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Friday
July 12, 1996

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WASHINGTON, DC

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

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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 532

RIN 3206–AH54

Prevailing Rate Systems; Redefinition of Anchorage, AK, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule to redefine the Anchorage, AK, nonappropriated fund (NAF) Federal Wage System (FWS) wage area for pay-setting purposes.

DATES: This interim rule becomes effective on July 12, 1996. Comments must be received by August 12, 1996.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606–0824.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is redefining the Anchorage, AK, FWS NAF wage area to add the Valdez-Cordova census area as an area of application, and delete 10 area of application census divisions.

The Anchorage, Alaska, NAF wage area was composed of a 1 census division survey area and an 18 census division area of application. With this change, the wage area is now made up of the same survey area (Anchorage Borough, Alaska) and 9 area of application boroughs and census areas (Fairbanks North Star, Juneau, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, Sitka, Southeast Fairbanks, Valdez-Cordorva, and Yukon-Koyukuk).

These changes became necessary because the Air Force is planning for the first time to hire temporary NAF FWS employees in the Valdez Recreation Area in the Valdez-Cordova census area, an area currently undefined for NAF wage setting purposes. In addition, the definition of the entire Anchorage NAF wage area needed to be updated because the Alaska boroughs and census areas and their names have been changed since this wage area was last defined in regulation and because base closures have left some locations without any NAF employees. The 10 area of application census divisions being deleted are: Aleutian Islands, Barrow-North Slope, Bethel, Bristol Bay, Kobuk, Kuskokwim, Nome, Outer Ketchikan, Southeast Fairbanks, and Upper Yukon.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

(1) Proximity of largest activity in each county;

(2) Transportation facilities and commuting patterns; and

(3) Similarities of the counties in:

(i) Overall population;

(ii) Private employment in major industry categories; and

(iii) Kinds and sizes of private industrial establishments.

An analysis of the proposed change under these criteria supports the recommended redefinition. Valdez-Cordova is contiguous to the Anchorage survey area. Further, because the Anchorage, Alaska, NAF wage area is the only NAF wage area in Alaska and there are no other nearby NAF wage areas, the proposed redefinition is clearly the only reasonable alternative.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because it is necessary to define the Valdez-Cordova census area to a NAF wage area as soon as possible to provide for setting the pay of new Air Force NAF employees in that location.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix D to subpart B is amended by revising the listing for Anchorage, Alaska, to read as follows:

Appendix D to Subchapter B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

Alaska

Anchorage

Survey Area

Alaska: (Borough)
  Anchorage
  Area of application. Survey area plus:
Alaska: (Boroughs and census areas)
  Fairbanks North Star
  Juneau
  Kenai Peninsula
  Ketchikan Gateway
  Kodiak Island
  Sitka
  Southeast Fairbanks
  Valdez-Cordova
  Yukon-Koyukuk

* * * * * *

[FR Doc. 96–17782 Filed 7–11–96; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1660

Allocation of Fiduciary Responsibility

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is removing 5 CFR Part 1660, which has been superseded by regulations issued by the United States Department of Labor.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: David L. Hutner, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005. By telephone: (202) 942–1661.

SUPPLEMENTARY INFORMATION: Section 114(a)(1) of the Federal Employees' Retirement System Technical Corrections Act of 1986, Public Law 99–556, 100 Stat. 3133 (October 27, 1986) authorized the Board to establish procedures by which fiduciaries of the Thrift Savings Plan (TSP) could allocate their fiduciary responsibilities. Sections 114(a) (1) and (2) of the statute further provided that the authority to make allocations under the procedures established by the Board, as well as any allocation made under those procedures, would expire upon the earlier of December 31, 1988, or the effective date of final regulations issued by the United States Department of Labor (DOL) under 5 U.S.C. 8477(e)(1)(E).

The Board published interim regulations governing allocation of fiduciary responsibilities at 52 FR 38,221 (October 15, 1987). The interim regulations were codified at 5 CFR part 1660.

On December 29, 1988, DOL published final rules governing allocation of fiduciary responsibility with respect to the TSP at 53 FR 52,684. The final rules were codified at 29 CFR part 2584. Because 5 CFR part 1660 was superseded by the final regulations issued by DOL and no longer has any force or effect, its removal is appropriate. The removal of the expired regulation has no legal consequences; it is, in essence, a housekeeping matter.

Regulatory Flexibility Act

I certify that removal of these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

I certify that removal of these regulations will not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Under section 114(a) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Pub. L. No. 99–556, 100 Stat. 3133), the force and effect of 5 CFR part 1660 expired on December 29, 1988. Since the removal of the expired regulation has no legal consequences, publishing a proposal to remove it is unnecessary, impractical and contrary to the pubic interest.

List of Subjects in 5 CFR Part 1660

Employee benefit plans, Government employees, Retirement, Pensions.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

PART 1660—[REMOVED]

Under the authority of 5 U.S.C. 8474 (b) and section 114 of Pub. L. 99–556, and for the reasons set out in the preamble, 5 CFR part 1660 is removed.

[FR Doc. 96–17800 Filed 7–11–96; 8:45 am]

BILLING CODE 6760–01–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 1751–96]

RIN 1115–AE29

Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (''the Service'') regulations to clarify that nationals of Cuba or Haiti who were paroled into the United States since October 10, 1980, are to be considered to have been paroled in an immigration status referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, as amended. This rule is necessary to ensure that these aliens are not inadvertently considered to hold an immigration status other than the status referred to in section 501(e)(1).

DATES: This interim rule is effective July 12, 1996. Written comments must be received on or before September 10, 1996.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536, Attn: Public Comment Clerk. To ensure proper handling, please reference the INS Number 1751–96 on your correspondence. Comments are available for public inspection at this location by calling (202) 514–3048 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT: Janice B. Podolny, Associate General Counsel, Chief of Examinations Division, Office of the General Counsel, Suite 6100, 425 I Street NW., Washington, DC 20536, telephone: (202) 514–2895.

SUPPLEMENTARY INFORMATION: Section 501 of the Refugee Education Assistance Act of 1980, Public Law 96–422, dated October 10, 1980, as amended, provides for certain assistance to and on behalf of aliens paroled into the United States from Cuba and Haiti. Under section 501(e)(1), and alien paroled as a ''Cuban-Haitian Entrant (Status Pending),'' or in some other ''special status * * * for nationals of Cuba or Haiti'' is eligible for this assistance, even it the alien has acquired permanent residence, or some other immigration status, at the time assistance is sought. Under section 501(e)(2), by contrast, Cuban or Haitian nationals who are paroled in some parole status other than the ''special status'' are eligible for assistance only so long as they have not acquired some other immigration status.

Recent high volume influxes of aliens from Cuba, in particular, have resulted in the parole of aliens, without a clear indication that their parole is in a ''special status'' for Cubans and Haitians. For example, due to clerical oversight the Forms I–94, Arrival-Departure Record, issued to these aliens often have not borne any endorsement to show that their parole gives them an immigration status that is within the scope of section 501(e)(1). This interim rule amends 8 CFR 212.5 to clarify that these aliens, and any Haitian nationals as well, paroled on or after October 10, 1980, are to be considered to have been paroled in the status referred to in section 501(e)(1). This amendment will make it clear that these aliens have been, and remain, in the immigration

status referred to in section 501(e)(1), even if they have since acquired some other immigration status. Exceptions are made for aliens paroled for criminal prosecution or solely in order to testify in some official proceedings in the United States.

This interim rule is an interpretive rule. For this reason, the Commissioner of the Immigration and Naturalization Service may properly adopt this rule without the prior notice and comment period that is ordinarily required. 5 U.S.C. 553(b). Because of the urgent need to clarify the immigration status of these aliens, and to make it clear that they hold an immigration status referred to in section 501(e)(1), the Commissioner finds that good cause exists to make this rule effective upon publication in the Federal Register. The Service believes that this interim rule accurately distinguishes the immigration status categories established by sections 501(e)(1) and 501(e)(2), but will consider any comments addressing this issue that are received during the comment period.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Unfunded Mandate Reform Act of 1995

This interim rule is not a Federal intergovernmental mandate, as defined by 2 U.S.C. 658(5). For this reason, it is not necessary to conduct the analysis provided for under 2 U.S.C. 1532, to develop the small government agency plan under 2 U.S.C. 1533, to solicit State, local or tribal government input under 2 U.S.C. 1534, or to justify this rule as the least burdensome alternative under 2 U.S.C. 1535.

Small Business Regulatory Enforcement Fairness Act of 1996

This interim rule is not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has conducted the required review.

Executive Order 12612

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

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

2. Section 212.5 is amended by adding a new paragraph (g), to read as follows:

§ 212.5 Parole of aliens into the United States.

* * * * *

(g) *Effect of parole of Cuban and Haitian nationals.* (1) Except as provided in paragraph (g)(2) of this section, any national of Cuba or Haiti who was paroled into the United States on or after October 10, 1980, shall be considered to have been paroled in the special status for nationals of Cuba or Haiti, referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, Public Law 96–422, as amended (8 U.S.C. 1522 note).

(2) A national of Cuba or Haiti shall not be considered to have been paroled in the special status for nationals of Cuba or Haiti, referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, Public Law 96–422, as amended, if the individual was paroled into the United States:

(i) In the custody of a Federal, State or local law enforcement or prosecutorial authority, for purposes of criminal prosecution in the United States; or

(ii) Solely to testify as a witness in proceedings before a judicial, administrative, or legislative body in the United States.

Dated: July 2, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–17674 Filed 7–11–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF ENERGY

10 CFR Part 784

Patent Waiver Regulation

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is publishing a final rule to recodify and update a patent waiver regulation that was incorporated in the Department of Energy Acquisition Regulations (DEAR) in 1984 (applicable to contracts) and the DOE Assistance Regulations (applicable to grants and cooperative agreements). The final rule contains changes that conform the regulation provisions to post-1984 statutory amendments, including the addition of terms and conditions for contractor retention of patent rights required by 35 U.S.C. 210. The rule also contains some new clarifying provisions and minor procedural changes to the DOE patent waiver process.

This final rule will govern waiver of the Department's rights in inventions made under contracts, grants, cooperative agreements, understandings, or other DOE arrangements with entities other than small businesses and non-profit organizations. This rule will also apply to all participants in cooperative research and development agreements (CRADAs), with both Bayh-Dole entities and non-Bayh-Dole entities. Rights in inventions made under DOE funding agreements with small businesses and nonprofit organizations are generally controlled by 35 U.S.C. 202, which provides, with certain exceptions, for contractor retention of title to inventions. However, this rule does apply to waiver of rights in inventions when DOE has reserved title and other rights in funding agreements with nonprofit organizations and small business firms pursuant to the exceptions in 35 U.S.C. 202.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Michael P. Hoffman, Office of Assistant General Counsel for Technology Transfer and Intellectual Property, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Telephone (202) 586–3441.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section-by-Section Discussion of Final Rule
III. Procedural Requirements
A. Applicable Procedures
B. Review Under Executive Order 12886
C. Review Under Regulatory Flexibility Act
D. Review Under NEPA

E. Review Under Paperwork Reduction Act
F. Review Under Executive Order 12612
G. Review Under Executive Order 12778
H. Review Under the Unfunded Mandates Reform Act

I. Background

The Government is required by law to acquire title to inventions made under DOE contracts, grants, agreements, understandings, or other arrangements with entities other than small businesses or nonprofit organizations pursuant to section 152 of the Atomic Energy Act of 1954, 42 U.S.C. 2182, and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908. Both of these acts provide that the Secretary of Energy may waive rights to such inventions under certain circumstances.

The DOE regulations covering waiver of patent rights are in the DOE Procurement Regulation at 41 CFR Part 9–9, principally at 41 CFR 9–9.109–6. After the Federal Acquisition Regulations System became effective in 1984, the DOE patent waiver regulation was continued in effect with regard to procurements and financial assistance in the DEAR, 48 CFR 927.300, and in DOE Assistance Regulations, 10 CFR 600.33, respectively. Today's final rule will recodify and publish these regulations and make them conveniently available to the public.

In today's final rule, DOE also is updating the patent waiver regulation to make changes required by post-1984 statutory amendments (as explained below), and is using this opportunity to make clarifying and minor procedural changes to the regulation. The revised regulation is being codified in a part of the Code of Federal Regulations that is separate from the DEAR, because patent waivers may be requested in connection with DOE arrangements other than procurement contracts, such as grants, cooperative agreements and CRADAs.

Today's final rule reflects statutory changes that are not referenced in the regulation at 41 CFR part 9–9. Specifically, patent waiver terms and conditions in the Federal Nonnuclear Energy Research and Development Act of 1974 were repealed by the Bayh-Dole patent and trademark amendments of 1980, Pub. L. 96–517, § 7 (94 Stat. 3027). Subsequently, a requirement for certain terms and conditions when a non-Bayh-Dole contractor retains title to inventions, pursuant to 35 U.S.C. 202, was imposed by the Trademark Clarification Act of 1984, Pub. L. 98–620, title V (98 Stat. 3367). Accordingly, today's final rule deletes the waiver terms and conditions repealed by the Bayh-Dole patent and trademark amendments of 1980, and sets forth waiver terms and conditions for contractor retention of rights required by 35 U.S.C. 210 and set forth in the DEAR at 48 CFR 952.227–11.

II. Section-by-Section Discussion of Final Rule

Section 784.1 of today's regulation presents the scope and applicability of the regulation. Today's regulation covers waiver of the Government's rights in inventions made under DOE contracts, grants, agreements, understandings, or other arrangements with entities other than small businesses or nonprofit organizations, as well as agreements with small businesses or non profit organizations where the agreement is not a funding agreement. Allocation of rights to inventions made under DOE contracts, grants and other funding agreements with small businesses or nonprofit organizations is controlled by 35 U.S.C. 200 *et seq.*, but today's regulation also governs waivers of rights in inventions falling within exceptions to the policy of that law. The scope of the regulation at 41 CFR 9–9.100 included policies and procedures with respect to inventions made under arrangements with DOE, and is not, as here, limited to policies and procedures regarding waiver of the Government's invention rights.

Section 784.3 summarizes the law underlying the regulation (42 U.S.C. 2182 and 42 U.S.C. 5908), i.e., that while title to inventions under DOE contracts or other arrangements with entities other than small businesses or nonprofit organizations vests in the Government, the Department may waive its rights to such inventions if such waiver is determined to be in the public interest. Such determinations are to be made in accordance with statutorily prescribed objectives. The regulation, at 41 CFR 9–9.109–6(a), is similar, but it does not have an exclusion for contracts with small businesses or nonprofit organizations which under 35 U.S.C. 202, may, with certain exceptions, elect to retain invention rights without a waiver.

Section 784.3(c) clarifies that references to ''contract'' in the regulation include grants, cooperative agreements, and other arrangements, consistent with the definition of ''contract'' provided in the regulation at 41 CFR 9–9.107–5(a)(a)(2) and in the statute at 42 U.S.C. 5908(m), although not consistent with the definition of ''contract'' elsewhere, such as at 10 CFR 600.3.

Section 784.4 recites considerations, specified by statute, that are to be included in making determinations to grant advance patent waivers. For clarity, a definition of an advance waiver is provided in today's regulation. Considerations (l) and (m) have been modified to reflect 35 U.S.C. 202.

Section 784.5 recites statutory considerations to be included in Government determinations to waive title rights in a particular identified invention. Considerations (k) and (l) have been modified to reflect 35 U.S.C. 202.

Section 784.6 recites additional national security related considerations for waiver of certain sensitive inventions, as provided in Pub. L. 99–661 (42 U.S.C. 7261a).

Section 784.7 provides guidance for requesting a class waiver, i.e., a waiver that applies to a class of persons or a class of inventions. Pertinent objectives and considerations set forth in sections 784.3 through 784.6 are to be included in class waiver determinations. Class waivers are authorized by statute (42 U.S.C. 5908) and are provided for in the regulation at 41 CFR 9–9.109–6(a)(1).

Section 784.8 provides general procedures concerning the patent waiver process, including timeliness requirements for requesting waivers, information concerning DOE's processing of waiver requests, information concerning implementation of a waiver, and information concerning requests for reconsideration of waiver denials. These regulations track those in 41 CFR 9–9.109–6.

Section 784.8(a) has been modified slightly from the regulation at 41 CFR 9–9.109–6(a)(1) to reflect class waiver requests.

Section 784.8(b) provides reference to a patent waiver clause to be included when advance waivers are granted, based on the clause provided in the Federal Acquisition Regulation at 48 CFR 952.227–13; and includes guidance for seeking an advance waiver for an identified invention provided in 41 CFR 9–9.109–6(a)(1).

Section 784.8(c) reduces from 9 months to 8 months the time period for requesting waiver for an identified invention to allow for a longer time period (from three months to four months) for the Government to perfect rights within the one-year time period, where a statutory bar may arise due to public disclosure of an invention for which a waiver request is not submitted. It also adds further guidance regarding timeliness for submitting waiver requests and requirements for reimbursement of patent costs to conform to current practice.

Section 784.8(d) adds a sentence regarding obtaining of an agreement to

waiver terms and conditions to conform to current practice.

Sections 784.8 (e), (f) and (g), regarding processing by DOE of waiver requests, have been modified slightly to better reflect current DOE practice.

Section 784.8(h) discusses the right of a waiver requestor to request reconsideration when a waiver request has been denied.

Section 784.8(I) has been added to provide guidance regarding submission of an instrument confirming the Government's rights in waived inventions, to conform to current practice, and as provided for generally in the current regulation at 41 CFR 9–9.109–1(b).

Section 784.9 provides detailed direction concerning the content of waiver requests. A self-explanatory form for requesting waivers is available from the Contracting Officer or DOE Patent Counsel. Generally, waiver requests must include identification of the requestor, identification of the pertinent contract, including a description of the contract effort, the nature of the requested waiver, and information addressing waiver policies and considerations set forth in the regulation. In addition, for an identified invention waiver request, information concerning the specific invention, including names of all inventors and patent status of the invention, is required. The source of the language for this section is 41 CFR 9–9.109–6(e).

Section 784.9(a) adds a reference to the OMB control number for the forms that persons must use to request advance and identified invention waivers.

Section 784.9(c) adds a reference to a statutory provision (35 U.S.C. 205) enacted since issuance of the current regulation that relates to treatment of proprietary information that may be contained in waiver requests.

Section 784.10 provides for public availability of records of waiver determinations, as required by 42 U.S.C. 5908(c). This section replaces 41 CFR 9–9.109–6(f). The Assistant General Counsel for Technology Transfer and Intellectual Property will be responsible for maintaining and updating the publicly available record of waiver determinations.

Section 784.11 describes typical situations that may be appropriate for advance waivers, including cost-shared contracts, situations where DOE is providing relatively modest increased funding to a substantially privately-sponsored program, and situations where a waiver is necessary to obtain the participation of a particular contractor. In addition, the section describes possible limitations on the scope of waivers depending on circumstances surrounding a particular waiver, e.g., restrictions to fields of use that are not the primary object of the contract effort. Further, the section addresses the issue of a prime contractor's obtaining rights to inventions made by a subcontractor. This section has been slightly modified from its counterpart in 41 CFR 9.109–6(g) to reflect current practice and the enactment of, and amendments to, 35 U.S.C. 202. In addition, section 784.11(b)(ii), regarding rights in subcontractor inventions, and contained in the current regulations at 41 CFR 9–9.107–4(h)(2), has been incorporated into this regulation. Subsection (c) is derived from 41 CFR 9–9.109–6(g)(3).

Section 784.12 sets forth the ''Patent Rights—Waiver'' clause containing the terms and conditions for waivers. The current regulation does not contain a patent waiver clause, but instead contains a section, 41 CFR 9–9.109–6(I) entitled ''Terms and conditions of waivers.'' The clause of the final regulation is based on the contractor retention of rights clause contained in the Federal Acquisition Regulation at 48 CFR 52.227–12, with certain additions. A section (k), Background Patents; a section (p), Waiver Termination; a section (q), Atomic Energy; a section (r), Publication; and a section (s), Forfeiture of Rights in Unreported Subject Inventions, are included, representing a continuation of previous DOE policy contained in the current regulation at 41 CFR 9–9.107–5(a)(k), 41 CFR 9–9.109–6(j), 41 CFR 9–9.107–5(a)(l)(1), 41 CFR 9–9.107–5(a)(f) and 41 CFR 9–9.107–5(a)(g), respectively. Subsection (a) incorporates definitions from 35 U.S.C. 201(d), 42 U.S.C. 5908(m) and 41 CFR 9–9.107–5. A sentence has been added to (p) referring to the ''Contractor's minimum license'' provision, Subsection (e).

Section 784.13 provides effective dates for various types of waivers. This has been taken from 41 CFR 9–9.109–6(k).

III. Procedural Requirements

A. Applicable Procedures

This final rule recodifies and updates DOE's patent waiver regulations. The rule does not change any DOE substantive policies or establish new requirements affecting the rights and obligations of the public in this area. The rule does include several procedural changes, but DOE has determined that these changes will not have a significant impact on contractors, grantees, or other persons who may request waiver of the Government's rights in inventions made under contracts, grants, and other DOE agreements and arrangements. Therefore, DOE has determined that prior notice and an opportunity for public comment on the rule is not required.

B. Review Under Executive Order 12886

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

C. Review Under Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, requires, in part, that an agency prepare an initial regulatory flexibility analysis for any rule, unless it determines that the rule will not have a ''significant economic impact'' on a substantial number of small entities. The final rule concerns policy and procedures for patent waivers affecting entities that are generally not small businesses because there is separate statutory authority governing disposition of invention rights of Government contractors that are small businesses. The final rule imposes no significant burdens or impact on small entities. Therefore, as required by Section 605(b), DOE certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

D. Review Under NEPA

DOE has determined that issuance of this final rule is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., and therefore that neither an environmental assessment nor an environmental impact statement is required. Categorical exclusion A2 in DOE's regulations implementing NEPA, appendix A of subpart D of 10 CFR part 102, applies to this rulemaking. Categorical exclusion A2 encompasses clarifying or administrative modifications of rules pertaining to contracts.

E. Review Under Paperwork Reduction Act

The reporting requirements contained in 41 CFR 9–9.109–6 were approved by OMB and assigned control no. 1901–0800.

This final rule imposes no new reporting requirement.

F. Review Under Executive Order 12612

Executive Order 12612, 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the national Government and the States, and in the distribution of power and responsibilities among various levels of Government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. Today's action sets forth DOE policies and procedures governing requests for waiver of the Government's rights to inventions made in the course of contracts, grant agreements, cooperative agreements, and other arrangements that further DOE's mission. DOE has determined that the final rule will not have a substantial direct effect on the institutional interests or traditional functions of States.

G. Review Under Executive Order 12778

Section 2 of Executive Order 12778, 56 FR 55195 (October 25, 1991), instructs each agency to adhere to certain requirements in promulgating new regulations. These requirements, set forth in section 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that regulations define key terms and are clear on such matters as exhaustion of administrative remedies and preemption. DOE certifies that today's regulatory action meets the requirements of section 2(a) and (b)(2) of Executive Order 12778.

H. Review Under the Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that: (1)would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of title II of the Unfunded Mandates Reform Act of 1995 do not apply.

List of Subjects in 10 CFR Part 784

Government contracts, Inventions and patents.

Issued in Washington, D.C., on July 2, 1996.

Robert R. Nordhaus,

General Counsel.

For the reasons set forth in the preamble, Chapter III of Title 10 of the Code of Federal Regulations is amended by adding new Part 784 to read as set forth below.

PART 784—PATENT WAIVER REGULATION

Sec.

784.1 Scope and applicability.
784.2 Definitions.
784.3 Policy.
784.4 Advance waiver.
784.5 Waiver of identified inventions.
784.6 National security considerations for waiver of certain sensitive inventions.
784.7 Class waiver.
784.8 Procedures.
784.9 Content of waiver requests.
784.10 Record of waiver determinations.
784.11 Bases for granting waivers.
784.12 Terms and conditions of waivers.
784.13 Effective dates.

Authority: 42 U.S.C. 7151; 42 U.S.C. 5908; 42 U.S.C. 2182; 35 U.S.C. 202 and 210; 42 U.S.C. 7261a.

PART 784—PATENT WAIVER REGULATION

§ 784.1 Scope and applicability.

(a) This part states the policy and establishes the procedures, terms and conditions governing waiver of the Government's rights in inventions made under contracts, grants, agreements, understandings or other arrangements with the Department of Energy (DOE).

(b) This part applies to all inventions conceived or first actually reduced to practice in the course of or under any contract, grant, agreement, understanding, or other arrangement with or for the benefit of DOE (including any subcontract, subgrant, or subagreement), the patent rights disposition of which is governed by section 152 of the Atomic Energy Act of 1954, 42 U.S.C. 2182, or section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908. In funding agreements with nonprofit organizations or small business firms, when title or other rights are reserved to the Government under the authority of 35 U.S.C. 202(a), this part will apply to any waiver of such rights. The patent waiver provisions in this part supersede the patent waiver regulations previously included with patent regulations at 41 CFR Part 9–9.100.

§ 784.2 Definitions.

As used in this Part:

Contract means procurement contracts, grants, agreements, understandings and other arrangements (including Cooperative Research and Development Agreements [CRADAs], Work for Others and User Facility agreements, which includes research, development, or demonstration work, and includes any assignment or substitution of the parties, entered into, with, or for the benefit of DOE.

Contractor means entities performing under contracts as defined above.

Patent Counsel means the DOE Patent Counsel assisting the contracting activity.

§ 784.3 Policy.

(a) Section 6 of Public Law 96–517 (the Bayh-Dole patent and trademark amendments of 1980), as amended, as codified at 35 U.S.C. 200—212, provides that title to inventions conceived or first actually reduced to practice in the course of or under any contract, grant, agreement, understanding, or other arrangement entered into with or for the benefit of the Department of Energy (DOE) vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small

business firms. However, where title to such inventions vests in the United States, the Secretary of Energy (hereinafter Secretary) or designee may waive all or any part of the rights of the United States, subject to required terms and conditions, with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of DOE if it is determined that the interests of the United States and the general public will best be served by such waiver. In making such determinations, the Secretary or designee shall have the following objectives:

(1) Making the benefits of the energy research, development, and demonstration program widely available to the public in the shortest practicable time;

(2) Promoting the commercial utilization of such inventions;

(3) Encouraging participation by private persons in DOE's energy research, development, and demonstration programs; and

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

(b) If it is not possible to attain the objectives in paragraphs (a)(1) through (4) immediately and simultaneously for any specific waiver determination, the Secretary or designee will seek to reconcile these objectives in light of the overall purposes of the DOE patent waiver policy, as set forth in section 152 of the Atomic Energy Act of 1954, 42 U.S.C. 2182, section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908, Public Law 99–661, 42 U.S.C. 7261a, and, where not inconsistent therewith, the Presidential Memorandum to the Heads of Executive Departments and Agencies on Government Patent Policy issued February 18, 1983 and Executive Order No. 12591 issued April 10, 1987.

(c) The policy set forth in this section is applicable to all types of contracts as defined in § 784.2 of this part.

§ 784.4 Advance waiver.

This section covers inventions that may be conceived or first actually reduced to practice in the course of or under a particular contract. In determining whether an advance waiver will best serve the interests of the United States and the general public, the Secretary or designee (currently the Assistant General Counsel for Technology Transfer and Intellectual Property) shall, at a minimum, specifically include as considerations the following:

(a) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(b) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(c) The extent to which the work to be performed under the contract is useful in the production or utilization of special nuclear material or atomic energy;

(d) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration results;

(e) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(f) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(g) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(h) The extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(i) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(j) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(k) The likely effect of the waiver on competition and market concentration;

(l) In the case of a domestic nonprofit educational institution under an agreement not governed by Chapter 18 of Title 35, United States Code, the extent to which such institution has a technology transfer capability and program approved by the Secretary or designee as being consistent with the applicable policies of this section;

(m) The small business status of the contractor under an agreement not governed by Chapter 18 of Title 35, United States Code, and

(n) Such other considerations, such as benefit to the U.S. economy, that the Secretary or designee may deem appropriate.

§ 784.5 Waiver of identified inventions.

This section covers the relinquishing by the Government to the contractor or inventor of title rights in a particular identified subject invention. In determining whether such a waiver of an identified invention will best serve the interests of the United States and the general public, the Secretary or designee shall, at a minimum, specifically include as considerations the following:

(a) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of the invention;

(b) The extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention;

(c) The extent to which the invention is useful in the production or utilization of special nuclear material or atomic energy;

(d) The extent to which the Government has contributed to the field of technology of the invention;

(e) The purpose and nature of the invention, including the anticipated use thereof;

(f) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(g) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(h) The extent to which the Government intends to further develop the invention to the point of commercial utilization;

(i) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(j) The likely effect of the waiver on competition and market concentration;

(k) In the case of a domestic nonprofit educational institution under an agreement not governed by Chapter 18, Title 35, United States Code, the extent to which such institution has a technology transfer capability and program approved by the Secretary or designee as being consistent with the applicable policies of this section;

(l) The small business status of the contractor, under an agreement not governed by Chapter 18 of Title 35, United States Code; and,

(m) Such other considerations, such as benefit to the U.S. economy that the Secretary or designee may deem appropriate.

§ 784.6 National security considerations for waiver of certain sensitive inventions.

(a) Whenever, in the course of or under any Government contract or subcontract of the Naval Nuclear

Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy, a contractor makes an invention or discovery to which title vests in the Department of Energy pursuant to statute, the contractor may request waiver of any or all of the Government's property rights. The Secretary of Energy or designee may decide to waive the Government's rights.

(b) In making a decision under this section, the Secretary or designee shall consider, in addition to the objectives of DOE waiver policy as specified in § 784.3(a)(1) through (4), and the considerations specified in § 784.4 for advance waivers, and § 784.5 for waiver of identified inventions, the following:

(1) Whether national security will be compromised;

(2) Whether sensitive technical information (whether classified or unclassified) under the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy for which dissemination is controlled under Federal statutes and regulations will be released to unauthorized persons;

(3) Whether an organizational conflict of interest contemplated by Federal statutes and regulations will result, and

(4) Whether waiving such rights will adversely affect the operation of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy.

(c) A decision under this § 784.6 shall be made within 150 days after the date on which a complete request for waiver, as described by paragraph (d) of this section, has been submitted to the Patent Counsel by the contractor.

