposing this rule, EPA considered, but decided against, providing for formal public notice and opportunity for comment on the Regional Administrator's review of each State Plan. In making this decision, EPA in part relies on the requirement that the States must provide for public participation in SMP development to obtain EPA approval of such a Plan (see proposed § 152.190(j) of the regulatory text).

With this proposal, therefore, EPA states its belief that there is sufficient evidence of unreasonable adverse effects on the environment, within the meaning of FIFRA section 3(d)(1)(C)(ii), to warrant adoption of SMP's as an additional regulatory restriction. The Agency's basis for this proposed determination is set out in Unit IV. of this preamble.

Today's proposal, if finalized, would establish that there may be unreasonable adverse effects without the additional regulatory restriction of an SMP. The question then remains as to whether the particular Plan is adequate to prevent unreasonable adverse effects on the environment, or whether it is overly restrictive, i.e. whether a particular SMP adequately takes into account the social and environmental costs and benefits of the use of the pesticide. The State would consequently be able to develop and justify its SMP pursuant to the unreasonable adverse effects standard, as well as against the specific programmatic elements set out in this proposed rule.

EPA is also proposing procedures to assure adequate notice and opportunity to comment on whether a particular SMP satisfies the unreasonable adverse effects standard and the specific programmatic elements. Thus, States would be required to provide notice and opportunity to comment on these issues as part of its SMP implementation procedures. The State would have to respond to any comments and to justify its chosen approach in the administrative record developed to support the SMP. In deciding whether to approve or disapprove the SMP, EPA makes its final determination that unreasonable adverse effects may be present without additional State measures, relying on the record developed by the State during the SMP process, as well as on the record of this initial rulemaking establishing the SMP restriction.

3. *Indian lands.* It is EPA's intent in proposing this rule that no geographic area be excluded from coverage by an EPA-approved SMP upon the effective date of the regulation. To this end, Indian Tribal authorities will have the opportunity to develop Tribal SMPs in the event they wish to allow sale and use of these five pesticides on Indian lands under their jurisdiction. A few Indian lands have already received Federal financial assistance through FIFRA program grants to develop Generic SMPs. Indian tribes preparing SMPs would be subject to the same procedures and requirements that are described here for States.

However, Indian tribal authorities will not be required to develop Plans if they have no interest in allowing sale and use of the five pesticides within their jurisdiction. Furthermore, Indian tribal authorities that are interested in preserving sale and use of any of these five pesticides within their jurisdictions, but believe they are not able to commit the resources required to develop or implement a Plan, might be able to reach an agreement with an adjoining State authority to extend coverage of the State Plan to the Tribal lands. Such an agreement would have to be submitted to the pertinent EPA Regional Office for review.

C. Plan Requirements

An EPA-approved SMP will consist of 12 specific components, each developed in sufficient detail and scope to demonstrate the adequacy of the Plan. ''Adequacy,'' as generally used here and in the regulatory text, means that the content of, or commitment contained in, each component demonstrates that the general objective in establishing an SMP is met: preventing ground-water contamination by the pesticide or pesticides subject to this proposed rule, that may present adverse effects to human health and the environment. This entails an evaluation of the

adequacy of the State's proposal. A State's submission will not be satisfactory if it only provides a ''description'' of a provision, without regard to whether the provision represents adequate groundwater protection. Provisions cannot be merely ''adequately'' described; they must provide for successful implementation of ground-water protection. A Regional Administrator could disapprove a Plan on the basis of finding one or more of the components submitted will not fulfill the general objective for which EPA decided to make the pesticide subject to SMPs in the first place: the provision of State management measures that will prevent unreasonable adverse effects and protect the environmental integrity of the State's ground water.

Each State Plan, for each pesticide proposed for SMPs, must address each of the 12 components. These components are being proposed under the new 40 CFR 152.190. The proposed requirement that an acceptable SMP contain 12 components still gives a State a large degree of flexibility in managing the use of the pesticides subject to SMPs. While all 12 of these components will need to be discussed in an SMP, States will be allowed a substantial range of flexibility in the form and manner by which they propose to perform the functions contained in each component. This variability will reflect differences in State ground-water protection philosophies and regulatory approaches. Further, the Agency anticipates that the contents of State Plans will vary in extensiveness and detail according to the potential magnitude of the ground-water contamination threat. The Agency expects that in low-risk circumstances (e.g., a State in which a subject pesticide is not currently used, or in which use is limited to areas with a minimal risk of contamination), an acceptable SMP may need to be little more than an augmentation to a ''Generic'' SMP, showing how the State would move to a greater level of effort in the event the original low-risk circumstances change, or new evidence warrants. The Agency does not intend that a State will necessarily impose regulatory restrictions on every area of use or specific crop use pattern within a State involving a subject pesticide; if there is an appropriate basis for determining that an area or use site does not pose a significant risk of ground water contamination, the State's SMP might not require any change in user practices from the current Federal label. However, a State proposing such a position in its SMP would have to provide a reasoned basis for its conclusion that the risk of ground-water contamination for a particular geographic area or use site is such that further restriction is not required. EPA is prepared to accept this manner of variation among State plans; indeed, the need for this flexibility is the foundation of the entire SMP approach.

As a general matter, EPA Regional Administrators will evaluate each component individually and as each complements the other components. In many cases, the adequacy of a particular component's contents will depend in a material way on the contents of another component. Again, this approach is expected to give States a great deal of flexibility. A good example of this is the interrelationship between the ''monitoring,'' ''assessment,'' ''prevention'' and ''response'' components. States may differ in judging the relative efficacy of assessment methods for estimating the sensitivity of aquifers to contamination, versus ground-water monitoring. As a result, one State could put little emphasis on the assessment efforts, but compensate by placing a more substantial emphasis on monitoring. Another State could choose the opposite. Either approach could very well prove to be adequate. Still another State might view relying on either or both as deficient, and choose to emphasize prevention by imposing more stringent use-management measures more routinely. However, a State Plan that committed to a minimal effort in all three spheres could well be found to be inadequate. These interrelationships are discussed in more detail under the specific component headings in the Guidance. Thus, each Regional Administrator will be evaluating each component on its own merits, but also how all of the individual components work together to fulfill the ultimate objective of protecting ground water.

Furthermore, the Agency recognizes that certain elements of SMPs, particularly the vulnerability assessment and monitoring components (described below), entail extensive technical activities and substantial long-term resource commitments. One purpose in promoting the development of ''Generic'' SMPs is to provide for a head start in developing such technical capacity. However, the Agency does not expect that an acceptable SMP must in every instance have such components fully developed and in place at the time the State Plan is approved. Rather, an acceptable SMP may be at times one that provides an adequate, credible commitment and action plan to phase in such components in order to meet the State's ground-water protection goal specified in their SMP. Failure by the State to meet the commitments made in the SMP would result in EPA reconsidering the original decision to approve the SMP.

The Guidance, in chapter 3, describes EPA's expectations as to what an adequate State submission will entail. As a general rule, EPA will apply the criteria set forth in the Guidance in determining the adequacy of individual State plans. Obviously, guidance criteria are not intended to be as rigid as requirements established in regulations. However, a Plan is more likely to be acceptable if it conforms as much as possible to the provisions of chapter 3 of the Guidance. A State submission that fails to meet these criteria risks disapproval.

The Agency notes that, since State Management Plans are a new and evolving regulatory mechanism, the guidance for implementing Plans will also evolve. Thus, the Agency is likely to issue further clarifications to the Guidance as issues are raised by Regional Offices and States. For example, the comments that EPA receives in response to this proposed rule may be an important source for identifying such issues.

The following sections briefly describe each of the 12 mandatory components of an adequate State Management Plan being proposed in § 152.190.

1. *State's philosophy and goals toward protecting ground water.* Proposed § 152.190(a) would require that a Plan describe the State's philosophy and goals for protecting ground water. An acceptable plan must demonstrate that the State's goals and objectives are no less protective than EPA's goal of preventing unreasonable adverse effects to human health and the environment and to protect the environmental integrity of the nation's ground-water resources.

EPA's strategic approach emphasizes the prevention of contamination over remedial treatment. Further, it focuses priorities on sources of drinking water currently used, or reasonably expected to be, and ground water that is closely hydrologically connected to surface waters. While a State's goal must be no less protective than the Agency's, States will be free under the regulation as proposed to articulate its ground-water protection philosophy and goals in alternative form and language. In any case, a State submission, to be judged adequate, must include a statement that addresses both the ground waters to be

protected and the degree of protection to be achieved under the SMP.

2. *Roles and responsibilities of State Agencies.* State efforts to implement the Strategy will, out of necessity, require extensive coordination among State health, environment, agriculture, and water agencies. The SMP must include a description of the roles and responsibilities and coordination mechanisms of involved State agencies. For an SMP to be found adequate by EPA, it must satisfy six general provisions set forth in proposed § 152.190(b). For a further description of what these provisions entail, refer to pages 3-4 and 3-5 of the Guidance.

3. *Legal authority*. A State's ability to carry out prevention and response actions for pesticides in ground water is dependent on its legal authority to regulate pesticide use and protect ground water, to be provided pursuant to the provisions of proposed § 152.190(c). Regulatory authorities must be sufficient to accomplish the desired outcomes of the SMP. EPA will consider this component in parallel with the provisions of proposed § 152.190(i) on enforcement mechanisms. Descriptions of enforcement authorities provided in this component should be cross-referenced to that component as well. One suggestion is that the State provide a graphic ''crosswalk'' of legal, regulatory and enforcement authorities (e.g., a side-by-side comparison of SMP requirements as described in proposed § 152.190, and corresponding State authorities for implementing each requirement, modelled after what is currently provided for in the Public Water System program [40 CFR part 142.12(c)].

Under § 152.190(c), a State's plan must identify the specific legal authorities to be used in implementing the plan, to ensure that the State's submission is legally enforceable. Presently there is no provision that the State's chief legal officer be required to examine the submission, and be satisfied that the appropriate provisions of the plan are legally enforceable under State law. Several other EPA programs require a certification from the State Attorney General (or a designee) to ensure that there is sufficient legal authority to enforce provisions of the program. This approach provides further assurance that all of a State's rulemaking procedures have been followed, and that, as a result, the SMP is enforceable under State law. Such a step should reduce the likelihood that a legal challenge to the rule will not be sustained, and should entail a small resource requirement on the State. EPA is soliciting comment on whether the Agency should also require in the final rule that the State's submittal include such a certification.

4. *Resources.* A State's ability to carry out the commitments delineated in its SMP depends on the resources available to implement the program. Resources include technical expertise and personnel, physical and operational capabilities, and funding. Proposed § 152.190(d) requires that the SMP demonstrate that the necessary expertise is available and that there is an adequate match between revenues and proposed expenditures. This demonstration must:

i. Indicate what categories of personnel or technical expertise are necessary and available for implementation of the Plan.

ii. Include an estimate of the costs, both physical and operational, to develop and implement each element of the Plan.

iii. Disclose the current funding available for implementation of the program, existing and potential funding sources for the future, and a commitment to pursue additional funding if needed.

EPA will only be evaluating the adequacy of the resources specified in determining the adequacy of the overall Plan, and will not be judging the manner in which the State provides for those resources. However, EPA strongly encourages States to develop innovative means to finance and implement SMPs, such as user and/or sales fees, in order to reduce the burden on a State's general revenues. EPA will also explore ways of helping to shift some of the financial burden of implementing SMPs from the States to registrants, for example, in providing for concurrent National ground-water monitoring requirements.

5. *Basis for assessment and planning.* One of the fundamental principles in the Strategy is the tailoring of protection activities to the unique hydrogeologic settings, pesticide usage patterns, and agronomic practices of each State. The effectiveness of protection activities depends to a large extent on the degree to which vulnerable areas in need of protection can be accurately identified. Therefore, States must have an ongoing program that provides basic information on the occurrence, movement, and quality of ground water in relation to patterns of pesticide use. State Agencies of environment, water, agriculture, and health must all have the opportunity for input into this program. Pages 3-7 and 3-8 of the Guidance (supplemented by chapter 3 of the Guidance's Appendix B) describe in further detail the function and activities embodied by the term, ''assessment and planning.''

The component prescribed by the proposed § 152.190(e) is, for practical purposes, a description of the process by which a State will set priorities for prevention and response actions. In this component, the State will describe how it will assess ground-water vulnerability, use and value and how that assessment will be used: (a) To set priorities for protection activities; (b) to design and implement prevention and response measures; and (c) to determine the effectiveness of these measures and of the implementation of the overall Plan. An adequate SMP for these five pesticides must include a description of how the State will address vulnerability assessment on a sub-county level for the geographic area in which the State intends to allow continued use of the pesticides. EPA considers this level of geographic detail necessary in ground-water vulnerability assessment because it is generally held that current methods of vulnerability assessment are generally not capable of predicting the vulnerability of broader geographic areas, such as counties. It is widely held that the hydrogeologic factors which influence the sensitivity of particular ground waters vary within areas smaller than typical American counties. Distinguishing areas of different ground-water sensitivity must involve ''sub-county'' geographic units (see the Guidance and its Appendix B for further discussion of the basis for these opinions). It is also generally accepted that such assessments will entail a substantial level of effort. There is no standard definition of what the size or dimensions of a ''sub-county'' unit might be, other than the general observation that it is an area that is relatively homogenous with respect to the hydrogeologic characteristics that influence ground-water sensitivity.

While an adequate SMP must discuss what the State's approach to vulnerability assessment at the sub-county level will be, it must also discuss the limitations of its assessment techniques and how these limitations are taken into account in the design of prevention and response programs (see g. and h., below). For example, a State could describe in its submission for this component that it does not or cannot currently perform adequate vulnerability assessments to the desired level of detail, but then explain how the State will impose more restrictive pesticide use practices across a wider geographic area (e.g., an entire county where a pesticide might be used) so as to protect the most vulnerable ground waters within that area. In other words, if a State applies prevention measures

on broad regional or county-level designations, then sub-county level assessments may not be needed. However, the State should explain why the measures chosen are likely to be adequate to meet program goals. Conversely, if a State plan allows sub-county or farm-level distinctions in applying prevention measures, it should explain the basis for making such distinctions, and how protection goals will be met. EPA's expectations as to the adequacy of this component are further discussed in pages 3-8 through 3-10 of the Guidance.

6. *Monitoring.* Broadly defined, ''ground-water monitoring'' is the set of activities that provides chemical, physical, geological, biological, and other environmental data needed by environmental managers/decision-makers to assist in developing and implementing ground-water protection policies and programs. Ground-water monitoring is viewed as a continuum of activities ranging from defining background conditions, to defining the existence and extent of contamination, to defining the success of prevention and response measures and programs to protect the ground-water resource. The Guidance (in pages 3-10 to 3-11 and in Chapter 5 of Appendix B) discusses in further detail the dimensions of ground-water monitoring activities and their various functions in programs aimed at preventing pesticidal contamination of ground water.

An adequate SMP must describe the State's monitoring program for pesticides, the uses to which monitoring will be applied, and the parties responsible for various functions associated with monitoring. A current, approved State Quality Assurance Project Plan (QAPP), as described in chapter 5.4.2 of the Guidance's Appendix B, is a prerequisite for approval of an SMP. The provisions of such a plan will apply to data collected by the State as well as to any data collected by some other party on behalf of the State, for the purposes of performing the State's monitoring component. Such a quality assurance plan will provide sufficient assurance of the integrity of the data so as to preclude the applicability of the Agency's Good Laboratory Practices (GLP) regulations (40 CFR part 160). However, certain conceivable data collection activities (e.g., monitoring studies required by EPA as an adjunct to State monitoring, described in the next paragraph) could be subject to GLP Standards. The distinction would lie in: (1) Whether the monitoring activity is described in, referred to, or otherwise pursuant to, the monitoring component of the approved SMP; and (2) whether the monitoring activity directly relates to the maintenance of the Federal registration of the pesticide. For example, monitoring activities performed by a third party (e.g., a university) under the authority of the State's monitoring plan would be subject to QAPP provisions. Registrant monitoring directed by the State would similarly be subject to the State's QAPP. However, registrant monitoring performed either at EPA's behest or performed on the registrant's own initiative (but without State mandate or not at the State's behest) would be subject to EPA's GLP standards.

The essential criteria to determine the adequacy of the monitoring component of a State Plan are whether the State's monitoring effort is appropriate to achieve the purposes of the Plan, and whether the level, quality and extent of specific monitoring efforts provide a reasonable likelihood that contamination representing an unreasonable risk to the environment will not go undetected. As discussed earlier, the judgement of the adequacy of a monitoring component must be made in consideration of the stated goal of the Plan, and the contents and design of its constituent assessment and protection components. Further discussion of EPA's expectation of what constitutes an adequate monitoring component can be found in the Guidance (pages 3-11 through 3-13).

EPA assumes that monitoring activities will represent a significant portion of a State's resource investment in implementing its SMPs. Based on past State experience, EPA estimates in its Regulatory Impact Analysis for this proposed rule (see Unit V. of this preamble) that ground-water monitoring activities by themselves may constitute between 10 to 14 percent of the annualized State program costs. Furthermore, the costs of performing ground-water monitoring can be expected to vary widely across the country, inasmuch as the States are starting from different points in the degree of current monitoring. To help alleviate this resource requirement on the States, EPA is considering development of national-level requirements (pursuant to its data-call-in authorities under FIFRA section 3(c)(2)(B)) for additional ground-water monitoring from the registrants of these five pesticides. Such concurrent data-gathering requirements would be developed with reference to submitted State Plans, so that the ultimate requirement on the registrants would not be unduly burdensome and would be tailored to the strengths and weaknesses of actual SMPs. Such a requirement would also be designed to provide States the opportunity to review and comment on Federal specifications to the registrants, to ensure harmony with State intentions.

7. *Prevention actions.* The emphasis of EPA's *Pesticides and Ground-Water Strategy* is on prevention, and the core of an acceptable SMP will be its program of managing particular pesticide use in order to prevent contamination. Preventive management approaches may vary based on ground-water vulnerability and ground-water use and value, as well as social and economic factors. The actual measures employed may range from education of users, voluntary or mandatory best management practices, such as changes in application rates, methods and timing, all the way to use prohibitions in specific areas. As noted above, the Agency does not necessarily expect that SMPs will impose new restrictions on every use site or geographic area in which a pesticide is used in a State; if there is a reasonable basis for determining that risks for particular use sites or areas are not unreasonable, then little or no change from current label requirements may be needed.

Prevention measures may overlap with response measures at the point that pesticide contamination of ground water is detected. For example, when pesticides are detected, preventive actions can still be pursued to prevent further contamination. States may choose to combine their prevention and response discussions because of this overlap.

Appendix B: *Assessment, Prevention, Monitoring, and Response Components of Pesticides State Management Plans of the Guidance* identifies ground-water protection practices and methods for implementing prevention efforts that States may consider in the development of their prevention component. The methods described there are not considered an exclusive list of available options. The Agency fully expects some States to develop innovative measures to achieve their ground-water protection goals.

Because of the wide variety of possible approaches a State might adopt to fit a wide variety of local circumstances, proposed § 152.190(g) is worded very generally in order not to restrict the States' flexibility. While EPA is proposing that the rule provide for maximum flexibility in State program design, it acknowledges that other approaches are feasible. In recognition of this fact, EPA elsewhere in this preamble (see section D of this Unit) is requesting public comment on

alternative approaches to prevention program requirements.

The relation of these prevention programs to other risk-management measures will be an important consideration for the States in the development of SMPs. These SMPs are required to address the ground-water contamination potential of the five pesticides subject to today's rule. It happens, however, that these pesticides also represent a well-documented risk of surface water contamination, at least in some of their use-areas (see, for example, ''Triazines Water Resources Impact Analysis'' (Ref. 19)). Thus, an acceptable Plan for these pesticides must include consideration of whether specific measures employed by a State to protect ground water might elevate risks to surface water. For example, a Plan which would change a tillage practice to reduce pesticide infiltration of ground water may in some instances increase runoff to surface water. EPA therefore strongly encourages States to implement measures to protect surface water from pesticide contamination that is likely to impair water quality. Specifically, States should coordinate the development of preventive measures with measures under existing EPA programs, such as the Nonpoint Source, Coastal Zone Management, Wellhead Protection, and Comprehensive State Ground Water Protection Programs. Measures must also be coordinated with the USDA Soil Conservation Service's Compliance Conservation Plans.

As discussed in Unit IV.B. of this preamble, adverse ecological effects associated with these compounds are a concern, and a reason for proposing the compounds for SMPs. Because the ability to identify ground-water discharge to surface water is limited by resources and the current state of scientific knowledge, EPA will not disapprove out of hand any proposed State Plan that fails to specifically address ground water supporting surface water ecosystems in either the ''basis for assessment and planning,'' ''monitoring,'' ''prevention,'' or ''response'' components. However, States that are aware of specific bodies of water that receive a large percentage of their recharge from ground water are strongly encouraged to attempt to take this fact into account in designing the above components of their Plans. As in evaluating the adequacy of any and all the elements of State proposals, reviewing EPA regional offices will evaluate the adequacy of State measures to address such ''closely hydrologically connected'' ground waters on the basis of its own and the State's assessment of the State's vulnerability in this respect.

Similarly, if a State expects that a risk reduction measure will lead users to use alternative chemicals, then EPA encourages the State to consider whether the alternative chemicals will cause adverse effects to ground water, surface water, other areas of the environment, or other types of risk, such as risks to pesticide applicators. In other words, the State, in its Plan, should provide a reasonable assurance that the preventive measures it proposes to protect ground water are not likely to result in unreasonable adverse effects elsewhere in the environment as a consequence.