(d) In addition to the requirements for content which apply generally to all waiver requests under paragraph (a) of this section, a requestor must include a full and detailed statement of facts, to the extent known by or available to the requestor, directed to the considerations set forth in paragraphs (b)(1) through (4) of this section, as applicable. To be considered complete, a waiver request must contain sufficient information, in addition to the content requirements under paragraphs (a) and (b) of this section, to allow the Secretary or designee to make a decision under this section. For advance waiver requests, such information shall include, at a minimum:

(1) An identification of all of the requestor's contractual arrangements involving the Government (including contracts, subcontracts, grants, or other arrangements) in which the technology involved in the contract was developed or used and any other funding of the technology by the Government, whether direct or indirect, involving any other party, of which the requestor is aware;

(2) A description of the requestor's past, current, and future private investment in and development of the technology which is the subject of the contract. This includes expenditures not reimbursed by the Government on research and development which will directly benefit the work to be performed under the instant contract, the amount and percentage of contract costs to be shared by the requestor, the out-of-pocket costs of facilities or equipment to be made available by the requestor for performance of the contract work which are not charged directly or indirectly to the Government under contract, and the contractor's plans and intentions to further develop and commercialize the technology at private expense;

(3) A description of competitive technologies or other factors which would ameliorate any anticompetitive effect of granting the waiver.

(4) Identification of whether the contract pertains to work that is classified, or sensitive, i.e., unclassified but controlled pursuant to section 148 of the Atomic Energy Action of 1954, as amended (42 U.S.C. 2168), or subject to export control under Chapter 17 of the Military Critical Technology List (MCTL) contained in Department of Defense Directive 5230.25 including identification of all principal uses of the subject matter of the contract, whether inside or outside the contractor program, and an indication of whether any such uses involve classified or sensitive technologies.

(5) Identification of all DOE and DOD programs and projects in the same general technology as the contract for which the requestor intends to be providing program planning advice or has provided program planning advice within the last three years.

(e) For identified invention requests under this section, such requests shall include at a minimum:

(1) A brief description of the intentions of the requestor (or its present or intended licensee) to commercialize the invention. This description should include:

(i) Estimated expenditures,

(ii) Anticipated steps,

(iii) The associated time periods to bring the invention to commercialization, and

(iv) A statement that requestor (or its present or intended licensee) has the capability to carry out its stated intentions.

(2) A description of any continuing Government funding of the development of the invention (including investigation of materials or processes for use therewith), from whatever Government source, whether direct or indirect, and, to the extent known by the requestor, any anticipated future Government funding to further develop the invention.

(3) A description of competitive technologies or other factors which would ameliorate any anticompetitive effects of granting the waiver.

(4) A statement as to whether or not the requestor would be willing to reimburse the Department of Energy for any and all costs and fees incurred by the Department in the preparation and prosecution of the patent applications covering the invention that is the subject of the waiver request.

(5) Where applicable, a statement of reasons why the request was not timely filed in accordance with the applicable patent rights clause of the contract, or why a request for an extension of time to file the request was not filed in a timely manner.

(6) Identification of whether the invention pertains to work that is classified, or sensitive, i.e., unclassified but controlled pursuant to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168), or subject to export control under Chapter 17 of the Military Critical Technology List (MCTL) contained in Department of Defense Directive 5230.25, including identification of all principal uses of the invention inside or outside the contractor program, and an indication of whether any such uses involve classified or sensitive technologies.

(7) Identification of all DOE and DOD programs and projects in the same general technology as the invention for which the requestor intends to be providing program planning advice or has provided program planning advice within the last three years.

(8) A statement of whether a classification review of the invention disclosure, any resulting patent application(s), and/or any reports and other documents disclosing a substantial portion of the invention, has been made, together with any determinations on the existence of classified or sensitive information in either the invention disclosure, the patent application(s), or reports or other documents disclosing a substantial portion of the invention; and

(9) Identification of any and all proposals, work for other activities, or other arrangements submitted by the

requestor, DOE, or a third party, of which requestor is aware, which may involve further funding of the work on the invention at either the contractor facility where the invention arose or another facility owned by the Government.

(f) Patent Counsel will notify the requestor promptly if the waiver request is found not to be a complete request and, in that event, will provide the requestor with a reasonable period, not to exceed 60 days, to correct any such incompleteness. If requestor does not respond within the allotted time period, the waiver request will be considered to be withdrawn. If requestor responds within the allotted time period, but the submittal is still deemed incomplete or insufficient, the waiver request may be denied.

(g) As set forth in paragraph (c) of this section, waiver decisions shall be made within 150 days after the date on which a complete request for waiver of such rights, as specified in this section, has been submitted by the requestor to the DOE Patent Counsel. If the original waiver request does not result in a communication from DOE Patent Counsel indicating that the request is incomplete, the 150-day period for decision commences on the date of receipt of the waiver request. If the original waiver request results in a communication from DOE Patent Counsel indicating that the request is incomplete, the 150-day period for decision commences on the date on which supplementary information is received by Patent Counsel sufficient to make the waiver request complete. For advance waiver requests, if requestor is not notified that the request is incomplete, the 150-day period for decision commences on the date of receipt of the request, or on the date on which negotiation of contract terms is completed, whichever is later.

(h) Failure of DOE to make a patent waiver decision within the prescribed 150-day period shall in no way be construed as a grant of the waiver.

§ 784.7 Class waiver.

This section covers relinquishing of patent title rights by the Government to a class of persons or to a class of inventions. The authorization for class waivers is to be found at 42 U.S.C. 5908(c). Class waivers may be appropriate in situations where all members of a particular class would likely qualify for an advance or identified invention waiver. Normally, class waivers are originated by the Department. However, any person with a direct and substantial interest in a DOE program may request a class waiver by forwarding a written request therefor to the Patent Counsel. While no particular format for requesting a class waiver is prescribed, any request for a class waiver and any resulting determination by the Secretary or designee must address the pertinent objectives and considerations set forth in §§ 784.3(a), 784.4, 784.5, and 784.6.

§ 784.8 Procedures.

(a) All requests for waivers shall be in writing. Each request for a waiver other than a class waiver shall include the information set forth in § 784.9. Such requests may be submitted by existing or prospective contractors in the case of requests for an advance waiver and by contractors, including successor contractors at a facility, or employee-inventors in the case of requests for waiver of identified inventions.

(b) A request for an advance waiver should be submitted to the Contracting Officer (subcontractors may submit through their prime contractors) at any time prior to execution of the contract or subcontract, or within thirty days thereafter, or within such longer period as may be authorized by Patent Counsel for good cause shown in writing. If the purpose, scope, or cost of the contract is substantially altered by modification or extension after the waiver is granted, a new waiver request will be required. When advance waivers are granted, the provisions of the ''Patent Rights—Waiver'' clause set forth in § 784.12 shall be used in contracts which are the subject of the waivers, unless modified with the approval of the Patent Counsel to conform to the scope of the waiver granted. (See § 784.12.) Advance waivers may be requested for all inventions which may be conceived or first actually reduced to practice under a DOE contract. An advance waiver may also be requested for an identified invention conceived by the contractor before the contract but which may be first actually reduced to practice under the contract. Such waiver request must include a copy of any patent or patent application covering the identified invention, or if no patent application has been filed, a complete description of the invention.

(c) A request for waiver (other than an advance or class waiver) for an identified invention must be submitted to the Patent Counsel at the time the invention is to be reported to DOE or not later than eight months after conception and/or first actual reduction to practice, whichever occurs first in the course of or under the contract, or such longer period as may be authorized by Patent Counsel for good cause shown in writing by the requestor. The time for submitting a waiver request will not normally be extended past the time the invention has been advertised for licensing by DOE. If the Government has already filed a patent application on the invention, the requestor should indicate whether or not it is willing to reimburse the Government for the costs of searching, prosecution, filing and maintenance fees, in the event the waiver is granted.

(d) If the request for waiver contains insufficient information, the Patent Counsel may seek additional information from the requestor and from other sources. The Patent Counsel will thoroughly analyze the request in view of each of the objectives and considerations and shall also consider the overall rights obtained by the Government in the patent, copyright, and data clauses of the contract. Where it appears that a waiver of a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth, the Patent Counsel should attempt to negotiate a compromise acceptable to both the requestor and DOE. If approval of a waiver is recommended, Patent Counsel shall obtain an indication of agreement by the requestor to the proposed waiver scope, terms and conditions.

(e) The Patent Counsel will prepare a Statement of Considerations setting forth the rationale for either approving or denying the waiver request and will forward the Statement to the General Counsel or designee for review thereof. While the Statement need not provide specific findings as to each and every consideration of § 784.4 or § 784.5 of this part, it will cover those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various individual considerations of § 784.4 or § 784.5 of this part to a particular case could conflict, and in those instances the conflict will be reconciled giving due regard to the overall policies set forth in 784.3(a) (1) through (4).

(f) The Patent Counsel will also obtain comments from the appropriate DOE program organization to assist the Patent Counsel in the waiver determination. Additionally, if any other Federal Government entity has provided funding or will be providing funding, or if a subject invention has been made in whole or in part by an employee of that entity, Patent Counsel shall obtain permission to waive title to the undivided interest in the invention from the cognizant official of that entity. In situations where time does not permit a delay in contract negotiations for the preparation and mailing of a full written

statement, field Patent Counsel may submit a recommendation on the waiver orally to the Assistant General Counsel for Technology Transfer and Intellectual Property, who upon verbal consultation with the appropriate DOE program organization, shall provide a verbal decision to field Patent Counsel. All oral actions shall be promptly confirmed in writing. In approving waiver determinations, the Secretary or designee shall objectively review all requests for waiver in view of the objectives and considerations set forth in §§ 784.3 through 784.6. If the determination and the rationale therefor is not accurately reflected in the Statement of Considerations which has been submitted for approval, a new Statement of Considerations shall be prepared.

(g) In the event that a request for advance waiver is approved after the effective date of the contract, the Patent Counsel shall promptly notify the requestor by letter of the determination and the basis therefor. The letter shall state the scope, terms and conditions of such waiver. If the terms and conditions of an approved advance waiver were not incorporated in the contract when executed, the letter shall inform the requestor that the advance waiver shall be effective as of the effective date of the contract for an advance waiver of inventions identified, i.e., conceived prior to the effective date of the contract, or as of the date the invention is reported with an election by the contractor to retain rights therein, i.e., for an invention conceived or first actually reduced to practice after the effective date of the contract; provided a copy of the letter is signed and returned to the Contracting Officer by the requestor acknowledging the acceptance of the scope, terms and conditions of the advance waiver. After acceptance by the contractor of an advance waiver, the Contracting Officer shall cause a unilateral no-cost modification to be made to the contract incorporating the terms and conditions of the waiver in lieu of previous patent rights provisions.

(h) In the event that a waiver request is denied, the requestor may, within thirty days after notification of the denial, request reconsideration. Such a request shall include any additional facts and rationale not previously submitted which support the request. Request for reconsideration shall be submitted and processed in accordance with the procedures for submitting waiver requests set forth in this section.

§ 784.9 Content of waiver requests.

(a) Forms (OMB No. 1901–0800) for submitting requests for advance and identified invention waivers, indicating the necessary information, may be obtained from the Contracting Officer or Patent Counsel. All requests for advance and identified invention waivers shall include the following information:

(1) The requestor's identification, business address, and, if represented by Counsel, the Counsel's name and address;

(2) An identification of the pertinent contract or proposed contract and a copy of the contract Statement of Work or a nonproprietary statement which fully describes the proposed work to be performed;

(3) The nature and extent of waiver requested;

(4) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in §§ 784.4 or 784.5 of this part, as applicable, and a statement applying such facts and considerations to the policies set forth in § 784.3 of this part. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible; and

(5) The signature of the requestor or authorized representative with the following statement: ''The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Secretary or designee rely on them in reaching the waiver determination.''

(b) In addition to the requirements of paragraph (a) of this section, requests for waiver of identified inventions shall include:

(1) The full names of all inventors;

(2) A statement of whether a patent application has been filed on the invention, together with a copy of such application if filed or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 U.S.C. 102 or a statement that no such bar is known to exist; and

(4) Where the requestor is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(c) Subject to statutes, DOE regulations, requirements, and restrictions on the treatment of proprietary and classified information; all material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not normally contain information or data that the requestor is not willing to have made public. If proprietary or classified information is needed to make the waiver determination, such information shall be submitted only at the request of Patent Counsel.

§ 784.10 Record of waiver determinations.

The Assistant General Counsel for Technology Transfer and Intellectual Property shall maintain and periodically update a publicly available record of waiver determinations.

§ 784.11 Bases for granting waivers.

(a) The various factual situations which are appropriate for waivers cannot be categorized precisely because the appropriateness of a waiver will depend upon the manner in which the considerations set forth in §§ 784.4 or 784.5, and 784.6 if applicable, of this part relate to the facts and circumstances surrounding the particular contracting situation or the particular invention, in order to best achieve the objectives set forth in § 784.3 of this part. However, some examples where advance waivers might be appropriate are:

(1) Cost-shared contracts;

(2) Situations in which DOE is providing increased funding to a specific ongoing privately-sponsored research, development, or demonstration project;

(3) Situations such as Work for Others Agreements, User Facility Agreements or CRADAs, involving DOE-approved private use of Government facilities where the waiver requestor is funding a substantial part of the costs; and

(4) Situations in which the equities of the contractor are so substantial in relation to that of the Government that the waiver is necessary to obtain the participation of the contractor.

(b) Waivers may be granted as to all or any part of the rights of the United States to an invention subject to certain rights retained by the United States as set forth in § 784.12 of this part. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to considerations set forth in §§ 784.4 or 784.5, and 784.6, if applicable, in order to best achieve the objectives set forth in § 784.3. For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort.

Waivers may also be made effective for a specified duration of time, may be limited to particular geographic locations, may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort, or may require return of a portion of the royalties or revenue to the Government.

(c) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the subcontractor inventions, where the subcontractor(s) would prefer to petition for title. A waiver granted to a prime contractor is not normally applicable to inventions of subcontractors. However, in appropriate circumstances, the waiver given to the prime contractor may be made applicable to the waivable inventions of any or all subcontractors, such as where there are pre-existing special research and development arrangements between the prime contractor and subcontractor, or where the prime contractor and subcontractor are partners in a cooperative effort. In addition, in such circumstances, the prime contractor may be permitted to acquire nonexclusive licenses in the subcontractors' inventions when a waiver of the subcontractor inventions is not covered by the prime contractor's waiver.

(d) In advance waivers of identified inventions, the invention will be deemed to be a subject invention and the waiver will be considered as being effective as of the effective date of the contract (see § 784.13(a)). This will be true regardless of whether the identified invention had been first actually reduced to practice prior to the time of contracting or would be reduced to practice under the contract or after expiration of the contract. One purpose of advance waivers of identified inventions is to establish the rights of the parties to such inventions when the facts surrounding the first actual reduction to practice prior to or during the contract are or will be difficult to establish.

§ 784.12 Terms and conditions of waivers.

The terms and conditions for waivers are set forth in the ''Patent Rights—Waiver'' clause in this section. A waiver of all foreign and domestic patent rights under a contract authorizes the use of this clause with any additions prescribed by the DOE Acquisition Regulations (48 CFR Chapter 9) or the terms of the waiver. This clause shall not be used in contracts with small business firms or nonprofit organizations subject to 35 U.S.C. 200 *et seq*. If a waiver of different scope is granted, the clause shall be modified to conform to the scope of the waiver granted. Advance waivers for arrangements other than contracts, grants, and cooperative agreements may use other clause provisions approved by the Assistant General Counsel for Technology Transfer and Intellectual Property, except that all waivers for funding agreements shall be subject to the license of clause paragraph (b) and the provisions of clause paragraphs (i) and (j). The terms and conditions of the clause shall also constitute the basis for confirmatory licenses regarding waivers of identified inventions. For inventions under advance waivers, a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled is required to be submitted promptly after filing a patent application thereon. If, however, a waiver request is pending, delivery of the confirmatory instrument may be delayed until a determination on the waiver request is made. In the case of a waiver of an identified invention pursuant to a request for greater rights, the confirmatory instrument shall be agreed to or submitted to Patent Counsel before or at the time the waiver is granted.

Patent Rights—Waiver

Use the clause at 48 CFR 52.227–12 with the following changes:

(1) In paragraph (a) ''Definitions'' add the following definitions:

Background patent means a domestic patent covering an invention or discovery which is not a Subject Invention and which is owned or controlled by the Contractor at any time through the completion of this contract:

(i) Which the Contractor, but not the Government, has the right to license to others without obligation to pay royalties thereon, and

(ii) Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under this contract.

Contract means any contract, grant, agreement, understanding, or other arrangement, which includes research, development, or demonstration work, and includes any assignment or substitution of parties.

DOE patent waiver regulations means the Department of Energy patent waiver regulations at 10 CFR part 784.

Patent Counsel means the Department of Energy Patent Counsel assisting the procuring activity.

Secretary means the Secretary of Energy.

(2) In paragraph (a) in the definition of ''Subject invention'' substitute: ''course of or'' for: ''performance of work''.

(3) In paragraph (b) ''Allocation of principal rights,'' add at the beginning of first sentence:

''Whereas DOE has granted a waiver of rights to subject inventions to the Contractor,''.

(4) In paragraph (c)(1), substitute:

''Patent Counsel within six months after conception or first actual reduction to practice, whichever occurs first in the course of or under this contract, but in any event, prior to any sale, public use, or public disclosure of such invention known to the Contractor.'' for.

''Contractor officer within 2 months after the inventor discloses it in writing to Contractor Personnel responsible for Patent matters * * * earlier.''

(5) In paragraph (c)(2) add at the end: ''The Contractor shall notify the Patent Counsel as to those countries (including the United States) in which the Contractor will retain title not later than 60 days prior to the end of the statutory period.''

(6) In paragraph (c)(3) substitute: ''but not later than at least 60 days'' for ''or, if earlier,''

(7) In paragraph (d) add (d)(5):

''(5) If the waiver authorizing the use of this clause is terminated as provided in paragraph (p) of this clause.''

(8) In paragraph (e)(1) add: ''under paragraph (d) of this clause'' after ''Government obtains title.''

(9) In paragraph (e)(2) substitute ''37 CFR part 404 and DOE licensing regulations.'' for ''the Federal Property Management regulations and agency licensing regulations (if any)''

(10) In paragraph (f)(5) substitute ''the course of or'' for ''performance of work''.

(11) In paragraph (g) substitute paragraphs (1), (2) and (3) as follows:

(1) Unless otherwise directed by the Contracting Officer, the Contractor shall include the clause at 48 CFR 952.227–11, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental, or research work to be performed by a small business firm or nonprofit organization, except where the work of the subcontract is subject to an Exceptional Circumstances Determination by DOE. In all other subcontracts, regardless of tier, for experimental, developmental, demonstration, or research work, the Contractor shall include the patent rights clause at 48 CFR 952.227–13 (suitably modified to identify the parties).

(2) The Contractor shall not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(3) In the case of subcontractors at any tier, Department, the subcontractor, and Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Department with respect to those matters covered by this clause.

(12) Substitute the following for paragraph (k):

(k) Background Patents

(1) The Contractor agrees:

(i) to grant to the Government a royalty-free, nonexclusive license under any Background Patent for purposes of practicing

a subject of this contract by or for the Government in research, development, and demonstration work only.

(ii) that, upon written application by DOE, it will grant to responsible parties for purposes of practicing a subject of this contract, nonexclusive licenses under any Background Patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive or partially exclusive rights are necessary to achieve expeditious commercial development or utilization, then a request may be made to DOE for DOE approval of such licensing by the Contractor.

(2) Notwithstanding paragraph (k)(1)(ii), the Contractor shall not be obligated to license any Background Patent if the Contractor demonstrates to the satisfaction of the Secretary or his designee that:

(i) a competitive alternative to the subject matter covered by said Background Patent is commercially available from one or more other sources; or

(ii) the Contractor or its licensees are supplying the subject matter covered by said Background Patent in sufficient quantity and at reasonable prices to satisfy market needs, or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the subject matter.

(13) Add new paragraph (l) Communications as follows:

All reports and notifications required by this clause shall be submitted to the Patent Counsel unless otherwise instructed.

(14) In paragraph (m) add to end of sentence: ''*, except with respect to Background Patents, above.*''

(15) In paragraph (n)(4) substitute ''conducted in such a manner as'' for ''subject to appropriate conditions.''

(16) In paragraph (o) add at the end of the parenthetical phrase in the heading to the paragraph: ''or grants''.

(17) In paragraph (o) add paragraph (o)(1)(v) as follows:

(v) Convey to the Government, using a DOE-approved form, the title and/or rights of the Government in each subject invention as required by this clause.

(18) In paragraph (o), substitute the following for (o)(3):

(3) Final payment under this contract shall not be made before the Contractor delivers to the Patent Counsel all disclosures of subject inventions required by paragraph (c)(1) of this clause, an acceptable final report pursuant to paragraph (f)(7)(ii) of this clause, and all past due confirmatory instruments, and the Patent Counsel has issued a patent clearance certification to the Contracting Officer.

(19) Add paragraphs (p), (q), (r), and (s) as follows:

(p) Waiver Terminations.

Any waiver granted to the Contractor authorizing the use of this clause (including any retention of rights pursuant thereto by the Contractor under paragraph (b) of this clause) may be terminated at the discretion of the Secretary or his designee in whole or in part, if the request for waiver by the Contractor is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon by DOE in reaching the waiver determination. Prior to any such termination, the Contractor will be given written notice stating the extent of such proposed termination and the reasons therefor, and a period of 30 days, or such longer period as the Secretary or his designee shall determine for good cause shown in writing, to show cause why the waiver of rights should not be so terminated. Any waiver termination shall be subject to the Contractor's minimum license as provided in paragraph (e) of this clause.

(q) Atomic Energy.

No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(r) Publication.

It is recognized that during the course of work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments conceived or first actually reduced to practice in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of DOE or the Contractor, approval for release of publication shall be secured from Patent Counsel prior to any such release or publication. In appropriate circumstances, and after consultation with the Contractor, Patent Counsel may waive the right of prepublication review.

(s) Forfeiture of rights in unreported subject inventions.

(1) The Contractor shall forfeit and assign to the Government, at the request of the Secretary of Energy or designee, all rights in any subject invention which the Contractor fails to report to Patent Counsel within six months after the time the Contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(ii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a subject invention if, within the time specified in paragraph (m)(1) of this clause, the Contractor:

(i) Prepares a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and delivers the decision to Patent Counsel, with a copy to the Contracting Officer; or

(ii) Contending that the subject invention is not a subject invention, the Contractor nevertheless discloses the subject invention and all facts pertinent to this contention to the Patent Counsel, with a copy to the Contracting Officer, or

(iii) Establishes that the failure to disclose did not result from the Contractor's fault or negligence.

(3) Pending written assignment of the patent application and patents on a subject invention determined by the Contracting Officer to be forfeited (such determination to be a Final Decision under the Disputes clause of this contract), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph shall be in addition to and shall not supersede any other rights and remedies which the Government may have with respect to subject inventions.

§ 784.13 Effective dates.

Waivers shall be effective on the following dates:

(a) For advance waivers of identified inventions, i.e., inventions conceived prior to the effective date of the contract, on the effective date of the contract, even though the advance waiver may have been requested after that date;

(b) For identified inventions under advance waivers, i.e., inventions conceived or first actually reduced to practice after the effective date of the contract, on the date the invention is reported with the election to retain rights as to that invention; and

(c) For waivers of identified inventions (other than under an advance waiver), on the date of the letter from Patent Counsel notifying the requestor that the waiver has been granted.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–ANE–10; Amendment 39–9676; AD 96–13–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) PW4000 series turbofan engines. This action requires initial and repetitive inspections of the aft cascade support frame assembly of thrust reverser for cracks, and replacement, if necessary, with serviceable parts; or lockout of the thrust reversers. This amendment is prompted by reports of aft cascade support frame assembly failures. The actions specified in this AD are intended to prevent aft cascade support frame assembly failure due to cracks, which can result in thrust reverser

hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing.

DATES: Effective August 1, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–10, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''epd-adcomments@mail.hq.faa.gov''. All comments must contain the Docket No. in the subject line of the comment.

The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7147, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of thrust reverser failure on Pratt & Whitney (PW) PW4000 series turbofan engines. The thrust reverser aft cascade support frame assembly can develop cracks due to high cycle fatigue that could propagate to failure. To date, there have been a total of 38 aft cascade support frame assemblies that were found either cracked or failed. Failure of the cascade support assembly allows thrust reverser hardware to be liberated and ejected from the aircraft during thrust reverser operation. Seven of the failed assemblies caused liberations of thrust reverser hardware. It is possible that other aircrews, either departing or arriving on the same runway, may not see debris left on the runway after a failure of the thrust reverser aft cascade support frame assembly. This debris, therefore, could cause a serious unsafe condition for departing and arriving aircraft. This condition, if not corrected, could result in aft cascade support frame assembly failure due to cracks, which can result in thrust reverser hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing.

The FAA has reviewed and approved the technical contents of PW Service Bulletin (SB) No. PW4NAC 78–78, Revision 6, dated March 6, 1996, and SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996, that describe procedures for inspection of the aft cascade support frame assembly.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent aft cascade support frame assembly failure. This AD requires initial and repetitive inspections of the aft cascade support frame assembly for cracks, and replacement, if necessary, with serviceable parts; or lockout of the thrust reversers in accordance with the applicable Aircraft Maintenance Manual for a time period not to exceed 10 days. The actions are required to be accomplished in accordance with the SB's described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–ANE–10.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–13–08 Pratt & Whitney: Amendment 39–9676. Docket 96–ANE–10.

Applicability: Pratt & Whitney (PW) PW4000 series turbofan engines, with thrust reverser, Supplemental Type Certificate (STC) No. SJ514NE, installed on Airbus A300–600 and A310 series aircraft, and thrust reverser, STC No. SE744NE, installed on McDonnell Douglas MD–11 series aircraft. These thrust reversers incorporate aft cascade support frame assemblies, Part Numbers (P/N's) 221–0516–503 and 221–0516–504.

Note: This airworthiness directive (AD) applies to each engine with affected thrust reversers 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 engines with affected thrust reversers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine with affected thrust reversers from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent aft cascade support frame assembly failure due to cracks, which can result in thrust reverser hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing, accomplish the following:

(a) For engines with affected thrust reversers installed on Airbus A300–600 and A310 series aircraft, accomplish the following:

(1) Initially inspect aft cascade support frame assemblies for cracks within 250 flight hours after the effective date of this AD, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW Service Bulletin (SB) No. PW4NAC 78–78, Revision 6, dated March 6, 1996.

(2) Thereafter, inspect aft cascade support frame assemblies for cracks at intervals not to exceed 450 flight hours since the last inspection, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4NAC 78–78, Revision 6, dated March 6, 1996.

(3) For aft cascade support frame assemblies that do not meet the return to service criteria stated in the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4NAC 78–78, Revision 6, dated March 6, 1996, prior to further flight, accomplish either of the following:

(i) Remove from service cracked aft cascade support frame assemblies, and replace with a serviceable part; or

(ii) Lockout the thrust reverser in accordance with the Airbus A300–600 and A310 series Aircraft Maintenance Manuals, as applicable, for a time period not to exceed 10 days. At the conclusion of the 10-day lockout period, prior to further flight remove any cracked aft cascade support frame assemblies and replace with serviceable parts.

(b) For engines with affected thrust reversers installed on McDonnell Douglas MD–11 series aircraft, accomplish the following:

(1) Initially inspect aft cascade support frame assemblies for cracks within 250 flight hours after the effective date of this AD, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996.

(2) Thereafter, inspect aft cascade support frame assemblies for cracks at intervals not to exceed 450 flight hours since the last inspection, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996.

(3) For aft cascade support frame assemblies that do not meet the return to service criteria stated in the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996, prior to further flight, accomplish either of the following:

(i) Remove from service cracked aft cascade support frame assemblies, and replace with a serviceable part; or

(ii) Lockout the thrust reverser in accordance with the McDonnell Douglas MD–11 series Aircraft Maintenance Manual, for a time period not to exceed 10 days. At the conclusion of the 10-day lockout period, prior to further flight remove any cracked aft cascade support frame assemblies and replace with serviceable parts.

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

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

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

(e) The actions required by this AD shall be done in accordance with the following PW SB's:

Document No.	Pages	Revision	Date
PW4NAC 78–78.	1	6	March 6, 1996.
	2,3	2	October 31, 1995.
	4–6 ...	6	March 6, 1996.
	7	5	October 31, 1995.
	8–11	6	March 6, 1996.
	12	5	October 31, 1995.
	13–19	6	March 6, 1996.
	20–22	5	October 31, 1995.
	23–34	6	March 6, 1996.
	35	5	October 31, 1995.
	36, 37	6	March 6, 1996.
	38	5	October 31, 1995.
	39, 40	6	March 6, 1996.
Total pages:	40..		
PW4MD11 78–67.	1–38	5	March 6, 1996.
Total pages:	38..		

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 Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 1, 1996.

Issued in Burlington, Massachusetts, on July 2, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–17533 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 94–ANE–39; Amendment 39–9672; AD 96–13–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce, plc RB211 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Rolls-Royce, plc RB211 series turbofan engines, that requires removing and replacing the existing rigid low pressure (LP) fuel system tube assembly with a tube assembly having flexible sections and revised clip points to preclude cracking and subsequent fuel leakage. This amendment is prompted by multiple reports of fuel leaks. The actions specified by this AD are intended to prevent a fuel system leak, which could result in rapid atomization of fuel and an engine fire.

DATES: Effective September 10, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 10, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Rolls-Royce, plc, P.O. Box 31, Moor Lane, Derby, DE248BJ, United Kingdom; telephone 1332–249428, fax 1332–249423. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Daniel Kerman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7130, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Rolls-Royce, plc (R–R) Models RB211–535E4 series and –535E4–B series turbofan engines was published in the Federal Register on June 26,1995 (60 FR 20189). That action proposed to require replacement of the low pressure (LP) fuel tube assembly in accordance with R–R Service Bulletin (SB) No. RB.211–73–B048, Revision 1, dated July 22, 1994.

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

One commenter states that as soon as parts were available, R–R undertook incorporation of the modification described in R–R SB No. RB.211–73–B048, Revision 1, dated July 22, 1994, on all engines in production. The commenter states that all engines starting with serial number (S/N) 31292 were delivered with the configuration required by the proposed AD. The commenter proposes that the applicability section be revised to exclude engine S/N's of 31292 and subsequent. The FAA concurs and has revised the applicability section of this final rule accordingly.

Two commenters support the rule as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 558 engines of the affected design in the worldwide fleet. The FAA estimates that 292 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,000 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $327,040.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–13–04 Rolls-Royce, plc: Amendment 39–9672. Docket 94–ANE–39.

Applicability: Rolls-Royce, plc. (R–R) Models RB211–535E4 series and –535E4–B series turbofan engines, prior to engine Serial Number (S/N) 31292, installed on but not limited to Boeing 757 series aircraft.

Note: This airworthiness directive (AD) applies to each engine 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 engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent a fuel system leak, which could result in rapid atomization of fuel and an engine fire, accomplish the following:

(a) Within one year after the effective date of this AD, remove the existing rigid low pressure (LP) fuel system tube assembly and replace with the new flexible LP fuel system tube design with revised clip points, in accordance with R–R Service Bulletin (SB) No. RB.211–73–B048, Revision 1, dated July 22, 1994.

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

Note: Information concerning the existence of approved alternative methods of

compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(d) The actions required by this AD shall be done in accordance with the following R–R SB:

Document No.	Pages	Revision	Date
RB.211–73–B048.	1–6 ...	1	July 22, 1994.
	7,8	Original	June 3, 1994.
	9–12	1	July 22, 1994.
Supplement ...	1	1	July 22, 1994.
Total Pages: 13.			

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 Rolls-Royce, plc, P.O. Box 31, Moor Lane, Derby, DE248BJ, United Kingdom; telephone 1332–249428, fax 1332–249423. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 10, 1996.

Issued in Burlington, Massachusetts, on June 11, 1996.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–17535 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Conversion of Ad Hoc Advisory Committee to Standing Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standing advisory committees' regulations to add the name and function of the Transmissible Spongiform Encephalopathies Advisory Committee (formerly Ad Hoc Advisory Committee on Creutzfeldt-Jakob Disease). Appearing elsewhere in this issue of the Federal Register is a notice announcing the renewal of this advisory committee. A notice requesting nominations for membership on this committee will publish at a later date. This action is being taken to incorporate this committee into the agency's list of standing advisory committees because it will no longer be serving in an ad hoc capacity.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

SUPPLEMENTARY INFORMATION: FDA is announcing that the name of the Ad Hoc Advisory Committee on Creutzfeldt-Jakob Disease has been changed. The committee was established on June 21, 1995, to advise the Commissioner of Food and Drugs regarding the safety of blood products obtained or prepared from one or more donations from a donor who, after donation, was diagnosed with Creutzfeldt-Jakob Disease. The committee was chartered for the duration of 1 year.

The Commissioner has now formally determined that there is a continuing need for this committee, that the name and function of the committee will be changed to more accurately describe the committee, and that the committee will no longer be serving in an ad hoc capacity. The name ''Transmissible Spongiform Encephalopathies Advisory Committee''will more accurately describe the subject area for which the committee is responsible. The change is consistent with the expanded function of the committee.

The committee's new function is to review and evaluate available scientific data concerning the safety of products which may be at risk for transmission of spongiform encephalopathies having an impact on the public health as determined by the Commissioner of Food and Drugs. The committee will also make recommendations to the Commissioner regarding the regulation of such products.

Management and support services for the committee will continue to be provided by FDA's Center For Biologics Evaluation and Research. In this document, FDA is formally incorporating this committee into the agency's list of standing advisory committees by adding a new paragraph in 21 CFR 14.100(b).

Publication of this final rule constitutes a final action on this change under the Administrative Procedure Act. Under 5 U.S.C. 553(b)(3)(B) and (d) and 21 CFR 10.40(d) and (e), the agency finds good cause to dispense with notice and public procedure and to proceed to an immediately effective regulation. Such notice and procedures are unnecessary and are not in the public interest, because the final rule is merely codifying the new name and expanded function of the advisory committee, as well as its status as a standing advisory committee, and when effective will reflect the current committee charter.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

PART 14–PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394; 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 354, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 263b, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

2. Section 14.100 is amended by adding new paragraph (b)(6) to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(b) * * *

(6) *Transmissible Spongiform Encephalopathies Advisory Committee.*

(i) Date established: June 21, 1995.

(ii) Function: Reviews and evaluates available scientific data concerning the safety of products which may be at risk for transmission of spongiform encephalopathies having an impact on the public health.

* * * * *

Dated: July 5, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–17686 Filed 7–11–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

22 CFR Part 126

[Public Notice 2410]

Amendment to the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulation (ITAR) (22 CFR parts 120–130) to reflect that it is no longer the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in the states of the former Yugoslavia with the exception of the Federal Republic of Yugoslavia (Serbia and Montenegro). This includes Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia. With respect to those countries no longer on the proscribed list, all requests for licenses or other approvals involving items covered by the U.S. Munitions List (22 CFR part 121) will be reviewed on a case-by-case basis. The Yugoslavia licenses and approvals suspended by the Federal Register notice of July 19, 1991 (58 FR 33322) continue to remain suspended. Exports or other transfers of affected items may only take place pursuant to new licenses or other approvals.

EFFECTIVE DATE: This amendment is effective July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Rene BeBeau, Office of Arms Transfer and Export Control Policy, Bureau of Political-Military Affairs, Department of State (202–647–4231).

SUPPLEMENTARY INFORMATION: Upon the initialling of the Dayton accords, the UN Security Council (UNSC) on November 22, 1995, adopted Resolution 1021, providing for a phased lifting of the UNSC arms embargo on all the successor states of former Yugoslavia. With the signing of the peace agreement on December 14, 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and the submission of a report on the signing by the UN Secretary General (''signing report'') on the same date, the timeline for the phased lifting began.

UNSC Resolution 1021 provided that during the first 90 days from the day the Secretary-General submitted the signing report, all the provisions of the embargo under UNSC Resolution 713 remained in place. For the second ninety days following the submission of the signing report, all provisions of the arms embargo were terminated, except that delivery of heavy weapons (as defined in the peace agreement), ammunition therefor, mines, military aircraft and helicopters continued to be prohibited until the arms control agreement referred to in Annex 1B of the Dayton accords had taken effect. After the 180th day following the submission of the signing report, and after the Secretary-General submitted an additional report (on the implementation of Annex 1B), all provisions of the UNSC arms embargo terminated.

The Secretary-General submitted the report on the implementation of Annex 1B (Agreement on Regional Stabilization) on June 14, 1996. June 14 is thus the day upon which the UNSC arms embargo on the states of the former Yugoslavia, imposed by the Security Council in Resolution 713, terminated.

Section 126.1(c) of the ITAR states that whenever the UN Security Council mandates an arms embargo, all transactions which are prohibited by the embargo and which involve U.S. persons anywhere, or any person in the United States, and defense articles and services of a type enumerated on the United States Munitions List, irrespective of origin, are prohibited under the ITAR for the duration of the embargo, unless the Department of State publishes a Federal Register notice specifying different measures. Notice of the policy of denial and suspension with regard to the states of former Yugoslavia was published in the Federal Register on July 19, 1991 (58 FR 33322).

The lifting at this time of the policy of denial with respect to states of former Yugoslavia other than the FRY (Serbia and Montenegro), and corresponding amendment to the relevant portion of § 126.1(a) of the ITAR, is consistent with developments in the region and is in furtherance of our national security and foreign policy objectives.

The Federal Register notice of July 19, 1991, may not, however, cease to be effective with respect to the FRY (Serbia and Montenegro) without a certification to Congress by the President pursuant to Section 540A of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, Pub. L. 104–107. No such certification has been made.

Licenses and approvals subject to the new policy on the states of the former Yugoslavia other than the FRY (Serbia and Montenegro) include manufacturing licenses, technical assistance agreements, technical data, and commercial defense article and defense service exports and other transfers of any kind involving these countries under the authority of the Arms Export Control Act and the International Traffic in Arms Regulations.

This amendment to the ITAR involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth in the preamble, and under the authority of Section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958, as amended, 22 CFR Subchapter M is amended as follows:

PART 126—[AMENDED]

1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Arms Export Control Act, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); E.O. 11958, 41 FR 4311; E.O. 11322, 32 FR 119; 22 U.S.C. 2658; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205.

§ 126.1 [Amended]

2. Section 126.1(a) is amended and revised by removing ''the states of the former Yugoslavia'' and replacing it with ''the FRY (Serbia and Montenegro),'' so that as revised, paragraph (a) reads as follows:

(a) *General.* It is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Afghanistan, Armenia, Azerbaijan, Belarus, Cuba, Georgia, Iran, Iraq, Kazakstan, Kyrgyzstan, Libya, Moldova, Mongolia, North Korea, Syria, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam. This policy also applies to countries with respect to which the United States maintains an arms embargo (e.g. Burma, China, the Federal Republic of Yugoslavia (Serbia and Montenegro), Haiti, Liberia, Rwanda, Somalia, Sudan and Zaire) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. Comprehensive arms embargoes are normally the subject of a State Department notice published in the Federal Register. The exemptions provided in the regulations in this

subchapter, except §§ 123.17 and 125.4(b)(13) of this subchapter, do not apply with respect to articles originating in or for export to any proscribed countries or areas. With regard to § 123.27 the exemption does not apply with respect to articles originating in or for export to countries prohibited by a United Nations Security Council Resolution or to which the export (or for which the issuance of a license for the export) would be prohibited by a U.S. statute (e.g. by Section 40 of the Arms Export Control Act, 22 U.S.C. 2780, to countries that have been determined to have repeatedly provided support for acts of international terrorism, i.e., Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria).

* * * * *

Dated: June 28, 1996.

Lynn E. Davis,

Under Secretary for Arms Control and International Security Affairs.

[FR Doc. 96–17753 Filed 7–11–96; 8:45 am]

BILLING CODE 4710–25–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Chapters XXVI and XL

RIN 1212–AA75

Reorganization, Renumbering, and Reinvention of Regulations; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: On July 1, 1996, the Pension Benefit Guaranty Corporation published in the Federal Register (at 61 FR 34001, FR Doc. 96–16398) a final rule reorganizing, renumbering, and reinventing its regulations. This document contains corrections to the final rule.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: FR Doc. 96–16398, appearing at 61 FR 34001 (July 1, 1996), contained errors that are corrected as follows:

§ 4022.23 [Corrected]

1. On page 34032, in the table, the entries for ages 52 and 53, footnote 1 to the table, and the first sentence of footnote 2 to the table, are corrected to read as follows:

FACTORS FOR CONVERTING TEMPORARY ADDITIONAL BENEFIT UNDER STEP-DOWN LIFE ANNUITY

Age of participant [1] at the later of the date the temporary additional benefit commences or the date of plan termination	Number of years temporary additional benefit is payable under the plan as of the date of plan termination [2]									
	1	2	3	4	5	6	7	8	9	10
* *	*		*		*		*		*	
52	.067	.131	.191	.248	.303	.357	.404	.451	.498	.545
53	.068	.133	.194	.252	.308	.363	.411	.459	.507	.555
* *	*		*		*		*		*	

[1] At last birthday.

[2] If the benefit is payable for less than 1 year, the appropriate factor is obtained by multiplying the factor for 1 year by a fraction, the numerator of which is the number of months the benefit is payable, and the denominator of which is 12. * * *

§ 4022.24 [Corrected]

2. On page 34033, in the left column, in paragraph (4) of § 4022.24(c), the words ''thereafter.) In'' are corrected to read ''thereafter). In''.

§ 4022.62 [Corrected]

3. On page 34036, in the right column, in the paragraph headed ''Example 3—Facts'' and in paragraph (i) under the paragraph headed ''Estimated guaranteed benefit,'' the figures ''$2000'' (which appear once in each of those two paragraphs) are corrected to read ''$2,000''.

§ 4022.63 [Corrected]

4. On page 34038, in the left column, in the undesignated paragraph following the paragraph headed ''Estimated title IV benefit,'' the figure ''$1000'' is corrected to read ''$1,000''.

§ 4041A.2 [Corrected]

5. On page 34052, in the right column, in the second line of § 4041A.2, the reference ''§ 4001.l'' (ending with the letter ''l'') is corrected to read ''§ 4001.1'' (ending with the numeral ''1'').

Appendix A to Part 4044—[Corrected]

6. On pages 34067 and 34068, in Table 2–M, the heading for the right column is corrected to read ''q_x''.

7. On page 34067, in the center column, in Table 2–M, the entry for age 33 is corrected to read as follows:

Age x	q_x
33	0.030200

8. On page 34068, in the center column, in Table 2–F, the entry for age 79 is corrected to read as follows:

Age x	q_x
79	0.075524

9. On pages 34068 and 34069, in Table 3, the heading for the left column is corrected to read ''Age x''.

Appendix B to Part 4044—[Corrected]

10. On page 34069, in Table I [Annuity Valuations], the figures ''i_1'' (i-subscript-1), where they appear four times in the column headings, are corrected to read ''it'' (i-subscript-t), and the entry for July 1994 is corrected to read as follows:

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
* * *	*		*	*		*
July 1994	.0690	1–25	.0525	>25	N/A	N/A
* * *	*		*	*		*

11. On page 34070, in Table II [Lump Sum Valuations], in the second line of text, the words and figures ''interger and $o < y \leq n_1$),'' are corrected to read ''integer and $o < y \leq n_1$),''.

Appendix D to Part 4044—[Corrected]

12. On page 34071, in Table I–96 [Selection of Retirement Rate Category], the abbreviation ''NRA'' is corrected to read ''URA'' wherever it appears (four times) in the column headings.

13. On pages 34071 and 34072, in Tables II–A, II–B, and II–C, the words ''Normal retirement age'' are corrected to read ''Unreduced retirement age'' wherever they appear in the column headings (once in each of the three tables).

14. On page 34071, in Table II–A [Expected Retirement Ages for Individuals in the Low Category], the entry for age 63 is corrected to read as follows:

Participant's earliest retirement age at valuation date	Unreduced retirement age										
	60	61	62	63	64	65	66	67	68	69	70
* * *	*		*	*		*		*		*	
63	.....	.....	.....	63	63	64	64	65	65	65	65
* * *	*		*	*		*		*		*	

Issued in Washington, D.C., this 9th day of July, 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–17791 Filed 7–11–96; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 575

Iraqi Sanctions Regulations; Executory Contracts with the Government of Iraq

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: This final rule amends the Iraqi Sanctions Regulations to provide a general license authorizing U.S. persons to enter into executory contracts with the Government of Iraq for the purchase of Iraqi–origin petroleum and petroleum products, the sale of essential parts and equipment for the Kirkuk–Yumurtalik pipeline system, and the sale of humanitarian goods, with performance conditioned upon approval by the Office of Foreign Assets Control within the framework of United Nations Security Council Resolution 986 (1995).

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief, Licensing Division, Tel.: 202/622–2480, or William B. Hoffman, Chief Counsel, Tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

On April 14, 1995, the United Nations Security Council (the ''UNSC'') adopted Resolution 986, which creates a framework, subject to agreement of the Government of Iraq, that would permit the Government of Iraq to sell $2 billion worth of petroleum and petroleum products over a 6–month period, with all proceeds placed in a UN escrow account for designated uses. On May 20, 1996, a Memorandum of Understanding Between the Secretariat of the United Nations and the Government of Iraq on the Implementation of Security Council Resolution 986 (1995) (the ''Memorandum of Understanding'') was signed by representatives of the Government of Iraq and the United Nations (the ''UN''). The Memorandum of Understanding contains agreements preparatory to implementation of Resolution 986. A portion of the proceeds in the escrow account will be

available for Iraq's purchase of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, to be specified in a list prepared by Iraq and submitted to and approved by the UN Secretary–General. At the UN level, this program will be administered by the UNSC Committee established pursuant to UNSC Resolution 661 (the ''661 Committee''), which will establish guidelines concerning procedures for permitted Iraqi purchases and sales. Within the United States, the Treasury Department's Office of Foreign Assets Control (''OFAC''), in consultation with the Department of State, will implement UNSC Resolution 986. No direct financial transactions with the Government of Iraq are permitted.

This final rule amends the Iraqi Sanctions Regulations, 31 CFR part 575 (the ''Regulations''), to provide a general license in new § 575.522, authorizing U.S. persons to enter into executory contracts with the Government of Iraq for the purchases of Iraqi–origin petroleum and petroleum products, and the sales of humanitarian goods and pipeline parts and equipment permitted pursuant to UNSC Resolution 986, provided that no contract with the Government of Iraq can be performed except as further authorized by OFAC. New §§ 575.323, 575.324, 575.325, and 575.326, provide definitions for the terms ''661 Committee,'' ''UNSC Resolution 986,'' ''986 Escrow Account,'' and ''executory contract.''

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including SOMO, must be placed in the UN escrow account at Banque Nationale de Paris, New York (the ''986 Escrow Account''), and all Iraqi payment for sales of authorized pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon 661 Committee approval, be paid or payable out of the 986 Escrow Account.

The Office of Foreign Assets Control will provide further guidance on licensing policy for purchases of Iraqi–origin petroleum and petroleum products, and sales to Iraq of pipeline parts and equipment essential to the safe operation of the Kirkuk–Yumurtalik pipeline and of humanitarian goods, once the 661 Committee has provided guidance on its requirements for contract approval.

Because the Regulations involve a foreign affairs function, Executive Order 12886 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.

There is no collection of information contained herein.

List of Subjects in 31 CFR Part 575

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Humanitarian aid, Imports, Iraq, Oil imports, Penalties, Petroleum, Petroleum products, Reporting and recordkeeping requirements, Specially designated nationals, Travel restrictions.

For the reasons set forth in the preamble, 31 CFR part 575 is amended as follows:

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; Pub. L. 101–513, 104 Stat. 2047–55 (50 U.S.C. 1701 Note); 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.

Subpart C—General Definitions

2. Section 575.323 is added to subpart C to read as follows:

§ 575.323 661 Committee.

The term *661 Committee* means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary–General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986 (1995).

3. Section 575.324 is added to subpart C to read as follows:

§ 575.324 UNSC Resolution 986.

The term *UNSC Resolution 986* means United Nations Security Council Resolution 986, adopted April 14, 1995.

4. Section 575.325 is added to subpart C to read as follows:

§ 575.325 986 Escrow Account.

The term *986 Escrow Account* means the escrow account established by the Secretary–General of the United Nations pursuant to paragraph 7 of UNSC Resolution 986.

5. Section 575.326 is added to subpart C to read as follows:

§ 575.326 Executory contract.

The term *executory contract* means a contract which cannot be performed according to its terms until a stated condition has been fulfilled, such as a contract which requires the approval of a regulatory body before the contracting parties may begin performance.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

6. Section 575.522 is added to subpart E to read as follows:

§ 575.522 Executory contracts with the Government of Iraq for trade in petroleum, pipeline parts and equipment, and humanitarian goods authorized.

(a) United States persons are authorized to enter into executory contracts with the Government of Iraq for the following transactions, the performance of which (including any preparatory activities, payments or deposits related to such executory contracts) is contingent upon the prior authorization of the Office of Foreign Assets Control in or pursuant to this part:

(1) The purchase and exportation from Iraq of Iraqi–origin petroleum and petroleum products;

(2) The trading, importation, exportation, or other dealings in or related to Iraqi–origin petroleum and petroleum products outside Iraq;

(3) The sale and exportation to Iraq of parts and equipment that are essential for the safe operation of the Kirkuk–Yumurtalik pipeline system in Iraq; and

(4) The sale and exportation to Iraq of medicines, health supplies, foodstuffs, and materials and supplies for essential civilian needs.

(b) The authorization contained in paragraph (a) of this section applies only to executory contracts meeting both of the following conditions:

(1) The executory contracts, including all related financing, insurance, transportation, delivery, and other incidental contracts, are consistent with all requirements of UNSC Resolution 986, other applicable Security Council resolutions, the May 20, 1996 Memorandum of Understanding Between the Secretariat of the United Nations and the Government of Iraq on the Implementation of Security Council Resolution 986 (1995), and applicable guidance issued by the 661 Committee; and

(2) The executory contracts make any performance involving the exportation, reexportation, transfer or supply of any goods, technology or services that are subject to license application requirements of another Federal agency contingent upon the prior authorization of that agency. See § 575.101(b).

(c) Nothing in this section authorizes any transaction related to a United States person's travel to Iraq or activity

within Iraq, or any debit to an account blocked pursuant to this part.

(d) Note: U.S. passports must be validated by the U.S. Department of State for travel to Iraq.

(e) Attention is drawn to the recordkeeping and retention requirements of § 575.601.

Dated: July 9, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: July 9, 1996.

James E. Johnson,

Assistant Secretary (Enforcement).

[FR Doc. 96–17951 Filed 7–10–96; 2:05 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 127, 158, 179, and 183

[CGD 96–026]

RIN 2115 AF33

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations [CGD 96–026] which were published Friday, June 28, 1996, (61 FR 33660). The regulations related to recent agency organizational changes and editorial changes throughout Title 33, Code of Federal Regulations.

EFFECTIVE DATE: June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Janet Walton, Project Manager, Office of Standards Evaluation and Development (G–MSR–2), (202) 267–0257.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections amend Title 33, Code of Federal Regulations to reflect recent agency organizational changes. They also make editorial changes to correct addresses, update cross-references, remove obsolete regulatory provisions and make other technical corrections. This rule has no substantive effect on the regulated public.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on June 28, 1996, of the final regulations [CGD 96–026], which were the subject of FR Doc. 96–16488 is corrected as follows:

§ 127.003 [Corrected]

1. On page 33665, in the first column, in § 127.003, line 2, the word ''(G–MTH)'' is corrected to read ''(G–MPS)''.

§ 158.140 [Corrected]

2. On page 33668, in the first column, in § 158.140(a)(2), line 4, add the word ''port'' immediately before the word ''or''.

§ 179.19 [Corrected]

3. On page 33669, in the second column, line 26, the amendatory language for § 179.19 is corrected to read ''In § 179.19, in paragraph (b), remove the word ''(G–MMS–4)'' and add, in its place, the word ''(G–MSE–4)''.''

§ 183.3 [Corrected]

4. On page 33670, in the second column, in § 183.3, add, following the definition of ''*Transom*'', the definition ''*Transom height* means the vertical distance from the lowest point of water ingress along the top of the transom to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.''.

Dated: July 10, 1996.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96–17894 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH64

Post-Vietnam Era Veterans' Educational Assistance: Miscellaneous; Correction

AGENCIES: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical errors contained in a final rule published in the Federal Register on Friday, June 7, 1996 (61 FR 29028), concerning the Post Vietnam Era Veterans' Educational Assistance Program (VEAP). This action is necessary to correct amendatory language regarding authority citations.

EFFECTIVE DATE: June 7, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–273–7187.

Accordingly, the publication on June 7, 1996 of the final rule, which was the subject of FR Doc. 96–14202, is corrected as follows:

§ 21.5100 [Correction]

On page 29030, in the first column, in § 21.5100, amendatory instruction number 11 is corrected to read as follows:

In § 21.5100, the authority citation following paragraph (b) is amended by removing ''3241; Pub. L. 96–466, Pub. L. 99–576'', and adding, in its place, ''3697A(a)''; the authority citation following paragraph (c) is amended by removing ''1663 (repealed, Pub. L. 102–16 § 2(b)(1)); Pub. L. 99–466, Pub. L. 99–576'' and adding, in its place, ''3241, 3697A(a) and (b)''; and the authority citation following paragraph (d) is amended by removing ''3697A'' and adding, in its place, ''3697A(c)''.

Dated: July 5, 1996.

Thomas O. Gessel,

Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs.

Dated: July 8, 1996.

W.S. Sellman,

Director, Accession Policy Office, Assistant Secretary for Force Management Policy, Department of Defense.

[FR Doc. 96–17726 Filed 7–11–96; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 64

[MD Docket No. 96–84; FCC 96–295]

Assessment and Collection of Regulatory Fees for Fiscal Year 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has revised its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 1996. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory

fees. For fiscal year 1996 sections 9(b)(2) and (3) provide for annual ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees. These revisions will further the National Performance Review goals of reinventing Government by requiring beneficiaries of Commission services to pay for such services.

EFFECTIVE DATE: September 10, 1996.

FOR FURTHER INFORMATION CONTACT: Peter W. Herrick, Office of Managing Director at (202) 418–0443, or Terry D. Johnson, Office of Managing Director at (202) 418–0445.

SUPPLEMENTARY INFORMATION:

Adopted: July 1, 1996;
Released: July 5, 1996.

By the Commission: Commissioner Chong concurring and issuing a statement in which Commissioner Quello joins at a later date.

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I. Introduction

1. By this *Report and Order,* the Commission completes its rulemaking proceeding to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress, pursuant to Section 9(a) of the Communications Act, has required it to collect for Fiscal Year (FY) 1996. *See* 47 U.S.C. § 159(a).

2. For FY 1996, Congress has required that we collect $126,400,000 in regulatory fees in order to recover the costs of our enforcement, policy and rulemaking, international and user information activities for FY 1996. Public Law No. 104–134 and 47 U.S.C. § 159(a)(2). This is $10 million more than Congress designated for recovery through regulatory fees for FY 1995. *See Assessment and Collection of Regulatory Fees for Fiscal Year 1995,* FCC 95–227, released June 19, 1995, 60 FR 34004 (June 29, 1995). *See FY 1995 Report and Order,* 10 FCC Rcd 13531. It is also $10 million more than Congress initially required us to collect in regulatory fees for FY 1996.[1] *See Notice of Proposed Rulemaking in the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1996,* FCC 96–153, released April 9, 1996, 61 FR 16432 (April 15, 1996). The current Schedule of Regulatory Fees (''Schedule'') is set forth in Sections 1.1152 through 1.1156 of the Commission's rules. 47 CFR §§ 1.1152–1.1156.

[1] Subsequent to the April 9, 1996 release of our NPRM in this proceeding, the Congress passed and the President signed on April 26, 1996, H.R. 3019 (Public Law No. 104–134), 110 STAT. 1321, which changed the total amount of regulatory fees to be collected in FY 1996 from $116.4 million (contained in Public Law No. 104–99) to $126.4 million.

3. In addition to adjusting our Section 9 regulatory fees to ensure collection of the $126.4 million that Congress requires us to collect in FY 1996, we are also adjusting the Schedule and associated payment procedures to reflect changes to certain fee amounts recently mandated by Congress in Public Law No. 104–134, to reflect changes in the estimated number of payment units associated with services subject to a fee and to incorporate certain public interest considerations. *See* 47 U.S.C. 159(b).

4. Finally, we are amending the Schedule in order to assess regulatory fees upon licensees and/or regulatees of services not currently subject to payment of a fee, to simplify and streamline the Schedule and to clarify and/or revise certain payment procedures. 47 U.S.C. § 159(b)(3). Except where noted, in those instances where we received no comments on a proposal set forth in our *NPRM,* we are adopting the proposal without further discussion.

II. Background

5. Section 9(a) of the Communications Act of 1934, as amended, requires us to assess and collect annual regulatory fees to recover the costs, as determined annually by Congress, that we incur in carrying out enforcement, policy and rulemaking, international, and user information activities. 47 U.S.C. 159(a). In our *FY 1994 Report and Order,* 59 FR 30984 (June 16, 1994), 9 FCC Rcd 5333, we adopted the Schedule of Regulatory Fees that Congress established and we prescribed rules to govern payment of the fees, as required by Congress. 47 U.S.C. § 159(b), (f)(1). Subsequently, in our *FY 1995 Report and Order,* we modified the Schedule to increase by approximately 93 percent the revenue generated by our regulatory fees due to the increased amount that Congress required us to collect in FY 1995. 60 FR 34004 (June 29, 1995). Also, in the *FY 1995 Report and Order,* we amended certain rules governing our regulatory fee program based upon our experience administering the program in FY 1994. *See* 47 CFR §§ 1.1151 *et seq.*

6. As noted above, for FY 1994 we adopted the Schedule of Regulatory Fees established in Section 9(g) of the Act. For fiscal years after FY 1994, however, Sections 9(b)(2) and (3), respectively, provide that we adjust our fees by making ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees. 47 U.S.C. 159(b)(2), (b)(3). Section 9(b)(2), entitled

''Mandatory Adjustments'', requires that we revise the Schedule of Regulatory Fees whenever Congress changes the amount that we are to recover. 47 U.S.C. 159(b)(2).

7. Section 9(b)(3), entitled ''Permitted Amendments,'' requires that we determine annually whether to adjust the fees to take into account factors that are reasonably related to the benefits provided to the payors of the fees and factors that are in the public interest. In making these amendments, we are to ''add, delete, or reclassify services in the Schedule to reflect additions, deletions or changes in the nature of its services.'' 47 U.S.C. 159(b)(3). Section 9(i) requires that we develop accounting systems necessary to making permitted amendments. 47 U.S.C. 159(i). Finally, we are required to notify Congress of any permitted amendments 90 days before those amendments go into effect. 47 U.S.C. 159(b)(4)(B).

III. Discussion

A. Overall Methodology

8. As noted above, Congress has required that we recover $126,400,000 for FY 1996 through the collection of regulatory fees, representing the costs applicable to our enforcement, policy and rulemaking, international, and user information activities. 47 § U.S.C. 159(a).

9. In our *NPRM*, we proposed to develop our fees for FY 1996 by first adjusting our estimates of payment units so that we could determine how much revenue we would collect even if we did not change any individual fee amounts. We then compared the total estimated revenue that we would collect at the existing fee amounts to the total revenues that we are required to collect in FY 1996 ($126.4 million), and pro-rated the difference among all the existing fee categories.[2] We then intended to compare these projected revenues with cost data accumulated from our new cost accounting system and to make any further adjustments necessary to ensure that costs generally correlated with revenues in each fee category. As discussed in the *NPRM*, this step was not performed due to implementation problems associated with our new cost accounting system.

10. We next considered various recommendations made by our Bureaus' and Offices' managers concerning adjustments to the fees and to our collection procedures. The results of these actions, the detailed steps we followed in the development of our proposed FY 1996 regulatory fees, and a proposed new Schedule of Regulatory Fees were presented in our *NPRM*.[3] In addition, we provided detailed descriptions of each fee category, information on the entity responsible for payment of each fee, and other critical information designed to assist potential fee payers in determining the extent of fee liability, if any, for FY 1996. We invited interested parties to comment on our proposed methodology and on our various proposals to revise the Schedule of Regulatory Fees. We are adopting the same general methodology, as set forth in Paragraphs 12–14 below, for developing FY 1996 regulatory fees as we proposed in our *NPRM*.

11. While we received no comments specifically supporting or opposing the proposed methodology, the law firm of Bernstein and McVeigh contends that regulatees are entitled to a fee payment credit because the Federal government, including the Commission, was closed for business for significant periods due to budget disputes and snowstorms resulting in substantially lower regulatory expenditures than anticipated. However, we have no discretion in the amount that we are required to collect since it is Congress that annually establishes the amount that we are to collect through regulatory fees. *See* 47 U.S.C. 159(a). Thus, Bernstein and McVeigh's pleading requires no further discussion.

B. Adjustment of Payment Units

12. In order to calculate individual service fees for FY 1996, we first adjusted the estimated payment units for each service because, in many services, payment units have changed substantially since last year. We obtained our estimates through a variety of means, including our licensee data bases, actual prior year payment records, and industry and trade group projections. Herein, we are further adjusting certain payment units to reflect refinements to our unit counts since adoption of our *NPRM*. Appendix B provides a summary of how payment units were determined for each fee category.