8. *Response to detections of pesticides*. This component will describe how the State plans to respond to contamination to ensure that reference points (MCLs, HAs, or State quality standards) will not be reached in ground water, and what actions the State will take in the event that the reference points are reached or exceeded. Response measures should be based on the State's ground-water philosophy and the assessment and monitoring components. Further, this component is closely tied to the requirements concerning prevention, which specify that an SMP must describe actions that the State will take initially in the absence of actual detection and those it will implement if the plan appears to be failing to protect ground water. SMPs should describe how the appropriate State agencies will be brought into remedial actions.

Response actions, such as increasing implementation of best management practices, and use restrictions or prohibitions, are the focus of this component, rather than remediation activities. Since FIFRA provides limited means for responding to contamination, however, States should increase efforts to coordinate enforcement and other response activities under a number of other Federal/State authorities. In addition, as in proposed § 152.190(g), States should coordinate response measures with measures under existing EPA programs, such as Nonpoint Source, Coastal Zone Management, Wellhead Protection, and Comprehensive State Ground Water Protection Programs. Appendix B of the Guidance presents a framework for assessing and responding to ground-water contamination by pesticides as well as suggested response alternatives. Again, EPA does not regard the Guidance as providing an exclusive list of options, since new information becomes available on a routine basis. For example, EPA is developing new guidance accompanying its new Hazardous Waste Identification Rule, defining ''best management practices'' (BMPs) for the treatment of contaminated media at remediation sites, in order to reduce the potential for cross-media contamination. Such ''BMP Guidance'' will help States reduce the possibility of incidental contamination of ground water at remediation sites. A review draft guidance document has been available since April 1996.

9. *Enforcement mechanisms*. To meet this requirement, the Plan must describe the State's enforcement capabilities, authorities, and compliance activities (e.g., inspections, technical support, penalty provision, etc.), if not already described pursuant to proposed § 152.190(c). The SMP also needs to identify the State agency with each enforcement authority and how coordination of enforcement capabilities will work to prevent and respond to contamination.

In addition, a Pesticide Plan must discuss the State's enforcement authorities and capabilities to monitor compliance with the specific measures included in the SMP, both those intended to protect ground water from contamination and response actions where contamination has already occurred. Further discussion of enforcement requirements can be found on pages 3-18 to 3-19 of the Guidance.

10. *Public awareness and participation*. Most government activities are subject to citizen involvement and review. An acceptable Plan must demonstrate that the public has opportunity to be involved in the process of Plan development and will be informed of significant Plan implementation activities. The Plan must address three different aspects of necessary public awareness and participation. The Plan must:

i. Describe the opportunities for public input regarding development of the Plan and decision-making in implementing it.

ii. Indicate how, when, and by whom the public will be informed of detections in ground water that are considered significant.

iii. Include a description of the process and means of communication by which the public will be made aware of important regulatory actions taken under the SMP. More discussion of public participation issues can be found on pages 3-19 to 3-20 of the Guidance. However, as discussed earlier in this unit, EPA expects that in fulfilling the first requirement, a State will at a minimum provide notice and opportunity to comment on whether the SMP under development satisfies the criteria for SMPs proposed in this rule,

including an opportunity to assess costs and benefits under the proposed SMP.

11. *Information dissemination.* The user is responsible for directly controlling the use of pesticides in the field. Therefore, an important part of any SMP must be the means by which ground-water protection measures and other Plan requirements are communicated to pesticide users as well as to appropriate industry groups and regulatory officials (proposed § 152.190(k)). Further discussion of this requirement is provided in the Guidance (pages 3-20 to 3-21).

12. *Records and reporting.* Documentation of a State's program not only serves as a source of data to share with EPA and other involved Federal and State agencies, but also provides a basis on which to assess the effectiveness of a State's prevention and response measures. An adequate SMP discussion of records and reporting will identify both management measures relating to the State's progress in implementing the Plan and environmental indicators of the effectiveness of the program. The Guidance provides a fuller description of the reporting requirements established by the new Subsection (l), particularly the key ''Biennial Report'' (pages 3-21 to 3-24). In addition, Chapter 5 of the Guidance's Appendix A provides a fuller discussion of the Biennial Report requirements pursuant to the provisions of this proposed rule for evaluation of EPA-approved Plans.

D. Evaluation of State Management Plan Implementation

Once in place, SMPs are a permanent condition of registration for the pesticide, for as long as the pesticide remains registered. Proposed § 152.191 of the new subpart J provides for EPA evaluation of State implementation of their Plans. Periodic evaluations of the implementation of SMPs will measure the State's progress towards its goals and commitments, determine the environmental effectiveness and the level of ground-water protection provided by the Plan, and ensure a minimum level of national consistency.

EPA will use the SMP Biennial Report required in proposed § 152.190(l)(2) to evaluate a State's effectiveness in protecting its ground-water resources from pesticide contamination. Both the general provisions for EPA's evaluation of approved SMPs and the Agency's expectations about the form and content of the Biennial Reports are described in greater detail in Chapter 5 of Appendix A of the Guidance. In specifying an evaluation requirement, EPA recognizes that States have a variety of evaluation methodologies and measures at their disposal.

E. Amendment of State Management Plans

Once in place, State Management Plans will have considerable built-in flexibility, in order to respond to a variety of circumstances. For instance, the response component entails a range of options for responding to contingencies triggered by pesticide detections in ground water; new information about pesticide usage patterns; and new information on ground-water vulnerability, use and value. Consequently, Plans will probably not need frequent revision and update. If the range of options in a given Plan turns out not to meet the State's needs, however, States may need to modify and update plans. States should consider revising SMPs:

- If EPA's periodic evaluation of the SMP determines that the provisions in a State's SMP are not adequately protecting the ground-water resource from pesticide contamination.
- If the statutory or regulatory framework for SMP development and implementation changes.
- If more comprehensive ground-water vulnerability assessments, additional monitoring methods, improved prevention technologies or new information concerning the risks posed by a pesticide become available and need to be accommodated in order to make the Plan more effective.
- If a State, through experience, finds substantially different, more effective ways to assess ground-water contamination, prevent or respond to contamination, or disseminate information.
- If changes in crops or crop production systems within the State are significant enough to require different pesticide management measures in order to manage risks to ground water.
- If roles and responsibilities of State agencies materially change.

Section 152.193 provides for the modification and update of SMPs under these circumstances.

Ordinarily, a State will submit needed amendments as part of the SMP Biennial Report. In an urgent case, a State may appeal for revision outside the biennial review process to the Regional Administrator. In addition, if the Regional Lead Office determines through the evaluation process that the SMP needs to be amended, then the Regional Administrator can initiate the amendment process by requesting that the State submit an SMP Update Report. Chapter 6 of the Guidance's Appendix A describes the process EPA envisions for the modification and update of approved SMPs.

F. Withdrawal of Approval of a State Management Plan

Section 152.195 of the proposed regulatory text provides for EPA withdrawal of its approval of existing State Plans under certain circumstances. Withdrawal of approval can begin when:

- The State fails to demonstrate that it is satisfactorily implementing the SMP as approved.
- The State's SMP is not protecting ground water from contamination above the ground-water reference point.
- The State fails to address deficiencies identified in the SMP Evaluation (per proposed § 152.191), by updating the SMP (per proposed § 152.193) and/or improving implementation of the SMP.

EPA envisions such revocation of a State's Plan to be generally a last resort. Before the withdrawal process commences, the State will have the opportunity to respond to EPA-identified deficiencies in its Pesticide SMPs through the SMP amendment process or by demonstrating to the Agency that the SMP is being satisfactorily implemented. Regions will work closely with individual State agencies or the State Liaison to assist the State in updating the plan or in addressing deficiencies or gaps in protection.

Withdrawal of approval of an SMP (as discussed in greater detail in the Guidance's Appendix A, Chapter 7) is a multi-step process. EPA would commence the withdrawal process by issuing a formal letter from the Regional Administrator (acting for the Administrator) to State officials responsible for implementing the Plan. The notice will include:

- A statement concerning the potential withdrawal of the SMP.
- A listing of the deficiencies of the SMP or a description of the failure of the Pesticide SMP to protect ground water.
- A brief summary of the events that led to the withdrawal notice, e.g., failure to respond to SMP's deficiencies in the Biennial Report and failure to update the SMP adequately.
- A time frame in which the State can respond to the deficiencies to stop the withdrawal process e.g., time frames for submitting an SMP Update Report, for improving implementation of the plan.

In the event this letter fails to elicit a satisfactory State response, EPA's next step is a second notice, announcing imminent publication of a Federal Register notice withdrawing EPA's

approval of the SMP. In the event this second letter does not elicit a satisfactory resolution, the final step is publication of a Notice of Withdrawal in the Federal Register. This withdrawal of EPA's approval will have the effect of prohibiting the sale and use of the pesticide in the State. Chapter 7 of the Guidance's Appendix A has a further description of the Agency and State roles and responsibilities in this process.

Proposed § 152.195 provides the State the opportunity to respond to EPA's initial decision to withdraw approval in at least two different ways. The State may respond in writing to the notice with a commitment to address the deficiencies in the SMP itself or in SMP implementation. In this case, the State must respond to the initial notice within 30 days of receiving it. However, the State may choose to appeal the EPA decision to initiate withdrawal. In that event, the State may request a meeting with the Regional Administrator (who will be the deciding official in these instances); that request must be made within 60 calendar days of the date of the initial notice. If the State does not respond to the initial notice within either of these time frames, or consultations pursuant to the initial notice fail to resolve EPA's concerns, the Region will take the next step of sending a second letter, and ultimately, of publishing a Federal Register notice.

In some instances EPA may find an SMP (or its implementation) is so deficient that further sale and use under its provisions would constitute an unreasonable risk to the environment. If so, the Regional Administrator may also prohibit sale and use of the pesticide during the withdrawal process if, in his or her judgement, continued use of the pesticide in the State under the conditions of the deficient SMP presents an unreasonable risk to human health or the environment. In this event, EPA would propose a temporary prohibition in a Federal Register notice, in addition to the letters to the States described above. This notice would explain the Regional Administrator's judgement that unreasonable risks to the environment may be present during the time required for correcting the deficiencies in the State's Plan, and solicit public comment on the impending prohibition. This Federal Register notice could be published simultaneously with the initial letter to the State, or at any time after that initial letter, in the event the Regional Administrator found an unreasonable risk to the environment was impending. After addressing any public comment, the Regional Administrator would implement the temporary prohibition. The prohibition of sale and use would remain in effect until the State and EPA reach agreement on how to address the SMP's deficiencies.

G. Label Changes

This regulation requires a change to the label of any pesticide subject to an SMP, so that users will be aware of their responsibility to use a product in accordance with the provisions and restrictions of an EPA-approved SMP. All products subject to an SMP must bear the following statement describing the SMP restriction itself:

> For use only in accordance with an EPA-approved State Management Plan (SMP) for ground-water protection. Sale and use are prohibited in States that do not have an EPA-approved State Management Plan.

Each State Plan will provide for other means, separate from the product label, to disseminate to pesticide users specific additional provisions, management measures and geographic restrictions. These State-specific information dissemination measures are intrinsic to the SMP in accordance with § 152.190(k) described above. However, additional information may be placed elsewhere on the label in order to direct users to appropriate State sources for more information, or to describe in more detail SMP requirements. Such information will not appear in the Restricted Use area of the front label, but preferably within the Directions for Use portion of the label.

In § 152.185(b) of the new subpart J, EPA proposes that registrants adhere to the same provisions for label changes, distribution and sale and advertising as apply to pesticides classified for conventional restricted use. In addition, registrants of pesticides classified for SMPs need to submit proposed labels specifying the SMP classification within 3 months of the effective date of the SMP provision.

An amended label containing the narrative restriction specified in this proposed rule must be submitted by each registrant of a product classified by this proposed rule to be subject to SMPs within 12 months of the publication of the final rule; and the amended label must be affixed to all products subject to this classification on the effective date for the rule.

EPA is proposing in this document to reorganize part 156, the regulation specifying labeling requirements for pesticides and devices. Part 156 is now organized so that paragraphs (a) through (j) of § 156.10 each describe one of nine specific components of a pesticide product label. EPA proposes that the last two paragraphs of § 156.10 become a separate subpart. EPA regards these as particularly important components. Specifically, the Agency is proposing to amend part 156: (1) By creating a new subpart G to encompass the existing paragraphs (i) and (j) of § 156.10; (2) redesignating paragraph (i) as two new sections, § § 156.120 and 156.121, within this new subpart G; and (3) creating new § § 156.135, 156.136 and 156.137 within this subpart G (from the previous paragraph (j)) to describe labeling pertaining to use classification, including both conventional restricted use to certified applicators and restriction to use under approved SMPs. The new label statement to accompany a product classified for SMPs is specified in the new proposed § 156.137(c)(2). As proposed, the SMP statement would appear under the ''Classification'' heading, because legally, an SMP is a form of classification pursuant to the ''other regulatory restrictions'' authority in FIFRA section 3(d).

H. Request for Comments

EPA is interested in receiving comments on all aspects of its proposed 40 CFR part 152 subpart J. For instance, is the effective date of 33 months after promulgation of the rule appropriate? Does it permit sufficient time for registrants to make the necessary label changes? Does it permit States sufficient time to develop Plans and EPA to review them before the restriction is effective? Does the proposed development, review and approval process provide sufficient public opportunity to comment on the contents of the Plan before its approval and implementation as a regulatory restriction? Has EPA properly specified the criteria which State Plans must meet? Has EPA provided sufficient mechanisms for appealing decisions to approve or disapprove Plans, and for evaluating, amending, and revoking Plans? Is two years a sufficient interval for EPA to require States to report on their implementation of SMPs? What further measures could be employed to encourage States to prepare Plans for pesticides with minor uses within their boundaries, so as to provide for their appropriate continued use? Should EPA concurrently develop National datagathering requirements to be applied to the registrants of the pesticides subject to SMPs, with the intent of easing States' ground-water monitoring burdens? If so, how should the Agency design such a requirement, i.e., balancing between helping the States with their monitoring efforts and not infringing on States' flexibility and

power to prescribe its own monitoring regimen? What further national-level resources (e.g., technical assistance from the USDA's Natural Resources Conservation Service) should be anticipated for supporting development of State Plans? Should EPA classify a pesticide for ''conventional'' restricted use classification at the same time it determines the pesticide must be subject to SMPs, in this or a subsequent rule? Should EPA propose a new form of labeling for pesticides classified for SMPs, to distinguish those pesticides from pesticides classified as ''conventional'' restricted use?

In addition to comments on issues like those described above, the Agency is interested in receiving comments on alternative approaches to the specification of State prevention-program components. Within the general framework of the SMP approach, there are many ways to specify how States will perform the duties of protecting ground water from contamination by pesticides. The approach being proposed today is in conformance with the previously published Guidance, which remains the Agency's preferred approach. EPA believes the approach developed in the Guidance provides for maximum flexibility in developing the means of ground-water protection, within the broad determination by the Agency that these pesticides warrant additional regulatory restriction. This flexibility, in turn, maximizes the opportunities for State initiative and effectiveness in tailoring its ground-water protection efforts.

At the same time, the balance between national consistency and State flexibility may be struck in numerous other ways, while still maintaining a fundamental partnership between EPA and the States. The Agency is pecifically soliciting comment on how to strike this balance, within the general consensus it believes exists on the existence of Federal and State roles. For instance, should EPA require an SMP to include regulatory action to prohibit use of the pesticide under SMPs in areas where contamination from current, legal use exceeds the reference point in current or reasonably expected sources of drinking water? If so, should EPA also require States to complete their identification of current and reasonably expected sources of drinking water (if States choose to make such a delineation) prior to Plan approval?

In addition, EPA is soliciting comment on whether it would be helpful for the Agency to provide more specific guidance to States (in the form of technical assistance, new guidance documents or amendments to the existing Guidance) on particular risk-reduction measures that may be appropriate to particular indications of present groundwater contamination. Such guidance would not be prescriptive (that is, codified in rulemaking), but rather reflect the best experience of EPA and the States in managing ground-water protection, as the States develop and implement SMPs. A State and EPA Region could benefit from the experience of others, with the cumulative effect of all States and Regions reaching a mutual understanding of what works best in general situations.

The Agency could be more specific in advance about certain prerequisites of an adequate SMP. For example, EPA might specify by regulation different ground-water contamination levels which would require State response. These levels would be based on the reference points specified in proposed § 152.198. A State would be free to specify in its Plan an array of risk-management measures it found appropriate to respond to such levels of contamination. In contrast, this regulation as presently fashioned only requires a State to describe its goals and response program elements in a manner that allows the Agency to evaluate their adequacy in relation to the adequacy of the other supporting Plan elements.

Under this alternative, proposed § 152.190(a) would require a Plan to establish, within its statement of philosophy and goals toward protecting ground water, its ground-water protection objectives in terms of EPA's reference point policy. This alternative would also change proposed § 152.190(h) to require SMP response-program elements to specify prospective risk-management measures in the event contamination is detected at or above EPA-specified contamination levels. For purposes of eliciting comment, EPA offers the following as appropriate levels: (a) 10 percent of a subject pesticide's ground-water reference point; (b) 50 percent of the ground-water reference point; and (c) 100 percent of the ground-water reference point. EPA would not pre-specify particular risk-management measures for these levels. However, whatever measures that a State does propose would be subject to the Agency's evaluation of its adequacy with respect to the fulfillment of the general objective of ''preventing unreasonable adverse effects ... and protecting the integrity of the ground-water resource.''

Such a specification of program performance objectives would be consistent with the EPA's role under the Federal-State partnership, that of establishing uniform national policy goals and determining the overall regulatory approach. At the same time, States would be free to specify the means of meeting those performance objectives, subject to Agency review. One benefit of a more concrete specification would be the avoidance of misunderstandings between EPA and States: EPA would have stated more clearly what it will find acceptable (or unacceptable) in defining its requirements in this fashion. Another benefit would be greater assurance in the adequacy of a State's plan, since an approved Plan would clearly embrace a risk-management scheme tied to a uniform set of criteria for action. Regulation would be more protective insofar as all States would meet a minimum threshold of risk-management measures. This approach might also facilitate EPA review of Plans, by eliminating an additional interpretive step, that of determining whether the State proposal, in its unique form, conforms with EPA's expectations.

Finally, the Agency recognizes that some potentially affected parties have expressed concern that the proposed rule does not offer an opportunity to maintain use of a pesticide in the event a state does not have an approved SMP, for whatever reason. Therefore the Agency requests comment on whether there should be a default provision for stringent federal label requirements and/or conditions on the terms of registration for these pesticides that would allow continued use in lieu of an approved SMP.

Under this option, the Agency would specify in the final rule the national-level requirements that would apply to use of these pesticides in States without approved SMPs by the effective date. The Agency has established a model for such requirements. In 1994, the Agency granted a conditional registration for a new herbicide, acetochlor, for which the potential for ground water contamination is a concern. In that case, the Agency imposed a variety of restrictions on the use of acetochlor, including limiting application to certain soil types, prohibiting aerial application, and restricting use to certified applicators. In addition, the Agency required the registrant to conduct ground-water monitoring at a specified level of effort, and set triggers that would result in localized use prohibitions, and ultimately national cancellation of the registration if certain detection criteria are met. A copy of the specification of the terms and conditions of registration for pesticides containing acetochlor, which would

serve as the model for such specifications in the final rule, is available in the public docket for this rule. EPA notes that nothing in this proposal would preclude registrants themselves from proposing additional restrictions on the use of their product to the Agency, pursuant to FIFRA section 3(c)(5), in the event a State chose not to adopt an SMP. Consequently, this proposal leaves open to registrants the option of themselves devising suitable restrictions to prevent unreasonable adverse effects on the environment from use of these pesticides in the unlikely event that a State chooses not to develop an SMP, or that no SMP is approved.

The Agency would like comments on the following. Would a similar approach be appropriate for the SMP chemicals in the event a State elected not to develop an SMP for one or more of the chemicals? Should the default be available if a State did submit an SMP, but EPA did not approve it? What specific precautions and limitations on the label would provide adequate protection of ground water in the absence of an SMP? Is the Agency correct in proposing to use the specifications of the acetochlor registration as the basis of such national-level defaults, or are there specific provisions to be added or deleted? Should registrants be required to conduct monitoring, and if so, to what extent? If there is a registrant monitoring program, should States have a role in determining where and how monitoring is carried out? Should there be triggers for use prohibition in a State, or only in a local use area; if so, what should they be? What would the impact of this Federal alternative be on registrants and users? What would the effect of this alternative be on State development of SMPs and other ground water protection activities or programs?

IV. Risk and Benefit Determination

A. Chemical Background and Characteristics

1. *Uses*. The five candidates for SMPs proposed today are similar in many important respects. All five are broad-spectrum herbicides registered for use on a total of 100 different crops, including most of the major field crops grown in the United States (e.g., corn, sorghum, and wheat). Together, the five compounds are registered for another 31 non-crop and non-food uses including ornamental tree, plant, and grass sites. Atrazine, simazine and cyanazine are members of the *s*-triazine family of compounds, and are each used to control a variety of broadleaf weeds and grasses. Each is used for preplant, preemergence and postemergence weed control in crops. Alachlor and metolachlor are acetanilide compounds registered for pre-emergent control of broadleaf weeds and grasses.