C. Adjustment of Television Station Fees

13. On April 26, 1996, the President signed H.R. 3019 (Public Law No. 104–134), ''The Balanced Budget Downpayment Act.'' This legislation, in addition to requiring that we collect $126.4 million in regulatory fees, revised the fees for television broadcast licensees set forth in Section 1.1153 of our rules.[4] As Congress has required, we have incorporated its revised television station fees into our Schedule of Regulatory Fees for FY 1996.

D. Recalculation of Fees—Mandatory Adjustments

14. We next determined the amount of revenue to be collected from television station licensees based on the new fee amounts established by Congress, as discussed in Paragraph 13. *See* Appendix C. We subtracted our estimated television revenues ($10,060,000) from the total amount that Congress requires us to collect in FY 1996 ($126,400,000). The difference ($116,340,000) is the amount to be recovered from all other regulatees in order to meet Congress' requirement for FY 1996. We then multiplied the revised payment unit estimates for FY 1996 by the corresponding FY 1995 fee amounts in each non-television fee category to determine the revenue we would collect in FY 1996, assuming no other change to the FY 1995 fees. Next, we adjusted the revenue requirements for each fee category on a proportional basis, consistent with Section 9(b)(2) of the Act, in order to insure that we would collect approximately $116,340,000 from these fee categories. Finally, we recalculated the individual fee amounts in order to collect the adjusted amount in each service, and

[2] As noted earlier, Congress increased the amount to be collected in FY 1996 from $116.4 million to $126.4 million subsequent to release of our *NPRM* in this proceeding.

[3] Permitted amendments are being made pursuant to Section 9(b)(3) to incorporate CMRS Mobile Services, CMRS One-Way Paging, Intelsat & Inmarsat Signatory, and Low Earth Orbit (LEO) Satellite Systems regulatory fee categories and to make related changes to Geosynchronous Space Station fees. These new permitted amendments will require 90 days Notice to Congress prior to implementation. 47 U.S.C. 159(b)(4)(B). However, it should be noted that for the CMRS Mobile Services, licensees who have not elected to convert their stations from private to commercial status will not be subject to payment of a CMRS Mobile Services regulatory fee for FY 1996. Therefore, for stations licensed as commercial on or before the date of determination of fee liability the fee will become effective 60 days from the date of publication in the Federal Register. *See* para. 17–22.

[4] Specifically, Public Law No. 104–134 made the following changes to Section 1.1153:

Fee category (VHF/UHF Television stations)	FY 1995 fee	New FY 1996 fee
VHF Markets 1–10	$22,420	$32,000
VHF Markets 11–25	19,925	26,000
VHF Markets 26–50	14,950	17,000
VHF Markets 51–100	9,975	9,000
Remaining VHF Markets	6,225	2,500
UHF Markets 1–10	17,925	25,000
UHF Markets 11–25	15,950	20,000
UHF Markets 26–50	11,950	13,000
UHF Markets 51–100	7,975	7,000
Remaining UHF Markets	4,975	2,000

rounded each fee amount as provided by Section 9(b)(2).[5] Appendix C provides detailed calculations describing how the revised fee amounts were determined.

E. Proposed Permitted Amendments

15. In our *NPRM*, we proposed certain changes and additions to our current fee categories and to our methodologies for assessing fees in individual service categories. We have given full consideration to the comments by interested parties and, in certain instances, we have decided that further adjustments to the Schedule of Regulatory Fees are warranted based upon the public interest and other criteria established in 47 U.S.C. 159(b)(3). Each of these changes is discussed below together with any comments we received in response to our *NPRM*. However, as noted above, we will not discuss further any of our proposals from the *NPRM* which received no comments. Instead, these proposals are incorporated as proposed in our *NPRM* or are not adopted in those cases in which we proposed not to change our current rules and procedures. These include: Commercial AM/FM/TV Construction Permits, where we considered and rejected including the revenue requirement in the fees for the broadcast station licensees; Wireless Cable, where we considered and rejected the idea of basing the payment units on subscriber counts instead of on a per license basis; Direct Broadcast Satellite (DBS) Service, where we also considered and rejected a proposal to establish payment units on a subscriber basis rather than per satellite; Interstate Telephone Service Providers, where we proposed to consolidate several service categories into one category; and Earth Stations, where we also proposed to consolidate several service categories into one category.

1. Commercial Mobile Radio Service (CMRS)

16. In the NPRM, we proposed to establish a CMRS Mobile Services fee category and to include in the category cellular providers and CMRS service licensees authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. *See NPRM* at para. 19. We stated that the new CMRS Mobile Services category was intended to replace the Public Mobile/Cellular Radio regulatory fee category and that certain mobile services assigned to the Private Land Mobile Radio Service fee category for FY 1995 would be included in the new CMRS category for FY 1996.[6] Also, we proposed to defer assessing a regulatory fee upon licensees in the Personal Communications Service (PCS) because PCS is in a very early start-up phase. Finally, we proposed that CMRS Mobile Services fee payors calculate their annual regulatory fee based on their total mobile or cellular unit (mobile or cellular call sign or telephone number) count, or on their total per unit (two-way pager) count, as determined on December 31, 1995.

17. The American Mobile Telecommunications Association, Inc. (AMTA) and Nextel Communications, Inc. (Nextel) oppose including Specialized Mobile Radio (SMR) licensees and other mobile communications providers, previously assigned to one of the Private Mobile Radio Services (PMRS) fee categories, in the CMRS Mobile Services fee category for FY 1996. The parties contend that these mobile service providers are not properly subject to the CMRS Mobile Services fee because their operations were not a part of the CMRS service on December 31, 1995, the date for calculating the CMRS Mobile Services fee, and, in fact, will not convert to CMRS status until August 10, 1996. AMTA and Nextel also urge that we exclude from the CMRS Mobile Services category any mobile units that do not have full interconnection capability with the public switched network. In addition, Nextel contends that, given the competitive status of CMRS providers, we should not subject some new mobile service providers to a CMRS Mobile Services fee and defer imposition of the requirement on other new providers, such as PCS. Instead, AMTA and Nextel urge that current mobile service providers pay no fee or remain in the PMRS fee category. Finally, AMTA contends that existing mobile licensees who have paid their regulatory fees in advance should not be subject to a CMRS Mobile Services fee until they file applications for renewal or reinstatement. In the alternative, AMTA and Nextel contend that current licensees that become subject to the CMRS Mobile Services fee before their existing licenses expire are entitled to a credit for the remaining years of their advance fee payments.

18. In the Omnibus Budget Reconciliation Act of 1993, Congress provided that private carrier systems, including 220–222 MHz and SMR services, providing interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public, were to be reclassified as CMRS licensees.[7] Congress provided a three year transition period pursuant to which private carrier licensees authorized prior to August 10, 1993, would continue to be regulated as private carriers until August 10, 1996. Therefore, we agree with the commenters that we should not require licensees that will not become subject to CMRS regulation until August 10, 1996, to pay a CMRS Mobile Services fee for FY 1996. Further, we agree with the parties that existing CMRS licensees should include in their calculations of the CMRS Mobile fee only those units operational on December 31, 1995. Also, as a result of this decision, we have reduced our estimate of the number of payment units for this category.

19. However, we do not agree that CMRS units that do not fully connect with the public switched network should not be subject to the CMRS fee. Consistent with Sections 9(a) and 9(b), our CMRS Mobile Services fee is based upon the costs of our regulatory oversight. As such, we will require mobile providers to submit a CMRS Mobile Services fee based upon our regulatory costs rather than the particular use that a provider makes of its frequencies. Therefore, mobile operators, otherwise subject to the CMRS Mobile Services fee, should submit a CMRS Mobile services fee for any unit operating under the authority of a license authorizing the operator to provide ''for profit'' service to the public and to interconnect its services with the public switched network, without limitation, or to such classes of eligible users as to be effectively available to a substantial portion of the public, as

[5] Section 9(b)(2) requires that we round fees to the nearest $5 in the case of fees under $1,000, or to the nearest $25 in the case of fees of $1,000 or more. 47 U.S.C. 159(b)(2).

[6] Specifically, we proposed that the CMRS Mobile Service fee category would include cellular providers (Part 22) and Business Radio Services, 220–222 MHz Land Mobile Systems, Specialized Mobile Radio Services (Part 90); Public Coast Stations (Part 80); Public Mobile Radio, 800 MHz Air-Ground Radiotelephone, and Offshore Radio Services (Part 22). Licensees who have not elected to convert from private to commercial operations will be exempt from payment of the annual CMRS Mobile Services fee for FY 1996. Existing commercial licensees and those who elected to convert prior to December 31, 1995, must pay the annual CMRS Mobile Services fee for FY 1996.

[7] *See* Omnibus Budget Reconciliation Act of 1993, Public Law No. 103–66, Title VI § 6002(b), 107 Stat. 312, 392.

described in Section 20.3 of our Rules.[8] 47 CFR 20.3.

20. In addition, we reject Nextel's argument that, because we have decided that PCS licensees should not be subject to the fee for FY 1996, all new providers of CMRS service should be excepted from payment of the CMRS Mobile Services fee. Unlike other services within the CMRS category of services, PCS has only recently been established and few PCS providers are now operational. In contrast, SMR licensees, such as Nextel, have long been eligible to provide mobile service, including interconnection with the public switched network, and thus, although they may be newly assigned to CMRS, these operators cannot be said to be new providers of mobile services.

21. We recognize that some current mobile service providers have paid Private Land Mobile fees covering the length of their license term. However, we decline to defer assessing a CMRS fee on these licensees until the expiration of their current licenses.[9] In our *NPRM,* we stated that payors of advance fees would not have these fees ''adjusted'' during their license term. *See NPRM* at para. 56. Our clear purpose was to assure payors of advance fees that we would not require any additional payment if we increased the fee amount required for the fee category in which the payment was made. It was not our intent that licensees transferred from one fee category to another would not be subject to the fee payment required by their new fee category until the expiration of their current license. Nevertheless, under our Rules, a licensee is entitled to a refund of an advance payment, upon request, whenever we ''adopt new rules that nullify a license or other authorization.'' 47 CFR 1.1159(2)(i). Therefore, any licensee that converts from private to CMRS and has paid its fees in advance for a period of years, may file a request for refund with its initial CMRS regulatory fee payment. Detailed procedures for refund requests will be issued by Public Notice.

22. Destineer, Inc., a PCS licensee, asks that we establish a CMRS Messaging Service fee category to replace our CMRS One-Way Paging fee category. Destineer recognizes that, as a PCS provider, it is not subject to any fee payment for FY 1996. However, it states that, with the exception of two-way paging services, our CMRS Mobile category includes only broadband services and that broadband services, unlike paging services, provide for real time two-way interactive voice communications. We agree with Destineer that there are important regulatory, technical and competitive differences between the two narrowband and broadband services that may warrant establishing a fee category that would include all narrowband services, including two-way paging. However, Destineer has provided us with no information concerning how to structure its proposed fee category, *e.g.*, estimated units that would be included in the category for FY 1996 or the impact of the new fee category on revenues from our CMRS Mobile fee category. Therefore, we will adopt our proposed CMRS Mobile Services and CMRS One-Way Paging fee categories for FY 1996, but we invite interested parties to file proposals and comments on alternative methods to assess CMRS fees in our proceeding to establish regulatory fees for FY 1997.

2. Commercial AM/FM Radio

23. In our *NPRM,* we discussed a proposal to assess regulatory fees for Commercial AM and FM radio licensees according to the size of a station's market, but concluded that development of a market-based fee assessment methodology for radio broadcast stations appeared to be not cost effective. *See* FCC 96–153 at ¶ 20.[10] As a result, we proposed to assess radio broadcast fees solely on the basis of class of license, utilizing the statutory fee structure that we adopted for FY 1994 and FY 1995. 47 U.S.C. 159(g). In our *NPRM,* we invited comments proposing alternatives to the current radio fee structure. *Id.* at ¶ 21.

24. The Montana Broadcasters Association (Montana) filed comments proposing a radio broadcast service fee structure based on class of station and on market size. Montana maintains that its proposed fee structure is similar to the fee structure that Congress enacted for television broadcast stations and that it would more fairly allocate regulatory fees among radio stations by reducing the fees for small market radio stations and increasing them for larger stations. *See* 47 U.S.C. 159(g).

25. Montana's proposed fee structure takes into account both a station's market size and the classification of its facilities. The proposed fee structure establishes broad groupings of radio broadcast markets determined by market size. It assigns a different level of fees for each market grouping predicated on the ratios between fees that Congress initially assessed for licensees in different sized television markets. Montana proposes four specific market classifications: Markets 1 through 25, Markets 26 through 50, Markets 51 through 100, and Remaining Markets. Stations are assigned to a market grouping based upon Arbitron Rating Co. (Arbitron) market designations. Montana proposes ratios between fees paid by larger market radio broadcast stations and fees paid by remaining market radio broadcast stations as follows:

Markets 1 through 25—1 to 3.4[11]
Markets 26 through 50—1 to 2.4
Markets 51 through 100—l to 1.6

26. Montana assigns different classes of stations to each market by relying on an analysis of the broadcast markets conducted by Dataworld MediaXpert Service. According to Montana, its proposed rate structure would result in aggregate revenue to the Commission approximating the amount to be recovered from AM and FM licensees through the fee structure proposed in our *NPRM.* Although the Montana proposal would raise the fees for radio stations in the top 100 markets, no comments were filed by parties who would be adversely affected by the proposal.

27. Montana proposes to utilize the Dataworld data base which in turn is based on Arbitron market rankings.

[8] For regulatory fee purposes, ''distress'' traffic is not included as part of a public coast station licensee's subscriber count.

[9] Because Private Land Mobile regulatory fees are submitted with license applications and paid for the number of years in the term of the license, these licensees have paid their regulatory fees several years in advance. *See* 47 U.S.C. 159(f)(2).

[10] In our *FY 1995 NPRM,* we recognized ''that the population density of a station's geographic location was also a public interest factor warranting recognition in the fee schedule.'' FCC 95–14 at ¶ 29. Subsequently, we declined to adopt a market-based fee structure for AM and FM radio because we were unable to develop a reliable and accurate method for differentiating among radio markets. *See FY 1995 Report and Order,* 10 FCC Rcd at 13531–532.

[11] *See* Montana's petition, n. 4 at p 4. The ratios that Montana employs are those that Congress established in its fee structure for television broadcast regulatory fees. *See* 47 U.S.C. § 159(g). The Montana proposal would raise the fees for stations in larger markets and reduce the fees in smaller markets. For example the *NPRM* proposed a regulatory fee for Class A AM stations of $1,125. Utilizing the proposed Montana Schedule, Class A stations in remaining markets would have their fees reduced to $850; while Class A stations in Markets 1 through 25 would pay $2,890; in Markets 26 through 50 they would pay $2,040 and in Markets 51–100 they would pay $1,360. We note that Congress recently directed the Commission to modify the regulatory fee schedule to increase the differential between the fees paid by major market television stations and fees paid by television stations located outside of the top 50 markets. Utilizing new ratios between fees paid by television in larger and smaller markets based on the relationship between the fees Congress has established would further increase the differential between payments by radio stations in larger and smaller markets.

FY 1995 Report and Order, we found that a proposal to base fees on Arbitron data did not provide a sufficiently accurate and equitable methodology for determining fees. 10 FCC Rcd at 531–532. Moreover, because Congress recently mandated that we amend the regulatory fee schedule for television stations, we believe that further evaluation of the proposal is necessary in order to determine the proper ratio between fees for radio stations in different markets and to evaluate the impact of this change. *See* H.R. 3019, H. Rept. 104–537.

28. As a result, for FY 1996, we have decided to adopt the basic fee structure proposed in our *NPRM*, which differentiates between licensees based on the class of a station's license. The fees therein are low enough so that they should not be an onerous burden on most licensees, and our policy is to grant waivers of the fees where our licensees can make a showing of a compelling case of financial hardship.

29. We agree, however, that there may be inequities in requiring all radio stations of the same class to pay the same fee without regard to the size of their market, particularly since stations serving greater populations generally have greater revenues than stations serving smaller markets. Thus, we believe that the Montana proposal warrants further study and consideration. It is our intention to consider the Montana proposal, or some modification thereof, for assessment of the FY 1997 fees. We will be commencing, subsequent to this proceeding, a *Notice of Inquiry* in order to develop a more appropriate methodology for assessing AM and FM fees. We invite interested parties to comment on Montana's proposal and to submit alternative AM and FM fee methodologies for our consideration in the context of that proceeding.

3. Commercial VHF/UHF Television Stations

30. Subsequent to the release of the FY 1996 *NPRM*, Congress required that we revise Section 1.1153 of the rules in order to increase the fees for VHF and UHF Television Stations located in the top 50 markets and to reduce the fees for stations in the 51 to 100 largest markets and in the remaining markets category. Public Law No. 104–134. Therefore, as required by Congress, we will amend Section 1.1153 of our rules to include the specific fees that Congress determined should be assessed licensees in the Television Broadcast Service for FY 1996. See Appendix D for a listing of the FY 1996 Television Broadcast fees.

31. In our *NPRM* we proposed to rely on Nielsen DMA rankings to determine the appropriate regulatory fee for television licensees in FY 1996 because Arbitron has ceased publication of its Areas of Dominant Influence that we formerly relied upon. *See NPRM* at para. 27. Southern Broadcast Corporation of Sarasota (Southern), licensee of Station WWSB(TV), Sarasota, Florida, opposes reliance on Nielsen DMA's because, as calculated by the DMA, its market rank would change to the 15th largest DMA market from the 153rd ADI market. As a result, Southern will be subject to a substantially higher fee than it has previously been assessed.

32. We have decided to rely on Nielsen's DMA market rankings, as proposed. As noted above, current Arbitron data for assessing television regulatory fees is no longer available. Nielsen data is generally accepted throughout the industry and will be updated and published annually by Warren Publishing in its *Television and Cable Factbook*. While the change may result in some licensees being assigned to new markets, this is not a basis for rejecting Nielsen markets. Nielsen markets may, in fact, provide a more accurate reflection of an applicant's service area than do Arbitron markets. We will consider the equities concerning the fees of licensees that change markets on a case-by-case basis, upon request, and, where a licensee demonstrates that it does not serve its assigned market, we will consider reducing the assigned fees to a more equitable level, based upon the area actually served by the licensee.

4. Auxiliary Broadcast Stations

33. This fee category includes licensees of Remote Pickup Stations, Aural Broadcast Auxiliary Stations, Television Broadcast Auxiliary Stations, and Low Power Auxiliary Stations, authorized under Part 74 of the Commission's Rules. These stations are generally associated with a particular television or radio broadcast station or cable television system.

34. In an attempt to simplify the Fee Schedule, our *NPRM* considered the feasibility and equity of combining Auxiliary Broadcast Station fees with the primary fees paid by broadcast station licensees and cable television operators into a single, consolidated fee. Although a consolidated fee has certain advantages, there are significant problems with using this approach and we found that such a fee would likely result in serious inequities since larger commercial broadcast stations and cable systems in the most profitable markets are more likely to utilize multiple auxiliary stations. While a consolidated fee would have little impact on stations serving larger populations, it could result in less profitable stations in smaller markets subsidizing regulatory fees for stations serving larger markets. Thus, our *NPRM* proposed to retain Auxiliary Broadcast Station fees as a separate category in FY 1996.

35. The Society of Broadcast Engineers (SBE) urges reduction or elimination of the Auxiliary Broadcast Station fee. It contends that frequency coordination and regulation of these facilities are in large part conducted by volunteers and supported by voluntary contributions from the industry. In SBE's view, imposition of a regulatory fee on broadcast auxiliary stations could ''possibly place the entire program of SBE-affiliated frequency committees in jeopardy.''

36. We have decided to not reduce or eliminate the Auxiliary Broadcast Station fee. We cannot conclude that our proposed regulatory fee would adversely impact voluntary coordination of auxiliary stations. Moreover, the relatively small fee for Auxiliary Broadcast Stations already takes into account volunteer efforts, including those described by SBE. Accordingly, we will retain a separate Auxiliary Broadcast Station fee as proposed in the *NPRM. See* Appendix F, Paragraph 27.

5. Intelsat and Inmarsat Signatory

37. In our *NPRM*, we proposed to establish a Signatory fee category to recover our costs of regulating the U.S. Signatories to the International Telecommunications Satellite Organization (Intelsat) and to the International Mobile Satellite Organization (Inmarsat). *See FY 1996 NPRM* at para. 43. We stated that the new fee was warranted due to the unique role of the U.S. Signatories in Intelsat's and Inmarsat's structure and our regulatory role with respect to these entities. The U.S. Signatory to Intelsat is the Communications Satellite Corporation (Comsat), the entity designated, pursuant to the Communications Satellite Act, as the sole operating entity to participate in Intelsat in order to construct and operate the space segment of the global commercial telecommunications satellite system established under the Interim Agreement and Special Agreement signed by the Governments on August 20, 1964. *See* 47 U.S.C. 731. Also, pursuant to the Communications Satellite Act, Comsat is solely designated to participate in the Inmarsat. *See* 47 U.S.C. 751. Because Comsat is the entity that Congress

designated as the U.S. Signatory to both Intelsat and Inmarsat, the fee would apply only to Comsat.

38. Comsat has opposed our adoption of the Signatory Fee, contending that the proposed fee is unlawful and, even if lawful, excessive. GE American Communication, Inc. (GE Americom) has filed comments supporting our adoption of the Signatory fee and reply comments responding to certain of Comsat's arguments.

39. Comsat believes that the Signatory fee is beyond our authority in light of Congress' intention not to assess a fee upon space stations operated by international organizations. *See FY 1995 Report and Order* at para. 110. In addition, Comsat argues that we are authorized to establish new fee categories only in those instances in which there has been a change in our regulation or in the law. Comsat also claims that the Signatory fee is prohibited by Article I, Section 8, Clause 1 of the United States Constitution as an unauthorized and unconstitutional tax because it bears no relationship to any specific regulatory benefit that Comsat receives from the Commission. Instead, Comsat argues, Congress alone conferred upon Comsat its ''special benefit'' of Signatory status. Finally, Comsat maintains that, even assuming that we have authority to establish a Signatory fee, the total amount to be recovered by the fee is grossly excessive.

40. We reject Comsat's contention that the Signatory fee contravenes Congressional intent reflected in Section 9. In the Conference Report accompanying Section 9, Congress stated with respect to space station fees that—

> the Committee intends that fees in this category be assessed on operations of U.S. facilities, consistent with U.S. jurisdiction. Therefore, these fees will only apply to space stations directly licensed by the Commission under Title III of the Communications Act. Fees will not be applied to space stations operated by international organizations subject to the International Organizations Immunities Act, 22 U.S.C. Section 288 *et seq.*[12]

In contrast to the space stations referred to in the Conference Report, however, the Signatory fee will not be imposed on Intelsat and Inmarsat, or on their operation of international space stations. The fee applies only to Comsat, a private, for-profit, U.S. corporation that receives benefits from its special role in international satellite communications. Moreover, in contrast to Congress' rejection of a fee on Intelsat's and Inmarsat's space stations as inconsistent with U.S. jurisdiction, nothing in Section 9 limits our authority to recover our costs of regulating Comsat, a U.S. Corporation.

41. Comsat is also mistaken that the second sentence in subsection 9(b)(3) limits our authority to establish new fee categories. Specifically, subsection 9(b)(3) states that ''the Commission shall add, delete, or reclassify services in the Schedule to reflect additions, deletions, or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law.'' 47 U.S.C. 159(b)(3). The subsection provides that we *must* add new fees to the Schedule to reflect changes in the nature of our services. The statement does not purport to limit our statutory authority, and duty, to otherwise modify fees as provided in Section 9.

42. In that regard, subsection 9(b)(3) requires that we ''amend the Schedule of Regulatory Fees if the Commission determines that the Schedule requires amendment to comply with the requirements of paragraph (1)(A).'' Paragraph (1)(A), in turn, requires that we assess and collect regulatory fees to cover the costs of regulatory activities, including international activities, by ''tak[ing] into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities and other factors that the Commission determines are necessary in the public interest.'' 47 U.S.C. 159(b)(1)(A). Thus, Section 9 both authorizes and requires amendment of the Schedule when, as here, we determine that such action is necessary to recover our regulatory costs for international activities, taking into account the benefits that we provide the payor and other public interest factors.

43. Further, we find no merit in Comsat's argument that our proposed Signatory fee constitutes an unauthorized and unconstitutional tax. Relying on *National Cable Television Association* v. *United States*, (*NCTA*), Comsat claims that the fee is an unconstitutional tax, rather than a fee, because it bears no relationship to any regulatory benefit conferred by the Commission on Comsat as a signatory. Comsat also asserts that Congress may not delegate the power to levy a tax. Comsat, however, misstates the law concerning delegations of taxing authority. In *Skinner* v. *Mid-America Pipe Line Co.*, the Supreme Court made clear that, even if agency fees are a form of taxation, the delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than applied to other nondelegation challenges. 490 U.S. 212, 224; 109 S.Ct. 1762, 1733 (1989). Thus, so long as the fees in question are within the scope of Congress' lawful delegation of authority in Section 9, they are constitutional. No requirement exists to establish that all of the administrative costs recovered through the signatory fee are not a tax in that they ''inure directly to the benefit of regulated parties,'' rather than to the public generally. *Id.* at 223–24.

44. Consistent with the Supreme Court's guidance in *Skinner*, Congress in Section 9 of the Act declared that the fees are to be assessed in a rulemaking proceeding, based upon our costs of performing enforcement, policy and rulemaking, international and user information activities, ''taking into account'' the benefits provided to the payor of the fee by these activities, as well as other public interest factors, and that we are to recover our costs only in the aggregate amount annually appropriated by Congress.

45. We believe that the fee in question fully satisfies the statutory requirements in Section 9. As noted in the *NPRM*, our review of our Signatory activities disclosed that approximately 14.7% of the costs attributable to space station regulatory oversight ($3,175,850)[13], as determined in Appendix C, is directly related to Intelsat and Inmarsat Signatory activities (5.25 FTEs[14] out of a total of 35.7 direct FTEs). As a result, $466,850 (rounded) must be collected from the Signatories to offset the regulatory costs attributed to them ($3,175,850×14.7%). Dividing this revenue requirement by two (there are Signatories to two separate organizations), yields a Signatory fee of $233,425. *See* Appendix F, Paragraph 37. We also have no doubt that Comsat benefits significantly from its status as signatory and the regulatory oversight that is necessitated by that status.[15]

[12] *See* H.R. Rept. No. 213, 103d Cong., 1st Sess. 499 (1993); *see also* H.R. Rep. No. 102–207, 102d Cong., 1st Sess. 26. Both Intelsat and Inmarsat are subject to the International Organizations Immunities Act. *See* Exec. Order No. 11,996, 42 Fed. Reg. 4331 (1977); Exec. Order No. 12,238, 45 Fed. Reg. 60,877 (1980).

[13] Revenue requirements have been adjusted throughout the satellite fee categories as a result of adjustments to the assessable payment units for some fee categories and the Congressionally imposed fees for VHF and UHF television stations. Therefore, the amounts will not match the amounts shown in the *NPRM*.

[14] Full Time Equivalent (FTE) employment is the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked or to be worked by current and future employees divided by the number of compensable hours applicable to each fiscal year.

Therefore, taking into account these benefits, we perceive no public interest basis for relieving Comsat of the costs that the Commission incurs in regulating its activities.

46. Since the Signatory fee will recover our costs attributable to our Signatory oversight, we are able to reduce the space station fee. The new space station fee is computed by reducing the revenue requirement for space stations calculated in Appendix C ($3,175,850) by the $466,850 to be collected from signatories and dividing the reduced space station revenue requirement ($2,709,000) by the number of payment units (38 operational space stations). The result of these calculations is a new fee of $71,300 (rounded) for each operational space station.[16]

47. Finally, although we have imposed a Signatory fee in our FY 1996 Schedule of Regulatory Fees, we intend in FY 1997 to explore alternative means of recovering these costs. We may, for example, conclude that it is more efficient to recover these regulatory costs through increases in the fees for international bearer circuits. However, before making such changes, we will seek public comment in the rulemaking proceeding to implement the FY 1997 Schedule of Regulatory Fees.

6. Low Earth Orbit (LEO) Satellite Systems

48. In our *NPRM*, we proposed for the first time to adopt a fee for Low Earth Orbit (LEO) Satellite Systems.[17] In developing that fee, we proposed to apportion the total revenue requirement for all space stations between LEO systems and geosynchronous space station licensees. In so doing, we also proposed to preserve the same relative relationship between the fees established by the Congress in Section 9(g) of the Act for geosynchronous space stations and LEO systems; i.e., an approximate 38.5% differential between the fee for LEO systems and the fee for geosynchronous space stations. 47 U.S.C. 159(g). After reducing the space station revenue requirement by the amount of the Signatory fees, the resultant LEO fee is $97,725 (rounded) and the new geosynchronous fee is $70,575 (rounded).[18]

49. Motorola requests that we defer imposing any regulatory fee on a LEO system until an entire planned constellation has been launched and is fully operational. In our *FY 1994 Report and Order*, we decided that a LEO system would become subject to a fee payment when its first satellite became operational upon certification by its licensee that the operations of the first satellite in its system conforms to the terms and conditions of its authorization pursuant to 47 CFR § 25.120(d). Nothing in Motorola's comments persuades us otherwise. It may take several years for an entire constellation to be completed. However, a system is capable of providing commercial customer services prior to full deployment of all authorized satellites. Thus, because our regulatory oversight of a LEO system begins when its initial satellite is launched and placed in operation, we will require that a LEO system licensee submit a fee once it certifies to the operation of its initial satellite pursuant to Section 25.120(d) of our rules.

7. Minimum Fee Payment Liability

50. As proposed in our *NPRM* at para. 57, we will adopt a minimum fee payment policy in order to minimize the cost of our regulatory fee program because our collection and verification costs for small payments are considerably more than our revenues from these collections. A regulatee will be relieved of its fee payment requirement if its total fee due, including all categories of fees for which payment is due by the entity, amounts to less than $10. We have reconsidered our proposal to submit the Form FCC 159 and have determined that we will not require those entities qualifying for the minimum fee liability exemption to file Form FCC 159. Those qualifying for exemption, however, are advised that as part of our verification program, it may be necessary for them to provide proof of exemption should we choose to audit their fee liability.

F. Additional Regulatory Fee Issues

1. Cable Television Systems

51. The National Cable Television Association (NCTA) has filed comments objecting to our proposed fee for cable television systems. NCTA asserts that we failed to discuss in our *NPRM* the basis for our proposed fee and that we did not demonstrate that the fee is reasonably related to our costs of regulating cable television. NCTA also believes that with deregulation, the fee for cable television should decrease rather than increase, particularly in light of our ''social contract'' resolution of rate complaints, ongoing deregulation of small cable systems and its expectation of further rate deregulation. Further, NCTA contends that the cable television per subscriber fee should not be set as high relative to the proposed fee for Wireless Cable (MMDS) licensees.