EPA estimates that between 200 and 250 million pounds of the five herbicides, together, are used annually in the United States, which represents as much as one-half of total annual agricultural use of herbicides. Atrazine, alachlor, and metolachlor are currently ranked as the three highest-volume pesticides in use in the United States today, with cyanazine ranked fifth. Approximately 150 to 160 million pounds of active ingredient (a.i.) of these four pesticides are applied to just two field crops: corn and sorghum. Alachlor and metolachlor are also commonly applied to soybeans, with 20 to 30 percent of their annual use attributable to this crop. Remaining uses of these four herbicides, while representing a small fraction of their combined use, still represent several million pounds of active ingredient. For example, 1 to 2 million pounds of cyanazine are used annually on cotton; also, another substantial use of atrazine is on sugar cane.

Historically, use of atrazine was marked by a rapid rise in use on row crops through the 1960's, joined by a similar sharp rise in alachlor use from 1969 to 1974. At that time, use volumes of each leveled off at comparatively high levels (e.g., about 80 million pounds annually) as use of cyanazine, and then metolachlor, climbed. Through the 1980's, use volumes began to fluctuate, with use of the two older chemicals drifting down from combined uses of 170 to 190 million pounds per year to levels of 120 to 150 million pounds per year. These general declines were matched by corresponding increases in the other two. During the first half of this decade, this general trend continues, with the exception of a relatively sharp decline in alachlor, and a slightly earlier, but more-than-offsetting increase in metolachlor use.

Simazine stands as the exception to the rest of the candidates with respect to use. Only 3 to 5 million pounds of active ingredient are used in the United States annually. However, 1 to 2 million pounds (31 to 42 percent) of simazine is applied to corn, making it the principal use of simazine as well. Simazine's remaining uses include crops such as alfalfa, seed crops, fruits (apples, citrus, grapes, berries and stone fruits, among others) nuts and vegetables. Simazine is also registered for several terrestrial non-agricultural uses, as well as for aquatic uses (i.e., ornamental ponds).

2. *Other regulatory actions.* All five pesticides are subject to the reregistration requirements of the 1988 FIFRA Amendments. Reregistration of existing pesticide products entails the determination that they are eligible for reregistration because: (a) The data necessary to determine the pesticide's risk are substantially complete; and (b) these data indicate that the pesticide does not cause unreasonable adverse effects when the products are used according to label directions and restrictions. EPA publishes Reregistration Eligibility Documents (REDs), which summarize the studies reviewed and the findings reached. A RED for metolachlor has already been published (EPA 738-R-95-006, April 1995); a RED for alachlor is scheduled to be published in 1996. REDs for the three triazines are not expected before the conclusion of the triazines special review.

In addition to the scheduled reregistrations, four of these pesticides are in Special Review. One, alachlor, has been under Special Review since 1985. While EPA resolved substantial risk concerns about the use of alachlor in 1987, the Agency deferred action on whether the risks posed from alachlor in drinking water from contamination of ground water required regulatory action. EPA proposes to conclude review on these issues with the promulgation of this rule.

In November 1994, the Agency initiated Special Review (59 FR 60412, November 23, 1994) of the three triazine compounds - atrazine, simazine and cyanazine - subject to this rule. The Review will address the potential overall risks to human health and the environment posed by use of these three pesticides, particularly the carcinogenic risks from human exposure in drinking water, food, and through handling and application of products. Ground-water contamination is part of the concern in conducting the Special Review, but only part of the broader concerns addressed by it. Therefore, the Agency believes it is appropriate to carry out both regulatory proceedings for the triazines at this time.

B. Risk Assessment

1. *Adverse health effects*— a. *Toxicological endpoints of concern.* Toxicological endpoints of concern for these five compounds (and their metabolites) include carcinogenicity (all five compounds), developmental toxicity (atrazine and cyanazine), chronic blood and organ toxicity (cyanazine, simazine, alachlor, and metolachlor), and cardiotoxicity (atrazine). In the following discussion,

atrazine, simazine, and cyanazine are frequently referred to together as triazines, when the three compounds exhibit similar characteristics and effects.

EPA's Integrated Risk Information System (IRIS) summarizes the available information on the toxicological endpoints of concern for the five pesticides in today's proposed rule. IRIS data are available to the public in both printed and on-line form, and can be accessed by telephoning IRIS User Support at EPA's Center for Environmental Research Information in Cincinnati, Ohio; (513) 569–7254. The discussion below does not include a detailed review of studies showing relatively minor adverse effects, such as changes in average body weight or the rate of weight gain in developing animals. More extensive discussion of the evidence of adverse health effects for each of these pesticides has been presented in other documents, e.g., for metolachlor, in the recent Reregistration Eligibility Decision document and for the triazines, in the Federal Register notice announcing the initiation of the triazines Special Review. A more complete description of the toxicological evidence to support this rulemaking, drawn from these existing sources, is provided in the docket for this regulation.

All five compounds exhibit adverse effects in animals after long-term exposure, raising concern about chronic toxicity. For example, long-term (usually 2–years) feeding studies with the triazines typically show reduced rates of weight gain, and in some cases, hematological effects, such as reduced red-cell count. Treatment of pregnant animals with all of these compounds shows some developmental effects, such as reduced weight gain, or reduced litter size. In addition, a 1–year dog study with atrazine showed cardiac effects such as increased heart rate and irregular heartbeat. Although these are all adverse effects, they do not present the same level of concern as the evidence of cancer risk.

EPA had classified atrazine, simazine, cyanazine and metolachlor as Group C (possible human) carcinogens. EPA's Office of Pesticide Programs has assigned a numerical cancer potency coefficient, known as a $Q1^*$, to each of these chemicals as well (see Table 2 below).

The triazine compounds have an extremely close structural similarity and produce similar tumor profiles in animal bioassays, primarily malignant mammary tumors in female rats. In addition to animal study data, EPA has reviewed a number of epidemiology studies which suggest possible associations between triazine exposure and various human health effects, including ovarian cancer, non-Hodgkins lymphoma, and birth defects. All of the studies, however, had significant limitations, and the Agency does not consider any of the suggested health-effect associations to be established by currently available information.

Alachlor was classified as a B_2 (probable human) carcinogen by virtue of positive results in studies of both rats and mice. At this time, however, alachlor is considered to be not classified under the current agency system pending further review of scientific issues raised by the registrant. Metolachlor has limited evidence of liver carcinogenicity in animals.

The cancer classifications cited here are likely to change in the future for several reasons. First, EPA has recently proposed to revise its guidelines for the assessment of cancer risks. The new proposed guidelines were made available on April 16, 1996, for a 120–day public comment period. The issues raised during the comment period will then be presented to the Agency's Science Advisory Board. New guidelines are likely to become final in 1997. Among other things, the new guidelines may change the way the Agency weighs the various kinds of laboratory evidence used to identify carcinogenic potential.

In addition to changing guidelines, the registrants of the triazine and acetanilide herbicides have recently submitted new data which they believe should reduce concerns about human cancer risks for these compounds. It is not clear at this time how this new evidence will affect the Agency's risk assessment for these compounds, or how the evidence will be evaluated under the new guidelines. In any case, human cancer risk is not the only basis for the Agency's concern about these chemicals.

b. *Ground Water Reference Points.* Table 2 of this Unit displays the relevant summary toxicological data for these five compounds. The derivation of the Ground Water Reference Points shown in Table 2 is discussed below.

The Ground Water Reference Point for a compound is a representation of the compound's toxicity, expressed in units corresponding to environmental exposure. The Reference Point provides a means to assess the significance of known or anticipated concentrations that occur in ground water. As described in Unit II. of this preamble, the Agency normally will use MCLs established under the Safe Drinking Water Act (SDWA) as reference points. MCLs are derived from Maximum Contaminant Level Goals (MCLGs), which is that concentration, ''... at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety'' (SDWA section 1412(b)(4)). In most cases an MCLG is based on the Reference Dose (RfD) for the compound, to which standard conversion and uncertainty factors have been applied to account for anticipated drinking water exposure. For compounds classified as Group C carcinogens, EPA also applies a 10-fold uncertainty factor to provide for an additional margin of safety. The enforceable MCL, set simultaneously with the MCLG, is set ''as close to the [MCLG] as is feasible'' (Ibid). In the case of B_2 carcinogens, Agency policy has been to set the MCLG at zero. The corresponding MCL is then set at a finite level by evaluating the performance of feasible water treatment and analytic technology. More information on EPA's methodology for setting MCLs and MCLGs is available in the final rule which established MCLs for atrazine and alachlor (56 FR 3526, January 30, 1991).

The following Table 2 is a summary of the human health risk posed by these five chemicals:

TABLE 2.—SUMMARY OF HUMAN HEALTH RISK

	Ground Water Reference Point (µg/l)	Source (MCL, HAL, or other)	Reference Dose (RfD) (µg/kg/d)	Study/Endpoint[1]	Cancer Category	Q_1^* (1/mg/kg/d)
Atrazine	3	Final MCL	35[2]	Chronic Animal Study decreased body wt. gain; cardio-developmental toxicity	C	0.22
Simazine	4	Final MCL	5	Chronic Rodent Study (decreased body wt. gain hematological changes)	C	0.12

TABLE 2.—SUMMARY OF HUMAN HEALTH RISK—Continued

	Ground Water Reference Point (µg/l)	Source (MCL, HAL, or other)	Reference Dose (RfD) (µg/kg/d)	Study/Endpoint[1]	Cancer Category	Q_1^* (1/mg/kg/d)
Cyanazine	1	HA	2	Chronic Animal Study (decreased body wt. gain)	C	1.00
Alachlor	2	Final MCL	10	Sub-Chronic Dog Study (hematology)	*	0.08
Metolachlor	70	HA	100	Chronic Rodent Study	C	0.009

[1] This column refers to the study or toxicological endpoint which serves as the basis for the RFD listed in the column immediately to the left.
[2] The RfD for atrazine was revised in December 1992; the previous RfD (of 5 micrograms per kilogram per day) served as the basis for the current MCL displayed at left.

In the absence of MCLs, EPA will use a Health Advisory (HA) to establish Ground Water Reference Points. HA levels are established using the same methodology used for non-zero MCLGs. MCLs have been established for atrazine, simazine, and alachlor, and these are Ground Water Reference Points for these compounds. The Reference Points for cyanazine and metolachlor are based on HA levels.

In summary, the Agency feels that there is sufficient evidence to concluded that each of the five compounds addressed in today's rule may cause serious, irreversible adverse effects to the health of persons, if any of the compounds were present in drinking water at or above particular concentrations or at other concentrations for a prolonged period of time. In fact EPA has set drinking water standards for three of the compounds in this proposed rule, in order to prevent the onset of such effects as a result of drinking water in Public Water Systems (PWSs). The Agency has set Health Advisories for the other two compounds, in order to allow PWSs to evaluate and avert potential adverse effects to human health should these compounds be encountered. MCLs for these two compounds may also be developed at a later date.

2. *Environmental effects.* In addition to their potential for adverse human health effects, EPA is also concerned about the potential adverse effects of these compounds: (1) On specific non-target plants and animals, including the potential economic impact associated with adverse effects on both commercial crops and animals; and (2) on ecosystems as a whole.

EPA has far less specific data on the potential adverse ecological effects of these five compounds than for adverse health effects. However, both the chloro-triazines and the acetanilides inhibit photosynthesis in plants and may have phytotoxic effects to terrestrial and aquatic plants.

Of these chemicals, atrazine has been the most fully studied and characterized for environmental effects. In comparative laboratory acute toxicity testing, atrazine exhibits moderate toxicity to birds, mammals, fish, or aquatic invertebrates. Studies representing simulated field conditions have also been conducted. For aquatic plants, available information indicates that short-term exposure to relatively low levels of atrazine (for example, concentrations of approximately 20 µg/l) can produce phytotoxic effects from which plant populations will not recover. Information on simazine and cyanzine indicate that longer-term exposure at even lower levels, in the range of about 5 µg/l, can also inhibit plant reproduction.

Substantial risks can be anticipated from continuing off-target movement of these five compounds and consequent exposure of aquatic organisms and ecosystems. Contamination of ground water can be a mechanism of transport for these compounds to surface water, since ground water provides a significant source of recharge for many bodies of surface water. While it is difficult to segregate potential risks from the presence of these compounds in ground water from those that might result from other means of environmental transport such as runoff, the risks are real enough to be of concern.

In addition, there is a considerable body of monitoring data available on these five pesticides, primarily in the mid-western ''corn-belt'' States where they are most heavily used. These data demonstrate that residues of these five pesticides can be detected in both ground and surface waters in areas of heavy use, at levels which frequently approach, and sometimes exceed, the MCLs or HAs. (Data for ground-water occurrence are discussed in more detail below).

Thus, the Agency feels that there is sufficient evidence to infer that present environmental levels of these herbicides from various environmental transport mechanisms, including leaching to ground water, pose substantial risks to aquatic plant life, both in the form of outright phytotoxicity and in the longer-term and more subtle effect of inhibiting plant reproduction. If such effects occur in an aquatic environment, the effects on the ecosystem could be profound. Complete loss of habitats may occur. Even partial loss of food supply or protective cover can result in significant impacts on other aquatic organisms. Herbicides in the aquatic environment could destroy the food source for higher organisms, which may then starve. Herbicides may also reduce the amount of vegetation available for protective cover and the laying of eggs by aquatic species. Submerged aquatic vegetation is the nursery for commercial and recreational species. As such, drastic loss of submerged aquatic vegetation in rivers or estuaries is a serious environmental concern. Some experts believe that herbicide related ecosystem damage may already be occurring in locations such as the Chesapeake Bay and parts of the Mississippi delta.

EPA has drafted a Water Quality Criteria document for atrazine that proposes to establish a fish-protection level of 22.7 µg/l (measured as a 4–day average concentration over a 3–year period), below which ''freshwater aquatic animals and their uses should not be affected unacceptably ...,'' adding a peak 1–hour concentration limit of 571.9 µg/l (not to be exceeded more than an average of once in a 3–year period). For the protection of freshwater aquatic plants, atrazine concentrations should not exceed 2.0 µg/l for any 4–day period within a 3–year period.

The total risks of these five pesticides to aquatic ecosystems are beyond the scope of the regulatory action being proposed today. These ecological risks involve, in addition to contamination of ground water, contamination of surface water through many alternative routes, such as runoff through the unsaturated zone to a nearby water body.

Ground water SMPs cannot be expected to address all of these potential routes to surface water contamination that may occur as a result of the legal use of these five pesticides. However, certain use management measures implemented by States as part

of their ground-water Plans may provide some ancillary protection against such surface-water contamination. At a minimum, no SMP will be approved that contains a preventive measure that will clearly increase the likelihood that surface water will be adversely affected as a consequence (see Unit III.C.7. of this preamble, and Guidance, pp 3–15–6, Ref. 18).

3. *Ground water contamination potential*— a. *Persistence and mobility*. EPA requires that all pesticide registrants submit data on the physical and chemical characteristics of a pesticide in order to characterize its environmental fate. These data are generated through a battery of basic laboratory tests and limited field studies as specified in 40 CFR 158.290, otherwise known as the ''Subpart N'' Guidelines. Two important factors, known as persistence and mobility, are particularly relevant in predicting whether a substance has the potential to reach ground water.

Persistence refers to a substance's relative resistance to environmental processes which tend to break that substance down, and thus to the length of time that substance can exist in the environment. Persistence is generally measured as a half-life ($t_{1/2}$ or t_{50}), or the length of time in which 50 percent of an environmental concentration disappears as a result of transport or degradation. Mobility refers to the potential for an ingredient to move away from the point of application, and is typically represented by a substance's resistance to binding to soil or soil constituents. Measures such as the soil-water partition coefficient (kd) or the carbon-referenced sorption coefficient (Koc) are used to indicate a substance's binding potential.

A pesticide that is relatively persistent and mobile would tend to remain in the subsurface environment, be present at substantial fractions of the original environmental residue, and reach underlying aquifers relatively quickly. Together, persistence and mobility are referred to as a pesticide's leaching potential.

(i) Parent compounds. Table 3 of this Unit contains a summary of the persistence and mobility characteristics for the five pesticides subject to today's proposed rule. The Table shows chemical-specific values for the seven parameters that EPA uses to evaluate a pesticide's propensity to reach ground water. These values, generated from the combination of laboratory and field studies EPA requires for registration, are compared against the values (displayed in the Table) that EPA regards as indicative of leaching potential.

EPA proposed these values in a previous proposed rulemaking (see 56 FR 22076, May 13, 1991) as criteria indicating a reasonable potential for reaching ground water on a widespread basis, for purposes of considering a pesticide for restricted use classification. While EPA is not proposing to apply these criteria to determine whether a pesticide needs to be subject to an SMP, the Agency provides the information as evidence of the pesticides' leaching potential. As indicated in Table 3, all five pesticides display persistence and mobility characteristics exceeding the values EPA considers evidence of a propensity to leach. In the event EPA were to classify the pesticides for conventional restricted use independently of the regulatory action referred to above, the Agency believes that this evidence, combined with the detections of the parent compounds in ground water to date, would not only meet the EPA's final criteria for restricted use for ground-water concerns, it would establish that these pesticides could pose a serious hazard to the environment in the absence of the mitigation provided by restricted use classifications. Such evidence would be sufficient for EPA to propose restricted use classification for simazine and metolachlor, the two pesticides subject to today's proposed rule not now classified as such, under the existing regulations for restricted use classification (c.f., 40 CFR 152.170(d)).

As shown in Table 3 below, all five pesticides are resistant to chemical hydrolysis, indicating their likely environmental persistence. The term ''stable'' as used in Table 3 means the compound was observed to degrade more slowly than the rate of degradation specified as the critical value in the criteria column, i.e., a decrease of 10 percent or more in the tested concentration of a substance over 30 days duration of a hydrolysis test.

TABLE 3.— PERSISTENCE AND MOBILITY

(A value exceeding a criterion shown in Italic)

	Parameter	Criteria	Atrazine	Simazine	Cyanazine	Alachlor	Metolachlor
Persistence	Field dissipation half-life	> 21 days (3 wks), or	*60-120* days	*44-231* days	*6-181* days	11 days	*7-292* days
.....	Lab-derived aerobic soil metabolism half-life	> 21 days (3 wks), or	*146* days	*110* days	17 days	2-*3* weeks	*67* days
.....	Hydrolysis half-life	< 10% in 30 days, or	*stable* (pH 5,7,9)	*stable* (pH 5,7,9)	*148 days* (pH 5), *stable* (pH 7,9)	*stable* (pH 3,6,9)	*stable* (pH 5,7,9)
.....	Photolysis half-life (soil)	< 10% in 30 days	*> 30 days*	*> 30 days*	6 days	NA	8 days
Mobility	Soil adsorption: K_d	≤ 5 ml/g, or	*0.20 (sand)*	*4.31 (clay)*	*0.28-2.3*		*1.87 (clay)*
.....			*0.73 (loam)*	*0.65 (sand)*			*2.16 (sandy loam)*
.....			*0.79 (sandy loam)*	*1.27 (sandy loam)*		*0.62-8.13*	*0.108 (sand)*
.....			*2.45 (clay)*	*0.48 (loam)*			*0.77 (loam)*
.....	Soil adsorption ≤ K_{oc}	≤ 500 ml/g, or	*38 - 152*	*103 - 152*	*40 - 84*	*190 (est)*[1]	*22 - 110*

TABLE 3.— PERSISTENCE AND MOBILITY—Continued

(A value exceeding a criterion shown in Italic)

	Parameter	Criteria	Atrazine	Simazine	Cyanazine	Alachlor	Metolachlor
.....	Depth of leaching in field dissipation study	75 cm	NA[2]	NA[2]	45 cm	*122* cm	≥ *122* cm

[1] est = estimate.
[2] NA = Not Available (either not reported by the registrant or not required - waived - by EPA).

(ii) *Degradates.* In the case of all five of these pesticides, the leaching potential of metabolites and/or degradates are an additional concern. For example, since the 1980s investigators have reported detections of triazine degradates as well as the parent compounds in both ground and surface water. Alachlor and metolachlor also have various degradation products which may be mobile and persistent enough to leach.

b. *Occurrence of ground water contamination.* Registrants, States, the United States Geological Survey (USGS), and EPA's National Pesticide Survey are all sources of ground-water monitoring data (Refs. 10 and 14). In reviewing monitoring data, EPA's Office of Pesticide Programs (OPP) records occurrence in ground water as the number of discrete locations where a pesticide ingredient was detected at least once. Multiple detections at the same well over an interval of time from repeat sampling are not counted as separate detections in the main data collections cited below. EPA recognizes that this procedure could function to put wells with only a single detection from repeated sampling on an equal footing with wells in which occurrence is regularly found. Specified detection limits are a measure of the sensitivity of the analyses. Such sites are typically water-supply wells or, to a lesser extent, ground-water monitoring wells. OPP uses the term ''wells'' to refer to occurrence sites.

EPA's sources of ground-water data include: (1) The Pesticides in Ground Water Data Base (PGWDB), a data base containing the information described above, and periodically up-dated by OPP (Ref. 15); (2) EPA's National Pesticide Survey (NPS; Refs. 10 and 14), a statistically designed one-time survey of existing wells, including both community wells and rural domestic wells nationwide, (data not included in the PGWDB); (3) Monsanto's National Alachlor Well Water Survey (NAWWS) (Ref. 3)-this survey was limited to alachlor use areas, and sampling was limited to private rural domestic wells; (4) Ciba-Geigy (now Ciba Plant Protection) performed a Large-Scale Retrospective Ground-Water Study for Metolachlor in Four Areas of the U.S. (Ref. 2) with high metolachlor use and/or high vulnerability to contamination of ground water by pesticides; and (5) a number of State-initiated ground water monitoring programs. All of these information sources are described in greater detail in the ''Water Resources Impact Analysis for the Triazine Herbicides'' (Ref. 20). Tables 4 through 8 of this Unit summarize information developed from those sources.