52. In our *NPRM*, we discussed in detail our methodology for developing our proposed fees for FY 1996, including our cable television fees. *See NPRM* at Paras. 8–12 and Appendix C. Therein, we set forth both our steps used to develop the fees and our mathematical calculations underlying the development of specific fee proposals. We also explained that, for various reasons, our cost accounting system was not yet able to provide reliable information to assist us in developing our fees. *See NPRM* at paras. 13–17. Thus, for FY 1996, we were unable to compare the individual fee category revenues with actual data accumulated from our new cost accounting system.

53. Even though we were not able to use our new cost accounting system, we

[15] For example, we are currently conducting several proceedings concerning Comsat's authority to provide services via Intelsat and Inmarsat, its authority to participate in the procurement or leasing of various Intelsat and Inmarsat space stations, and its authority to participate in certain Intelsat and Inmarsat-associated businesses. There also are proceedings pending before us related to whether Comsat has conformed to applicable structural and financial separation rules. In addition, we actively participate on an ongoing basis with the Executive Branch in the oversight of Comsat's representations of U.S. policy at the Intelsat and Inmarsat governing boards through the U.S. Government Instructional process.

[16] This fee is further adjusted in Paragraph 47.

[17] Congress' Schedule of Regulatory Fees contains a fee for LEO systems. However, for FY 1994 and FY 1995, we determined that no LEO systems were operational on the effective date of the fee requirement for these years. *See FY 1995 Report and Order* at para. 15.

[18] The FY 1996 adjusted revenue requirement for all space stations has been determined to be $2,709,000. *See* Paragraph 46. For FY 1996, there is only one LEO system, and there are 37 geosynchronous (including DBS) space stations subject to fee payment. The formula for computing the new LEO and geosynchronous space station fees is as follows:

(a) We have assigned ''L'' to represent the LEO system fee and ''G'' to represent geosynchronous space station fee.

(b) The relationship between the LEO fee and the geosynchronous fee may be expressed as:

L=1.385G (i.e., the LEO fee needs to be 38.5% higher than the corresponding geosynchronous space station fee).

(c) The total revenue to be collected from LEOs and geosynchronous space stations may be expressed as:

L+37G=$2,709,000 (i.e., the one existing LEO system and 37 geosynchronous space stations together must account for $2,709,000 in revenues).

(d) Substituting the value of ''L'' in (b) above into the formula in (c) above yields the following:

1.385G+37G=$2,709,000

38.385G=$2,709,000

G=$470,574

(e) Therefore, ''G'' (Geosynchronous space station fee) is $70,575 (rounded).

(f) Substituting the computed value of ''G'' in (d) above into the formula in (c) above yields the following:

L+37(70,575)=2,709,000

L+2,611,275=2,709,000

L=97,725

(g) Therefore, ''L'' (LEO fee) is $97,725.

believe the fees for cable systems are reasonably related to our costs attributable to cable television regulation which consist of several different categories of costs. *Direct* staff costs are those costs attributable to staff assigned to the Cable Services Bureau engaged in activities described in Section 9(a)(1) of the Act. *Indirect* or *overhead* support staff costs are those costs attributable to staff assigned to other Bureaus and Offices within the Commission who support direct staff working in the Cable Services Bureau. Support staff accounts for approximately 40% of staff costs attributable to cable television oversight. *Other obligations* costs are non-personnel costs such as office space rental, equipment, contractual services, supplies, etc. which are attributable to the Cable Services Bureau. In total, these costs have not changed significantly from FY 1995.

54. Additionally, we must recover from our regulatory fees other costs that cannot be specifically attributed to a particular class of licensee. These costs, in the interest of fairness, are allocated on a pro-rata basis to all fee payors. For example, Congress has exempted several classes of licensees from regulatory fees, including amateur radio licensees, non-commercial radio and television stations, non-profit entities and public safety licensees. Although these entities are exempt from payment of a fee, Congress requires that our regulatory costs associated with these entities be borne by those regulatees not exempt from the fee requirement. Additionally, in making the mandatory adjustments to the fee amounts required by Section 9(b)(2)(a), an overall revenue shortfall occurs due to changes in the number of payment units from FY 1995 to FY 1996. This shortfall (over $1 million) is allocated on a pro rata basis to all fee categories, including cable television system operators.

55. Also, we disagree with NCTA's contention that our regulatory costs related to cable television systems should be lower at this stage of the industry's deregulation. Based on the foregoing, our costs attributable to the regulatory categories for which we are required to recover our costs through regulatory fees are actually much higher than they may appear due to overhead and indirect costs. Second, although we are deregulating the cable television industry, our regulatory costs related to cable television have not diminished for FY 1996. Since the Telecommunications Act of 1996 became law, we have commenced several important rulemaking proceedings to further our cable deregulatory policies, requiring significant personnel resources. In addition, because of the large volume of work required of the Commission under the 1996 Act, the Cable Bureau has taken on significant new responsibilities in a number of areas related to the provision of video programming services. For example, the Bureau is responsible for developing and enforcing rules concerning open video systems pursuant to new section 653 of the Communications Act, over-the-air reception devices under section 207 of the 1996 Act and telecommunications navigation devices under new section 629. And the Bureau has been assigned the responsibility to implement the amendments to section 224 (Regulation of Pole Attachments) of the Communications Act of 1934, as well as new section 713 of the Communications Act concerning video programming accessibility. These proceedings (whose costs must be offset by regulatory fees) are in addition to our on-going oversight responsibilities involving rate complaints, program access complaints, informational services, and adjudicatory proceedings work, which must continue even as we implement the Telecommunications Act. Thus, while we agree with NCTA that our ''social contracts'' with cable operators and the deregulation of small cable operators and similar policy initiatives reduce certain costs of regulation, we cannot conclude that our overall costs of cable regulation or those additional regulatory costs that we must recover from cable operators justify a reduction in the cable television fee for FY 1996.

56. Finally, we reject NCTA's complaint that the cable subscriber fee is too high relative to the regulatory fees paid by Wireless Cable (MMDS) licensees. NCTA estimates that MMDS fees would be $.20 per subscriber if its fee were assessed on a per subscriber basis rather than a call sign basis. As NCTA is aware, cable and MMDS are subject to substantially different regulatory oversight programs. As a consequence of our oversight of these services, our estimated total cost to regulate the cable television industry in FY 1996 is $31 million as opposed to an estimated total cost to regulate MMDS entities in FY 1996 of $158,000. In view of these estimated costs, in large part due to their different regulatory regimes, we see no unreasonable disparity between the revenue requirement that we have assigned to the two services. NCTA should note that MMDS regulatory fees have increased nearly twice as much as cable television fees since Congress established its Schedule of Regulatory Fees in 1993. *See* 47 U.S.C. 159(g).

57. In summary, we expect that our deregulatory activities will result in reduced oversight costs in future years, but those costs have not and will not diminish for FY 1996. Thus, for FY 1996, we will adopt the cable television fee shown in Appendix D.

2. International Bearer Circuits

58. International Bearer Circuit fees are assessed upon facilities-based common carriers activating a circuit in any transmission facility for the provision of service to an end user or a resale carrier. In our *NPRM*, we proposed a fee of $4.00 per bearer circuit upon facilities-based common carriers activating a circuit in any transmission facility for the provision of service to an end user or a resale carrier.

59. Comsat contends that our proposed fee for international bearer circuits is approximately twice the appropriate fee amount necessary to recover the revenue requirement that we assigned to this fee category. Comsat states that the revenue requirement associated with bearer circuits has increased significantly in one year without any explanation. In Comsat's view, the increase in the revenue requirement for bearer circuits arises from underforecasting payment units in FY 1995 and the use of actual payment units as the basis for our FY 1996 forecast. Comsat states that, since there is no evidence that the costs which the bearer circuit fee is designed to recover have increased, our proposed retention of the $4.00 per circuit fee, based on our underestimate of bearer circuit payment units for FY 1995, is unjustified.

60. The Commission, in its *FY 1995 NPRM*, estimated that there were 62,000 international bearer circuits susceptible to regulatory fee payment (based on estimated counts as of December 1994). As a result of comments received from interested parties in that rulemaking, we more than doubled (to 125,000) the number of estimated circuits applicable to our development of FY 1995 regulatory fees in our *FY 1995 Report and Order*. Based on actual numbers of bearer circuits for which fee payments were made in FY 1995, we proposed in our *FY 1996 NPRM* a total of 228,000 circuits for FY 1996 (based on estimated counts as of December 31, 1995).

61. The Commission knows of no reliable source of bearer circuit counts. We do not maintain this data at the Commission nor do we know of any central repository of this information. As such, we must rely on industry estimates or actual prior year payment information in order to determine the

number of payment units for any particular fiscal year. The payment unit estimate for FY 1995 was based on the best information available to us and relied upon information provided by regulatees. The same is true for FY 1996. Although Comsat questions our estimate of payment units for FY 1996, it did not provide its own estimate of circuits, nor did any other commentor. As such, we believe our FY 1996 payment unit estimate based on actual circuits paid for in FY 1995 is appropriate.

62. Comsat's concerns relative to the total revenues being collected from bearer circuits are not persuasive. The methodology for calculating regulatory fees established by the Congress requires that prior year fee amounts be proportionally adjusted in order to ensure that the total amount to be collected is apportioned fairly among our regulatees. The Congress also provided that further adjustments to the fees (''permitted amendments'') should be supported by costs derived from our cost accounting system. As noted elsewhere in this item, we were unable to utilize cost data from our new cost accounting system this year and were therefore unable to determine the total costs attributable to bearer circuit regulation and to compare this to our estimate of revenue requirements. This data should be available for development of our FY 1997 regulatory fees. In the absence of reliable cost accounting information, we performed an informal review of bearer circuit costs and found that our costs may significantly exceed the revenue requirement for bearer circuits established in this rulemaking. Estimated staff resources devoted to bearer circuit oversight also seem to support a higher revenue requirement. As such, we believe that our revenue requirement and estimated payment units are based on the most accurate information available, and we will utilize these estimates for FY 1996.

63. In addition, Comsat states that our estimated unit count for bearer circuits may also be low because we failed to consider that we recently authorized domestic satellites to provide international bearer circuits. *See* FCC 96–14 (released Jan. 22, 1996), *summary published* 61 FR 9946 (Mar. 12, 1996), 11 FCC Rcd 2429, (DISCO–I Order). Also, Comsat contends that our definition of bearer circuits should include all bearer circuits, not only those provided by common carriers, because the statutory fee schedule contemplates that the bearer circuit fee will be collected from common and private carriers alike.

64. Nothing in Section 9 of our implementing rules limits payment of international bearer circuit fees to international common carriers. Therefore, any common carrier, including domestic satellite licensees providing international bearer circuits, as described in our *FY 1995 Report and Order* at paras. 115 through 117, is subject to the bearer circuit fee. However, because our *DISCO–I Order* did not become effective until after the calculation date for bearer circuits (October 1, 1995), domestic satellite licensees were not authorized to provide international bearer circuits at the time for calculating the bearer circuit regulatory fee, and, therefore, we have not included bearer circuits provided by domestic satellite carriers in our estimates of bearer circuit payment units for FY 1996.

65. Finally, Comsat contends that Section 9 provides for the payment of a bearer circuit fee by private carriers. However, our *NPRM*, as well as prior year *NPRMs*, did not propose to collect international bearer circuit fees from other than common carriers. We do not have any information in the record of this proceeding on which to calculate a fee applicable to bearer circuits provided directly to end users over non-common carrier international facilities. As a result, we have no other viable alternative but to adopt the fee as proposed in the *NPRM*. However, we believe that Comsat's proposal warrants further consideration. It is our intention to consider Comsat's proposal, or some modification thereof, for assessment of the FY 1997 fees.

3. National Exchange Carrier Association (NECA)

66. NECA has requested by comments in this proceeding that we amend our rules governing confidentiality of information NECA receives in its role as administrator of the Telecommunications Relay Service (TRS) Fund to permit it to use TRS data for the sole additional purpose of aggregating regulatory fees from local exchange carriers (LECs) in accordance with our requirements for assessment of their fees.[19] *See* 47 CFR § 64.604(c)(4)(iii)(I). There were no other comments filed addressing NECA's proposal.

67. Currently, our rules prohibit NECA from using the TRS data it collects for any purpose other than administration of the TRS fund. *See* 47 CFR 64.604(c)(4)(iii)(I). Because our assessment of regulatory fees from LECs and other common carriers is modeled in large part upon the methodology that we adopted for contributions by these carriers to the TRS fund, we believe that a specific limited modification of the rule governing NECA's use of TRS information would increase NECA's efficiency in determining the appropriate regulatory fee due from any carrier that avails itself of NECA's services in paying its regulatory fee. Thus, we will amend our rules to permit NECA to use TRS information for determining a carrier's fee. Section 64.604(c)(4)(iii)(i) will be amended to state that NECA may also use TRS information ''to calculate the regulatory fees of interstate common carriers and to aggregate their fee payments for submission to the Commission.''

4. Mobile Satellite Service (MSS)

68. Motorola Satellite Communications, Inc's. (''Motorola'') has requested clarification that hand-held transmit and transmit/receive units used in the mobile satellite service (MSS) are within the category of MSS ''blanket'' earth station licenses subject to a single fee for all authorized units on one license. We have incorporated language in Appendix F that MSS ''blanket'' earth station licenses include hand-held transmit and transmit/receive units as well as vehicle-based transceivers and are, therefore, subject to a fee payment.

G. Procedures for Payment of Regulatory Fees

69. Section 9(f) requires that we permit ''payment by installments in the case of fees in large amounts, and in the case of small amounts, shall require the payment of the fee in advance for a number of years not to exceed the term of the license held by the payor.'' *See* 47 U.S.C. § 159(f)(1). Consistent with the section, we are again establishing three categories of fee payments, based upon the category of service for which the fee payment is due and the amount of the fee. In general, we are retaining the procedures that we have established for the payment of regulatory fees.

1. Annual Payments of Standard Fees

70. Standard fees are those regulatory fees that are payable in full on an annual basis. Payers of standard fees are not required to make advance payments

[19] NECA is a not-for-profit, membership association, consisting of all local exchange carriers in the United States, Puerto Rico, the U.S. Virgin Islands and Micronesia. NECA is responsible, under Subpart G of our Rules, for preparation of access charge tariffs on behalf of all local telephone companies that do not file separate tariffs, collection and distribution of access charge revenues, administration of the Universal Service and Lifeline Assistance programs, and the administration of the TRS fund. *See* 47 CFR § 69.603 and § 64.604.

for their full license term and are not eligible for installment payments. All standard fees are payable in full on the date we establish for payment of fees in their regulatory fee category.

71. The payment due date for standard fees will be announced by Public Notice in the Federal Register following Congressional notification. For licensees, permittees and holders of various authorizations in the Common Carrier, Mass Media, International, and Cable Television Services whose fees are *not* based on a subscriber, unit, or circuit count, liability for fee payment is established for any authorization held as of *October 1, 1995*, the first day of FY 1996. However, the licensee, permittee, or other regulatee at the time a fee payment is due is the individual or entity legally liable for the fee payment.

72. In the case of regulatees whose fees are based upon a subscriber, unit, or circuit count, the number of a regulatee's subscribers or circuits on *December 31, 1995*, will be used to calculate the fee payment.[20] As noted in the preceding paragraph, the licensee, permittee, or other regulatee at the time a fee payment is due is legally liable for the fee payment.

2. Installment Payments for Large Fees

73. There will be insufficient time following the effective date of our FY 1996 Schedule of Regulatory Fees to permit implementation of an installment payment program for large fees. All entities who would otherwise have been eligible for installments, *i.e.*, whose fee liability exceeds our previously established level of $12,000, must submit their fee payments on the date we will announce by Public Notice in the Federal Register.

[20] Cable systems have been calculating their regulatory fees using subscriber data submitted to the Commission in their Annual Report of Cable Television Systems (Form FCC 325). Consistent with this methodology, we ask that cable system operators compute their subscribers as follows: Number of single family dwellings + number of individual households in multiple dwelling unit (apartments, condominiums, mobile home parks, etc.) paying at the basic subscriber rate + bulk rate customers + courtesy and free service. Note: Bulk-Rate Customers = Total annual bulk-rate charge divided by basic annual subscription rate for individual households. Accordingly, the number of cable subscribers will not necessarily be based on a count as of December 31, 1995, but rather on ''a typical day in the last full week'' of December 1995.

3. Advance Payments of Small Fees

74. As we have in the past, we are treating regulatory fee payments by certain licensees as small fees subject to advance payments. Advance payments will be required from licensees of those services that have been required to make advance payments in the past.[21] Payers of advance fees are required to submit the entire regulatory fee for the full term of their license when filing their initial, renewal or reinstatement application. Regulatees subject to a payment of small fees shall pay the amount due for the current fiscal year multiplied by the number of years in the term of their requested license. In the event that the regulatory fee is adjusted following payment of the fee, the new fee will not become effective until the expiration of the licensing term. Thus, payment for the full license term would be made based upon the regulatory fee applicable at the time the application is filed. The effective date for the payment of all small fees pursuant to the FY 1996 Schedule will be announced by Public Notice in the Federal Register following Congressional notification.

H. Schedule of Regulatory Fees

75. The Commission's Schedule of Regulatory Fees for FY 1996 is contained in Appendix D of this *Report and Order.*

IV. Ordering Clause

76. Accordingly, it is ordered that the rule changes as specified herein are adopted. It is further ordered that the rule changes made herein will become effective September 10, 1996, except that changes to the Schedule of Regulatory Fees, made pursuant to Section 9(b)(3) of the Communications Act, and incorporating regulatory fees for CMRS Mobile Services, CMRS One-Way Paging, Geosynchronous Space Stations, Intelsat and Inmarsat Signatories, and Low Earth Orbit Satellite Systems, will become effective 90 days from notification to Congress.

[21] Applicants for new, renewal and reinstatement licenses in the following services are required to pay their regulatory fees in advance: Land Mobile Services, Microwave Services, Interactive Video Data Services (IVDS), Marine (Ship) Service, Marine (Coast) Service, Private Land Mobile (Other) Services, Aviation (Aircraft) Service, Aviation (Ground) Service, General Mobile Radio Service (GMRS). In addition, applicants for Amateur Radio vanity call signs are required to submit an advance payment.

However, it should be noted that for the CMRS Mobile Services, licensees who did not elect to convert their stations from private to commercial status prior to December 31, 1995, will not be subject to payment of a regulatory fee for FY 1996. Therefore, for stations licensed as commercial on or before the date of determination of fee liability the fee will become effective September 10, 1996. *See* para. 17–22 supra. As noted above, the date payment of the regulatory fee is due will be announced by Public Notice in the Federal Register.

V. Authority and Further Information

77. Authority for this proceeding is contained in Sections 4 (i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and (j) and 159 and 303(r).

78. Further information about this proceeding may be obtained by contacting the Fees Hotline at (202) 418–0192.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Federal Communications Commission, Radio, Telecommunications, Television.

47 CFR Part 64

Communications common carriers, Federal Communications Commission, Radio, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 1 and 64 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 1.1152 is revised to read as follows:

§ 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.

Exclusive use services (per license)	Fee amount	Address
1. Land Mobile (Above 470 MHz, Base Station & SMRS)(47 CFR, Part 90)		
(a) 800 MHz New, Renewal, Reinstatement (FCC 574)	$7.00	FCC, 800 MHz, P.O. Box 358235, Pittsburgh, PA 15251–5235.
(b) 900 MHz New, Renewal, Reinstatement (FCC 574)	7.00	FCC, 900 MHz, P.O. Box 358240, Pittsburgh, PA 15251–5240.
(c) 470–512,800,900, 220 MHz, 220 MHz Nationwide Renewal (FCC 574R, FCC 405A)	7.00	FCC, 470–512, P.O. Box 358245, Pittsburgh, PA 15251–5245.
(d) Correspondence Blanket Renewal (470–512,800,900,220 MHz) (Remittance Advice, Correspondence).	7.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(e) 220 MHz New, Renewal, Reinstatement (FCC 574)	7.00	FCC, 220 MHz, P.O. Box 358360, Pittsburgh, PA 15251–5360.
(f) 470–512 MHz New, Renewal, Reinstatement (FCC 574)	7.00	FCC, 470–512, P.O. Box 358810, Pittsburgh, PA 15251–5810.
(g) 220 MHz Nationwide New, Renewal, Reinstatement (FCC 574)	7.00	FCC, Nationwide, P.O. Box 358820, Pittsburgh, PA 15251–5820.
2. Microwave (47 CFR Part 101)		
(a) Microwave New, Renewal, Reinstatement (FCC 402)	7.00	FCC, Microwave, P.O. Box 358250, Pittsburgh, PA 15251–5250.
(b) Microwave Renewal (FCC 402R)	7.00	FCC, Microwave, P.O. Box 358255, Pittsburgh, PA 15251–5255.
(c) Correspondence Blanket Renewal (Microwave) (Remittance Advice, Correspondence).	7.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
3. Interactive Video Data Service		
(a) IVDS Renewal (FCC 574R, FCC 405A)	7.00	FCC, IVDS, P.O. Box 358245, Pittsburgh, PA 15251–5245.
(b) Correspondence Blanket Renewal (IVDS) (Remittance Advice, Correspondence)	7.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(c) IVDS New, Renewal, Reinstatement (FCC 574)	7.00	FCC, IVDS, P.O. Box 358365, Pittsburgh, PA 15251–5365.
4. Shared Use Services		
(a) Land Transportation (LT) New, Renewal, Reinstatement (FCC 574)	3.00	FCC, Land Trans., P.O. Box 358215, Pittsburgh, PA 15251–5215.
(b) Business (Bus.) New, Renewal, Reinstatement (FCC 574)	3.00	FCC, Business, P.O. Box 358220, Pittsburgh, PA 15251–5220.
(c) Other Industrial (OI) New, Renewal, Reinstatement (FCC 574)	3.00	FCC, Other Indus., P.O. Box 358225, Pittsburgh, PA 15251–5225.
(d) General Mobile Radio Service (GMRS) New, Renewal, Reinstatement (FCC 574)	3.00	FCC, GMRS, P.O. Box 358230, Pittsburgh, PA 15251–5230.
(e) Business, Other Industrial, Land Transportation, GMRS Renewal (FCC 574R, FCC 405A).	3.00	FCC, Bus., OI, LT, GMRS, P.O. Box 358245, Pittsburgh, PA 15251–5245.
(f) Ground New, Renewal, Reinstatement (FCC 406)	3.00	FCC, Ground, P.O. Box 358260, Pittsburgh, PA 15251–5260.
(g) Coast New, Renewal, Reinstatement (FCC 503)	3.00	FCC, Coast, P.O. Box 358265, Pittsburgh, PA 15251–5265.
(h) Ground Renewal (FCC 452R)	3.00	FCC, Ground, P.O. Box 358270, Pittsburgh, PA 15251–5270.
(i) Coast Renewal (FCC 452R)	3.00	FCC, Coast, P.O. Box 358270, Pittsburgh, PA 15251–5270.
(j) Ship New, Renewal, Reinstatement (FCC 506)	3.00	FCC, Ship, P.O. Box 358275, Pittsburgh, PA 15251–5275.
(k) Aircraft New, Renewal, Reinstatement (FCC 404)	3.00	FCC, Aircraft, P.O. Box 358280, Pittsburgh, PA 15251–5280.
(l) Ship Renewal (FCC 405B)	3.00	FCC, Ship, P.O. Box 358290, Pittsburgh, PA 15251–5290.
(m) Aircraft Renewal (FCC 405B)	3.00	FCC, Aircraft, P.O. Box 358290, Pittsburgh, PA 15251–5290.
(n) Correspondence Blanket Renewal (Bus., OI, LT, GMRS) (Remittance Advice, Correspondence).	3.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(o) Correspondence Blanket Renewal (Ground) (Remittance Advice, Correspondence)	3.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(p) Correspondence Blanket Renewal (Coast) (Remittance Advice, Correspondence)	3.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(q) Correspondence Blanket Renewal (Aircraft) (Remittance Advice, Correspondence)	3.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
(r) Correspondence Blanket Renewal (Ship) (Remittance Advice, Correspondence)	3.00	FCC, Corres., P.O. Box 358305, Pittsburgh, PA 15251–5305.
5. Amateur Vanity Call Signs	3.00	FCC, Amateur Vanity, P.O. Box 358924, Pittsburgh, PA 15251–5924.
6. CMRS Mobile Services (per unit)	.17	FCC, Cellular, P.O. Box 358835, Pittsburgh, PA 15251–5835.

Exclusive use services (per license)	Fee amount	Address
7. CMRS One-Way Paging (per unit)	.02	FCC, Paging, P.O. Box 358835, Pittsburgh, PA 15251–5835.

3. Sec. 1.1153 is revised to read as follows:

§ 1.1153 Schedule of annual regulatory fees and filing locations for mass media services.

	Fee amount	Address
AM Radio (47 CFR, Part 73)		
1. Class D Daytime	$345	FCC, AM Branch, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
2. Class A Fulltime	1,250	
3. Class B Fulltime	690	
4. Class C Fulltime	280	
5. Construction Permits	140	
FM Radio (47 CFR, Part 73)		
1. Classes C,C1,C2,B	$1,250	FCC, FM Branch, P.O. Box 358835, Pittsburgh, PA.
2. Classes A,B1,C3	830	
3. Construction Permits	690	
TV (47 CFR, Part 73) VHF Commercial		
1. Markets 1 thru 10	$32,000	FCC, TV Branch, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
2. Markets 11 thru 25	26,000	
3. Markets 26 thru 50	17,000	
4. Markets 51 thru 100	9,000	
5. Remaining Markets	2,500	
6. Construction Permits	5,550	
UHF Commercial		
1. Markets 1 thru 10	$25,000	FCC, UHF Commercial, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
2. Markets 11 thru 25	20,000	
3. Markets 26 thru 50	13,000	
4. Markets 51 thru 100	7,000	
5. Remaining Markets	2,000	
6. Construction Permits	4,425	
Satellite UHF/VHF Commercial		
1. All Markets	$690	FCC Satellite TV, P.O. Box 358835, Pittsburgh, PA, 15251–5835
2. Construction Permits	250	
Low Power TV, TV/FM Translator, & TV/FM Booster (47 CFR, Part 74)	$190	FCC, Low Power, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Broadcast Auxiliary	35	FCC, Auxiliary, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Multipoint Distribution	155	FCC, Multipoint, P.O. Box 358835, Pittsburgh, PA, 15251–5835.

4. Sec. 1.1154 is revised to read as follows:

§ 1.1154 Schedule of annual regulatory charges and filing locations for common carrier services.

	Fee amount	Address
Radio Facilities		
1. Domestic Public Fixed	$155	FCC, Dom. Pub. Fixed, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Carriers		
1. Interstate Telephone Service Providers (per dollar contributed to TRS Fund)	.00098	FCC, Carriers, P.O. Box 358835, Pittsburgh, PA.

5. Sec. 1.1155 is revised to read as follows:

§ 1.1155 Schedule of regulatory fees and filing locations for cable television services.

	Fee amount	Address
1. Cable Antenna Relay Service	$325	FCC, Cable,

	Fee amount	Address
2. Cable TV System (per subscriber)	.55	P.O. Box 358835, Pittsburgh, PA, 15251–5835.

6. Section 1.1156 is revised to read as follows:

§ 1.1156 Schedule of regulatory fees and filing locations for international services.

	Fee amount	Address
Radio Facilities		
1. International (HF):		
Broadcast	$280	FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
2. International Public:		
Fixed	225	FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Space Stations (Geosynchronous Orbit)	70,575	FCC, Space Stations, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Low Earth Orbit Satellite	97,725	FCC, Space Stations, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
INMARSAT/INTELSAT Signatory	233,425	FCC, Space Stations, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Earth Stations:		
Transmit/Receive & Transmit Only (per authorization or registration)	370	FCC, Earth Station, P.O. Box 358835, Pittsburgh, PA, 15251–5835.
Carriers:		
1. International Circuits (per active 64KB circuit or equivalent)	4.00	FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251–5835.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 continues to read as follows:

Authority: Sections 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply Sections 201, 218, 226, 228, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228, unless otherwise noted.

2. Section 64.604(c)(4)(iii)(I) is revised to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

(I) *Information filed with the administrator.* The administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. The administrator shall not use such data except for purposes of administering the TRS Fund, calculating the regulatory fees of interstate common carriers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers.

* * * * *

Appendix A—Final Regulatory Flexibility Analysis

[This Appendix A will not be published in the Code of Federal Regulations.]

Final Analysis of the Report and Order

1. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was provided in the *Notice of Proposed Rulemaking* (*NPRM*). The Commission sought written public comments on the proposals in the *NPRM*, including the IRFA.

2. *Need for and Objective of the Report and Order:* Congress has directed the Commission to collect $126,400,000 in regulatory fees for fiscal year (FY) 1996. The Commission, pursuant to 47 U.S.C. 159, is modifying its Schedule of Regulatory Fees in order to comply with the Congressional directive.

3. *Summary of Significant Issues Raised by the Public in response to the IRFA:* No comments were submitted in response to the IRFA.

4. *Description and Estimate of Number of Small Businesses to Which the Modifications of the Schedule of Fees Will Apply:* The Regulatory Flexibility Act generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. § 632. A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operations; and satisfies additional criteria established by the Small Business Administration (SBA). *Id.* According to the SBA's regulations, entities engaged in the provision of communications services may have maximum revenues of $11 million in order to qualify as a small business concern. 13 CFR § 121.201. Therefore, this standard also applies in determining whether an entity is a small business for purposes of the Regulatory Flexibility Act.

5. The *Report and Order* creates a Commercial Mobile Radio Services (CMRS) category of fees which replaces the Cellular/Public Mobile category in our FY 1995 Schedule of Regulatory Fees. Creation of the new category does not affect any fees payable by licensees nor the manner in which these fees are paid. Cellular and Public Mobile Service licensees representing an estimated 30 million assessable units will continue to pay an annual fee as they have in the past. Business Radio, Special Mobile Radio Services and 220–222 Land Mobile Systems, which are regulated under Part 90 of the Rules, and Public Coast Stations, which are regulated under Part 80, currently pay small fees in advance for the full period of their license terms, when filing their initial, reinstatement or renewal application. Certain of these licensees may now elect to become CMRS licensees. However, they are not required to make that choice before August 10, 1996. When and if they do, those licensees which have converted from the Private Mobile Radio Services (PMRS) to CMRS will be required to pay annual regulatory fees predicated on the number of units they have in service. Based on survey responses from licensees, we estimate that roughly 120,000 stations will be eligible for conversion from PMRS to CMRS. Although we know that many entities hold licenses for

multiple stations and not all licensees are small entities, we estimate the number of small entities that will be affected in the future to be approximately 20,000. However, because these conversions will not occur until the end of FY 1996 and were not effective on our established date for fee liability, no annual fee is being imposed on them for FY 1996.