(i) *Atrazine and triazine metabolites*—(a) *Atrazine parent.* The evidence of atrazine occurrence is summarized in Table 4 of this preamble. Atrazine was the third most often detected of all currently registered pesticides in OPP's Pesticides in Ground Water Data Base, after aldicarb (and its metabolites) and carbofuran (and also after two banned pesticides, EDB and DBCP).

Atrazine was found in the National Pesticide Survey, as shown in Table 4, and in the Monsanto NAWWS Survey. In particular, in the latter, atrazine was the most frequently found pesticide, estimated to be present in 12 percent of wells in the alachlor use area. The study estimated that concentrations will exceed the MCL of 3 µg/l in 0.1 percent of the wells in the alachlor use area.

(b) *Chloro-triazine degradates and other triazine occurrence.* There are fewer data on degradates in ground water than for the parent triazines; cyanazine and simazine degradates in particular are rarely looked for. The Pesticides in Ground Water Data Base contains detections of two chloro degradates of atrazine at concentrations of 0.05 to 2.86 µg/l. The NPS analyzed for only one degradation product of atrazine (desethyl atrazine) and the detection limit for that product was relatively high (2.2 µg/l); the NAWWS did not analyze samples for degradation products of atrazine or the other triazines at all. Two of the three major chloro-triazine degradates of atrazine were analytes in Iowa's SWRL study, the results of which are shown in Table 4. The Wisconsin Rural Well Study provided significant information on the occurrence of atrazine degradates. Almost 92 percent of wells that were resampled in phase 2 of the study contained a combination of parent and degradate residues. Overall, degradates found in the Wisconsin Rural Well Survey accounted for 67 percent of total triazine residues.

Results of a recent USGS study of herbicides and nitrates in near-surface aquifers in the mid-continent United States (Kolpin, et. al., 1994) reported that desethyl atrazine was the most frequently reported compound (18.1 percent of wells), followed by atrazine (17.4 percent), and desisopropyl atrazine (5.7 percent). The detection of total residues was 25 percent more than the detection of atrazine alone. This study differs from the NPS and NAWWS studies in that it sampled ambient ground water, not just ground water used as a source of drinking water.

Finally, the advent of new analytic techniques such as the rapid, highly sensitive and relatively cheap detection methods based on enzyme-linked immunosorbant assay (ELISA), has allowed monitoring studies of ''total triazine'' levels. While typically employed as a ''screen,'' with detections subsequently analyzed by conventional methods to identify and quantitate specific compounds, the PGWDB contains reports of one State's findings of undifferentiated ''total triazine'' occurrence. In 1990, Ohio reported monitoring at 863 sites, with 48 detections at concentrations ranging from 0.1 to 5 µg/l (Baker, et. al., ''Nitrate and Pesticides in Private Wells of Ohio: A State Atlas,'' Heidelberg College, (Ongoing)).

(ii) *Simazine.* The evidence of simazine occurrence in ground water is summarized in Table 5 of this preamble. Simazine was the eighth most often detected pesticide in OPP's Pesticides in Ground Water Data Base and the sixth most frequently detected of the currently registered analytes. In Kolpin, et. al. (1994) simazine residues were detected in 1.0 percent of the wells sampled in the mid-continental U.S.

(iii) *Cyanazine.* Less monitoring data exist for cyanazine in ground water than for atrazine and simazine. Table 6

summarizes data on monitoring results for cyanazine. Cyanazine was the 15th most often detected pesticide in OPP's Pesticides in Ground Water Data Base, with detections in 15 out of 27 States in which samples were collected. Additionally, cyanazine has been reported to be found at concentrations greater than 0.1 g/l (or 10 percent of its reference point of 1 µg/l) in more than 80 additional wells in 12 States.

No detections were reported in the NPS; however, the minimum detection limit in that study was 2.4 µg/l whereas the likely MCL for cyanazine is 1 µg/l. NAWWS estimates that detectable levels of cyanazine are expected to occur in 0.3 percent of rural domestic wells in counties where alachlor is used. As is the case for simazine, this may not be a good national estimate of cyanazine occurrence because the use areas of cyanazine and alachlor may not closely coincide. The detection limit for cyanazine in this study was 0.1 µg/l; whereas the detection limit for the other 4 analytes was 0.03 µg/l. This higher detection limit undoubtedly reduced the number of observed positives. No estimate was given for cyanazine concentrations that exceed 1 µg/l. NAWWS did not analyze water samples for degradation products of cyanazine. Cyanazine was not an analyte in the Ciba-Geigy Large-Scale Retrospective Ground-Water Study. As regards State surveys, cyanazine was the 5th most frequently detected pesticide in Iowa's SWRL study (of the 27 pesticide analytes). Cyanazine was not an analyte in the Wisconsin study and no confirmed detections of cyanazine are reported in the California database. Cyanazine was detected in 0.7 percent of the wells sampled in the USGS study by Kolpin et. al. (1994).

(iv) *Alachlor (and metabolites).* Table 7 of this preamble summarizes the information available to the Agency regarding alachlor occurrence in ground water. Alachlor is the seventh most often found pesticide in the Pesticides in Ground Water Database, with only aldicarb (and its metabolites), carbofuran, atrazine and oxamyl among the currently registered pesticides detected more often. In addition, alachlor has been reported to be found at concentrations greater than 0.2 µg/l (or 10 percent of its reference point) in more than 350 wells in 21 States.

The NPS estimated that 3,140 (or <0.1 percent) rural domestic wells contained alachlor at levels above the Reference Point of 2 µg/l. There were no detections of alachlor in community water system wells. The NAWWS estimated that alachlor occurs in approximately 1 percent of rural wells throughout its use area. Less than half of these detections are at levels exceeding 0.2 µg/l (or 10 percent of the MCL). Alachlor is estimated to occur at levels exceeding its 2 µg/l MCL in 0.02 percent (or approximately 1200 wells) of the 6 million rural wells in the alachlor use area. There were no degradation products analyzed in either the NPS or the NAWWS. Alachlor residues were detected in 1.7 percent of the wells sampled by USGS (c.f., Kolpin, 1994). The State survey results are summarized in Table 7. In addition, several investigators (including USGS) have reported finding a major metabolite of alachlor, t-sulfonic acid in ground-water samples (c.f., Ref. 3).

(v) *Metolachlor.* Metolachlor was the 12th most often found pesticide in the OPP Pesticides in Ground Water Database (see Table 8). Metolachlor was also reportedly found at concentrations exceeding 7 µg/l (or 10 percent of its reference point) in 19 wells across 6 States. NAWWS estimates that metolachlor has a detection frequency near 1 percent in the surveyed ''alachlor use area.'' Less than half of the metolachlor detections are at levels exceeding 0.2 µg/L. The average detection limit was 0.03 µg/L.

Results from the Ciba large-scale retrospective study of metolachlor indicate that metolachlor was detected in 89 of 920 samples (or 10 percent), and 39 of 240 wells (or 16 percent). The screening level was 0.1 µg/l. Detections ranged from 0.1 to 88 µg/l with half of these detections at concentrations of 0.1 to 0.5 µg/l. None of the detections in this study exceeded the Health Advisory (HA) of 70 µg/l. USGS (Kolpin, 1994) reported that 2.7 percent of the wells sampled in the mid-continental United States contained metolachlor residues. The following five tables (Tables 4 through 8) summarize the data on occurrence for each of the five pesticides.

TABLE 4.—ATRAZINE OCCURRENCE IN GROUND WATER

Atrazine (Rf. Pt. = 3 µg/l)	Data Source					
	PGWDB	NPS	NAWWS	State Surveys		
				IA: SWRL	WI: RWS	CA: WID
# of Wells Sampled	26,909 (in 40 states)	1,349 (566 PWS, 783 private)	1,430 (in 89 counties)	686	2,200/236	6286 (in 53 counties)
Frequency & Distribution of Detections (# of wells).	1,512 (in 32 states)[2]	NA	166	NA	603/200 (143-208)[1,2]	111 (in 21 counties)
Frequency & Distribution of Wells > Rf. Pt..	172 (in 22 states)	NA	2	NA	NA/15 (56)[1,2]	0
Range of Detected Concentrations (in µg/l).	trace-1500	trace - 7.0	≤0.1 - 6.72	0.13 - 6.61	0.10 - 16.0	0.1 - 0.19
Estimated Occurrence Rate (Statistical Surveys only; Confidence interval ranges in parens).	NA	Among CSWs: 1.7% (0.5-2.9%); Private wells: 0.7% (0.1-2.0%)	12%	4.4%(2.8-5.9) 3.5% [3] ..... 3.5%[4]	NA	NA
Estimated Number of Wells with measurable residues (Statistical Surveys only; Confidence interval ranges in parens).	NA	Among CSWs: 1570 (420-2710); Private wells: 70,800 (13,300-214,000)	720,000	NA	NA	NA

TABLE 4.—ATRAZINE OCCURRENCE IN GROUND WATER—Continued

Atrazine (Rf. Pt. = 3 µg/l)	Data Source					
	PGWDB	NPS	NAWWS	State Surveys		
				IA: SWRL	WI: RWS	CA: WID
Estimated Occurrence Rates & # of wells with concentrations > Rf. Pt. (Statistical Surveys only).	NA	< 0.1% Private wells < 9,450 Private wells	0.1%; 8,400 private wells	NA	NA	0
Detection Limit (µg/l)	Various	0.12	0.025	0.13	0.1	Various

[1] Results of both Phase I and II Studies shown; Phase I (immunoassay) results shown first, separatefrom Phase II with a slash (/).
[2] There are additional chloro-metabolite detections reported in PGWDB, but the majority of samples and detections occur within the IA:SWRL study. Des-ethyl atrazine reported in 27 sites in Indiana and Iowa; des-isopropyl atrazine reported in 24 sites in Indiana and Iowa.
[3] Desethyl atrazine (a chloro-metabolite).
[4] Desisopropyl atrazine (a chlorinated metabolite).

TABLE 5.—SIMAZINE OCCURRENCE IN GROUND WATER

Simazine(Rf. Pt. = 4 µg/l)	DATA SOURCE			
	PGWDB	NPS	NAWWS	State Surveys
				CA: WID
# of Wells Sampled	22,374 (30 states)	*	*	6,752 (55 counties)
Frequency & Distribution of Detections (ι of wells).	486 in 19 states	NA	23	308 (9 counties)
Frequency & Distribution of wells > Rf. Pt.	36 in 12 states	NA	1	0
Range of Detected Concentrations (µg/l)	trace - 67	trace - 1	< 0.15 - 8.36	0.1-2.4
Estimated Occurrence Rate (Statistical Surveys only).	NA	For CSWs: 1.1% (0.4-2.7%) private wells: 0.2% (< 0.1 - 1.3%)	Private wells: 1.6%	
Estimated Number of Wells with measurable residues (Statistical Surveys only).	NA	For PWSs: 1,080 (350 - 2540) private wells: 25,100 (590 - 141,000)	96,000 private wells	
Estimated Occurrence Rates & # of Wells with concentrations ≤ Rf. Pt. (Statistical Surveys only).	NA	< 0.1 % < 9,450 private wells	NA	
Detection Limit (µg/l)	Various	0.38	0.025	Various

TABLE 6.—CYANAZINE OCCURRENCE IN GROUND WATER

Cyanazine (Rf. Pt. = 1 μg/l)	DATA SOURCE				
	PGWDB	NPS	NAWWS	State Surveys	
				IA: SWRL	CA: WID
# of Wells Sampled	7,468 (in 27 states)	*	*	686	871 (in 24 counties)
Frequency & Distribution of Detections (ι of Wells).	155 in 15 states	NA	NA	NA	0
Frequency & Distribution of Wells ≤ Rf. Pt..	22 in 9 states	NA	0	0	0
Range of Detected Concentrations (μg/l).	trace -29.0	0	< 0.45	0.14 - 0.84	0
Estimated Occurrence Rate (Statistical Surveys only).	NA	< 0.1%	0.3% (private wells)	1.2% (private wells)	NA
Estimated Number of Wells with measurable residues (Statistical Surveys only).	NA	< 9,450 private wells	18,000 private wells	NA	NA
Estimated Occurrence Rates & # of Wells with concentrations > Rf. Pt. (Statistical Surveys only).	NA	< 0.1%	0	NA	NA
Detection Limit (μg/l)	Various	2.4	0.1	0.12	Various

TABLE 7.—ALACHLOR OCCURRENCE IN GROUND WATER

Alachlor (Rf. Pt. = 2 μg/l)	DATA SOURCE				
	PGWDB	NPS	NAWWS	State Surveys	
				IA: SWRL	CA: WID
# of Wells Sampled	26,856 (in 35 states)	*	*	686	2,009 (34 counties)
Frequency & Distribution of Detections (ι of Wells).	543 (in 25 states)	*	28	NA	1
Frequency & Distribution of Wells > Rf. Pt..	101 (in 16 states)	*	NA		1
Range of Detection Concentrations (μg/l).	trace - 3,000	4.2	< 0.15 - 6.19	0.02 - 4.76	9.0
Estimated Occurrence Rate (Statistical Surveys only).	NA	< 0.1% (< 0.1 - 1.0%) - private wells	0.8% - private wells	1.2% (0.4 - 2.0%)	NA
Estimated Number of Wells with measurable residues (Statistical Surveys only).	NA	3,140 (1 - 101,000) private wells	48,000 private wells		NA
Estimated Occurrence Rates & # of Wells with concentrations ≤ Rf. Pt. (Statistical Surveys only).	NA	< 0.1% (<0.1 - 1.0%); 3,140 (1 - 101,000) private wells	0.02%; 1200 private wells		Various
Detection Limit (μg/l)	Various	0.50	0.025	0.02	

TABLE 8.—METOLACHLOR OCCURRENCE IN GROUND WATER

Metolachlor (Rf. Pt. = 70 μg/l)	DATA SOURCE				
	PGWDB	NPS	NAWWS	State Surveys	
				IA: SWRL	CA: WID
# of Wells Sampled	22,255 (in 29 states)	*	240 (in 4 states)	686	107 (10 counties)
Frequency & Distribution of Detections (# of Wells).	213 (in 20 states)	*	39 (in 4 states)	NA	0
Frequency & Distribution of Wells > Rf. Pt..	3 (in 3 states)	0	0	NA	0
Range of Detection Concentrations (μg/l).	0 - 157	0.20 - 3.81	0.1 - 88.0	0.04 -9.00	0
Estimated Occurrence Rate (Statistical Surveys only).	NA	1.0% (private wells)	16% (private wells)	1.5% (0.6-2.4%)-private wells	NA
Estimated Number of Wells with measurable residues (Statistical Surveys only).	NA	60,000 private wells	NA	NA	NA
Detection Limit (μg/l)	Various	0.025	0.1	0.04	Various

Legend (for Tables 4-8) Data in Tables include data on identifiable metabolites, shown in italics. Specific degradate compounds identified by footnote. Numbers in parentheses in rows displaying estimates for statistical surveys are 95% confidence intervals for a given estimate. Studies, surveys, and reports containing the information summarized in Table, denoted by abbreviations as explained below:

PGWDB = Pesticides in Ground Water Data Base (as summarized in Ref. 15), which also includes the data reported in the ''state surveys'' in this Table - thus, ''detections'' as reported in each column are not additive (although the PGWDB does not include the detections from the NPS, NAWWS or Ciba statistical studies).

NPS = National Pesticide Survey, Phase I Report (Ref. 10); also Phase II Report (Ref. 14). Data may be displayed reporting separate results for community-supply wells (CSWs), serving public community water systems and rural, private wells. The two categories were selected for sampling according to different stratification schemes.

NAWWS = National Alachlor Well Water Survey (as summarized in Refs. 3 and 4); note that estimates of occurrence rates listed in the Table under the ''NAWWS'' column apply only to rural private water wells in the ''alachlor use area'' as defined in the NAWWS design; ascribing Study's occurrence rates nationally would overstate prospective occurrence. However, the projected number of wells and/or population exposed take that limitation into account.

Ciba = Large-scale Retrospective G.W. Monitoring Study (for metolachlor only; Ref. 2).

IA: SWRL= Iowa State-Wide Rural Water Survey (1990); note that specified occurrence rates in the Table apply to estimated occurrence in the State of Iowa only.

WI: RWS = Wisconsin Rural Well Survey (1990).

CA: WID = California Well Inventory Database (annual reports; data contained in Ref. 15).

NA = Not applicable or unavailable.

Trace = Detection below a specified detection limit.

* = See Table 4.

c. *Conclusions—Ground water contamination potential.* The five pesticides selected in today's proposed rule exhibit persistence and mobility characteristics that suggest the capacity to reach ground water on a widespread basis. This potential is confirmed by the record of occurrence produced from ground-water monitoring efforts. Each of the five has been detected hundreds of times in many States, indicating the breadth and magnitude of ground-water contamination potential. Moreover, each has been detected at concentrations exceeding its respective reference point in multiple locations, in different States, and across a variety of hydrologic and geologic conditions. This, and the fact that many more detected concentrations of each are within one order of magnitude (i.e., 10 percent or more) of each reference point, confirms that each pesticide exhibits the capacity to reach ground water at concentrations exceeding health-based standards. To EPA's knowledge, point sources do not explain the range and number of these occurrences. All five can be reasonably expected to contaminate ground water at or above their respective reference points. EPA has reached the tentative conclusion from this data that continued use of these pesticides without further controls and protective measures constitutes a clear risk of continued ground-water contamination.

4. *Risk conclusions.* In summary, EPA concludes that exposure from these pesticides may present the potential for adverse human health and environmental effects associated with exposure from these five pesticides.

These five, while they may differ among themselves in the frequency and severity of prior detections in ground water, entail a significant number of detections in multiple States. Among currently registered pesticides, only these five and aldicarb, which is being addressed by other regulatory means, have been detected above their respective reference points in three States or more. Second, these five share a substantial overlap in use sites and crops, such that each pesticide could represent a significant alternative to the use of one or more of the others. This latter circumstance plays a significant role in EPA's decision to subject all five to SMPs. Leaving one or more of these free from State management measures might constitute an incentive for users to substitute that pesticide for one of those subject to SMPs. EPA's analysis of the contamination potential of these pesticides suggests that such a course might only increase the occurrence of the excluded pesticide(s) to a frequency and severity that would rival that observed for atrazine and alachlor. The practical effect of such an exclusion might be to worsen the overall quality of the ground-water resource.

EPA has also considered the potential impact associated with the increased use of substitute pesticides that may result from reduced use of the five under consideration here. This issue includes two separate considerations. The first is the possibility that increased ground-water contamination will result from increased use of substitute

pesticides not subject to SMPs. EPA acknowledges that there is a likelihood that other pesticides will be used in substitution for these five in cases where State measures constrain triazine and acetanilide use. EPA has analyzed the likelihood for such substitutions in its Regulatory Impact Analysis (see Unit VIII. of this preamble); in this analysis the Agency has identified the likely substitute pesticides for a substantial variety of crops and other uses. Only a few of the prospective substitutes exhibit similar persistence and mobility characteristics; upon closer examination, moreover, it is unlikely that any of the prospective substitutes exhibit as severe a potential for ground-water contamination as these five candidates. None of the prospective substitutes have been detected in ground water to the extent and frequency as these five. Given the substantial evidence summarized in here that these five are the largest ground-water contamination risks of any pesticides in current use, EPA concludes that it is has no reason to anticipate that increased use of substitutes will result in a greater risk to ground water for the foreseeable future.

The other consideration is that the increased use of substitutes might indirectly increase net risks, because of greater risks through other routes of exposure, such as dietary and worker exposures. This is a considerably more complex question. EPA believes that these risks will not measurably rise because of the use of anticipated substitutes. EPA reaches this conclusion, considering: (1) There will be comparatively little substitution of use of these pesticides with potentially more dangerous alternatives (at least compared to an outright cancellation), since EPA's analysis of impacts concludes that State measures will permit substantial continuing use of the five pesticides in question; and (2) none of the anticipated substitutes pose particularly elevated risks for these other exposure routes at reasonably expected increased levels of use. EPA has confidence that none of the substitutes are particularly more toxic, overall and in relation to particular endpoints, than the five pesticides in question. For example, none of the prospective substitutes are in Special Review, for health concerns as the triazines are.

a. *Metabolites.* At this time EPA does not intend to require that State Plans provide for monitoring degradates of these five pesticides. However, EPA would like comments on: (1) Whether it should require State submissions to address selected metabolites of toxicological concern; (2) what specific metabolites should be addressed by SMPs; and (3) what specific SMP provisions should apply to the metabolites.

The Agency notes that relatively inexpensive screening methods are available for all five of the parent compounds, and for many of their metabolites. Thus, a State may choose to include degradates in their monitoring plan, as some already do. Moreover, if additional information about some or all of these degradates raises concerns in the future, EPA may revisit this issue. The availability of practical analytical methods would be an important consideration in asking States to include degradates in their monitoring plan.

C. Costs and Benefits

The following section completes EPA's proposed determination that the five pesticides may present an unreasonable risk to the environment without additional management measures to reduce the chances of their contamination of ground-water resources, by evaluating the risks represented by that contamination potential in light of the social and economic costs that SMPs represent. Costs and benefits under consideration are conceived on the broadest, most inclusive fashion (i.e., beyond the direct costs of the SMPs envisioned by this proposed rule and the benefits of averting human health risks represented by ground-water contamination). The remainder of this section summarizes the data, analysis and conclusions contained in the Agency's draft Regulatory Impact Analysis (RIA) prepared for this rule pursuant to Executive Order 12866 (see Unit VIII. of this preamble). Those interested in a more detailed analysis of costs and benefits should refer to that document.

The assessment of risks and benefits associated with the decision to make these five pesticides subject to SMPs as a regulatory requirement takes into account the Agency's policy objective of prevention, i.e., to act in order to avert reasonably expected adverse effects to human health or the environment before they may occur. EPA must exercise its judgement on the basis of an analysis of the respective costs and benefits of regulatory action in a manner that takes into account the considerable uncertainty surrounding both. This entails acting on the basis of less tangible evidence of risk and considerable degree of uncertainty about both existing and future ground water contamination and its consequences, and taking considerable allowance of these uncertainties. It also entails weighing a detailed and quantified analysis of costs against an array of prospective benefits, many of which are difficult to describe in quantitative terms. Such a comparison, between what appear to be tangible costs and more intangible benefits, presents well-recognized analytic difficulties. Care must be taken not to let the quantified factors override consideration of important qualitative factors. In other words, SMPs will be justified based on a reasoned determination that the benefits (generally conceived and including elements difficult to quantify) justify the cost impacts associated with SMPs.

In developing the Strategy (Ref. 12) EPA evaluated a range of available regulatory options in addition to the State Management Plan approach. Specifically, EPA compared three general approaches in a companion document to the Strategy, the ''Pesticides and Ground-Water Strategy: A Survey of Potential Benefits'' (February 1991; Ref. 13). This analysis is discussed in Unit IV.D., of this preamble.

In the interests of presenting as full and honest a characterization of risk and benefit as possible, the Agency will also point out: (1) The relative magnitude of uncertainty regarding the true value of a quantity or attribute that EPA is estimating in its analysis; and (2) the reasons for believing that any specific estimate or characterization may overstate or understate the true value of such a quantity or attribute.

1. *Costs.* EPA identifies four general areas where some level of adverse economic impact (i.e., both direct and indirect costs) could result from regulatory action in response to ground water concerns. Federal program costs are the attributable costs of developing and justifying regulatory action regarding ground-water protection, including the assembly and evaluation of ground-water risk data, as well as expenditures relating to implementation of protection measures. Current expenditures include the cost of ongoing regulatory and risk assessment activities pertaining to ground-water protection in the pesticides program and grants to State pesticide programs to help sustain the cost of ground-water protection activities and, in particular, the development of ''generic'' SMPs.

EPA program costs are subdivided into headquarters (HQ) program costs and regional costs. As should be evident from the description in Unit II. of this preamble, the larger portion of EPA's effort will reside with the Regions. EPA estimated its regional-program costs by estimating a per-SMP average level of

effort and multiplying by the expected number of State Plans that are currently anticipated for these five pesticides. EPA's analysis is calculated on the expectation that 236 Plans will be submitted. This translates into an annualized cost of $1.1 million for regional activities. EPA estimates its annual HQ program costs will range approximately from $413,300 to $437,000 (in current dollars) for the first 3 years after promulgating this rule, with costs decreasing to an average of $160,600 annually thereafter.

The margin of uncertainty for EPA's estimate is relatively small (mostly reflecting the relatively small dollar estimate) and relatively insignificant with regard to its potential impact on EPA's decision. It is difficult to determine whether EPA's estimate tends to understate or overstate the likely actual value of Federal costs, in part since a substantial proportion of the costs are part of ongoing regulatory activities. However, any error in EPA's estimate (because of these uncertainties) is probably more likely to understate the estimate slightly.

State program costs are the estimated State expenditures for implementing Federal ground-water protection actions. These include the costs of developing five pesticide-specific SMPs and of implementing and enforcing elements of approved Plans and represent a substantial level of expenditure.

Because the scale of State Management Plans is contingent upon pesticide usage and aquifer sensitivity—which will vary not only between States but also within a given State—the costs of developing, implementing, and enforcing SMPs are particularly difficult to generalize. In calculating the costs of SMPs, it is reasonable to assume that costs will vary directly with the scale of a State's plan. Finally, several additional factors will influence the eventual costs of a State's plan. These include: the risk mitigation options available to State planners; the role of coordination between State agencies and other governmental bodies; the shifting of costs to registrants; and technological innovations that may lead to decreasing costs over time. States have reported (in the process of developing ''generic'' SMPs) a broad range of anticipated costs (from as little as $17,000, to write a generic plan to over $1 million, counting in full the conduct of vulnerability assessments, ground-water monitoring and data base management), corroborating the assumption of variable State costs.

EPA made some critical simplifying assumptions in developing its cost estimates: (1) That ''States'' (including territories and some Indian tribal authorities) would develop and submit State Plans for all or most of the five pesticides in question before the effective date of the rule; (2) that the Plans would represent an adequate level of protection, i.e., would be approved by EPA; (3) that some States would be obliged to develop SMPs that entailed extensive protection programs for one or more of the five pesticides, that others would have to develop Plans with some additional protection and that still others would have to do little more than minor amendments to their ''generic'' SMPs to provide for future use of any of the five chemicals (based on an analysis of the current use patterns of the five pesticides); (4) that virtually all States would submit Plans that would consolidate the activities related to any and all pesticides as much as possible, so that substantial costs in ground-water vulnerability assessment and monitoring, for example, would be shared and not duplicated among individual-pesticide proposals - a reasonable assumption in this case, considering in particular the common use areas among these five candidates and their concentration in areas of high-intensity field-crop agriculture that would otherwise be of high State concern in any case; and (5) that the mix of ''extensive'' and less-extensive State Plans would entail a level of effort that could be estimated on the basis of a ''model'' SMP activity, that could in turn be extrapolated from analysis of existing State programs, ''generic'' SMP submissions and the requirements of pesticide-specific SMPs embodied here in today's proposed rule and in the Agency's Guidance. The Agency regards this last assumption as particularly conservative, since the Agency expects that a significant number of actual Plans will turn out to be of the less-extensive variety. Pricing every Plan on the basis of a ''model'' Plan will significantly overstate the true costs, since the Agency constructed the ''model'' to represent a relatively extensive level of effort.

EPA developed its aggregate State-cost estimate by means of using an existing State plan (Wisconsin's) as a model or surrogate for individual State plans. Wisconsin's program was chosen as representative for several reasons; its ability and readiness to share its data on program development and costs; and its exemplary nature (in terms of level and extent of commitment and exercise of risk-management measures). Furthermore, Wisconsin falls into the range of moderate vulnerability as measured by several macro-level ground-water vulnerability indices. However, this latter circumstance is in itself not the consummate proof of Wisconsin's representativeness (or even adequate characterization of Wisconsin's relative ground-water sensitivity), since State situations in terms of vulnerability are so diverse as to preclude the classification of any State as ''average.'' Finally, EPA did not view the Wisconsin program as the maximum effort a State might have to exert: not only has the program dealt primarily with a few, particular pesticides, but it terms of general ground-water contamination risk, Wisconsin may not represent the greatest degree of vulnerability.

EPA, in its analysis, took into account both the one-time costs of a Wisconsin-type program (annualized over either a 5– or 10–year period) and estimated annual incremental costs to arrive at a range of estimated annual State expenditures. One reason for using Wisconsin's experience as a model is the fact that it has performed some of the initial activities necessary to implement an SMP, enabling the Agency to model such activities as the establishment of pesticide usage surveys, vulnerability assessment, soil susceptibility mapping, other data base creation, monitoring (establishing and sampling sites), maintenance of records, personnel, public awareness and education, and other miscellaneous costs of plan development.

EPA estimates State programs on the average may annually cost in the range of $250,000 to $750,000 during the first several years of implementation, with $500,000 as the average annual cost. Successive SMPs required by the Agency will undoubtedly require less new effort by the States, so that incremental costs would be expected to decline over the long run. EPA took this expectation into account in its estimate of State program costs, projecting that each State, in developing multiple SMPs for these five pesticides, would incur some economies by developing Plans with common elements. Therefore, national costs were calculated by positing one per-SMP cost estimate ($500,000) for a single Plan, and fractional estimates for accompanying Plans. Calculated on this basis, if States and territories were to implement a total of 236 SMPs (EPA's current estimate of States' intentions), their total annual cost of implementing this regulation would be $ 59.9 million.

The Agency wishes to emphasize that the use of a ''model'' level of effort, based largely on one State's experience, is for purposes of estimating the costs

and benefits of this proposed rule. The analysis is not meant to represent pre-conceptions about the contents of State submissions. State Plans could depart substantially from the details presented in the ''model.'' Such differences could be caused by the State's particular situation (varying in size, ground-water vulnerability, and pesticide use patterns from the model) or by an innovative approach that EPA has not anticipated. These Plans would be found adequate to the extent States could demonstrate to the satisfaction of the reviewing Region that they assure adequate protection. At the same time, the Agency believes that it has projected the particulars of the ''model'' Plan in a manner that depicts the kind of effort necessary to meet the objectives of this proposed rule. To that extent, EPA offers the State-cost analysis as a reasonable basis for evaluating the cost and benefit of this rule.

Moreover, the Agency wishes to emphasize that the estimate of $59.9 million is the annual average of aggregate State costs over a 10–year period. As such, it represents: (1) The amortization of high one-time costs, such as drilling monitoring wells or performing baseline vulnerability assessments; and (2) several years of operation of fully-developed, mature State programs. Under no circumstances should the figure be construed to be the immediate, first- (or even second-) year costs the States will incur. As stated in Unit III. of this proposed rule, EPA anticipates that States can be expected to have to phase in ''capital'' elements of an SMP (e.g., the development of monitoring and vulnerability assessment activities).

EPA's assumption of broad State participation (that all States will develop Plans for most of the five pesticides, and that many will develop Plans for all five) may appear to be particularly tenuous, since there is no compulsion on the States to develop such Plans, beyond the loss of the legal use of a pesticide within the State. The consequences of error in this assumption are two-fold with respect to estimating costs: (1) EPA's estimate of State costs may overestimate actual State costs, because the Agency has over-estimated State participation; but (2) in that event, EPA's estimate of user impacts might be low. Since the absence of an acceptable SMP would result in prohibition of a pesticide's use in a State, more user impacts may result than EPA has estimated. The fact that the effects of error in this assumption are at least potentially offsetting reduces the Agency's concern.

EPA has confidence in the validity of assuming maximum State participation, however. First, the Agency believes the States have strong incentive to avoid these increased impacts to its own users by developing Plans. This belief is bolstered by the strong evidence of the States' interest in assuming the responsibility for managing pesticide use to protect ground water (for example, the near-universal acceptance of grants and development of ''generic'' SMPs). At the same time, EPA has little alternative to such an assumption. EPA does not have any basis for estimating which or how many States might fail to implement plans, beyond current informal communications between EPA regions and the States. Finally, it seems reasonable to assume the States least likely to participate are those with the least incentive to do so (i.e., those with little or no current or projected use of the pesticides), so that their non-participation would have comparatively little effect on current use (and consequently little user impact).

Among the other sources of EPA's uncertainty of its estimate are the inherent variation in the size and level of agricultural activity across States, and the anticipated variation in State approaches, ground-water protection objectives and the like. EPA does not believe the margin of uncertainty in its estimate exceeds the magnitude of the estimates. Among the reasons for believing EPA's estimate underestimates the true impact of regulatory action are unanticipated difficulties or obstacles in State implementation of its requirements (such as unanticipated non-compliance, necessitating substantially more enforcement activities), as well as those considerations described above. In addition, EPA has not taken into account potential increased costs of Federal-State enforcement of sale/use prohibitions for those States that fail to develop Plans. For the reasons explained above in describing the assumptions, EPA does not anticipate many States will not develop approveable Plans for all five pesticides. For those few cases that may arise it is EPA's expectation that enforcement and compliance costs will be minimal, since part of the reason for State disinterest in developing SMPs for these pesticides will be their insignificant use in the State. Among the reasons for anticipating that EPA's estimate overstates the true level of State expenditures would be the deliberate conservatism in pricing aggregate State costs on the basis of a ''model'' Plan that represents substantial effort, limiting the estimate of economies-of-scale achieved by developing multiple SMPs and the possibilities for innovations in ground-water assessment and monitoring techniques (particularly the latter).

Registrant (or pesticide-industry) impacts are those that would be the direct result of regulatory action, apart from any anticipated loss of income from reduced use of the products attributable to regulatory restriction. Attributable costs would include: (1) The lost revenue associated with decreased use of the products, caused by State risk-management measures; (2) the costs of increased technical assistance (such as ground-water monitoring) and outreach to users that the registrants might provide, to help them ascertain and follow the new, applicable State management measures or other safeguards on the chemicals' continued use; and (3) the direct costs of relabeling and compliance with the administrative provisions of this proposed rule. The first category, lost revenue, was calculated as a function of likely State actions, which in turn are represented as three scenarios of differing regulatory stringency. Projected annual lost revenues for a ''medium impact'' scenario was calculated to be $33.6 million. Using current sales figures from the major registrants of these five pesticides, this figure represents an estimated 0.06 percent decrease in total sales, and a 0.48 percent decrease in pesticide-product sales for these registrants. The estimated costs in the second category are those that are incremental to ongoing ground-water monitoring, technical assistance or outreach efforts the registrants now perform with regards to ground-water protection. They are estimated to be in the range of $3.1 to 12.7 million annually, conceived as substantial new ground-water monitoring activities performed in addition to State efforts. These costs can also be attributed to the possible new ground-water monitoring requirements that EPA may prescribe on registrants concurrently with State development of SMPs (see Unit III. of this preamble). While EPA has not committed to the development of such requirements at this time, the Agency nevertheless includes a cost estimate for the activity in the interests of not underestimating costs. Uncertainties include EPA's actual specification of those requirements, the level of effort represented by that specification, the identification of further technical-assistance activities and their delineation from ongoing regulatory efforts.

By far the most substantial impact (in terms of relative magnitude) is anticipated to be impacts on agricultural

and non-agricultural users, and associated indirect impacts of reduced consumer benefits. These impacts pertain to the changes caused by regulatory restrictions in use of pesticides and the consequent changes in agricultural (and other economic) productivity and expenditures. In addition to being the largest component of cost, its magnitude is the most uncertain and difficult to estimate. Estimating these impacts entails an econometric analysis with consideration of a multitude of cascading secondary effects across geographic regions and economic sectors and with estimated impacts expressed through a variety of economic measures. These difficulties are compounded by the necessary consideration of the combined behavior changes of perhaps a million affected farmers and other users, the normal uncertainties in the agricultural sector (the effect of weather, etc.) and the like.

EPA attempted to anticipate as many of these interactions and uncertainties as possible by using a widely used multi-sector, multi-regional econometric computer simulation model called AGSIM. The analysis was performed to take into account not only regional variations in commodity supply and production (i.e., varying responses to changes in per-acre yields, variable costs, and prices) but also the present and projected influences of farm policy elements (e.g., Federal price-support and conservation programs, Federal monetary policy, etc). These measures aggregate into separate (and additive) dollar estimates of the combined impact to the agricultural-production sectors (expressed as the change in net agricultural production and income) and the consequent decrease in domestic-consumer benefits (sometimes referred to as ''surplus value,'' or the amount of additional consumer expenditures to maintain the same standard of living as reflected in the ''baseline'' conditions, prior to a regulatory action).

In order to estimate impacts it is necessary to estimate certain effects of the SMPs and use these as inputs to the econometric model. Specifically, a critical task was to estimate how State risk-management measures would influence: (1) The acreage where these five pesticides are used; (2) yield impacts; and (3) input (i.e., pesticide-chemical) cost impacts. Thus, SMP impacts on users are estimated by a matrix of combinations of these three factors (taking the availability of non-SMP pesticide substitutes into account) and the consequent change in crop yield and price. The critical measure of impact is the reduced treated acreage associated with State risk-management measures. These values must be regarded as a proxy for the variety of potential effects that SMPs may have on agricultural practices. They are not intended to represent a forecast of actual State practices, but rather a surrogate measure of their potential effect on agricultural practices.

These estimates were made by consultation with a variety of sources. Affected acreage was identified by the use of a Ground-water Vulnerability Index for Pesticides designed by Robert Kellogg of USDA's Soil Conservation Service. A percentage of these affected acres was assumed to be subject to either restricted or prohibited use under State Management Plans; this percentage varied according to impact scenario and was based upon the 1992 Wisconsin Atrazine Rule. EPA tried to account for the considerable uncertainty about the impact of State management measures by positing a variety of reduced-use scenarios across the principal use areas of these five pesticides. EPA believes the most-likely estimate of user impacts rests with its medium-impact scenario, but has provided companion low- and high-impact scenarios for comparison. The Regulatory Impact Analysis accompanying this proposal provides a fuller explanation of EPA's estimates and the methodology used to derive them. The SMP-use restrictions have the anticipated effect of lowering expected yields and pesticide input costs. Restrictions on application rates lower pesticide input costs since total usage declines; use prohibitions also lower costs since the cost of alternative pesticides are less than that of the SMP pesticides. Crop producers are actually expected to be better off in terms of net crop revenues as a result of such restrictions, due to the combination of increased prices obtained for affected commodities and reduced input costs. Increased commodity prices are predicted due to reduced acreage planted, which in turn, decreases the total supply of a particular commodity. However, increased prices resulting from reduced supply are a net negative impact to the economy overall, in the form of reduced consumer surplus value.

At the same time, increased feed crop (corn, soybean, sorghum) prices raise input costs for livestock producers. Coupled with stagnant or declining demand for livestock products, increased input costs negatively impact livestock returns in this analysis by reducing livestock revenues. Because the reduction in livestock returns is estimated to be greater than the increase in crop returns, net impacts to the U.S. agricultural sector are negative, but relatively minor (-$1 million to -$11 million, across the three scenarios).

Correspondingly, indirect impacts, in the form of reduced consumer benefits, are estimated to be in the range of $242 to $254 million.

While the absolute magnitude of such impacts appear to be substantial, in relative terms such impacts are moderate. Relative to the economic value of U.S. field corn production ($16 to $23 billion), such impacts are small. For example, the SMP-use restrictions are anticipated to lower U.S. field corn production by about 1 percent, leading to a potential 1.1 percent increase in market prices. Such impacts would have a *de minimis* effect on the Gross Domestic Product. Average annual consumer expenditures and food prices would change less than $1.00 per person (from $0.94 to $0.98) as a result of these impacts. Individual farmer income in the aggregate would also change little, but regional effects of greater magnitudes (both positive and negative) could occur.

This range of projected impacts compares to impacts of $ 3.6 billion or more in combined user costs and reduced consumer benefits, associated with either outright cancellation of the five pesticides (plus aldicarb, which had minimal costs associated with its management) or more stringent, nationwide use restrictions, as estimated by Taylor, et al. in 1991, using a similar econometric approach.

EPA's method for estimating user impacts, like its projection of State-program costs, relies on some key simplifying assumptions: (1) A degree of regulatory restriction will translate into a discrete (and predictable) level of decreased (or alternative) pesticide use, resulting in predictable adverse effects to agricultural production and the other relevant economic effects summarized above; and (2) the scenarios vary (predictably) in the degree of regulatory restriction they represent, and this difference can be expressed in terms of the cropped acreage subject to reduced, substituted or eliminated pesticide use. Among the reasons for anticipating that EPA's estimate understates the true potential impact of ground-water protection measures are: (1) That the analysis pertains only to uses on field crops (which, however, represent over 90 percent of the combined current use of these five), overlooking the potential impact on fruit and vegetable crops; and (2) that EPA assumes all States will participate, so that no greater restrictions on use will ensue from the fact that State inaction causes a

complete curb on use. However, EPA has equal or greater reason to believe its estimate overstates the actual potential impact; chief among these is faith in the States' ability to develop a variety of innovative management measures that will minimize the disruption in crop production caused by ground-water safeguards. State resourcefulness in developing new approaches will undoubtedly outrun the Agency's present expectations. It is already clear, for instance, that States will emphasize measures that will enhance the sustainability of agricultural production simultaneously with ground-water protection, preserving much of the necessary use of the pesticides in question. Also, inevitable improvements in ground-water monitoring and vulnerability-assessment techniques will enable states to ''fine-tune'' necessary restrictions to a degree EPA cannot yet anticipate in its estimate. In addition, in developing its estimates of crop yield losses, EPA did not take into account the considerable promise that is subsequently emerging in the areas of integrated pest management and other reduced-use strategies.

In summary, it needs to be stated that in distinguishing the various costs that may be attributable to Federal regulatory action for purposes of weighing the costs and benefits of any action, EPA did not attempt to assess the reasonable likelihood that a particular category of parties would actually incur the costs. For example, the boundaries between ''State'' and ''registrant'' costs may be considerably more blurred than our analysis would suggest. A variety of activities attributed to the States in managing the use of a pesticide subject to an SMP rule (including those involving substantial levels of effort, such as ground-water monitoring or user education and outreach), for example, could in practice be either performed (in part or in whole) or paid for (either directly or through State imposition of fees) by the registrants. Likewise, some of the activities identified by EPA as ''registrant costs,'' e.g., the provision of increased user training and technical assistance, could be expected to be performed often at the behest of State agencies pursuant to their Plans. Accrual of expenditures accurately to the various parties was of less importance to EPA in making this analysis than was concern for the projection of overall level of effort and expenditure attributable to this rule.