6. With certain exceptions not relevant here, the Commission's Regulatory Fee Schedule applies to all Commission licensee and regulatees. The only other changes in the fee schedule, consist of adjustments in the assessments for various entities necessitated by the Congressionally mandated increase in the amount of fees to be recovered and new fees for Low Earth Orbit Satellite Systems, and Intelsat and Inmarsat Signatory Fees. There is only one Low Earth Orbit System, and Comsat is the sole Intelsat and Inmarsat Signatory. They are dominant carriers. Thus, we certify that these new fees are not subject to the Regulatory Flexibility Act of 1980, as amended, because they do not apply to small entities as defined by Section 601(3) of the Regulatory Flexibility Act. We further certify that the changes in the amounts of the other regulatory fees to be collected are not subject to the Act because they are relatively small and not likely to have a significant economic impact on a substantial number of small entities. Moreover, the Commission's policy is to waive the regulatory fee for licensees which can establish that payment of the regulatory fees would create a compelling case of financial hardship.

7. *Description of Projected Reporting, Record Keeping and Other Compliance Requirements:* Compliance with the fee schedule requires CMRS licensees to tabulate the number of units they have in service, complete and file a form FCC 159, and pay an annual regulatory fee based on the number of units in service. Licensees ordinarily will keep a list of the number of units they have in service as part of their normal business practices. No outside professional skills are required to complete the form FCC 159, and it can be completed by the employees responsible for an entity's business records. The Commission estimates that it will take each licensee about 5–15 minutes to fill in and file a form FCC 159 after computing the number of units subject to the fee. As an option, licensees are permitted to file electronically or on computer diskette to ease the burden of filing information which would require multiple forms FCC 159. Although not mandatory, the latter may require additional professional skills. For Cellular and Public Mobile Services licensees there is no change to these requirements. Licensees who paid small fees in advance supplied fee information as part of their application and did not use form FCC 159. When and if they convert to CMRS, they must use the form FCC 159, but the impact would be minimal since the basic information is the same as was on the application form.

8. *Minimizing the Impact on Small Entities and Consistent with Stated Objectives:* Although no comments were submitted on the IRFA, we have amended our procedures in a manner calculated to minimize the impact on small entities. The fee schedule will assess the fees to be paid by those who choose to convert from PMRS to CMRS in the future, and require that the fees be paid on an annual basis. These new CMRS licensees will also be required to make annual fee payments, since single advance payments would no longer be practicable because of fluctuations in the numbers of units a licensee may have in service over the length of its license term. Additionally, the economic burden of annual fee payments would be substantially less than would be the burden of requiring advance payment of larger fees. Moreover, the conversion is voluntary, and any licensee can avoid the burden by remaining a private carrier. In addition, because the conversion of existing stations will not take effect until August 10, 1996, licensees who have not converted will be exempt from the fee for FY 1996. Finally, in order to ease the burden on small entities, licensees with fee obligations of less than $10 will be exempt from the fees.

[This Appendix B will not be published in the Code of Federal Regulations]

Appendix B—Sources of Payment Unit Estimates for FY 1996

In order to calculate individual service fees for FY 1996, we adjusted FY 1995 payment units for each service to more accurately reflect expected FY 1996 payment liabilities. We obtained our updated estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections when available. We tried to obtain verification for these estimates from multiple sources and, in all cases, we compared FY 1996 estimates with actual FY 1995 payment units to ensure that our revised estimates were reasonable. Where it made sense, we adjusted and/or rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units yet cannot be estimated exactly. These include an unknown number of waivers and/or exemptions that may occur in FY 1996 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical or other reasons. Therefore, when we note, for example, that our estimated FY 1996 payment units are based on FY 1995 actual payment units, it does not necessarily mean that our FY 1996 projection is *exactly* the same number as FY 1995. It means that we have either rounded the FY 1995 number or adjusted it slightly to account for these variables.

Fee Category	Sources of payment unit estimates
Land Mobile (All), Microwave, IVDS, Marine (Ship & Coast), Aviation (Aircraft & Ground), GMRS, Amateur Vanity Call Signs, Domestic Public Fixed.	Based on Wireless Telecommunications Bureau (WTB) projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration proposals to license portions of these services on a voluntary basis.
CMRS Mobile Services (incl. Cellular/Public Mobile Radio Services and Two Way Paging Services).	Based on actual FY 1995 payment units adjusted to take into consideration industry estimates of growth between FY 1995 and FY 1996 and Wireless Telecommunications Bureau projections of new applications and average number of mobile units associated with each application.
CMRS One Way Paging Services.	Based on industry estimates of the number of pager units in operation.
AM/FM Radio Stations	Based on actual FY 1995 payment units.
UHF/VHF Television Stations.	Based on actual FY 1995 payment units.
AM/FM/TV Construction Permits.	Based on actual FY 1995 payment units.
LPTV, Translators and Boosters.	Based on actual FY 1995 payment units.
Auxiliaries	Based on actual FY 1995 payment units.
MDS/MMDS	Based on actual FY 1995 payment units.
Cable Antenna Relay System (CARS).	Based on actual FY 1995 payment units.
Cable Television System Subscribers.	Based on Cable Services Bureau and industry estimates of subscribership.

Fee Category	Sources of payment unit estimates
IXCs/LECs, CAPs, Other Service Providers.	Based on actual FY 1995 interstate revenues associated with contributions to the Telecommunications Relay System (TRS) Fund adjusted to take into consideration FY 1996 revenue growth in this industry as estimated by the Common Carrier Bureau.
Earth Stations	Based on actual FY 1995 payment units.
Space Stations & LEOs	Based on International Bureau licensee data bases.
International Bearer Circuits	Based on actual FY 1995 payment units.
International HF Broadcast Stations, International Public Fixed Radio Service.	Based on actual FY 1995 payment units.

Appendix C

[This Appendix C will not be published in the Code of Federal Regulations]

Fee category	FY 1996 Regulatory fees-calculation of mandatory adjustments					Recalculated fee	Rounded fee	New FY 1996 revenue
	FY 1996 Payment units	(times) Adj. FY 1995 fee	(times) Applicable years	(equals) Computed FY 1996 revenue	Pro-rated revenue **			
LM (220 MHz. > 470 MHZ-Base, SMRS	1,350	6	5	$40,500	45,125	7	7	47,250
Microwave	7,025	6	10	421,500	469,635	7	7	491,750
IVDS	10	6	5	300	334	7	7	350
Marine (Ship)	24,650	3	10	739,500	823,951	3	3	739,500
GMS	1,025	3	5	15,375	17,131	3	3	15,375
LM (Other)	75,000	3	5	1,125,000	1,253,475	3	3	1,125,000
Aviation (Aircraft)	12,050	3	10	361,500	402,783	3	3	361,500
Marine (Coast)	1,800	3	5	27,000	30,083	3	3	27,000
Aviation (Ground)	17,00	3	5	25,500	28,412	3	3	25,500
Amateur Vanity Calls Signs	20,000	3	10	600,000	668,520	3	3	600,000
AM Class A	110	1,120	1	123,200	137,269	1,248	1,250	137,500
AM Class B	1,350	620	1	837,000	932,585	691	690	931,500
AM Class C	1,080	250	1	270,000	300,824	279	280	302,400
AM Class D	1,450	310	1	449,500	500,833	345	345	500,250
AM Construction Permits	35	125	1	4,375	4,875	139	140	4,900
FM Classes C, C1, C2, B	2,220	1,120	1	2,486,400	2,770,347	1,248	1,250	2,775,000
FM Classes A, B1, C3	2,200	745	1	1,639,000	1,826,174	830	830	1,826,000
FM Construction Permits	350	620	1	217,000	241,781	691	690	241,500
TV Satellites	90	620	1	55,800	62,172	691	690	62,100
VHF Construction Permits	10	4,975	1	49,750	55,431	5,543	5,550	55,500
UHF Construction Permits	60	3,975	1	238,500	265,737	4,429	4,425	265,500
Auxilliaries	20,000	30	1	600,000	668,520	33	35	700,000
International HF Broadcast	4	250	1	1,000	1,114	279	280	1,120
LPTV/Translators/Boosters	2,000	170	1	340,000	378,828	189	190	380,000
Satellite TV Construction Permit	5	225	1	1,125	1,253	251	250	1,250
CARS	2,200	290	1	638,000	710,860	323	325	715,000
Cable Systems	62,000,000	0.49	1	30,380,000	33,849,396	0.55	0.55	34,100,000
IXC, LECs, CAPS, Others	56,467,000,000	0.00088	1	49,690,960	55,365,668	0.00098	0.00098	55,337,660
CMRS Mobile Services (Cellular/Public Mobile)	30,000,000	0.15	1	4,500,000	5,013,900	0.17	0.17	5,100,000
CMRAS—One Way Paging	24,500,000	0.02	1	490,000	545,958	0.02	0.02	490,000
Domestic Public Fixed	16,000	140	1	2,240,000	2,495,808	156	155	2,480,000
MDS/MMDS	1,130	140	1	158,200	176,266	156	155	175,150
International Circuits	228,000	4	1	912,000	1,016,150	4	4	912,000
International Public Fixed	15	200	1	3,000	3,343	223	225	3,375
Earth Stations	5,700	330	1	1,881,000	2,095,810	368	370	2,109,000
Space Stations (Geosynchronous)	38	75,000	1	2,850,000	3,175,470	83,565	83,575	3,175,850
******Total Estimated Revenue Collected				$104,411,985	$116,335,834			$116,215,780
******Total Revenue Requirement				$116,340,000	$116,340,000			$116,340,000
Difference				($11,928,015)	($4,166)			($124,220)
** 1.1142 factor applied to other than TV								
Television stations:								
VHF Markets 1–10	40	32,000	1	1,280,000			32,000	1,280,000
VHF Markets 11–25	45	26,000	1	1,170,000			26,000	1,170,000
VHF Markets 26–50	80	17,000	1	1,360,000			17,000	1,360,000
VHF Markets 51–100	110	9,000	1	990,000			9,000	990,000
VHF Remaining Markets	200	2,500	1	500,000			2,500	500,000

Appendix C—Continued

[This Appendix C will not be published in the Code of Federal Regulations]

Fee category	FY 1996 Regulatory fees-calculation of mandatory adjustments					Recalculated fee	Rounded fee	New FY 1996 revenue
	FY 1996 Payment units	(times) Adj. FY 1995 fee	(times) Applicable years	(equals) Computed FY 1996 revenue	Pro-rated revenue **			
UHF Markets 1–10	65	25,000	1	1,625,000			25,000	1,625,000
UHF Markets 11–25	60	20,000	1	1,200,000			20,000	1,200,000
UHF Markets 26–50	65	13,000	1	845,000			13,000	845,000
UHF Markets 51–100	110	7,000	1	770,000			7,000	770,000
UHF Remaining Markets	160	2,000	1	320,000			2,000	320,000
**** Total Estimated Revenue-Television (less Sat. TV)				$10,060,000				$10,060,000
Total Estimated Fee Revenue								$126,275,780
Total Revenue Requirement								$126,400,000
Difference								($124,220)

Appendix D—FY 1996 Schedule of Regulatory Fees

[This Appendix D will not be published in the Code of Federal Regulations]

Fee category	Annual regulatory fee
Land Mobile (per license) (220–222 Mhz, above 470 Mhz, Base Station and SMRS) (47 CFR Part 90)	7
Microwave (per license) (47 CFR Part 101)	7
Interactive Video Data Service (per license) (47 CFR Part 95)	7
Marine (Ship) (per station) (47 CFR Part 80)	3
Marine (Coast) (per license) (47 CFR Part 80)	3
General Mobile Radio Service (per license) (47 CFR Part 95)	3
Land Mobile (per license) (all stations not covered above)	3
Aviation (Aircraft) (per station) (47 CFR Part 87)	3
Aviation (Ground) (per license) (47 CFR Part 87)	3
Amateur Vanity Call Signs (per call sign) (47 CFR Part 97)	3
CMRS Mobile Services (per unit) (47 CFR Parts 20, 22, 80 and 90)	.17
CMRS One-Way Paging (per unit) (47 CFR Parts 20, 22 and 90)	.02
Domestic Public Fixed Radio & Multipoint Distribution Services (per call sign) (47 CFR Part 21)	155
AM Radio (47 CFR Part 73):	
Class A	1,250
Class B	690
Class C	280
Class D	345
Construction Permits	140
FM Radio (47 CFR Part 73):	
Classes C, C1, C2, B	1,250
Classes A, B1, C3	830
Construction Permits	690
TV (47 CFR Part 73) VHF Commercial:	
Markets 1–10	32,000
Markets 11–25	26,000
Markets 26–50	17,000
Markets 51–100	9,000
Remaining Markets	2,500
Construction Permits	5,550
TV (47 CFR Part 73) UHF Commercial:	
Markets 1–10	25,000
Markets 11–25	20,000
Markets 26–50	13,000
Markets 51–100	7,000
Remaining Markets	2,000
Construction Permits	4,425
Satellite Television Stations (All Markets)	690
Construction Permits—Satellite Television Stations	250
Low Power TV, TV/FM Translators & Boosters (47 CFR Part 74)	190
Broadcast Auxiliary (47 CFR Part 74)	35
Cable Antenna Relay Service (47 CFR Part 78)	325
Cable Television Systems (per subscriber) (47 CFR Part 76)	.55
Interstate Telephone Service Providers (per revenue dollar)	.00098
Earth Stations (47 CFR Part 25)	370
Space Stations (per operational station in geosynchronous orbit) (47 CFR Part 25) also includes Direct Broadcast Satellite Service (per operational station) (47 CFR Part 100)	70,575
Low Earth Orbit Satellite (per operational system) (47 CFR Part 25)	97,725
INMARSAT/INTELSAT Signatory (per signatory)	233,425
International Circuits (per active 64KB circuit)	4
International Public Fixed (per call sign) (47 CFR Part 23)	225
International (HF) Broadcast (47 CFR Part 73)	280

Appendix E—Comparison Between FY 1995, FY 1996 Proposed and FY 1996 Final Regulatory Fees

[This Appendix E will not be published in the Code of Federal Regulations]

Fee category	Annual regulatory fee FY 1995	NPRM proposed fee FY 1996	Annual regulatory fee FY 1996
Land Mobile (per license) (220–222 Mhz, above 470 Mhz, Base Station and SMRS) (47 CFR Part 90)	6	6	7
Microwave (per license) (47 CFR Part 101)	6	6	7
Interactive Video Data Service (per license) (47 CFR Part 95)	6	6	7
Marine (Ship) (per station) (47 CFR Part 80)	3	3	3
Marine (Coast) (per license) (47 CFR Part 80)	3	3	3
General Mobile Radio Service (per license) (47 CFR Part 95)	3	3	3
Land Mobile (per license) (all stations not covered above)	3	3	3
Aviation (Aircraft) (per station) (47 CFR Part 87)	3	3	3

Appendix E—Comparison Between FY 1995, FY 1996 Proposed and FY 1996 Final Regulatory Fees—Continued

[This Appendix E will not be published in the Code of Federal Regulations]

Fee category	Annual regulatory fee FY 1995	NPRM proposed fee FY 1996	Annual regulatory fee FY 1996
Aviation (Ground) (per license) (47 CFR Part 87)	3	3	3
Amateur Vanity Call Signs (per call sign) (47 CFR Part 97)	3	3	3
CMRS Mobile Services (per unit) (47 CFR Parts 20, 22, 80 and 90)	.15	.15	.17
CMRS One-Way Paging (per unit) (47 CFR Parts 20, 22, and 90)	.02	.02	.02
Domestic Public Fixed Radio & Multipoint Distribution Services (per call sign) (47 CFR Part 21)	140	140	155
AM Radio (47 CFR Part 73):			
Class A	1,120	1,125	1,250
Class B	620	630	690
Class C	250	255	280
Class D	310	315	345
Construction Permits	125	125	140
FM Radio (47 CFR Part 73):			
Classes C, C1, C2, B	1,120	1,125	1,250
Classes A, B1, C3	745	755	830
Construction Permits	620	625	690
TV (47 CFR Part 73) VHF Commercial:			
Markets 1–10	22,420	22,700	32,000
Markets 11–25	19,925	20,175	26,000
Markets 26–50	14,950	15,125	17,000
Markets 51–100	9,975	10,100	9,000
Remaining Markets	6,225	6,300	2,500
Construction Permits	4,975	5,025	5,550
TV (47 CFR Part 73) UHF Commercial:			
Markets 1–10	17,925	18,150	25,000
Markets 11–25	15,950	16,150	20,000
Markets 26–50	11,950	12,100	13,000
Markets 51–100	7,975	8,075	7,000
Remaining Markets	4,975	5,025	2,000
Construction Permits	3,975	4,025	4,425
Satellite Television Stations (All Markets)	620	625	690
Construction Permits—Satellite Television Stations	225	230	250
Low Power TV, TV/FM Translators & Boosters (47 CFR Part 74)	170	170	190
Broadcast Auxiliary (47 CFR Part 74)	30	30	35
Cable Antenna Relay Service (47 CFR Part 78)	290	295	325
Earth Stations (47 CFR Part 25)	330	335	370
Cable Television Systems (per subscriber) (47 CFR Part 76)	.49	.50	.55
Interstate Telephone Service Providers (per revenue dollar)	.00088	.00089	.00098
Space Stations (per operational station in geosynchronous orbit) (47 CFR	75,000	63,500	70,575
Part 25) also includes Direct Broadcast Satellite Service (per operational station) (47 CFR Part 100)	n/a	63,500	70,575
Low Earth Orbit Satellite (per operational system) (47 CFR Part 25)	n/a	87,725	97,725
INMARSAT/INTELSAT Signatory (per signatory)	n/a	217,575	233,425
International Circuits (per active 64KB circuit)	4	4	4
International Public Fixed (per call sign) (47 CFR Part 23)	200	200	225
International (HF) Broadcast (47 CFR Part 73)	250	255	280

[This Appendix F will not be published in the Code of Federal Regulations]

Appendix F—FY 1996 Guidelines for Regulatory Fee Categories

1. The guidelines below provide an explanation of regulatory fee categories established by the Schedule of Regulatory Fees in section 9 (g) of the Communications Act, 47 U.S.C. 159(g) as modified in the instant *Report and Order.* Where regulatory fee categories need interpretation or clarification, we have relied on the legislative history of section 9, our own experience in establishing and regulating the Schedule of Regulatory Fees for Fiscal Years (FY) 1994 and 1995 and the services subject to the fee schedule, and the comments of the parties in our proceeding to adopt fees for FY 1995. The categories and amounts set out in the schedule have been modified to reflect changes in the number of payment units, additions and changes in the services subject to the fee requirement and the benefits derived from the Commission's regulatory activities, and to simplify the structure of the schedule. The schedule may be similarly modified or adjusted in future years to reflect changes in the Commission's budget and in the services regulated by the Commission. *See* 47 U.S.C. 159(b)(2), (3).

2. *Exemptions.* Most licensees and other entities regulated by the Commission must pay regulatory fees in 1996. However, governments and nonprofit (exempt under Section 501 of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but may be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification

from a governmental entity attesting to its exempt status. The governmental exemption applies even where the government-owned or community-owned facility is in direct competition with commercial stations. Other specific exemptions are discussed below in association with a particular service category or group.

I. Private Wireless Radio Services

3. Two levels of statutory fees were established for the Private Wireless Radio Services—exclusive use services and shared use services. Thus, licensees who generally receive a higher quality communication channel due to exclusive or lightly shared frequency assignments, will pay a higher fee than those who share marginal quality assignments. This dichotomy is consistent with the directive of section 9 that the regulatory fees reflect the benefits provided to the licensees. *See* 47 U.S.C. § 159(b)(1)(A). In addition, because of the generally small amount of the fees assessed against Private Wireless Radio Service licensees, applicants for new licenses and reinstatements and for renewal of existing licenses are required to pay a regulatory fee covering the entire license term, with only a percentage of all licensees paying a regulatory fee in any one year. Applications for modification or assignment of existing authorizations do not require the payment of regulatory fees. The expiration date of those authorizations will reflect only the unexpired term of the underlying license rather than a new license term.

a. Exclusive Use Services

4. *Land Mobile Services:* Regulatees in this category include those authorized under Part 90 of the Commission's Rules to provide limited access Wireless Radio service that allows high quality voice or digital communications between vehicles or to fixed stations to further the business activities of the licensee. These services, using the 220–222 MHz band and frequencies at 470 MHz and above, may be offered on a private carrier basis in the Specialized Mobile Radio Services (SMRS).[1] For FY 1996, Land Mobile licensees will pay a $7 annual regulatory fee per license, payable for an entire five or ten year license term at the time of application for a new, renewal or reinstatement license.[2] The total regulatory fee due is either $35 for a license with a five year term or $70 for a license with a 10 year term.

5. *Microwave Services:* These services include private microwave systems and private carrier systems authorized under Part 101 of the Commission's Rules to provide telecommunications services between fixed points on a high quality channel of communications. Microwave systems are often used to relay data and to control railroad, pipeline and utility equipment. For FY 1996, Microwave licensees will pay a $7 annual regulatory fee per license, payable for an entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $70 for the ten year license term.

6. *Interactive Video Data Service (IVDS):* The IVDS is a two-way point-to-multi-point radio service allocated high quality channels of communications and authorized under Part 95 of the Commission's Rules. The IVDS provides information, products and services, and also the capability to obtain responses from subscribers in a specific service area. The IVDS is offered on a private carrier basis. For FY 1996, IVDS licensees will pay a $7 annual regulatory fee per license, payable for an entire five year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $35 for the five year term of the license.

b. Shared Use Services

7. *Marine (Ship) Service:* This service is a shipboard radio service authorized under Part 80 of the Commission's Rules to provide telecommunications between watercraft or between watercraft and shore-based stations. Radio installations are required by domestic and international law for large passenger or cargo vessels. Radio equipment may be voluntarily installed on smaller vessels, such as recreational boats. The recently enacted Telecommunications Act of 1996 gave the Commission the authority to license certain ship stations by rule rather than by individual license. Private boat operators sailing entirely within domestic U.S. waters and who are not otherwise required by treaty or agreement to carry a radio, may no longer be required to hold a marine license if the Commission enacts rules to that effect, and they will not be required to pay a regulatory fee. For FY 1996, parties required to be licensed and those choosing to be licensed for Marine (Ship) Stations will pay a $3 annual regulatory fee per station, payable for an entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $30 for the ten year license term.

8. *Marine (Coast) Service:* This service includes land-based stations in the maritime services, authorized under Part 80 of the Commission's Rules, to provide communications services to ships and other watercraft in coastal and inland waterways. For FY 1996, licensees of Marine (Coast) Stations will pay a $3 annual regulatory fee per call sign, payable for the entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 per call sign for the five year license term.

9. *Private Land Mobile (Other) Services:* These services include Land Mobile Radio Services operating under Parts 90 and 95 of the Commission's Rules. Services in this category provide one or two way communications between vehicles, persons or to fixed stations on a shared basis and include radiolocation services, industrial radio services and land transportation radio services. For FY 1996, licensees of services in this category will pay a $3 annual regulatory fee per call sign, payable for an entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 for the five year license term.

10. *Aviation (Aircraft) Service:* These services include stations authorized to provide communications between aircraft and from aircraft to ground stations and includes frequencies used to communicate with air traffic control facilities pursuant to Part 87 of the Commission's Rules. The recently enacted Telecommunications Act of 1996 gave the Commission the authority to license certain aircraft radio stations by rule rather than by individual license. Private aircraft operators flying entirely within domestic U.S. airspace and who are not otherwise required by treaty or agreement to carry a radio, may no longer be required to hold an aircraft license if the Commission enacts rules to that effect, and they will not be required to pay a regulatory fee. For FY 1996, parties required to be licensed and those choosing to be licensed for Aviation (Aircraft) Stations will pay a $3 annual regulatory fee per station, payable for the entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $30 per station for the ten year license term.

11. *Aviation (Ground) Service:* This service includes stations authorized to provide ground-based communications to aircraft for weather or landing information, or for logistical support pursuant to Part 87 of the Commission's Rules. Certain ground-based stations which only serve itinerant traffic; i.e., possess no actual units on which to assess a fee, are exempt from payment of regulatory fees. For FY 1996, licensees of Aviation (Ground) Stations will pay a $3 annual regulatory fee per license, payable for the entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee is $15 per call sign for the five year license term.

12. *General Mobile Radio Service (GMRS):* These services include Land Mobile Radio licensees providing personal and limited business communications between vehicles or to fixed stations for short-range, two-way communications pursuant to Part 95 of the Commission's Rules. For FY 1996, GMRS licensees will pay a $3 annual regulatory fee per license, payable for an entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 per license for the five year license term.

c. Amateur Radio Vanity Call Signs

13. *Amateur Vanity Call Signs:* This fee covers voluntary requests for specific call signs in the Amateur Radio Service authorized under part 97 of the Commission's Rules. For FY 1996, applicants for Amateur Vanity Call-Signs will pay a $3 annual regulatory fee per call sign, payable for an entire ten year license term at the time of application for a vanity call sign. The total

[1] This category only applies to licensees of shared-use private 220–222 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected not to change to the Commercial Mobile Radio Service (CMRS). Those who have elected to change to the CMRS are referred to paragraph 14 of this Appendix.

[2] Although this fee category includes licenses with ten year terms, the estimated volume of ten year license applications in FY 1996 is less than one tenth of one percent and, therefore, is statistically insignificant.

regulatory fee due would be $30 per license for the ten year license term.[3]

d. Commercial Wireless Radio Services

14. *Commercial Mobile Radio Services (CMRS) Mobile Services:* The Commercial Mobile Radio Service (CMRS) is a new ''umbrella'' descriptive term attributed to various existing services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS Mobile Services include certain licensees which formerly were licensed as part of the Private Radio Services (e.g., Specialized Mobile Radio Services) and others formerly licensed as part of the Common Carrier Radio Services (e.g., Public Mobile Services and Cellular Radio Service). While specific rules pertaining to each covered service remain in separate Parts 22, 80 and 90; general rules for CMRS are contained in Part 20. We have replaced the Public Mobile/Cellular Radio regulatory fee category with a CMRS Mobile Services category for regulatory fee collection purposes. CMRS Mobile Services will include: qualifying Business Radio Services, 220–222 MHz Land Mobile Systems, Specialized Mobile Radio Services (Part 90);[4] Public Coast Stations (Part 80); Public Mobile Radio, Cellular, 800 MHz Air-Ground Radiotelephone, and Offshore Radio Services (Part 22). Licensees who have not elected to convert from private to commercial operations will be exempt from payment of the annual CMRS Mobile Services fee for FY 1996. Existing commercial licensees and those who converted prior to December 31, 1995, must pay the annual CMRS Mobile Services fee for FY 1996. Each licensee in this group will pay an annual regulatory fee for each mobile or cellular unit (mobile or cellular call sign or telephone number), including two-way paging units, assigned to its customers, including resellers of its services. For FY 1996, the regulatory fee is $.17 per unit.

15. *Personal Communications Service (PCS):* For FY 1996, the Personal Communications Service (PCS) covered by Part 24 of the rules is exempt from payment of regulatory fees.

16. *Commercial Mobile Radio Services (CMRS) One-Way Paging Services:* The Commercial Mobile Radio Service (CMRS) is a new ''umbrella'' descriptive term attributed to various existing services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS One-Way Paging Services include certain licensees which formerly were licensed as part of the Private Radio Services (e.g., Private Paging) and others formerly licensed as part of the Common Carrier Radio Services (e.g., Public Mobile One-Way Paging). While specific rules pertaining to each covered service remain in separate Parts 22 and 90; general rules for CMRS are contained in Part 20. We have replaced the Public Mobile One-Way Paging regulatory fee category with a CMRS One-Way Paging Services category for regulatory fee collection purposes. Licensees who have not elected to convert from private to commercial operations will be exempt from payment of the annual CMRS One-Way Paging Services fee for FY 1996. Existing commercial licensees and those who converted prior to December 31, 1995, must pay the annual CMRS One-Way Paging Services fee for FY 1996. Each licensee in the CMRS One-Way Paging Services will pay an annual regulatory fee for each paging unit, assigned to its customers, including resellers of its services. For FY 1996, the regulatory fee is $.02 per unit.

II. Mass Media Services

17. The regulatory fees for the Mass Media fee category apply to broadcast licensees and permittees. Noncommercial Educational Broadcasters are exempt from regulatory fees.

a. Commercial AM and FM Radio

18. These categories include licensed Commercial AM (Classes A, B, C, and D) and FM (Classes A, B, B1, C, C1, C2, and C3) Radio Stations operating under Part 73 of the Commission's Rules.[5] The regulatory fees for AM and FM Stations for FY 1996 are as follows:

AM Radio

Class A	$1,250
Class B	690
Class C	280
Class D	345

FM Radio

Classes C, C1, C2, B	$1,250
Classes A, B1, C3	830

b. Construction Permits—Commercial AM Radio

19. This category includes holders of permits to construct new Commercial AM Stations. For FY 1996, permittees will pay a fee of $140 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable and licensees would be required to pay the applicable fee for the designated class of the station.

c. Construction Permits—Commercial FM Radio

20. This category includes holders of permits to construct new Commercial FM Stations. For FY 1996, permittees will pay a fee of $690 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a regulatory fee based upon the designated class of the station.

d. Commercial Television Stations

21. This category includes licensed Commercial VHF and UHF Television Stations covered under Part 73 of the Commission's Rules, except commonly owned Television Satellite Stations, addressed separately below. Markets are Nielsen Designated Market Areas (DMA) as listed in the *Television & Cable Factbook*, Stations Volume No. 63, 1995 Edition, Warren Publishing, Inc. The fees for each category of station are as follows:

VHF Markets 1–10	$32,000
VHF Markets 11–25	26,000
VHF Markets 26–50	17,000
VHF Markets 51–100	9,000
VHF Remaining Markets	2,500
UHF Markets 1–10	$25,000
UHF Markets 11–25	20,000
UHF Markets 26–50	13,000
UHF Markets 51–100	7,000
UHF Remaining Markets	2,000

e. Commercial Television Satellite Stations

22. Commonly owned Television Satellite Stations in any market (authorized pursuant to Note 5 of Section 73.3555 of the Commission's Rules) that retransmit programming of the primary station are assessed a fee of $690 annually. Those stations designated as Television Satellite Stations in the 1995 Edition of the *Television and Cable Factbook* are subject to the fee applicable to Television Satellite Stations. All other television licensees are subject to the regulatory fee payment required for their class of station and market.

f. Construction Permits—Commercial VHF Television Stations

23. This category includes holders of permits to construct new Commercial VHF Television Stations. For FY 1996, VHF permittees will pay an annual regulatory fee of $5,550. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

g. Construction Permits—Commercial UHF Television Stations

24. This category includes holders of permits to construct new UHF Television Stations. For FY 1996, UHF Television permittees will pay an annual regulatory fee of $4,425. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

h. Construction Permits—Satellite Television Stations

25. The fee for UHF and VHF Television Satellite Station construction permits for FY

[3] Section 9(h) exempts ''amateur radio operator licenses under Part 97 of the Commission's rules (47 CFR Part 97)'' from the requirement. However, Section 9(g)'s fee schedule explicitly includes ''Amateur vanity call signs'' as a category subject to the payment of a regulatory fee.