2. *Benefits*. Chapter 7 of the RIA contains the Agency's appraisal of the potential benefits associated with establishing SMPs for these five pesticides. This appraisal begins by cataloging the different kinds of values associated with protecting ground water as a natural resource. These values are categorized in terms of their various services as a resource. This categorization follows a recent Agency conceptual framework for assessing the economic value of ground-water protection in evaluating regulatory impacts (Ref. 19). Each of these service values, (associated with two general functions of ground water: both as a source of water stock and as a discharge to surface water supplies) may be subject to a variety of economic valuation techniques. Since these categories generally involve the value of the resource in terms of its economic use, other categories of value recognized by natural-resources economists must also be acknowledged: the so-called altruistic, bequest, and existence values (sometimes referred collectively as ''non-use value'') associated with protecting a natural resource per se.

In general, however, the benefits of SMPs will accrue from the reduced levels of ground-water contamination, by substances associated with adverse human and/or environmental effects, that result from the regulatory safeguards required by the individual Plans. It is the presence of this contamination that jeopardizes any and all of the use and non-use values under consideration.

In order to perform a reasonable quantitative analysis of benefits, accurate and reliable estimation of exposure levels (both existing and projected, and in the case of the latter, projected for a number of different regulatory options) are critical. Unfortunately, reliable estimation of ground-water contamination occurrence is among the most difficult and uncertain issues with regards to ground-water concerns. Past and current efforts at ground-water monitoring have not been of a sufficient level and frequency to give adequate assurance that the Agency knows the levels of occurrence of pesticide contamination of ground water, either of the specific pesticides addressed in this proposed rule or of pesticides in general.

The United States Department of Interior, in comments submitted to EPA regarding the proposed Ground Water Restricted Use Rule (in 56 FR 22076, referred to in Unit I. of this preamble), characterized the state of knowledge associated with the nation's ground-water monitoring efforts as follows: ''Given shortcomings in national ground-water monitoring efforts, it is highly unlikely that all locations of all contaminants in ground water have been determined.'' [July 5, 1991 letter from Jonathan P. Deason, Director, Office of Environmental Affairs; exhibit 7 in OPP comment file no. 36172]. While not necessarily reflecting the views of EPA, these comments are testimony to the limitations associated with the evidence of contamination from current ground-water monitoring results, particularly the substantial likelihood of under-estimating the present and future level of exposure. Other methods of estimating prospective occurrence, such as projections from data on the leaching potential, volume and location of use of a pesticide or projections using environmental-fate-and-transport models, have even greater limitations (see, for example, National Resource Council, ''Ground Water Vulnerability Assessment,'' NAS Press, 1993, for a fuller description of the strengths and weaknesses of various ground-water analytic techniques).

The consequences of this potential under-measurement of present ground-water contamination has another dimension. Since known ground-water contamination is particularly localized, it is characterized by the incidence of limited ''hot spots'' of high concentrations. Occurrence of ground-water contamination is unevenly distributed, due to the variety of hydrologic and topographic factors. Locations of high concentrations of pesticides (and a corresponding high risk of potential adverse effects) in ground water are dispersed unevenly across the country. The overall profile of the risks associated with pesticides in ground water, then is one of large numbers of people at relatively low risk, punctuated with ''hot spots'' of higher risk. The risk concentrated in these ''hot spots'' are likely to exceed national average risks, but are difficult to characterize using aggregate occurrence estimates. This unevenness in the distribution of risk levels raises concerns regarding ''environmental equity,'' to the extent that effects are disproportionately high and adverse, which the Agency is committed to take into account as a matter of policy.

Finally, it should be noted that taking the next step of quantifying human health risk by combining population exposure figures with some benchmark of toxicity associated with a unit quantity of exposure, is hampered by limited methodologies for quantifying hazard. At present, the Agency customarily confines hazard quantification to carcinogenicity (e.g., projecting ''number of cancer cases avoided''), while the possible consequences of other toxicological endpoints cannot usually be presented with the same appearance of precision.

Despite the limitations on available evidence and methodologies discussed above, as a matter of illustration the Agency has presented in the RIA a number of different estimates of nationwide human exposure to these five pesticides in drinking water using ground-water sources. These alternatives represent different data sources and estimation methods. Three of these data sources have been referenced earlier in Unit IV. of this preamble: the Pesticides in Ground Water Data Base, the National Pesticide Survey and the National Alachlor Water Well Survey. Another estimate is based on the application of a modeling procedure, i.e., the application of an environmental-fate model using assumed values for prevailing hydrogeological conditions across all local areas where corn pesticides are used. This estimate is provided in a yet-unpublished Agency analysis of the cumulative risks and benefits of a host of pesticides frequently used on corn, a so-called ''corn cluster'' analysis. A copy of this analysis is available in the public docket for this rule-making.

The Agency presents these alternative estimates without making a judgement that one estimate is superior to another, or that any (or all, considered collectively) can be considered a reliable estimate of nationwide exposure and hence, national risk. Three of the four analyses provide estimates of both: (1) the number of individuals exposed to any measurable concentration of these five pesticides (or, in the case of the NPS, a surrogate estimate of ''total pesticide'' exposure); and (2) the number of individuals exposed to concentrations at or above health-based ground water reference points. The model-based estimate also estimates total population with any exposure, but offers a calculation of baseline cancer and non-cancer risk in place of the number of individuals exposed above reference points.

It is notable that when viewed together, there is a wide variation in central-tendency estimates of population exposed among the studies, as well as considerable uncertainty surrounding each estimate, taken individually and together. For example, best estimates derived from the available statistically-based studies of total population exposed to any concentration of the five pesticides, from domestic wells alone, range from a few hundred thousand to as many as 5 million. Estimates from the non-statistically based Pesticides in Ground Water Data Base, which does not differentiate private and public well occurrence, range to more than 20 million. More importantly, the estimated numbers exposed to high concentrations range from nearly none to one-half million people or more; taking estimates of random error into account, the number exposed above health-based standards could theoretically also be as high as 20 million. Estimates from the Data Base for this subset run as high as 2.84 million people.

In addition, each of the four estimations discussed has specific shortcomings which need to be recognized before relying on any estimate, considered either individually or together, as a credible basis for estimating the benefits of the rule. Some of the problems to be aware of with these studies are: (1) Most fail to account for the entire nationwide exposure potential, leaving out parts of the total exposed population (e.g., those drinking from community water systems); (2) not every data source addresses precisely the five pesticides in question; (3) most are based on limited and imperfect monitoring data (i.e., data from surveys with design flaws, or data that are not statistically based), and the modeling exercise is not based on monitoring results at all; (4) all of them measure or estimate the frequency and concentration of well contamination and not human exposure per se, which means that certain unverified assumptions were made regarding the numbers of people drinking well water to produce population-exposure estimates; and (5) they all produce estimates that are highly uncertain, for example, with the potential for random error (among the statistically designed studies) represented by 95 percent confidence intervals ranging from zero to the hundreds of thousands. One method (based on the PGWDB) is based on a larger amount of well water sampling, but such sampling is not statistically based, so no estimate of the degree of expected random error in the estimate is possible.

Given the wide range of divergent estimates, and the significant limitations on their reliability, the Agency cannot reasonably identify a single ''best estimate'' of prevailing exposure to the SMP pesticides in ground water. The Agency believes that the evidence of substantial contamination of ground-water-based drinking water supplies, indicated by the data summarized in Unit IV. of this preamble, provides reason to believe: (1) That many individuals (running up to the thousands, or even hundreds of thousands) are or will be consuming ground water contaminated by one or more of these pesticides at levels above health-based standards, in the absence of effective, localized risk-reduction measures as envisioned in SMPs; and (2) that many more individuals (running into the millions) are or will be consuming ground water with at least detectable levels of contamination. While concern tends to focus on the former subset, SMPs can be expected to substantially reduce the exposure to the larger population as well. The Agency further believes that the potential health risk represented by this magnitude of occurrence/exposure bears a reasonable relation to the magnitude of the economic impacts discussed in the section above.

The uncertainty surrounding the actual levels of individual exposure makes it very difficult to take the next step, that is, combining indications of toxicological potency with the estimates of exposure to obtain an estimate of human health risk. Where the particular study cited presents no estimates of population risk associated with the estimated exposure, the Agency has not developed any subsequent estimates. However, one of the studies (the modeling-based analysis associated with the Corn Cluster) offers both estimates of cancer and non-cancer population risks. The analysis suggests that these five pesticides together represent about 0.4 excess cancer cases per year, given a 3–meter depth of ground water as a drinking water source. The preponderance of this risk comes from one chemical alone, atrazine. The analysis arrives at an estimate of maximum individual cancer risk at this depth of 2×10^{-4}. To put the magnitude of this risk into perspective, as a measure of risk in hotspots, is to note that it is roughly twice as great as the incremental lifetime risk that this analysis estimates for the dietary pathway, about 8×10^{-5} for an individual of average exposure. A less conservative assumption that a 1 meter depth is representative of ground water recharge leads to an estimate of about 5 statistical cancers a year, with a corresponding estimate of maximum individual cancer risk of 3×10^{-3}, or nearly 40 times the average dietary estimate stated earlier. However, given that neither estimate can be regarded as a direct representation of ground-water exposure (since the model only simulates the loading to ground water via percolation through crop root zones), the Agency regards neither estimate as authoritative. In particular, the Agency has reason to believe the 3 meter estimate understates ground-water occurrence, based on the Agency's

experience with controlled field-scale studies, and describes this experience in Chapter 7 of the RIA. In addition, it is very likely that the cluster analysis underestimates the risk posed by pesticides other than atrazine. Specifically, risks presented by alachlor and simazine should be only slightly less than that of atrazine, based on the monitoring record.

The Agency is not attempting to authoritatively quantify the risks of ground-water contamination by these five pesticides, nor to monetize the value of avoiding these risks. The Agency believes such estimates are difficult to support scientifically, under these circumstances. The Agency solicits comment on the reliability of risk estimates that may be developed from these exposure estimates cited above, or from other sources.

Beyond the difficulties of characterizing the magnitude of potential human exposure to these pesticides in drinking water, absent the risk reduction afforded by SMPs, there remains the question of how effective SMPs will be in reducing that risk. The main impediment to the evaluation of SMPs' prospective effectiveness is the fact that individual SMP provisions remain to be set. However, even making some assumptions as to the general features of future SMPs, there remains the problem of estimating ground-water contamination occurrences. As mentioned earlier, present levels of ground-water monitoring are inadequate to gauge the levels of overall ground-water contamination with confidence. Alternatives to monitoring, e.g., environmental fate models, are not yet developed to provide an adequate substitute to monitoring results.

However, what little evidence is available to the Agency appears to support the conclusion that the risk-management measures contained in SMPs are likely to be effective in reducing the occurrence of ground-water contamination. The most reasonable approach to assessing the prospective effectiveness of SMPs is to consider the closest existing analogue to SMPs, i.e., the performance of existing State-imposed localized risk-reduction measures. Very few such analogues presently exist, but there is recent information that the Wisconsin atrazine use restrictions referred to earlier have resulted in an overall reduction in atrazine concentrations in contaminated wells.

In 1995, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) conducted an extensive analysis of atrazine and its metabolites in drinking water wells located within risk-management areas imposed by the Department beginning in 1992, which had been previously monitored (Ref. 22). Seventy-six (84 percent) of 90 wells sampled in 1995 declined in total atrazine concentration, and 16 percent increased. For the 76 wells that decreased in concentration, levels decreased an average of 2.5 parts per billion (ppb). While the re-sampling of these wells generally occurred in one time period, from June to September 1995, the study compares these results to a baseline sampling frame that varies for each well. Each well was sampled with varying frequency across a period that spans from March 1990 to September 1994. Relative to the State standard, 57 percent of a slightly larger universe of 111 wells (encompassing the 90 cited above) are now below 3 ppb (with an average concentration of 1.4 ppb). The 43 percent of wells still above the 3 ppb standard had an average concentration of 5.9 ppb. The overall average concentration for the 111 wells is 3.3 ppb. While the report attributes the reductions in contamination to the use reductions, it was less able to explain the reasons for the occasional increases. However, the report mentions several plausible reasons, including the possibility that these wells are deeper (and so experienced higher levels of contamination from pre-controlled atrazine use later than the norm), or are located in more recently designated areas, or were affected by continued illegal use or spills near the wells. These are in addition to the common-sense explanations, i.e., the natural variability in sample results over time and/or metabolite contributions from non-prohibited triazine use in the areas (because atrazine, simazine, and cyanazine have some common degradation by-products that will be detected by first-round analytic methods). These data provide some evidence that state risk-reduction measures seem to have a beneficial effect, reducing both the number of occurrences of pesticide contamination in affected areas and the level of that contamination.

In addition to health effects, the Agency believes that the possibility of resource effects need to be acknowledged and considered in the decision whether to exact further regulatory protection for these pesticides. There are two major considerations. First is the adverse effect to ecosystems linked to ground-water sources. The scientific basis for estimating such things as the location, frequency, and duration of sensitive-ecosystem exposure to such ground-water contamination is less developed than even the limited information discussed above for human exposure. At the same time, the risk of ecological adverse effects is certainly a real possibility, and should not be discounted merely out of lack of currently available scientific means of ascertaining it. Second, there is an even more inestimable, but nonetheless relevant, concern over the intrinsic or future value of ground water as a resource, as free of man-made pollution as may be practicable. Studies that estimate ''willingness to pay'' based on survey methodologies have suggested proxy values of substantial magnitude, which if extrapolated to national scale, amount to billions of dollars, but the estimates from this controversial approach have uncertain applicability. One can hypothesize a threshold willingness to pay commensurate to the estimated costs of this proposed rule, which would compare favorably to the results of previous studies. Specifically, if an estimated 5 to 8 million potentially-affected households (an estimated 15 to 20 million potentially exposed individuals divided by the national-average per household population of 2.64) were willing to spend between $47 to $63 annually, these sums would be commensurate with the $356 million projected cost of the SMP rule. EPA believes that these estimates are well within the range of expectations, but only a carefully conducted survey, expressly clarifying the expected risk-reductions specifically associated with SMPs, could confirm these expectations. Likewise, prevention is a value that EPA subscribes to because the costs of prevention can be expected to be much lower than the costs of remediating contaminated ground water when and if it occurs.

The fact that the dimensions of risk and the effect of risk-reduction efforts are both highly uncertain dictates a policy to proceed cautiously and with maximum flexibility. The Agency believes the prudent course in the face of the uncertainties presented by pesticidal ground-water contamination is to take positive action that avoids irrevocable national policy courses at the outset that might lead to programmatic dead-ends. The Agency believes this is the essence of the SMP approach, and that this is the most practical policy course from among the regulatory alternatives.

EPA therefore recognizes the lack of information necessary to calculate quantifiable benefits that may be associated with the SMP approach. However, the States, in electing to participate, will have made a practical

evaluation of both the real and intangible benefits of ground-water protection measures, and their participation will represent the choice for prevention over remediation. These States will have evaluated the benefits of participating relative to their respective environmental policy philosophy and goals and on the State economies depending upon pesticide use.

D. Risk-Benefit Conclusions

Based on the information currently available, it is EPA's reasoned determination that the benefits of preventing ground-water contamination by these five pesticides justify the expected costs of implementing preventive measures through the SMP approach, and further, that the SMP approach appears to be the most cost-effective of the means available for protecting ground water.

EPA believes that the level and nature of protection to be afforded by SMPs is appropriate to the magnitude and character of contamination potential indicated by the evidence. In developing the SMP approach in cooperation with a broad spectrum of interested parties from the public and private sectors, there was much discussion of the alternative approach of having EPA impose national-level risk-reduction measures, such as labeling or use restricted to certified applicators. That alternative is discussed in Unit III. of this preamble and is being offered for comment in this proposal. The Agency wishes to point out, however, several factors which led EPA to propose the SMP approach rather than the national-level restrictions approach.

The main issue is whether label changes alone, or in combination with restricted use classification, and perhaps additional requirements placed on the registrants would be sufficient to address the risks of ground-water contamination. The evidence of each of the five pesticides' ground-water contamination risks suggests no particular, specific circumstances causing such contamination. The evidence of present ground-water contamination is so broad and general that it is unlikely that a pesticide user could readily identify a specific condition that would, to a high degree of certainty, cause the pesticide to contaminate ground water. Consequently, it seems questionable whether clear and simple label instructions could be developed that would adequately identify conditions for a user to avoid such that ground water risks would be significantly reduced or eliminated. Many ground water experts, including EPA staff, believe that reliable neutralization of the risks requires a knowledge of technical, site-specific factors that most pesticide users cannot reasonably be expected to possess. Furthermore, as a matter of policy, EPA believes that the users of pesticide products should not be given the burden of interpreting label instructions that are either unreasonably complex or technical, or are uncertain to achieve their purpose. The training associated with classification for restricted use may alleviate some of this concern, but would not address the issue of whether label restrictions would actually work.

If this alternative approach were to include monitoring requirements to demonstrate effectiveness, and use prohibitions if specific detection triggers were met, then this approach might well end up being substantially more onerous to both users and registrants than SMPs. The Agency is requesting detailed comments on this alternative from all potentially affected parties.

In considering the issue of national-level labeling measures, EPA has taken into consideration the fact that new risk-reduction measures have recently been in effect for atrazine (since 1992) which are intended to reduce the pesticide's contamination potential for both surface and ground water. These measures include label changes providing for the deletion of certain non-crop uses including highway and railroad rights-of-way, reduction of the rates of application for remaining crop uses and the imposition of set-backs (non-application zones) for wells and bodies of water, prohibiting use and mixing/loading within specified distances from surface waters and drinking water wells. These measures have not been in place long enough for EPA to discern any positive effect on the ground-water contamination potential of this pesticide. However, when EPA agreed to these risk-reduction proposals (which were voluntary measures proposed by the registrant), it made clear that additional measures would have to be considered. Furthermore, the Agency is taking into account the voluntary phase-out and eventual cancellation of cyanazine, announced in August 1995 (see 1., below). Finally, EPA is anticipating that all the pesticides ultimately subject to SMPs will also be classified for ''conventional'' restricted use, that is, restricted to use by or under the direct supervision of a certified applicator.

In the Strategy EPA committed to considering existing State and local measures in making its regulatory decisions about pesticides with ground-water concerns. To EPA's knowledge, a total of 10 States have or are working on some kind of independent restriction for one or more pesticides with ground-water concerns. However, not all of these apply to the five pesticides discussed here. Another 12 States have some authority to impose such restrictions, but have heretofore not employed it. From a national perspective, this level of effort appears to be inadequate to address the extent and character of ground-water contamination potential associated with these five pesticides. It appears that, in the main, States are anticipating that this proposed rule requiring pesticide-specific SMPs will serve as the framework for their own efforts in this regard.

Finally, it is EPA's belief and expectation that SMPs should sufficiently reduce the risks associated with the ground-water contamination potential of these five pesticides, so that full cancellation of use based on ground-water concerns alone is not likely to be necessary. While the potential risks represented by these five are substantial and warrant the imposition of effective preventive measures, the measures to be taken by the States should be adequate to mitigate the risks.

A remaining issue is whether the risks associated with ground water may combine with other routes of exposure for any of these five pesticides to constitute an unreasonable risk and thus warrant cancellation. EPA customarily uses the Special Review procedure to determine whether the combination of different routes of exposures represents unreasonable risks. Alachlor and cyanazine have been subject to Special Reviews in the past, and the three triazine active ingredients (atrazine, simazine, and cyanazine) have just recently begun Special Review. Any or all of these five may be subject to this further consideration in the future. In such Special Reviews, EPA will take into account the level of risk-reduction expected to be afforded by SMPs in making an evaluation of the pesticides' overall risk to human health and the environment.

1. *Cyanazine special review.* The recent agreement between the Agency and DuPont Agricultural Products, the principal registrant of cyanazine in the United States, to phase out and eventually terminate sale and use of cyanazine, affects this proposed rule. On August 4, 1995, DuPont signed an agreement with EPA whereby DuPont will amend its registration to: (1) Reduce the maximum use rates on cyanazine labels in four increments,

from 1997 to 1999; (2) cease production and sale at the end of 1999; and (3) prohibit all uses of cyanazine by the end of the year 2002. This arrangement will resolve the Agency's concerns with respect to cyanazine in its Special Review of the three triazines. EPA will soon publish its termination of the cyanazine Special Review. However, EPA will proceed with proposing cyanazine to be subject to SMPs in this rule, for several reasons. First, until the Special Review is officially terminated and the registrant's voluntary actions go into effect, the ground-water risks enumerated in this notice will remain, warranting at least proposed regulatory action. Second, even when the agreement is implemented, the phase-out schedule provides for a brief interval during which cyanazine may be used in States that would need SMPs. Third, the Agency is concerned with the possibility that cyanazine could be registered at some future date as a completely new pesticide. In that event, it is the Agency's judgement at this time that the present evidence of the pesticide's severe contamination potential requires that any such future use needs to be subject to SMPs.

It may be EPA's judgement in considering a final SMP rule that cyanazine's eventual cancellation will be sufficient to address the Agency's ground-water concerns; if so, it may choose to issue a final rule for only four of the pesticides proposed today. In any event, the Agency wishes to emphasize that the fact that cyanazine use will terminate soon after the effective date of the SMP restriction will be taken into account when EPA evaluates State submissions. EPA does not anticipate that State Plans for cyanazine will have to be as extensive or detailed as for pesticides whose uses are expected to continue indefinitely.