[4] This category does not include licensees of private shared-use 220 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected to remain non-commercial. Those who have elected not to change to the Commercial Mobil Radio Service (CMRS) are referred to paragraph 4 of this Appendix. Further, Congress provided for a three year transition period until August 10, 1996, for conversion to CMRS. *See* Omnibus Budget Reconciliation Act of 1993, Public Law No. 103–66, Title VI § 6002(b), 107 Stat. 312,392. Therefore, licensees who had not converted to CMRS prior to December 31, 1995, are not subject to the CMRS Mobile Services fee for FY 1996.

[5] The Commission acknowledges that certain stations operating in Puerto Rico and Guam have been assigned a higher level station class than would be expected if the station were located on the mainland. Although this results in a higher regulatory fee, we believe that the increased interference protection associated with the higher station class is necessary and justifies the fee.

1996 is $250. An individual regulatory fee payment is to be made for each Television Satellite Station construction permit held.

i. Low Power Television, FM Translator and Booster Stations, TV Translator and Booster Stations

26. This category includes Low Power UHF/VHF Television stations operating under Part 74 of the Commission's Rules with a transmitter power output limited to 1 kW for a UHF facility and, generally, 0.01 kW for a VHF facility. Low Power Television (LPTV) stations may retransmit the programs and signals of a TV Broadcast Station, originate programming, and/or operate as a subscription service. This category also includes translators and boosters operating under Part 74 which rebroadcast the signals of full service stations on a frequency different from the parent station (translators) or on the same frequency (boosters). The stations in this category are secondary to full service stations in terms of frequency priority. We have also received requests for waivers of the regulatory fees from operators of community based Translators. These Translators are generally not affiliated with commercial broadcasters, they are nonprofit, nonprofitable, or only marginally profitable, serve small rural communities, and are supported financially by the residents of the communities served. We are aware of the difficulties these Translators have in paying even minimal regulatory fees, and we have addressed those concerns in the ruling on reconsideration of the FY 1994 *Report and Order.* Community based Translators are exempt from regulatory fees. For FY 1996, licensees in this category will pay a regulatory fee of $190 for each license held.

j. Broadcast Auxiliary Stations

27. This category includes licensees of remote pickup stations, Aural Broadcast Auxiliary Stations, Television Broadcast Auxiliary Stations, and Low Power Auxiliary Stations, authorized under Part 74 of the Commission's Rules. Auxiliary Stations are generally associated with a particular television or radio broadcast station or cable television system. For FY 1996, licensees of Commercial Auxiliary Stations will pay a $35 annual regulatory fee on a per call sign basis.

k. Multipoint Distribution Service

28. This service is included in the Domestic Public Fixed Service category and covers Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS), authorized under Part 21 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. For FY 1996, MDS and MMDS stations will pay an annual regulatory fee of $155 per call sign. *See* para. 31 below.

III. Cable Services

a. Cable Television Systems

29. This category includes operators of Cable Television Systems, providing or distributing programming or other services to subscribers under Part 76 of the Commission's Rules. For FY 1996 Cable Systems will pay a regulatory fee of $.55 per subscriber.[6] Payments for Cable Systems are to be made on a per subscriber by community unit basis as of December 31, 1995. Cable Systems should determine their subscriber numbers by calculating the number of single family dwellings, the number of individual households in multiple dwelling units, *e.g.*, apartments, condominiums, mobile home parks, etc., paying at the basic subscriber rate, the number of bulk rate customers and the number of courtesy or fee customers. In order to determine the number of bulk rate subscribers, a system should divide its bulk rate charge by the annual subscription rate for individual households. *See* FY 1994 *Report and Order,* Appendix B at para. 31.

b. Cable Antenna Relay Service

30. This category includes Cable Antenna Relay Service (CARS) stations used to transmit television and related audio signals, signals of AM and FM Broadcast Stations and cablecasting from the point of reception to a terminal point from where the signals are distributed to the public by a Cable Television System. For FY 1996, licensees will pay an annual regulatory fee of $325 per CARS license.

IV. Common Carrier Services

a. Fixed Radio Services

31. *Domestic Public Fixed Radio Service:* This category includes licensees in the Point-to-Point Microwave Radio Service, Local Television Transmission Radio Service, Digital Electronic Message Service, Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS),[7] authorized under Part 21 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. For FY 1996, Domestic Public Fixed Radio Service licensees pay a $155 annual regulatory fee per call sign.

b. Interstate Telephone Service Providers

32. This category includes Inter-Exchange Carriers (IXCs), Local Exchange Carriers (LECs), Competitive Access Providers (CAPs), domestic and international carriers that provide operator services, Wide Area Telephone Service (WATS), 800, 900, telex, telegraph, video, other switched, interstate access, special access, and alternative access services either by using their own facilities or by reselling facilities and services of other carriers or telephone carrier holding companies, and companies other than traditional local telephone companies that provide interstate access services to long distance carriers and other customers. This category also includes pre-paid calling card providers. These common carriers, including resellers, must submit fee payments based upon their proportionate share of gross interstate revenues using the methodology that we have adopted for calculating contributions to the TRS fund. *See Telecommunications Relay Services,* 8 FCC Rcd 5300 (1993), 58 FR 39671 (1993). In order to avoid imposing any double payment burden on resellers, we will permit carriers to subtract from their gross interstate revenues, as reported to NECA in connection with their TRS contribution, any payments made to underlying common carriers for telecommunications facilities and services, including payments for interstate access service, that are sold in the form of interstate service. For this purpose, resold telecommunications facilities and services are only intended to include payments that correspond to revenues that will be included by another carrier reporting interstate revenue. For FY 1996, carriers should multiply their adjusted gross revenue figure (gross revenue reduced by the total amount of their payments to underlying common carriers for telecommunications facilities or services) by the factor 0.00098 to determine the appropriate fee for this category of service. You may want to use the following worksheet to determine your fee payment:

	Total	Interstate
(1) Revenue reported in TRS Fund worksheets		
(2) Less: Access charges paid		
(3) Less: Other telecommunications facilities and services taken for resale		
(4) Adjusted revenues (1)minus (2)minus(3)		
(5) Fee factor	.....	0.00098
(6) Fee due (4)times(5)		

V. International Services

a. Earth Stations

33. Very Small Aperture Terminal (VSAT) Earth Stations, equivalent C-Band Earth Stations and antennas, and earth station systems comprised of very small aperture terminals operate in the 12 and 14 GHz bands and provide a variety of communications services to other stations in the network. *VSAT* systems consist of a network of technically-identical small Fixed-Satellite Earth Stations which often include a larger hub station. VSAT Earth Stations and C-Band Equivalent Earth Stations are authorized pursuant to Part 25 of the Commission's Rules. *Mobile Satellite Earth Stations,* operating pursuant to Part 25 of the Commission's Rules under blanket licenses for mobile antennas (transceivers), are smaller than one meter and provide voice or data communications, including position location information for mobile platforms such as cars, buses or trucks.[8] *Fixed- Satellite Transmit/Receive and Transmit Only Earth Station antennas,* authorized or registered

[6] Cable systems are to pay their regulatory fees on a per subscriber basis rather than per 1,000 subscribers as set forth in the statutory fee schedule. *See* FY 1994 *Report and Order* at para. 100.

[7] MDS and MMDS are regulated by the Mass Media Bureau.

[8] Mobile earth stations are hand-held or vehicle-based units capable of operation while the operator or vehicle is in motion. In contrast, transportable units are moved to a fixed location and operate in a stationary (fixed) mode. Both are assessed the same regulatory fee for FY 1996.

under Part 25 of the Commission's Rules, are operated by private and public carriers to provide telephone, television, data, and other forms of communications. Included in this category are telemetry, tracking, and control (TT&C) earth stations and earth station uplinks. For FY 1996, licensees of VSATs, Mobile Satellite Earth Stations, and Fixed-Satellite Transmit/Receive and Transmit Only Earth Stations will pay a fee of $370 per authorization or registration *as well as a separate fee of $370 for each associated Hub Station*.

34. *Receive only earth stations.* For FY 1996, there is no regulatory fee for receive-only earth stations.

b. Space Stations (Geosynchronous)

35. Geosynchronous Space Stations are domestic and international satellites positioned in orbit to remain approximately fixed relative to the earth. Most are authorized under Part 25 of the Commission's Rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. In addition, this category includes Direct Broadcast Satellite (DBS) Service which includes space stations authorized under Part 100 of the Commission's rules to transmit or re-transmit signals for direct reception by the general public encompassing both individual and community reception. For FY 1996, entities authorized to operate geosynchronous space stations (including DBS satellites) will be assessed an annual regulatory fee of $70,575 per operational station in orbit. Payment is required for any geosynchronous satellite that has been launched and tested and is authorized to provide service.

c. Low Earth Orbit Satellites (LEOs)

36. Low Earth Orbit Satellite Systems are space stations that orbit the earth in non-geosynchronous orbit. They are authorized under Part 25 of the Commission's rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. For FY 1996, entities authorized to operate Low Earth Orbit Satellite Systems will be assessed an annual regulatory fee of $97,725 per operational system in orbit. Payment is required for any LEO System that has one or more operational satellites.

d. Signatories

37. A *Signatory to INMARSAT* is an Administration or government, or the telecommunications entity designated as sole operating entity by an Administration or government, which participates in the International Mobile Satellite Organization (INMARSAT) in order to develop and operate a global maritime satellite telecommunication system which serves maritime commercial and safety needs of the United States and foreign countries. A *Signatory to INTELSAT* is an Administration or government, or the telecommunications entity designated as sole operating entity by an Administration or government, which participates in the International Telecommunications Satellite Organization (INTELSAT) in order to develop, construct, operate and maintain the space segment of the global commercial telecommunications satellite system established under the Interim Agreement and Special Agreement signed by Governments on August 20, 1964. For FY 1996, Signatories to INMARSAT and INTELSAT will be assessed an annual regulatory fee of $233,425 in order to recover the cost of the Commission's regulatory activities associated with such entities.

e. International Bearer Circuits

38. Regulatory fees for International Bearer Circuits are to be paid by the facilities-based common carriers activating the circuit in any transmission facility for the provision of service to an end user or resale carrier. Payment of the fee for bearer circuits by private submarine cable operators is required for circuits sold on an indefeasible right of use (IRU) basis or leased to any customer other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. *Compare* FY 1994 *Report and Order* at 5367. The fee is based upon active 64 Kbps circuits, or equivalent circuits. Under this formulation, 64 Kbps circuits or their equivalent will be assessed a fee. Equivalent circuits include the 64 Kbps circuit equivalent of larger bit stream circuits. For example, the 64 Kbps circuit equivalent of a 2.048 Mbps circuit is 30 64 Kbps circuits. Analog circuits such as 3 and 4 KHz circuits used for international service are also included as 64 Kbps circuits. However, circuits derived from 64 Kbps circuits by the use of digital circuit multiplication systems are not equivalent 64 Kbps circuits. Such circuits are not subject to fees. Only the 64 Kbps circuit from which they have been derived will be subject to payment of a fee. For FY 1996, the regulatory fee is $4.00 for each active 64 Kbps circuit or equivalent. For analog television channels we will assess fees as follows:

Analog television channel size in MHz	No. of equivalent 64 Kbps circuits
36	630
24	288
18	240

f. International Public Fixed

39. This fee category includes common carriers authorized under Part 23 of the Commission's Rules to provide radio communications between the United States and a foreign point via microwave or HF troposcatter systems, other than satellites and satellite earth stations, but not including service between the United States and Mexico and the United States and Canada using frequencies above 72 MHz. For FY 1996, International Public Fixed Radio Service licensees will pay a $225 annual regulatory fee per call sign.

g. International (HF) Broadcast

40. This category covers International Broadcast Stations licensed under Part 73 of the Commission's Rules to operate on frequencies in the 5,950 khz to 26,100 Khz range to provide service to the general public in foreign countries. For FY 1996, International HF Broadcast Stations will pay an annual regulatory fee of $280 per station license.

Appendix G—Description of FCC Activities

[This Appendix G will not be published in the Code of Federal Regulations]

Authorization of Service: The authorization or licensing of radio stations, telecommunications equipment and radio operators, as well as the authorization of common carrier and other services and facilities. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with authorization activities.

Policy and Rule Making: Formal inquiries, rule making proceedings to establish or amend the Commission's rules and regulations, action on petitions for rule making and requests for rule interpretations or waivers; economic studies and analyses; spectrum planning, modeling, propagation-interference analyses and allocation; and development of equipment standards. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with policy and rule making activities.

Enforcement: Enforcement of the Commission's rules, regulations and authorizations, including investigations, inspections, compliance monitoring and sanctions of all types. Also includes the receipt and disposition of formal and informal complaints regarding common carrier rates and services, the review and acceptance/rejection of carrier tariffs, and the review, prescription and audit of carrier accounting practices. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with enforcement activities.

Public Information Services: The publication and dissemination of Commission decisions and actions, and related activities; public reference and library services; the duplication and dissemination of Commission records and databases; the receipt and disposition of public inquiries; consumer, small business and public assistance; and public affairs and media relations. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with public information activities.

Appendix H—Parties Filing Comments and Reply Comments

[This Appendix H will not be published in the Code of Federal Regulations]

Parties Filing Comments

Bernstein and McVeigh
Motorola Satellite Communications, Inc.
Destineer Corp.
GE American Communications, Inc.
Montana Broadcasters Association
American Mobile Telecommunications Association, Inc.
COMSAT Corporation
Southern Broadcast Corporation of Sarasota
National Cable Television Association, Inc.

Society of Broadcast Engineers, Inc.
National Exchange Carrier Association, Inc.
NEXTEL Communications, Inc.

Parties Filing Reply Comments

GE American Communications, Inc.

[FR Doc. 96–17640 Filed 7–11–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Parts 61 and 64

[DA 96–1073]

Inmate Calling Services—Prison Payphones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On January 30, 1996, the Commission adopted a Declaratory Ruling that inmate-only payphone instruments are customer premises equipment (CPE) that must be provided on an unregulated basis. The Commission additionally denied petitioner's request that certain inmate-only services be considered enhanced services.

Three petitions were filed with the Commission on March 21, 1996, and one on April 5, 1996, requesting that the Declaratory Ruling be stayed or waived pending the effective date of new rules, pursuant to Section 276 of the Telecommunications Act of 1996, that must be adopted for all payphones. One petitioner also argued that the Declaratory Ruling did not apply to smaller local exchange carriers (LECs). In this Order we deny the request in part and grant it in part, and the intended effect of this action is to ensure that the inmate-only payphone market is competitive.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Alan Thomas, 202–418–2338.

SUPPLEMENTARY INFORMATION: This report summarizes the Commission's Order in the matter of Petition for Waiver and Partial Reconsideration or Stay of Inmate-Only Payphones Declaratory Ruling (DA 96–1073, adopted July 3, 1996 and released July 3, 1996). The file is available for inspection and copying in the Network Services Reference Room, room 220, 2000 M Street, NW., Washington, DC, during the weekday hours of 8:30 a.m. to 3:30 p.m. Monday through Thursday; 8:30 a.m. to 11:30 a.m. on Friday; closed between 12:30 p.m. and 1:30 p.m. Monday through Thursday; or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., NW., Suite 140, Washington, DC 20037, phone (202) 857–3800.

Analysis of Proceeding

2. Petitioners requested the Commission to stay, waive, or reconsider the effective date of the Declaratory Ruling pending the effective date of new rules that must be adopted for all payphones pursuant to Section 276 of the Telecommunications Act of 1996. Petitioners contended that compliance would be superfluous if accounting changes were required to be made solely for inmate-only payphones. Petitioners also argued that providing inmate-only payphones as unregulated CPE would constitute a new service, and that tariffs disclosing technical information regarding such new service must be filed with the Commission six or twelve months before introduction of the new service; thus, petitioners contended that this disclosure requirement made the September 2, 1996 deadline in the Declaratory Ruling impossible to meet. Petitioners also argued that the Declaratory Ruling is in conflict with Section 402 of the Telecommunications Act of 1996 because the former would require that cost allocation manuals (CAMs) be filed more than once annually. Finally, one of the petitioners separately argued that the Telecommunications Act of 1996 did not intend for the Declaratory Ruling to apply to smaller LECs.

3. In this Order, the Commission concluded that the petitioners generally had not satisfied their burden, as stated in *Washington Metropolitan Transit Comm'n* v. *Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977), and thus denied the request for stay and waiver of the Declaratory Ruling. Petitioners did not satisfy their burden that, absent a stay, they would be irreparably injured; nor did they quantify or otherwise demonstrate specific activities that would be superfluous or burdensome. Petitioners also failed to address what effect a stay would have upon the public interest or the harm a stay poses to other parties. The Commission did, however, stay the requirement that CAM revisions be filed. Given that the Commission will soon address Section 402 as part of its ongoing implementation of the Telecommunications Act of 1996, petitioners' position regarding CAM filings did have sufficient merit. Carriers are still required, however, to begin separating their costs effective July 3, 1996.

4. The Commission also waived its requirement that tariffs for a new service such as unregulated payphones must be filed within six or twelve months. Adherence to the Commission's rule would have delayed implementation of the Declaratory Ruling, and the appropriate remedy is not to delay implementation, but rather to waive the normal time period.

5. Finally, the Commission based its Declaratory Ruling on longstanding CPE policies and not the Telecommunications Act of 1996; petitioners offered no bar to the Commission's continued application of these policies with regard to smaller LECs.

Ordering Clauses

6. *It is ordered,* pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Partial Reconsideration or Stay filed jointly by Bell Atlantic, BellSouth, NYNEX, and Pacific Bell and Nevada Bell; the Petition for Reconsideration and Stay filed by Cincinnati Bell; the Petition for Waiver filed by Southwestern Bell; and the Petition for Waiver filed by Pacific Bell and Nevada Bell are denied to the extent described above.

7. *It is further ordered* that pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that we stay the requirement that petitioners file their CAM revisions on July 3, 1996, consistent with this order; however, carriers are still required to begin separating their costs effective July 3, 1996.

8. *It is further ordered* that pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that we waive the network disclosure time requirements applicable to a new unbundled network service to the extent described above.

List of Subjects in 47 CFR Parts 61 and 64

Federal Communications Commission, Inmate-only payphone equipment, Telephones.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–17810 Filed 7–11–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 66

[FCC 96–242]

Applications Relating to Consolidation, Acquisition, or Control of Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Telecommunications Act of 1996 specifically repealed section 221(a) of the Communications Act of 1934. In 1956, the Commission had enacted part 66 of the rules to set out the contents of an application for authority to consolidate telephone companies. Since the Commission no longer has this authority, it has removed part 66 of its rules as unnecessary.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: R.J. Hertz, Enforcement Division, Common Carrier Bureau, (202) 418–0984.

SUPPLEMENTARY INFORMATION:

Adopted: May 29, 1996;
Released: June 4 , 1996.

1. On February 8, 1996, the Telecommunications Act of 1996 (the ''1996 Act'') became law.[1] Section 601(b)(2) of the 1996 Act[2] reads: ''(s)ubsection (a) of section 221 (47 U.S.C. 221(a)) is repealed.'' This Order removes part 66 of the Commission's rules,[3] which concerns the applications to be filed upon the consolidation, acquisition, or change of control of telephone companies. Section 1.527 of our rules contained the rules to implement Section 221(a) of the Communications Act of 1934, as amended.[4] In 1956, after Congress made minor changes to section 221(a), the Commission adopted part 66 to establish new procedures and delineate the information necessary for an application for Commission approval of the consolidation.[5]

2. Under section 221(a) of the Act, before a consolidation could take place,[6] the Commission was required to make a finding that it was not contrary to the public interest for a telecommunications carrier to acquire control, either by acquisition of the physical assets or the securities, of another carrier. Specifically, it provided that upon the filing of an application to consolidate, the Commission was to issue a notice to the areas affected by the consolidation so that the subscribers in those areas, as well as the state or local authorities, would have the opportunity to submit comments on the proposed consolidation. Then, if the Commission determined that the consolidation was in the public interest, it was to certify this fact so as to make inapplicable any other Act or Acts of Congress that would make the proposed transaction unlawful.

3. Congress enacted section 221(a) at a time when local telephone service was viewed as a natural monopoly; thus, section 221(a) allowed competing local telephone companies to merge without facing antitrust scrutiny.[7] According to the Joint Explanatory Statement:

[S]ection 221(a) could inadvertently undercut several of the provisions of the Telecommunications Act of 1996. The problem arises for at least two reasons. First, the crucial term ''telephone company'' is not defined. In the old world of regulated monopolies, a definition probably was not necessary. However, in the new world of competition, many companies will be able to argue plausibly that they are telephone companies.

Second, section 221(a) allows the Commission to confer immunity from any Act of Congress (including the Telecommunications Act of 1996) after performing a public interest review. Section 221(a) could be used to avoid the cable-telco buyout provisions of the Telecommunications Act of 1996. Any cable company that owned any telephone assets could become a telephone company and be bought out by a BOC by applying for immunity under this section.

In addition, if immunity were conferred under section 221(a), it would allow mergers between telecommunications giants to go forward without any antitrust or securities review. In the old world, the statute was usually used to confer immunity on mergers between noncompeting Bell operating subsidiaries or mergers between Bells and small independents within their territories. Neither of these situations involved competitive considerations.[8]

The Joint Explanatory Statement clarifies, however, that repeal of Section 221(a) would not affect the Commission's ability to conduct any review of a merger for Communications Act purposes but would simply end the Commission's ability to confer antitrust immunity.[9]

4. Because the part 66 rules were promulgated to effectuate a process that has been repealed by the 1996 Act, these rules are now unnecessary and should be removed. Accordingly, we find for good cause that further notice and comment are not necessary, nor required, under section 553(3)(B) of the Administrative Procedure Act,[10] because such changes are purely ministerial and necessary to conform our written rules to the Congressional mandate found in the 1996 Act.

5. Accordingly, *it is ordered*, pursuant to sections 4 (i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), and section 601(b)(2) of the Telecommunications Act of 1996, Pub. L. No. 104–104, sec. 601(b)(2), 110 Stat. 56 (1996), that part 66 of the rules *is hereby removed*.

List of Subjects in 47 CFR Part 66

Administrative practice and procedure, Communications Carriers, Federal Communications Commission, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, part 66, is amended as follows:

PART 66—APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION, OR CONTROL OF TELEPHONE COMPANIES—[REMOVED]

1. The authority citation for part 66 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended: 47 U.S.C. 154.

2. Part 66 is removed.

[FR Doc. 96–17809 Filed 7–11–96; 8:45 am]

BILLING CODE 6712–01–P

[1] Pub. L. No. 104–104, 110 Stat. 56 (1996).

[2] *Id.* sec. 601(b)(2).

[3] 47 CFR 66.11–66.15.

[4] 47 U.S.C. 221(a).

[5] *See* Transfer of Carrier's Property, 42 FCC 125 (1956).

[6] *See supra* note 4.

[7] *See* Joint Explanatory Statement of the Committee of Conference, S. Rep. No. 104–458, at 200 (1996) (*Joint Explanatory Statement*).

[8] *Id.* at 200–01.

[9] *Id.* at 201.

[10] 5 U.S.C. 553(3)(B).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. 96–09, Notice 02]

RIN 2127–AF81

Federal Motor Vehicle Safety Standards, and Consumer Information Regulations; Truck-Camper Loading

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

ACTION: Final rule.

SUMMARY: This document rescinds Federal Motor Vehicle Safety Standard (Standard) No. 126, *Truck-camper loading,* and combines its provisions with 49 CFR 575.103, *Truck-camper loading.* This action is being taken because a review of this agency's standards and regulations pursuant to the President's regulatory reinvention initiative persuaded the agency that combining these two rules into one will make their respective requirements easier to understand and apply.

This document also eliminates the requirement to assign a vehicle identification number to each slide-in camper.

DATES: This final rule is effective September 1, 1997.

Any petition for reconsideration of this rule must be received by NHTSA not later than August 26, 1996.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number set forth above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5109, Washington, DC 20590; telephone (202) 366–4949. Docket hours are from 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Robert M. Clarke, Chief, Vehicle Dynamics Division, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5307, Washington, DC 20590. Telephone (202) 366–5281; FAX (202) 366–4329.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5219, Washington, DC 20590. Telephone: (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Standard No. 126 was initially established by final rule published on August 15, 1972 (37 FR 16497) to provide information that can be used by consumers to reduce overloading and improper load distribution in truck-camper combinations. The standard requires manufacturers of slide-in campers to affix a label to each camper specifying, among other things, the maximum weight of the camper and its equipment. The standard also requires that the owner's manual for the camper contain a picture showing the location of the longitudinal center of gravity of the camper when properly loaded.

When initially published, the standard also required manufacturers of trucks capable of accommodating slide-in campers to include in the truck operator's manual a picture showing the manufacturer's recommended longitudinal center of gravity for the cargo weight rating of the camper and a picture of the proper match of a truck and slide-in camper.

Also on August 15, 1972, NHTSA published a notice of proposed rulemaking (NPRM) proposing to require that slide-in campers be identified by a vehicle identification number ''to facilitate any future defect notification and recall campaigns that might occur'' (37 FR 16505).

By final rule published on December 14, 1972 (37 FR 26605), NHTSA adopted the requirement for a vehicle identification number. In a separate final rule published on the same day, NHTSA withdrew the truck requirements from the standard and reissued them in 49 CFR 575.103, a consumer information regulation (37 FR 26607). That action was taken in response to petitions for reconsideration of the final rule of August 15, 1972, which established Standard No. 126 (37 FR 16497).

Pursuant to the March 4, 1994 directive entitled *Regulatory Reinvention Initiative* from the President to the heads of all Federal departments and agencies, NHTSA reviewed all its Federal motor vehicle safety standards and related regulations. As a result of that review, NHTSA tentatively determined that the camper requirements of Standard No. 126 and the truck requirements of 49 CFR 575.103 should be combined into one regulation as before, but this time as a consumer information regulation rather than a performance standard.

Notice of Proposed Rulemaking

(a) Truck Camper Loading Labeling and Information

The current truck-camper loading requirements of Standard No. 126 and § 575.103 involve labeling and placing certain information in the owner's manual. The former requirements are applicable to campers and the latter, to trucks. Since the two provisions were so closely related and, in fact, overlapping, the agency published an NPRM on February 14, 1996 (61 FR 5730) proposing that Standard No. 126 be rescinded and its provisions combined with and incorporated into the provisions of 49 CFR 575.103. The agency stated that no useful purpose is served by keeping the camper requirements separate from the truck requirements in the CFR. The agency stated that since the provisions of the two sections are so closely related, it would be easier, more convenient, and more efficient for manufacturers, regulators, and the public to apply those provisions if they were combined rather than maintained as separate sections in the CFR.

(b) Slide-in Camper Vehicle Identification Number

As stated in the *Background* discussion above, Standard No. 126 requires camper manufacturers to assign a vehicle identification number (VIN) to each slide-in camper they produce. Specifically, paragraph S5.1.1(e) provides that manufacturers must assign a number to each slide-in camper ''for identification purposes consisting of arabic numerals, roman letters, or both.'' The same paragraph further provides that no two campers produced within a 10-year period shall have the same identification number.

The final rule of December 14, 1972 stated that the purpose of the camper VIN was to increase the accuracy and efficiency of recall campaigns conducted by manufacturers to remedy safety defects. However, out of the 26 recalls that have been conducted under Standard No. 126 since its inception in 1972, none have involved or relied on the camper VIN. Agency experience in past slide-in camper recalls has been that the manufacturer's model and serial numbers are sufficient to identify the campers and/or the models involved in the recall. NHTSA tentatively concluded, therefore, that requiring slide-in campers to have a VIN is redundant and does not serve its intended purpose. Accordingly, NHTSA proposed to delete the requirement for a vehicle identification number on slide-in campers.

Public Comments

Chrysler Corporation (Chrysler), General Motors (GM), and the International Association of Chiefs of Police (IACP) submitted comments in response to the NPRM. All indicated general support for the proposals. The IACP commented that elimination of the VIN will not present any difficulties for law enforcement since the serial and model numbers will suffice for identification purposes in place of the VIN.

GM expressed two concerns. One was related to the proposal to require center of gravity distance information in metric units only. GM stated that such requirement will make it more difficult for purchasers of trucks and slide-in campers to determine the comparability of the combination units. GM argued that purchasers of new trucks who expect to use their old campers will have to convert metric/English units to determine the trucks' centers of gravity, and that many people do not know how to do that. GM suggested, therefore, that the center of gravity information depicted in Figures 2 and 4 be provided in both English and metric units.

The other concern was the absence of a proposed effective date. GM stated that if an effective date sooner than September 1, 1996, the start of model year 1997, were established, it would create a considerable cost burden on manufacturers by requiring them to revise and print new manuals and consumer information booklets to incorporate the new metric requirements. GM recommended, therefore, that an effective date no earlier than September 1, 1996 be established as the effective date of the proposed amendments.

Agency Analysis and Decision

(a) The agency is adopting its proposal for combining of the provisions of Standard No. 126 and § 575.103 and deleting the requirement for a separate VIN for slide-in campers for the reasons stated in the NPRM.

(b) Metric/English units of measurement. Section 5164 of the Omnibus Trade and Competitiveness Act, Pub. L. 100–418 (Act), established the metric system of measurements as the preferred system of weights and measures for U.S. trade and commerce. Executive Order No. 12770 directed Federal agencies to comply with the Act by adopting and publishing a conversion schedule in the Federal Register. NHTSA published for comment its plan to convert the Federal motor vehicle safety standards to metric measurements in the Federal Register on April 21, 1992 (57 FR 14619). Based on five comments received in response to that notice, NHTSA published an NPRM on March 15, 1994 (59 FR 11962) proposing the initial group of standards to be converted to the metric system, one of which was Standard No. 126. After considering the submissions of 17 commenters, NHTSA published a final rule on March 14, 1995 converting Standard No. 126, among others, to metric measurements, followed by the equivalent English measurements in parentheses. Section 575.103 was not addressed in that final rule.