2. *Alachlor Special Review*. In 1985, EPA initiated a Special Review of Alachlor (50 FR 1115, January 9, 1985). As noted above, alachlor was classified as a B_2 (probable human) carcinogen, and the carcinogenicity potential has been quantified, although the classification is now under review. EPA concluded the Special Review of alachlor (52 FR 49480, December 31, 1987), after taking the following actions to reduce risk for workers: EPA classified alachlor for restricted use by certified applicators; prohibited aerial application using human flaggers; and required persons applying alachlor to 300 or more acres per year to use mechanical transfer systems for mixing and loading alachlor. In addition to these regulatory actions, however, EPA deferred action on whether the risks posed from alachlor in drinking water from contamination of ground water required regulatory action. EPA concluded that the further evaluation of the ground-water risks would offer an appropriate occasion to revisit the overall risks and benefits of alachlor (including dietary risks) on a crop-by-crop basis to determine whether the risk benefit balance had changed to a degree requiring regulatory action.

Since 1987, Monsanto has submitted the National Alachlor Well Water Survey (NAWWS) and review has been completed. EPA's concerns with respect to continuing ground-water risks are evident in its proposal to classify alachlor for SMPs in this proposed rule. In addition, EPA has reviewed recent trends in usage and percent of crop treated with alachlor and determined it is not necessary to revisit the risk/benefit determination of alachlor on a crop-by-crop basis. The dietary risks posed by alachlor were in the 10^{-6} range at the time the Special Review was concluded and have declined further since then.

EPA has determined that the remaining Special Review concern about alachlor in ground-water is adequately addressed by the actions proposed in today's document. Thus, EPA concludes that the concerns deferred by the Special Review will have been addressed with promulgation of this proposed rule and no further action related to the Special Review of alachlor will be necessary upon this proposed rule's promulgation. In a separate notice, EPA will announce the cessation of the alachlor special review.

E . Analysis of Regulatory Options

In developing the Strategy EPA evaluated a range of available regulatory options in addition to the SMP approach. Specifically, EPA compared three general approaches in a companion document to the Strategy, the ''Pesticides and Ground-Water Strategy: A Survey of Potential Benefits'' (Ref. 13). In supporting the comparative advantages of the SMP approach, this document compared it to the option of a projected extension of current national-level risk-reduction measures, and another of full cancellation of a problem pesticide. Both options were regarded as establishing the extremes of potentially effective and reasonably feasible alternatives to the SMP approach.

The first alternative to SMPs was construed to permit significant levels of ground-water contamination before milder forms of regulatory action (e.g., label changes or restricted use) would be considered. In other words, the option constituted a non-prevention-oriented approach that, although contrary to Agency policy, constituted a conceivable approach to the problem of pesticide contamination of ground water. The option relied to a considerable degree upon remediation of projected contamination sites to address the problem; as such, it was tantamount to addressing the problem of pesticides in ground water through other environmental statutes, especially the Safe Drinking Water and Superfund (CERCLA) Acts. Consequently, the costs of remediation, and, by extension, the costs associated with degradation of ground water as a natural resource, were construed to be a larger component of this option's cost impacts than any other. While these impacts were not directly monetized in EPA's 1991 analysis (for the same considerations discussed in Unit IV.C. of this preamble), by indirect analysis EPA concluded that the ''status quo'' option would bear considerably higher societal-cost impacts than the SMP approach. Moreover, such an approach would be unacceptable on policy grounds, representing insufficient commitment to a preventive approach. This policy preference, of course, in part reflects EPA's discomfort about the ability to correct (much less correctly estimate the price of) ground-water contamination once it occurs. EPA's view is that such ground-water contamination may be in many circumstances practically irreversible, based in part on the economics of remedial action (where millions of dollars can be spent for uncertain results at a single site).

Likewise, outright cancellation of one or more pesticides that might represent a substantial risk via ground water stands to entail far higher societal costs than other regulatory alternatives, such as SMPs. As the Taylor analysis (Ref. 5) indicates, the magnitude of user and consumer impacts associated with cancellation of these five pesticides dwarf those that might be associated with SMPs. Taking into account the additional administrative and technical program costs associated with the SMP approach (that would not be necessary if the pesticides were canceled instead), the SMP approach still appears to represent the most cost-effective approach. While absolute cancellation may provide a degree of greater surety that ground-water contamination will be averted (and in that way affords greater benefits), it is unlikely that the incremental gain in surety justifies the enormous difference in economic impact between the two options.

F. Request for Comments

EPA is interested in receiving comments on its determination of the risks and benefits associated with its proposal to classify these five pesticides as subject to SMPs. EPA in particular invites all interested persons to submit further information concerning the risks and benefits (with respect to ground-water contamination, its prevention and any ancillary issues) associated with the use of atrazine, simazine, cyanazine, alachlor, and metolachlor, as discussed in this proposed rule. EPA would like comments on its estimate of the economic impacts of the proposed rule. For instance, has the Agency sufficiently addressed the indirect costs, such as those associated with minor use sites (e.g., fruits, nuts, and turf)? Of particular interest would be suggestions for how to improve both: (1) The estimate of present/future risks posed by these five pesticides in ground water absent further risk-reduction measures like SMPs; and (2) the estimate of environmental results likely to be achieved by SMPs.

V. Public Docket

A record has been established for this rulemaking under docket number OPP–36190 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

VI. Notification to Secretary of Agriculture and the Scientific Advisory Panel

As provided in 40 CFR 153.31(b), EPA has transmitted copies of this Notice and the Regulatory Impact Analysis, to the Secretary of Agriculture and the Scientific Advisory Panel for comment, prior to today's publication. In the process of reviewing the proposed regulation USDA has raised a number of concerns that the Agency has addressed in the text of the proposal. Among those concerns are the effects on minor uses, the potential for *de facto* cancellations with the States' failure to have an approved Plan, possible costs incurred by USDA programs, the need for an appropriate balancing of risks and benefits in the development and approval of SMPs, and the most appropriate statutory authority for taking regulatory action. USDA looks forward to a full public consideration of these and other critical issues in the promulgation of the final regulation. In particular, USDA urges the Agency to adopt a streamlined process which examines a broad range of possible alternatives for efficiently mitigating the environmental impacts while preserving sound agricultural production. The Panel had no written comments.

VII. References

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18. USEPA, 1993; USEPA-OPPTS, *Guidance for Pesticides and Ground Water State Management Plans: Implementation Document for the Pesticides and Ground Water Strategy*, EPA 735–B–93–005a, December, 1993; and two Appendices (EPA 735–B–93–005b, and EPA 735–B–93–005c).

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VIII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this is a ''significant regulatory action'' because it may result in an annual effect of $100 million or more. This action was therefore submitted to the Office of Management and Budget (OMB) for review, and any comments or changes made during that review have been documented in the public record.

In addition, the Agency has conducted an economic analysis of the potential impacts associated with this proposed action, which is included in a Regulatory Impact Analysis' document prepared for this regulation. A copy of this analysis, which is discussed in Unit IV. of this preamble, is also included in the public record.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), EPA has determined that this regulatory action does not impose any adverse economic impacts on small entities.

An analysis of the prospective impacts of this proposed rule on small States, pesticide distributors, and agricultural producers was prepared as part of the Agency's economic analysis for this proposed action, which is summarized in Unit IV. of this preamble. This analysis is included in a Regulatory Impact Analysis' document, a copy of which is included in the public record for this action. This information is also being forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Any comments regarding the economic impacts that this proposed regulatory action may impose on small entities should be submitted to the Agency at the address listed above.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (EPA ICR No. 1771.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2136); 401 M St., SW.; Washington, DC 20460, by calling (202) 260–2740, or by sending an e-mail request to: farmer.sandy@epamail.epa.gov.

For PRA purposes, ''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.

Development and implementation of pesticide SMPs entails the collection of various sorts of information. In particular, States will need to create and/or gather information to conduct ground water vulnerability assessments, including data on agronomic practices (e.g., pesticide use, cropping patterns) and aquifer sensitivity; the States will either gather the data themselves or require third parties (users and/or pesticide registrants) to report the data. States will then use this data to assess the vulnerability of ground water to the pesticides requiring Pesticide SMPs. In addition, States may need to develop and/or maintain ground-water monitoring efforts, or expand their existing efforts to gather chemical, physical, geological, biological, and other environmental data. This data will be necessary to support Pesticide SMP activities such as determining ground water levels, analyzing the existence and extent of contamination, and evaluating the effectiveness of management measures. Furthermore, once Pesticide SMPs are approved by EPA, States will need to submit an SMP Biennial Report every 2 years beginning 2 years from the EPA approval date and continuing every 2 years thereafter. The SMP Biennial Report will provide a basis for measuring States' progress toward protection of ground water resources from pesticide contamination. The commitment to develop and report such information is a mandatory component of SMPs.

The total annual burden for the information collection related activities associated with this proposed action is estimated to average 412,560 hours per year for all respondents, including State (and territorial) government, and private parties. The per respondent burden (i.e., burden for each State, territory, or private party divided by the number of States, territories and tribal authorities expected to submit SMPs) is expected to average 7,367 hours per year. First year burden is estimated to be a total of 673,083 hours, with 12,1019 hours per respondent. The total annual costs for the information collection related activities associated with this proposed action is estimated to average $18,043,080 per year for all respondents, with an annual estimated cost of $322,198 per year for each respondent. First year start-up costs are expected to be $22,395,865, with an estimated $399,926 cost per respondent.

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.

Comments are requested 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. Send comments on the ICR to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 401 M St., SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Comments related to these estimates may be submitted to the address listed in the ADDRESSES unit anytime during the comment period for the proposed action. However, since OMB is required to make a decision concerning the proposed collection between 30 and 60 days after June 26, 1996, a comment to OMB is best assured of having its full effect if OMB receives it by July 26, 1996. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

D. Unfunded Mandates Reform Act and Executive Order 12875

Pursuant to Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4), EPA has determined that this regulatory action contains a Federal mandate that may result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or to the private sector in any 1–year. Accordingly, EPA has prepared the following description of the intergovernmental consultation under UMRA, and Executive Order 12875 (58 FR 58093, October 28, 1993), entitled ''Enhancing the Intergovernmental Partnership.'' The basis for EPA's determination is contained in the economic analysis accompanying this rule, which is included in the public record for this action and summarized in Unit IV. of this preamble.

UMRA requires that such a rule be accompanied by a statement that, among other things, documents that the rule is the least costly, most cost-effective or least burdensome alternative that achieves the regulatory objective. In the absence of such documentation, UMRA

provides that the head of the promulgating Agency may otherwise provide in the statement an explanation of why the least burdensome approach was not adopted or is inconsistent with law. The discussion in part E of Unit IV of this preamble describes the Agency's analysis of regulatory options. As this discussion, and the earlier analysis cited therein (c.f., Ref. 13) indicates, the Agency believes that this proposed action is the most cost-effective and least burdensome alternative to the alternatives considered in the development of the Pesticides and Ground-Water Strategy (Ref. 12), developed as the groundwork for today's proposed rule. A particularly advantageous feature of the chosen option is that it allows States to determine the most appropriate approach for preventing unreasonable adverse effects within their individual States. The practical alternatives are a choice between different kinds of Federally mandated restrictions, either national standards and/or risk-reduction measures (principally in the form of label changes) or outright cancellations of use. The principal disadvantage of both is that they can not take State specific issues into consideration, and so can be anticipated to increase the loss of economic benefits associated with the pesticides' use, relative to the impacts of SMPs. National-level measures are potentially less certain of meeting the regulatory objective, that is, of achieving the goal of preventing unreasonable levels of ground-water contamination. This greater uncertainty is caused by the relative inability to tailor risk-management measures, proceeding instead on a ''lowest common denominator'' approach. Still another conceivable (but unanalyzed) option is doing nothing at the Federal level, leaving the potential for ground-water contamination to be addressed, if at all, by voluntary action and/or independent State action. This alternative was not analyzed because it clearly failed to meet the regulatory objective. Such an option that freely permits contamination would entail no direct regulatory costs, but the far larger reduction in the value of the resource must be compared to the more conventional economic impacts.

The statement required by UMRA also requires a summary description of State/local/Tribal governmental input in the rule's development. Prior consultation with State and Tribal authorities has been extensive. The Pesticides and Ground Water Strategy development process began with a major public workshop held in 1986 in Coolfont, West Virginia. State Agriculture, Environment and Health agencies were among the participants. A second public workshop was held at Coolfont during the summer of 1987, also with similar participation. Beyond the Strategy, State regulatory officials were involved in the development of the subsequent Guidance beginning in 1989, when EPA sponsored working sessions to determine how best to guide the process of managing pesticide use to protect the ground water resource. Two week long sessions were held in Fredericksburg, Virginia during October and November of 1989. These sessions were actual working sessions to develop the document that today is the SMP guidance document. Between five and seven States participated in each session. Drafts of the guidance document were shared with all 50 State Lead Agencies for Pesticides, EPA Regional Offices, and other Federal agencies.

During development of the proposed rule, many issues were discussed with the Water Quality Working Committee Group of the State FIFRA Issues Research and Evaluation Group (SFIREG) on which eight State Lead Agencies sit. This group meets three times per year with OPP to discuss water quality issues and this forum was used extensively in the early stages of development of the proposed rule.

The proposed regulation itself has been provided as an initial draft twice to EPA's 10 regional offices and all 50 states for review and comment, in addition to the SFIREG Water Quality Committee and to SFIREG's parent body, the American Association of Pesticide Control Officials (AAPCO). The first round of review in fall 1994 elicited 38 written comments from State and Tribal agencies; the second round in spring 1995 elicited 18 further comments. As a result of each round of review, the draft proposed rule was modified. These written comments are in the public record and were considered in the development of the proposed rule. Virtually all of the principal State comments and concerns are reflected in the discussion in Unit III of this preamble, and in the request for comments accompanying that Unit.

All other UMRA requirements for the accompanying statement to a ''significant regulatory action,'' e.g., descriptions of statutory authority, anticipated costs and benefits, compliance costs, are contained throughout this preamble, in the appropriate headings.

E. Executive Order 12898

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), the Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities. As related throughout this document, the approach the Agency is proposing to address the problem of pesticides in ground water is based on a full appreciation of the localized nature of the problem, and this approach strives to be the most effective strategy for localized protection of the ground-water resource. As the Strategy highlights, alternatives to effective local-level risk reduction measures (e.g., national-level regulation or no regulatory protection) are considered likely to either over-regulate pesticide use (causing undue economic hardship to affected parties) or under-protect (increasing the risk of various adverse health and environmental effects to specific parties).

List of Subjects

40 CFR Part 152

Environmental protection, Administrative practice and procedure, Pesticides and pest, Reporting and recordkeeping requirements.

40 CFR Part 156

Environmental protection, Labeling, Occupational safety and health, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: June 19, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR chapter I, is proposed to be amended as follows:

1. In Part 152:

PART 152 —[AMENDED]

a. The authority citation for part 152 would continue to read as follows:

Authority: 7 U.S.C. 136-136y; Subpart U is also issued under 31 U.S.C. 9701.

b. By adding a new subpart J to part 152, to read as follows:

Subpart J—Ground-Water State Management Plans

Sec.

152.180 Applicability.
152.183 Definitions.
152.185 Restriction.
152.187 Submission and approval of ground-water State Management Plans.
152.190 Specifications and requirements of a ground-water State Management Plan.
152.191 Evaluation of State Management Plan Implementation.
152.193 Amendment of State Management Plans.

152.195 Withdrawal of approval of a State Management Plan.
152.198 Pesticides classified for restricted use subject to a ground water State Management Plan.

Subpart J—Ground-Water State Management Plans

§ 152.180 Applicability.

This subpart applies to any pesticide or pesticide product designated to be subject to the requirements and provisions of ground-water State Management Plans by means of a Restricted Use Classification.

§ 152.183 Definitions.

In addition to the definitions in § 152.3, the following terms also apply to this subpart:

Ground Water Reference Point means an environmental concentration of a pesticide ingredient based on any of the following:

(1) Maximum Contaminant Levels (MCLs) established under the Safe Drinking Water Act; or

(2) Health Advisories (where MCLs are not available for a substance); or

(3) Water Quality Standards (where the ingredient poses adverse effects to ecosystems affected by closely hydrologically linked surface waters) under the Clean Water Act.

Plan means a State Management Plan developed for the purpose of managing the use of a pesticide in order to prevent unreasonable risks of ground water contamination.

State means each of the 50 States, Puerto Rico, the U.S. Virgin Islands, the District of Columbia, Guam, American Samoa and other Pacific Island Territories of the United States, as well as Indian Lands under Tribal jurisdiction.

§ 152.185 Restriction.

(a) *Restriction.* A pesticide or pesticide product classified for restricted use subject to a State Management Plan may be used only in accordance with the provisions and requirements of an Agency-approved State Management Plan, after a date 33 months from the date the pesticide or product is so classified. Such a pesticide or pesticide product may not be sold or used after that date within the boundaries of a State without an Agency-approved State Management Plan.

(b) *Labeling.* (1) Upon classification of a pesticide for restricted use, subject to ground-water State Management Plans, each registrant of a product subject to that classification shall, within 12 months after the date of that classification by final Agency rule, submit for such product:

(i) A copy of the labeling amended to include the statement specified in § 156.137(a)(2)(ii) of this chapter.

(ii) A statement that the registrant will comply with the labeling requirements prescribed by the Agency by the effective date of this rule. The Agency will regard such statement to be a report under the Act. The Agency may deny registration or initiate cancellation proceedings if a registrant fails to comply with the timetables established in this section.

(2) A product whose labeling bears directions for end use and that has been classified as subject to ground-water State Management Plans must be labeled in accordance with the requirements of § 156.10 of this chapter after the effective date of the restriction.

(c) *Distribution and sale of classified products.* No product with a use classified for restricted use, subject to ground-water State Management Plans, may be distributed or sold by a retailer or other person after the effective date of the restriction, unless the product bears a label or labeling which contains the terms of the classification and otherwise complies with paragraph (b)(2) of this section.

§ 152.187 Submission and approval of ground-water State Management Plans.

If any State, at any time after the classification of a pesticide or pesticide product to be subject to State Management Plans by final rule, wishes to establish a ground-water State Management Plan for such a pesticide or pesticide product, that State shall submit a proposed Plan for that purpose to the Administrator. The Administrator will approve the Plan submitted by any State if, in the Administrator's judgement, the Plan meets the requirements of § 152.190.

(a) *Schedule.* A State that wishes to implement a Plan on the effective date of the State Management Plan restriction shall submit a proposed Plan, along with the administrative record accompanying development of the proposed Plan to the appropriate EPA region under 40 CFR 1.7, before a date 24 months from the date a pesticide or product is classified. The submission shall include an electronic file in Wordperfect 5.1 or higher or ASCII for all material. The Administrator will review such submittals and approve or disapprove Plans within 9 months of receipt of a complete submittal.

(b) *Review.* Upon receipt of a proposed State Plan submitted for EPA approval, the Administrator or a designee will first review the proposed Plan to determine that all requirements as provided in § 152.190 have been addressed. Upon completion of this review, the Administrator will notify the State in writing of the initial determination of the completeness of the submission. In the event that the Administrator determines that the submission fails to address all requirements, the Administrator will request the State revise its submission to provide the missing components. Once the Administrator is satisfied that the submission is complete, full evaluation of the submission will proceed.

(c) *Approval.* Upon completion of the review of the submission, if the Administrator finds that the Plan meets the requirements of § 152.190, then the Administrator will publish a Notice of Approval in the Federal Register and a letter of notification to the State official designated as State Liaison, pursuant to § 152.190(b), informing of the approval.

(d) *Disapproval.* If, after completion of the review of the submission, the Administrator finds that the submission fails to meet the requirements of § 152.190, the Administrator shall notify the State Liaison by letter that EPA will not approve the Plan as submitted, and specifying the deficiencies in the Plan that prevent its approval. If, after further consultation, the Administrator still finds that the submission fails to meet the requirements, the Administrator will publish a notice in the Federal Register announcing the disapproval of the Plan and including the reasons for finding the Plan inadequate pursuant to § 152.190. In this event, sale or use in the State of the pesticide that is the subject of the Plan shall be prohibited 33 months after the promulgation of a rule classifying the pesticide as subject to a ground-water State Management Plan.

§ 152.190 Specifications and requirements of a ground-water State Management Plan.

The Administrator shall approve the State Management Plan submitted by any State, or any modification thereof, if in the Administrator's judgement, the Plan fulfills the following requirements.

(a) *State's philosophy and goals toward protecting ground water.* An acceptable Plan must, to the satisfaction of the Administrator, contain a description of the State's ground-water protection philosophy and goals regarding pesticide management, including an explanation how its philosophy and goals will be no less protective than EPA's goal of preventing adverse effects to human health and the environment and protecting the environmental integrity of the nation's ground water.

(b) *Roles and responsibilities of State agencies.* An acceptable Plan must, to the satisfaction of the Administrator:

(1) Identify and describe both the general responsibility of, and the specific technical and administrative tasks to be performed by, each participating agency responsible for the development and implementation (including enforcement) of the Plan, including a description of how the State agencies intend to use the programs and expertise of Federal agencies in carrying out the Plan.

(2) Identify a Liaison who will serve as a single contact point for all formal communications concerning the Plan process between EPA and the State, including responsibility for the transmittal and receipt of official correspondence and information.

(3) Describe the coordination mechanisms between all participating State agencies, local entities, and appropriate Federal agencies.

(4) Describe how local governments are included in activities under the Plan. When local governments have authority to address State ground-water-related objectives and priorities, the State must demonstrate that program coordination, guidance, or oversight is provided.

(5) Contain official concurrences from the directors of all State agencies with responsibilities under the Plan stating their agreement with the Plan, and their commitment to carry out their responsibilities under the Plan.

(6) Discuss any relevant inter-State multi-jurisdictional coordination, including how any multi-jurisdictional issues will be resolved for purposes of implementing the Plan.

(c) *Legal authority.* An acceptable Plan must, to the satisfaction of the Administrator:

(1) Contain regulatory authorities that are sufficient to accomplish the objectives of the Plan, established in paragraph (a) of this section.

(2) Specify the legal authorities of the State to implement the Plan successfully and specify the State's authority to impose preventive measures, its remedial action authority and its compliance and enforcement authorities, citing all relevant State laws and regulations and including Federal legislation, regulations and program delegation, available to the State.

(3) Identify the specific authorities that will be used to carry out the specific commitments made in the Plan. The State must specifically identify the authority to conduct or require others to conduct monitoring, prohibit use in specific areas, close public wells, or supply or require others to supply alternative sources of water, where such actions are elements of the Plan, must be identified.

(d) *Resources.* An acceptable Plan must, to the satisfaction of the Administrator, demonstrate there are adequate resources available to implement and enforce the program. Resources include technical expertise and personnel, physical and operational capabilities, and funding. The Plan must demonstrate there is an adequate match between revenues and proposed expenditures and that the necessary expertise is available.

(e) *Basis for assessment and planning.* An acceptable Plan must, to the satisfaction of the Administrator, specify the State's approach and activities to assess vulnerability for the geographic area in which the State intends to allow pesticide use, identifying the sources of all such data. The State shall specifically describe the State's available pesticide use data (e.g., geographic use and application rates) and how it will be factored into assessing vulnerability.

(f) *Monitoring.* An acceptable Plan must, to the satisfaction of the Administrator, demonstrate that monitoring activities (including ground-water monitoring) performed pursuant to the Plan are appropriate for the purposes of the Plan, with assurances that the activities will be carried out adequately. Specifically, an acceptable Plan must identify and describe key elements of the monitoring program, including the scope and objective (in relation to the purposes of the Plan) of such monitoring, design and justification (including the number of sites to be sampled, the number of samples to be taken and the frequency of sampling) of such monitoring, monitoring protocols, quality assurance/quality control, sampling methodology, analytical methods, and analytes. Such description must make clear how the placement of monitoring sites relates to the State's priorities for protecting ground water, and will allow evaluation of the effectiveness of prevention and response measures specified in paragraphs (g) and (h) of this section. Monitoring performed for the purpose of fulfilling this requirement must be performed in accordance with an EPA-approved Quality Assurance Project Plan (as described in Chapter 5.4.2 of Appendix B, ''Assessment, Prevention, Monitoring and Response Components of State Management Plans,'' to the Guidance for Pesticides and State Management Plans (EPA 735-B-93-005c, February 1994). 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 the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Copies may be inspected at the above address or at the Office of the Federal Register, 800 North Capitol St., NW., suite 700, Washington, DC. Good Laboratory Practice Standards (40 CFR part 160) do not apply to monitoring performed for the purpose of fulfilling this requirement.

(g) *Prevention actions.* An acceptable Plan must, to the satisfaction of the Administrator, specify the actions a State will take to manage the use of the pesticide classified for use subject to the Plan, to fulfill the State's goals and principles enunciated pursuant to paragraph (a) of this section and will otherwise prevent unreasonable adverse effects to human health and protect the environmental integrity of the nation's ground-water resources.

(h) *Response to detections of pesticides.* An acceptable Plan must, in the judgement of the Administrator, adequately specify the measures that the State will take (and the circumstances under which the State will take them) to respond to contamination so that Ground Water Reference Points are not reached, and specify the actions the State will take in the event Reference Points are met or exceeded. This description must be presented in the form of a general corrective response scheme, illustrating the State's capacity for timely, coordinated response to contamination.

(i) *Enforcement mechanisms.* An acceptable Plan must, to the satisfaction of the Administrator, demonstrate that the State's enforcement authorities and capabilities are adequate to implement and to monitor compliance with the specific measures included in the Plan, describing authorities and capabilities that are intended to protect ground water from contamination and response actions where contamination has already occurred. Enforcement authority must be identified by the State, and the roles and responsibilities of each State agency must be defined, including how coordination of enforcement capabilities within agencies will work to prevent and respond to contamination.

(j) *Public awareness and participation.* An acceptable Plan must, to the satisfaction of the Administrator, demonstrate that there is notice and opportunity for public comment within the process of Plan development, and will be informed of significant Plan

implementation activities. This demonstration must:

(1) Describe the public role regarding development of the Plan and decision-making in implementing the Plan, and identify or describe existing legal requirements within the State that would ensure public participation in the process (i.e., an Administrative Procedure Act requiring notice and comment, etc.). If no such legal requirements exist within the State, the Plan must describe any other public participation process that the State uses in the development of the Plan.

(2) The Plan must also specify the level of detection in ground water that is considered by the State to be of such significance that the State will inform the public. Indicate how, when, and by whom the public will be informed of detections in ground water that are considered significant, providing for, at a minimum:

(i) The notification of any well owner of any detections in ground water; and

(ii) The notification of all users of any detections above the reference point.

(3) Include a description of the process and means of communication by which the public will be made aware of important regulatory actions taken under the Plan.

(k) *Information dissemination.* An adequate Plan must, to the satisfaction of the Administrator, describe the means by which measures prescribed pursuant to the Plan will be communicated to pesticide users and all other interested parties. A plan must:

(1) Describe how information regarding prevention measures (e.g., use limitations and precautions) will be relayed to the appropriate audiences.

(2) Describe how pesticide users will be trained or educated in how to comply with requirements of applying a pesticide where use is governed by the Plan.

(3) Identify the targeted parties and discuss how information will be relayed.

(4) Explain why the information dissemination approach is appropriate for the type of contamination prevention actions being employed, and the education and/or awareness of the targeted audience is required.

(5) Describe how information will be updated as requirements change. Such discussion should include the form these updates will take and the distribution methods. The Plan should also discuss any existing mechanisms (i.e., Memoranda of Understanding, cooperative agreements, etc.) between the State and other entities that will be involved in this effort.

(l) *Records and reporting.* An adequate Plan must, to the satisfaction of the Administrator:

(1) Include a commitment by the State to maintain essential records relating to Plan implementation for a period of at least 6 years. The information maintained must include, but is not limited to, records on any monitoring or sampling conducted, results of analyses, issuance of permits, types and numbers of enforcement actions taken, records of any site-specific regulatory actions, and administrative actions. The State must commit to promptly make available to the Agency, upon request, records related to the development or implementation of the Plan.

(2) Commit to developing and submitting to the appropriate Regional Office a Plan Biennial Report, as described in § 152.191(a), and to report any significant findings to the appropriate Agency Regional Office.

(3) Commit to submitting with each report to EPA a signed certification, worded as follows:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. See 18 U.S.C. section 1001 and 7 U.S.C. section 136).

§ 152.191 Evaluation of State Management Plan Implementation.

Any State Management Plan approved under § 152.190 shall be subject to periodic evaluations of its implementation by the Agency, in order to assure implementation of the Plan consistent with its goals and commitments, to determine the environmental effectiveness and the level of ground-water protection provided by the Plan, and to ensure a minimum level of national consistency.

(a) *Biennial Report.* A Biennial Report, as described in § 152.190 (l)(2), must be developed and submitted by the State in order to maintain Agency approval, and will be used by the Agency and by State officials to evaluate a State's effectiveness in protecting its ground-water resources from pesticide contamination. The State shall prepare the Biennial Report according to the provisions of Chapter 5 of Appendix A, ''Review, Approval and Evaluation of State Plans,'' to the Guidance for Pesticides and State Management Plans (EPA 735-B-93-005b, February 1994).

(b) *Evaluation reporting requirements.* The Biennial Report must be approved by State officials directing the key State agencies that play a role in implementing the Plan. The Biennial Report must be submitted in October of alternate years, starting in October [of the year 4 years after date of publication of the final rule] to the appropriate Agency Regional Office. The State may submit a single Biennial Report in the event it implements Plans for more than one classified pesticide. In that event, the report must include programmatic and environmental evaluations addressing each approved Plan. States will also submit a programmatic and an environmental evaluation that addresses any progress made in implementing the Plan.

§ 152.193 Amendment of State Management Plans.

(a) The State will amend an approved Plan as part of the Biennial Report required under § 152.191(a) when:

(1) The evaluation performed pursuant to § 152.191 demonstrates that the provisions in the Plan do not adequately protect the ground-water resource from pesticide contamination.

(2) A change in the legal (statutory or regulatory) and enforcement framework for Plan development and implementation necessitates a change in the Plan.

(3) A State, through experience, finds more effective ways to assess ground-water contamination, to prevent and respond to contamination, and to educate affected parties or disseminate information.

(4) Changes in pesticide management measures or approaches become necessary as a result of significant changes in crops or crop production systems and technologies within the State.

(5) Roles and responsibilities of State agencies involved in the implementation of the Plan change so as to necessitate a change in the Plan.

(b) If a State is aware that an amendment is needed, then that amendment should be submitted as part of the Plan Biennial Report. In addition, if the Regional Office that is the recipient of that Report determines through the evaluation process that the Plan needs to be updated, then the Regional Administrator of that region, or a designee, can initiate the updating process by requesting that the State submit a Plan Update Report. In every case, the Update Report must include:

(1) A description of the proposed changes in the Plan.

(2) An explanation of why the changes are necessary.

(3) An analysis of the impact the changes will have on the other

components of the Plan, the implementation of the Plan and the protection of the resource.

(4) If changes will affect pesticide users, a description of how users will be alerted to the changes in the Plan.

(5) Concurrences by all officials directing the key State agencies.

(6) If changes are significant, a description of how the State received public input on changes to the Plan, and the administrative record developed in the course of changing the Plan. Amendments to Plans must be concurred or approved by the Regional Administrator.

§ 152.195 Withdrawal of approval of a State Management Plan.

(a) If, in the judgement of the Administrator or a designee, either:

(1) A State fails to demonstrate that it is satisfactorily implementing the Plan; or

(2) A State's Plan is not protecting ground water from contamination at or above ground water reference points (as specified in § 152.198); or

(3) A State fails to address deficiencies identified by the Plan evaluation through updating the Plan and/or improving implementation of the Plan; or

(4) A State fails to submit a biennial report;

he or she shall notify the designated State Liaison, named pursuant to § 152.190(b), and relevant State administrators of the Agency's concerns. In that event, the State will have 90 days to respond to these deficiencies in its Pesticide Plans, either through the Plan updating process or by demonstrating to the Region that the Plan is being satisfactorily implemented.

(b)(1) If the Administrator determines that the State has failed to address the deficiencies identified by the Agency or has failed to correct the deficiencies, the Administrator shall notify the officials directing the key State agencies involved in implementing the Plan and the designated State Liaison by letter that withdrawal of Agency approval is being considered. The notice will include:

(i) A statement concerning the potential withdrawal of Agency approval of the Plan.

(ii) A listing of the deficiencies of the Plan or a description of the failure of the Plan or its implementation to protect ground water.

(iii) A brief summary of the events that led to the withdrawal notice.

(iv) Dates by which the State can respond to the deficiencies to stop the withdrawal process.

(2) The State must respond to the notice within 30 days of receipt of the notice in writing with a commitment to address the deficiencies in the Plan itself or in its implementation. If the State disagrees with the judgement or the findings of the Administrator in the initial notice described in paragraph (b) of this section, the State may request to meet with the Administrator within 60 calendar days from the time the EPA Administrator sends the letter of potential withdrawal to the Administrators of the key State agencies.

(3) If, in the Administrator's judgement, continued use of the pesticide within the State presents unreasonable adverse effects on the environment because of the deficiencies cited pursuant to paragraph (b)(1) of this section, the Administrator may prohibit further sale and use of the pesticide in the State until the Agency and the State reach an agreement on how to address the Plan's deficiencies. Such a prohibition shall be published in a Federal Register notice describing the basis for the Administrator's findings, and soliciting comment thereon. After addressing any public comment, the Administrator may take final action temporarily prohibiting use of the pesticide in the State.

(c) If the State does not respond to the notice that withdrawal of approval is being considered or fails to address the deficiencies identified in the notice to the satisfaction of the Administrator, the Administrator will send a formal letter to the officials directing the key State agencies and the State Liaison indicating that EPA is publishing a Federal Register Notice proposing to withdraw the Pesticide Plan. In the event the State does not respond to this notice, the Administrator will publish a Federal Register Notice to provide an opportunity for public comment on withdrawal of the Plan. After addressing any public comments, the Region will publish a Notice of Withdrawal in the Federal Register and prohibit the sale and use of the pesticide in the State.

(d) Upon publication of the final Notice of Withdrawal in the Federal Register, sale and use of the pesticide within the boundaries of the State will be prohibited.

§ 152.198 Pesticides classified for restricted use subject to a ground water State Management Plan.

Pesticide products containing the active ingredients listed in the table to this section, with the corresponding Ground Water Reference Points specified are classified for restricted use, to be subject to the provisions and requirements of an EPA-approved State Management Plan.

Active Ingredient	CAS Number	Ground Water Reference Point
Alachlor	15972-60-8	2 µg/l
Atrazine	1912-24-9	3 µg/l
Cyanazine	21725-46-2	1 µg/l
Metolachlor	51218-45-2	70 µg/l
Simazine	122-34-9	4 µg/l

2. In Part 156:

PART 156—[AMENDED]

a. The authority citation for part 156 continues to read as follows:

Authority: 7 U.S.C. 136-136y.

b. In § 156.10, by revising paragraphs (a)(1)(viii) and (a)(1)(ix) and removing paragraph (i) to read as follows:

§ 156.10 Labeling Requirements

(a) * * *

(1) * * *

(viii) The directions for use as prescribed in subpart G of this part; and

(ix) The use classification(s) as prescribed in subpart G of this part.

* * * * *

c. By adding a new subpart G to part 156 to read as follows:

Subpart G—Directions for Use

Sec.

156.120 General requirements.
156.121 Contents of directions for use.
156.135 Statements of use classification.
156.136 General use statements.
[Reserved]
156.137 Restricted use statements.

Subpart G—Directions for Use

156.120 General requirements.

(a) *Adequacy and clarity of directions.* Directions for use must be stated in terms which can be easily read and understood by the average person likely to use or to supervise the use of the pesticide. When followed, directions must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

(b) *Placement of directions for use.* Directions may appear on any portion of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product. Directions for use may appear on printed or graphic matter which accompanies the pesticide provided that:

(1) If required by the Agency, such printed or graphic matter is securely attached to each package of the pesticide, or placed within the outside wrapper or bag.

(2) The label bears a reference to the directions for use in accompanying leaflets or circulars, such as ''See directions in the enclosed circular.''

(3) The Administrator determines that it is not necessary for such directions to appear on the label.

(c) *Exceptions to requirement for direction for use*—(1) Detailed directions for use may be omitted from labeling of pesticides which are intended for use only by manufacturers of products other than pesticide products in their regular manufacturing processes, provided that:

(i) The label clearly shows that the product is intended for use only in manufacturing processes and specifies the type(s) of products involved.

(ii) Adequate information such as technical data sheets or bulletins, is available to the trade specifying the type of product involved and its proper use in manufacturing processes.

(iii) The product will not come into the hands of the general public except after incorporation into finished products.

(iv) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(2) Detailed directions for use may be omitted from the labeling of pesticide products for which sale is limited to physicians, veterinarians, or druggists, provided that:

(i) The label clearly states that the product is for use only by physicians or veterinarians.

(ii) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(iii) The product is also a drug and regulated under the provisions of the Federal Food, Drug and Cosmetic Act.

(3) Detailed directions for use may be omitted from the labeling of pesticide products which are intended for use only by formulators in preparing pesticides for sale to the public, provided that:

(i) There is information readily available to the formulators on the composition, toxicity, methods of use, applicable restrictions or limitations, and effectiveness of the product for pesticide purposes.

(ii) The label clearly states that the product is intended for use only in manufacturing, formulating, mixing, or repacking for use as a pesticide and specifies the type(s) of pesticide products involved.

(iii) The product as finally manufactured, formulated, mixed, or repackaged is registered.

(iv) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

156.121 Contents of directions of general use.

The directions for use shall include the following, under the headings ''Directions for Use'':

(a) The statement of use classification as prescribed in paragraph (j) of this section immediately under the heading ''Directions for Use.''

(b) Immediately below the statement of use classification, the statement ''It is a violation of Federal law to use this product in a manner inconsistent with its labeling.''

(c) The site(s) of application, as for example the crops, animals, areas, or objects to be treated.

(d) The target pest(s) associated with each site.

(e) The dosage rate associated with each site and pest.

(f) The method of application, including instructions for dilution, if required, and type(s) of application apparatus or equipment required.

(g) The frequency and timing of applications necessary to obtain effective results without causing unreasonable adverse effects on the environment.

(h) Worker protection statements meeting the requirements of subpart K of this part.

(i) Specific directions concerning the storage and disposal of the pesticide and its container, meeting the requirements of 40 CFR part 165. These instructions shall be grouped and appear under the heading ''Storage and Disposal.'' This heading must be set in type of the same minimum sizes as required for the child hazard warning. (See Table in § 162.10(h)(1)(iv))

(j) Any limitations or restrictions on use required to prevent unreasonable adverse effects, such as:

(1) Required intervals between application and harvest of food or feed crops.

(2) Rotational crop restrictions.

(3) Warnings as required against use on certain crops, animals, objects, or in or adjacent to certain areas.

(4) [Reserved]

(5) For restricted use pesticides, a statement that the pesticide may be applied under the direct supervision of a certified applicator who is not physically present at the site of application but nonetheless available to the person applying the pesticide, unless the Agency has determined that the pesticide may only be applied under the direct supervision of a certified applicator who is physically present.

(6) Other pertinent information which the Administrator determines to be necessary for the protection of man and the environment.

§ 156.135 Statements of use classification.

(a) *Requirement.* Each product bearing one or more uses that has been classified for restricted use must bear a classification statement on the label of the product, and also in any supplemental labeling that accompanies the product in sale or distribution. A product that bears only unclassified uses as described in § 152.160 or uses classified for general use is not required to bear any classification statement. Restricted use statements are set out in § 156.137.

(b) *Products bearing mixed classified uses.* A product for which some uses are not classified, and other uses are classified for general use or for restricted use must have a separate registration for uses that are restricted, except that a product bearing restricted uses may also bear unclassified or general uses in addition to the restricted uses. A product bearing mixed restricted uses and other uses is considered a restricted use product.

(c) *Placement of classification statements.* (1) Statements of restricted use classification must be located at the top of the front panel of the label (the ''Restricted Use'' area), and in a similarly prominent location in supplemental labeling. No other label statements shall appear above the restricted use statements, and no other statements than those prescribed by the

Agency shall appear in the restricted use area of the label.

(2) The restricted use statements shall be distinguished from surrounding label text by suitable means, such as white space or a box around the statements. The words ''Restricted Use Pesticide'' shall appear in a type size at least that of the signal word prescribed by § 156.10(h)(1)(iv).

§ 156.136 General use statements. [Reserved]

§ 156.137 Restricted use statements.

(a) A product that is classified for restricted use must bear, on the front panel in accordance with § 156.135(c), the statements in paragraphs (a)(1) and (a)(2) of this section.

(1) The phrase, ''Restricted Use Pesticide.''

(2) Immediately below the phrase ''Restricted Use Pesticide,'' a statement of the reason for the restricted use classification. This statement will describe the characteristic of the pesticide, its formulation, or its use pattern, that is the basis for the classification. These characteristics include acute or chronic toxicity, environmental fate (biodegradability, leaching potential, etc.), or non-target organism toxicity. The Agency will prescribe the nature and wording of the statement.

(i) A product that is restricted to use by certified applicators (for example, pesticides and uses listed in § 152.170) must bear the statement, ''For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.''

(ii) A product that is classified for restricted use subject to a ground-water State Management Plan (SMP) under subpart J of part 152 of this chapter must bear the statement, ''For use only in accordance with an EPA-approved State Management Plan for ground-water protection. Sale and use are prohibited in States that do not have an EPA-approved State Management Plan.''

(b) The Agency may develop and require a label statement different from, or in addition to, those described in paragraphs (b)(1) and (b)(2) of this section, for any product classified for ''restricted use.''

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Electrical engineering:

Merchant vessels; electrical engineering requirements

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AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Cooked beef products, uncured meat patties, and poultry products production; performance standards; comments due by 7-1-96; published 5-2-96

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Commodity Exchange Act:

Voting by interested members of self-regulatory organization governing boards and committees; broker association membership disclosure; comments due by 7-2-96; published 5-3-96

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3-Dichloroacetyl-5-(2-furanyl)-2,2-dimethyloxazolidine; comments due by 7-5-96; published 6-19-96

A-alkyl(C12-C15)-w-hydroxy poly(oxyethylene) sulfate, etc.; comments due by 7-5-96; published 6-4-96

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FEDERAL TRADE COMMISSION

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