The agency considers GM's concerns to be reasonable with respect to the metrics-only measurements shown on Figures 2 and 4, particularly since Figure 1 shows both metric and English measurements. NHTSA's stated intention for issuing the truck/camper loading requirements was to provide useful information to consumers in the proper loading of campers into their companion trucks. Obviously, if the required labeling and illustrations are confusing or, at best, not helpful, then the central purpose of the truck/camper requirements is defeated. NHTSA agrees with GM, therefore, that if there is any possibility that consumers may become confused in attempting to convert metric and English units, both units should be shown in Figures 2 and 4. Accordingly, Figures 2 and 4 are amended to depict measurements shown first in metric units, followed by their equivalent English units in parentheses.

(c) Effective date. The agency also agrees with GM with respect to an effective date of this final rule, that is, that the amendments issued by this rule should be effective at the start of a new model year. The agency believes that an effective date of September 1, 1996 does not give manufacturers sufficient time to comply with the new requirements. Accordingly, the effective date of the requirements of this rule is established as September 1, 1997.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, *Regulatory Planning and Review*. NHTSA has considered the impact of this rulemaking action under the DOT's regulatory policies and procedures and has determined that it is not ''significant'' within the meaning of those policies and procedures.

The amendments promulgated in this rulemaking action are intended to reorganize certain existing requirements and to eliminate a separate, unneeded requirement, thereby simplifying and streamlining the body of Federal regulations. The agency estimates that there will be no cost impact or lead time effects for either manufacturers, dealers, or consumers.

Elimination of the requirement for assigning and affixing a camper VIN will result in only minimal cost savings. Currently, camper manufacturers are required to place the camper VIN on the label containing other information about campers. Since camper manufacturers will continue to be required to place that label on their campers, being relieved of the necessity of placing a camper VIN on the label will at most enable the manufacturers to use a slightly smaller label.

Accordingly, the agency believes that the cost impacts of this rulemaking action will be so minimal as not to warrant the preparation of a full preliminary regulatory evaluation.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. For the reasons stated above, this proposal will have no significant impact on manufacturers of slide-in campers and trucks capable of accommodating slide-in campers, thus will have no impact on the costs of those products. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule will not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No state laws will be affected.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, Pub. L. 96–511, the agency notes that there are no information collection requirements associated with this rulemaking action.

Executive Order 12778 (Civil Justice Reform)

This rule has no retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision thereof may prescribe or continue in effect a standard applicable to the same

aspect of performance of a motor vehicle only if the state's standard is identical to the Federal standard. However, the United States government, a state or political subdivision thereof may prescribe a standard for a motor vehicle or motor vehicle equipment for its own use that imposes a higher performance requirement than that required by the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. This section does not require submission of a petition for reconsideration or other administrative procedures before parties may file suit in court.

List of Subjects in 49 CFR Part 571

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

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

§ 571.126 [Removed]

2. Section 571.126 is removed in its entirety from the CFR.

List of Subjects in 49 CFR Part 575

Consumer protection, Motor vehicle safety, Reporting and recordkeeping, Tires.

In consideration of the foregoing, 49 CFR part 575 is amended to read as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

3. The authority citation for part 575 continues to read as follows:

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

4. Section 575.103 is revised to read as follows:

§ 575.103 Truck-camper loading.

(a) *Scope.* This section requires manufacturers of slide-in campers to affix to each camper a label that contains information relating to identification and proper loading of the camper and to provide more detailed loading information in the owner's manual. This section also requires manufacturers of trucks that would accommodate slide-in campers to specify the cargo weight ratings and the longitudinal limits within which the center of gravity for the cargo weight rating should be located.

(b) *Purpose.* The purpose of this section is to provide information that can be used to reduce overloading and improper load placement in truck-camper combinations and unsafe truck-camper matching in order to prevent accidents resulting from the adverse effects of these conditions on vehicle steering and braking.

(c) *Application.* This section applies to slide-in campers and to trucks that are capable of accommodating slide- in campers.

(d) *Definitions.*

Camper means a structure designed to be mounted in the cargo area of a truck, or attached to an incomplete vehicle with motive power, for the purpose of providing shelter for persons.

Cargo Weight Rating means the value specified by the manufacturer as the cargo-carrying capacity, in pounds or kilograms, of a vehicle, exclusive of the weight of occupants in designated seating positions, computed as 68 kilograms or 150 pounds times the number of designated seating positions.

Slide-in Camper means a camper having a roof, floor, and sides, designed to be mounted on and removable from the cargo area of a truck by the user.

(e) *Requirements.*—(1) *Slide-in Camper.*—(i) *Labels.* Each slide-in camper shall have permanently affixed to it, in such a manner that it cannot be removed without defacing or destroying it, and in a plainly visible location on an exterior rear surface other than the roof, steps, or bumper extension, a label containing the following information in the English language lettered in block capitals and numerals not less than 2.4 millimeters (three thirty-seconds of an inch) high, of a color contrasting with the background, in the order shown below and in the form illustrated in Figure 1.

(A) Name of camper manufacturer. The full corporate or individual name of the actual assembler of the camper shall be spelled out, except that such abbreviations as ''Co.'' or ''Inc.'' and their foreign equivalents, and the first and middle initials of individuals may be used. The name of the manufacturer shall be preceded by the words ''Manufactured by'' or ''Mfd by.''

(B) Month and year of manufacture. It may be spelled out, such as ''June 1995'' or expressed in numerals, such as ''695.''

(C) The following statement completed as appropriate:

''Camper weight is _____ kg. (_____ lbs.) maximum when it contains standard equipment, _____ liters (_____ gal.) of water, _____ kg. (_____ lbs.) of bottled gas, and _____ cubic meters (_____ cubic ft.) refrigerator (or icebox with _____ kg. (_____ lbs.) of ice, as applicable). Consult owner's manual (or data sheet, as applicable) for weights of additional or optional equipment.''

(D) ''Liters (or gal.) of water'' refers to the volume of water necessary to fill the camper's fresh water tanks to capacity. ''Kg. (or lbs.) of bottled gas'' refers to the amount of gas necessary to fill the camper's bottled gas tanks to capacity. The statement regarding a ''refrigerator'' or ''icebox'' refers to the capacity of the refrigerator with which the vehicle is equipped or the weight of the ice with which the icebox may be filled. Any of these items may be omitted from the statement if the corresponding accessories are not included with the camper, provided that the omission is noted in the camper owner's manual as required in paragraph (e)(1)(ii) of this section.

(ii) *Owner's manual.* Each slide-in camper manufacturer shall provide with each camper a manual or other document containing the information specified in paragraph (e)(1)(ii) (A) through (F) of this section.

(A) The statement and information provided on the label as specified in paragraph (e)(1)(i) of this section. Instead of the information required by paragraphs (e)(1)(i)(B) of this section, a manufacturer may use the statements ''See camper identification label located (as applicable) for month and year of manufacture.'' If water, bottled gas, or refrigerator (icebox) has been omitted from this statement, the manufacturer's information shall note such omission and advise that the weight of any such item when added to the camper should be added to the maximum camper weight figure used in selecting an appropriate truck.

(B) A list of other additional or optional equipment that the camper is designed to carry, and the maximum weight of each if its weight is more than 9 kg. (20 lbs) when installed.

(C) The statement: ''To estimate the total cargo load that will be placed on a truck, add the weight of all passengers in the camper, the weight of supplies, tools, and all other cargo, the weight of installed additional or optional camper equipment, and the manufacturer's camper weight figure. Select a truck that has a cargo weight rating that is equal to or greater than the total cargo load of the camper and whose manufacturer recommends a cargo center of gravity

zone that will contain the camper's center of gravity when it is installed.''

(D) The statements: ''When loading this camper, store heavy gear first, keeping it on or close to the camper floor. Place heavy things far enough forward to keep the loaded camper's center of gravity within the zone recommended by the truck manufacturer. Store only light objects on high shelves. Distribute weight to obtain even side-to-side balance of the loaded vehicle. Secure loose items to prevent weight shifts that could affect the balance of your vehicle. When the truck-camper is loaded, drive to a scale and weigh on the front and on the rear wheels separately to determine axle loads. The load on an axle should not exceed its gross axle weight rating (GAWR). The total of the axle loads should not exceed the gross vehicle weight rating (GVWR). These weight ratings are given on the vehicle certification label that is located on the left side of the vehicle, normally on the dash panel, hinge pillar, door latch post, or door edge next to the driver on trucks manufactured on or after January 1, 1972. If weight ratings are exceeded, move or remove items to bring all weights below the ratings.''

(E) A picture showing the location of the longitudinal center of gravity of the camper within an accuracy of 5 centimeters (2 inches) under the loaded condition specified in paragraph (e)(1)(i)(D) of this section in the manner illustrated in Figure 2.

(F) A picture showing the proper match of a truck and slide-in camper in the form illustrated in Figure 3.

(2) *Trucks.* (i) Except as provided in paragraph (e)(2)(ii) of this section, each manufacturer of a truck that is capable of accommodating a slide-in camper shall provide to the purchaser in the owner's manual or other document delivered with the truck, in writing and in the English language, the information specified in paragraphs (e)(2)(i) (A) through (E) of this section.

(A) A picture showing the manufacturer's recommended longitudinal center of gravity zone for the cargo weight rating in the form illustrated in Figure 4. The boundaries of the zone shall be such that when a slide-in camper equal in weight to the truck's cargo weight rating is installed, no GAWR of the truck is exceeded.

(B) The truck's cargo weight rating.

(C) The statements: ''When the truck is used to carry a slide-in camper, the total cargo load of the truck consists of the manufacturer's camper weight figure, the weight of installed additional camper equipment not included in the manufacturer's camper weight figure, the weight of camper cargo, and the weight of passengers in the camper. The total cargo load should not exceed the truck's cargo weight rating and the camper's center of gravity should fall within the truck's recommended center of gravity zone when installed.''

(D) A picture showing the proper match of a truck and slide-in camper in the form illustrated in Figure 3.

(E) The statements: ''Secure loose items to prevent weight shifts that could affect the balance of your vehicle. When the truck camper is loaded, drive to a scale and weigh on the front and on the rear wheels separately to determine axle loads. Individual axle loads should not exceed either of the gross axle weight ratings (GAWR). The total of the axle loads should not exceed the gross vehicle weight rating (GVWR). These ratings are given on the vehicle certification label that is located on the left side of the vehicle, normally the dash, hinge pillar, door latch post, or door edge next to the driver. If weight ratings are exceeded, move or remove items to bring all weights below the ratings.''

(ii) If a truck would accommodate a slide-in camper but the manufacturer of the truck recommends that the truck not be used for that purpose, the information specified in paragraph (e)(2)(i)(E) of this section shall not be provided but instead the manufacturer shall provide a statement that the truck should not be used to carry a slide-in camper.

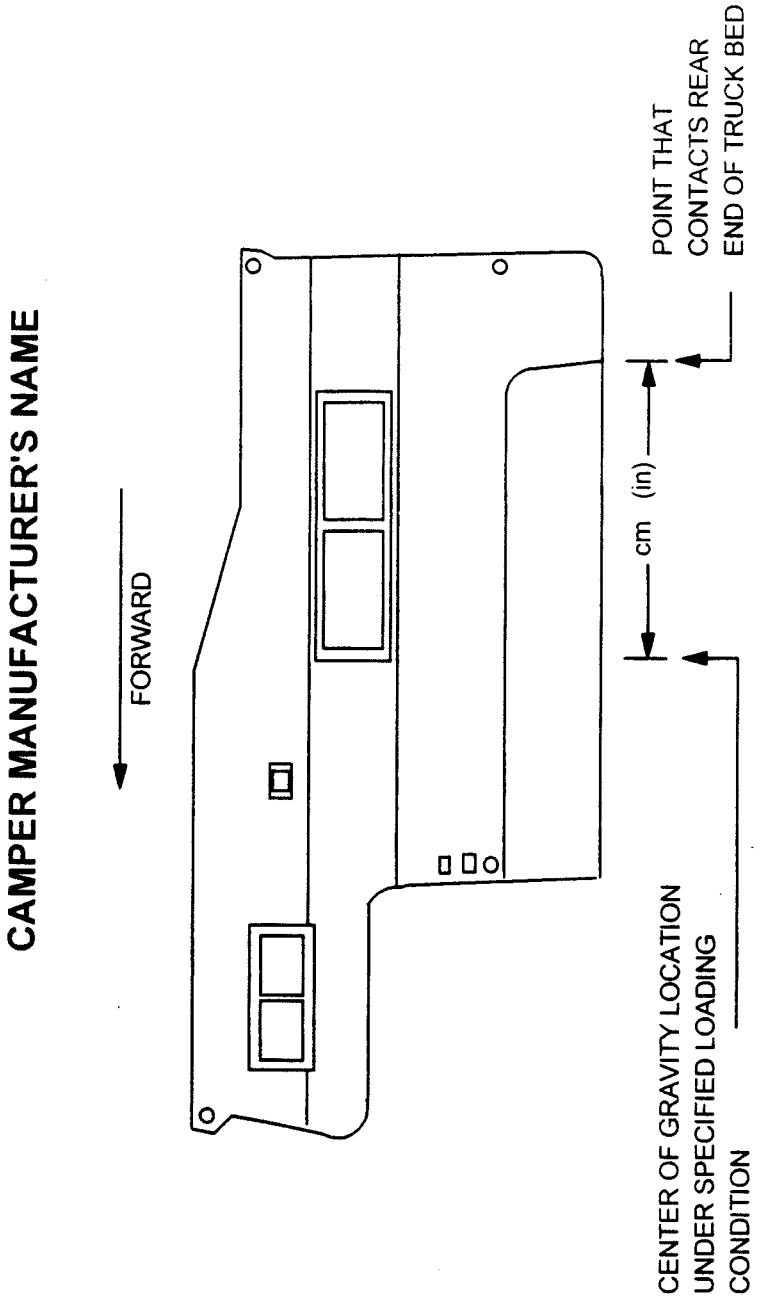
MFD. BY: (CAMPER MANUFACTURER'S NAME)

(MONTH AND YEAR OF MANUFACTURE)

CAMPER WEIGHT IS _____ KG (_____ LB) MAXIMUM WHEN IT CONTAINS STANDARD EQUIPMENT, _____ LITERS (_____ GAL) OF WATER, _____ KG (_____ LB) OF BOTTLED GAS, AND _____ CUBIC METERS (_____ CUBIC FT) REFRIGERATOR (OR ICEBOX WITH _____ KG (_____ LB) OF ICE, AS APPLICABLE). CONSULT OWNER'S MANUAL (OR DATA SHEET AS APPLICABLE) FOR WEIGHTS OF ADDITIONAL OR OPTIONAL EQUIPMENT.

Figure 1. Label for Camper

BILLING CODE 4910–59–P



FGIURE 2. CAMPER CENTER OF GRAVITY INFORMATION

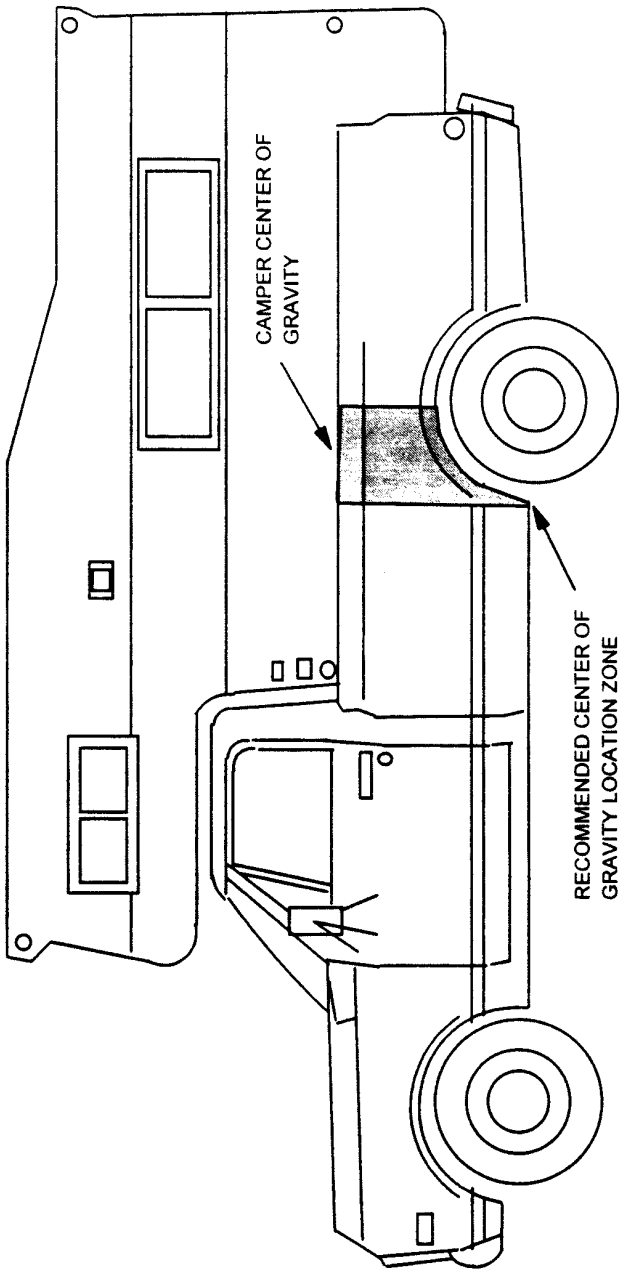


FIGURE 3. EXAMPLE OF PROPER TRUCK AND CAMPER MATCH

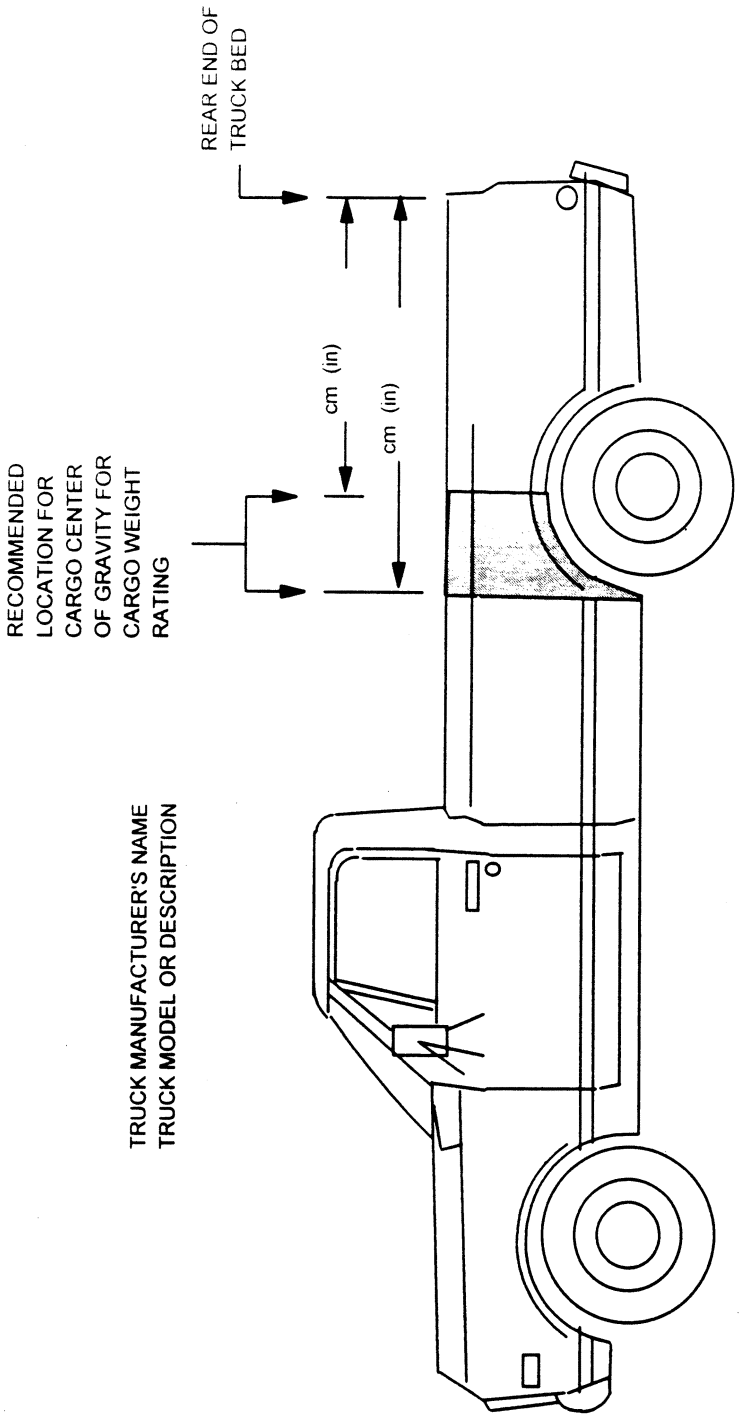


FIGURE 4. TRUCK LOADING INFORMATION

Issued on June 25, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–17751 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–59–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 960614176–6176–01; I.D. 050796A]

RIN 0648–AI18

Fisheries Off West Coast States and in the Western Pacific; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document corrects a typographical error in the **EFFECTIVE DATE** line of the preamble for the final rule in this proceeding concerning Fisheries Off West Coast States and in the Western Pacific, published on July 2, 1996 (61 FR 34570).

FOR FURTHER INFORMATION CONTACT: Robert Gorrell, 301–713–2341.

SUPPLEMENTARY INFORMATION:

In the final rule document 96–16234 beginning on page 34570 in the issue of Tuesday, July 2, 1996, make the following correction:

On page 34570, in the first column under the **EFFECTIVE DATE** heading, the citation ''50 CFR 600.53'' is corrected to read ''50 CFR 660.53''.

Dated: July 5, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96–17725 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 135
Friday, July 12, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 745

Share Insurance and Appendix

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule will amend regulations on the payment of share insurance and appeals to provide authority for the liquidating agent to pay dividends earned or accrued, but not posted to share accounts. Also, the proposed rule will amend those regulations to reference other regulations on the construction of time limits when computing time.

DATES: Comments must be postmarked or posted on the NCUA electronic bulletin board by September 10, 1996.

ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration Board, 1775 Duke Street, Alexandria, Virginia 22314–3428.

FOR FURTHER INFORMATION CONTACT: Jerry L. Courson, Special Assistant to the President, National Credit Union Administration, Asset Liquidation Management Center, 4807 Spicewood Springs Road, Suite 5100, Austin, Texas 78759 or telephone (512) 795–0999 or Allan H. Meltzer, Associate General Counsel, National Credit Union Administration, Office of General Counsel, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Request for Comments

The NCUA Board seeks comments on the proposed changes to Part 745 of the NCUA Rules and Regulations.

Background

Subpart B of Part 745 of the NCUA Rules and Regulations deals with the payment of share insurance and appeals. Specifically, Section 745.200(b) provides that in determining the amount of share insurance, no dividends shall be paid on shares if sufficient undivided and current earnings are not available for such purpose. However, dividends accrued and posted to share accounts for prior accounting periods are considered as principal (regardless of earnings).

In a small number of liquidations, it has been necessary to reconstruct and correct the credit union records. In these liquidation cases, the reconstruction process disclosed situations where dividends were posted to some member accounts and not posted to other member accounts. Under the current regulation, to properly reconstruct these accounts and the dividends that were miscalculated or omitted, the liquidating agent obtained authority from the NCUA Board.

Since the current rule was adopted in 1990, only a small number of the 352 credit unions placed into involuntary liquidation have involved dividend issues. In most cases, the records are updated and dividends are posted before liquidation. Based on the current volume, if all cases involving unposted dividends were referred to the NCUA Board, the workload would be excessive. However, the workload of the liquidating agent would increase, because it would be necessary to audit or review each member account twice, and the additional workload would result in a delay in actual payment to the members.

The liquidation process would be more efficient if a rule is adopted that permits recording unposted dividends. This option also provides for a more equitable treatment of all members. The proposed rule provides discretion for the liquidating agent to correct share accounts by recording dividend payments that were not posted or were incorrectly posted by credit union personnel due to fraud, embezzlement, or accounting errors. Under the proposed rule, dividends not earned in the normal course of business, would not be included in the determination of insured shares. In addition, the proposed rule provides flexibility in dealing with sufficient earnings. Under the current regulation, dividend payments cannot be considered as principal for insurance purposes if sufficient earnings were not available. The proposed rule is silent on sufficient earnings, but a credit union's earnings could be a factor used by the liquidating agent in determining insured shares.

Under the proposed rule, decisions on unposted dividends can be made without specific NCUA Board action.

In addition to amending the rule to deal with unposted dividends, the proposed rule making also amends Section 745.200(d) to reference Section 747.12(a) of the NCUA Rules and Regulations when computing time. The current regulation references Section 747.119, and this section no longer exists.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe the significant economic impact any proposed regulation may have on a substantial number of small credit unions (primarily those under $1 million in assets). This proposal deals with the payment of share insurance and does not directly impact operating credit unions. It does not add any additional requirements or burden. The proposal could provide an additional level of confidence for the credit union member. Accordingly, the NCUA Board has determined and certifies under the authority granted in 5 U.S.C. 605(b) that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions and that a Regulatory Flexibility Act analysis is not required.

Paperwork Reduction Act

The proposed rule does not impose any new paperwork requirements.

Executive Order 12612

The proposed changes to Section 745.200 will apply to both federal credit unions and federally-insured, state chartered credit unions. The NCUA Board, pursuant to Executive Order 12612, has determined that the proposed amendment will not have substantial direct effect 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. Further, the proposed rule will not preempt provisions of state law or regulation.

List of Subjects in 12 CFR Part 745

Administrative practice and procedure, Bank deposit insurance, Claims, Credit unions.

By the National Credit Union Administration Board on July 9, 1996.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA proposes to amend its regulation as follows:

PART 745—SHARE INSURANCE AND APPENDIX

1. The authority citation for part 745 continues to read as follows:

Authority: 12 U.S.C. 1766, 1781, 1789.

2. Section 745.200 is amended by revising paragraphs (b) and (d) to read as follows:

§ 745.200 General.

* * * * *

(b) *Amount of insurance.* The amount of insurance on an insured account shall be determined in accordance with the provisions of subpart A of this part and the Federal Credit Union Act. For the purpose of determining insurance coverage, dividends earned in the ordinary course of business and posted to share accounts for any prior accounting or dividend period shall be deemed to be principal under this rule. Dividends earned or accrued in the ordinary course of business, but not posted to share accounts, may be paid at the discretion of the liquidating agent. In making such determination, the liquidating agent will take into consideration whether the failure to post dividends earned or accrued was due to the fraud, embezzlement or accounting errors of credit union personnel. The liquidating agent may require an accountholder to submit documentation supporting any claim for unposted dividends not otherwise evidenced in the credit union records. However, in no event will dividend amounts be considered as principal for insurance purposes pursuant to this section if not consistent with the amounts paid on similar classes of shares.

* * * * *

(d) *Computing time.* In computing any period of time prescribed by this subpart, the provisions of § 747.12(a) shall apply.

[FR Doc. 96–17783 Filed 7–11–96; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–222–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Model A310 and A300–600 series airplanes, that would have required repetitive Tap Test inspections to detect debonding of the elevator skins, and corrective actions, if necessary. That proposal was prompted by a report that a debonded area of the upper skin of an elevator had been discovered during a visual inspection. This action revises the proposed rule by replacing the Tap Test inspections with inspections using a thermographic technique. This action also provides for replacement of the elevators with new or modified elevators, which, if accomplished, terminates the requirements of the AD. The actions specified by this proposed AD are intended to prevent the presence of water in the elevator, which could cause debonding of the elevator skins and, consequently, could adversely affect the structural integrity of the elevator.

DATES: Comments must be received by August 14, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–222–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–222–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. 94–NM–222–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Airbus Model A310 and A300–600 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on February 8, 1995 (60 FR 7485). That NPRM would have required repetitive Tap Test inspections to detect debonding of the elevator skins, and corrective actions, if necessary. Additionally, that NPRM would have required repetitive thermographic inspections of the elevator to detect trapped water if certain amounts of debonding are detected. That NPRM was prompted by

a report that a debonded area of the upper skin of an elevator had been discovered during a visual inspection. That condition, if not corrected, could result in the presence of water in the elevator, which could cause debonding of the elevator skins and, consequently, could adversely affect the structural integrity of the elevator.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, Airbus has issued Revision 1 of Service Bulletins A310–55–2016 (for Model A310 series airplanes) and A300–55–6014 (for Model A300–600 series airplanes), both dated August 8, 1995. The original issues of these service bulletins were cited in the NPRM as the appropriate sources of service information for accomplishment of repetitive thermographic inspections to detect water in the elevator, and protection and repair of debonded areas of the elevator. Revision 1 of the service bulletins is essentially the same as the original issues, however, Revision 1 specifies an increased allowable cosmetic repair area and introduces new repair criteria. Additionally, Revision 1 provides a threshold and repeat intervals for the thermographic inspections based on the specific types of elevators that are installed.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified these service bulletins as mandatory and issued French airworthiness directive (CN) 95–206–189(B), dated October 25, 1995, in order to assure the continued airworthiness of these airplanes in France. That French CN supersedes the previously-issued French CN 94–184–157(B), dated August 17, 1994. The new French CN removes a previous requirement for repetitive Tap Test inspections and, instead, it requires thermographic inspections to detect water trapped in the elevator. In addition, the new French CN indicates that it applies to Model A310 and A300–600 series airplanes that are equipped with certain carbon fiber elevators on which Airbus Modifications 10489 and 10533 have not been accomplished.

Additionally, since the issuance of the NPRM, Airbus also has issued Service Bulletins A310–55–2019 (for Model A310 series airplanes) and A300–55–6016 (for Model A300–600 series airplanes), both Revision 1, both dated December 18, 1995. These service bulletins describe procedures for replacement of existing elevators with new or modified elevators. Installation of the new or modified elevators will prevent water ingress by adding a second external layer of adhesive and using a different type of Tedlar film. Such installation, if accomplished, will eliminate the need for the repetitive thermographic inspections.

FAA's Conclusions

The FAA has examined the findings of the DGAC and has reviewed the revised service information. The FAA finds that inspections using thermographic techniques are a more reliable method of detecting water trapped in the elevators. Therefore, the FAA has determined that the NPRM must be revised to remove the requirement for repetitive Tap Test inspections and to require, instead, the accomplishment of repetitive thermographic inspections in accordance with the latest service bulletin revisions.

Additionally, the FAA finds that the NPRM must be revised to specify that the inspection threshold and repetitive inspection intervals are based on the specific types of elevators that are installed.

The FAA also finds that the NPRM must be revised to provide for replacement of the elevators with new or modified elevators, which, if accomplished, would terminate the repetitive thermographic inspections.

In addition, the applicability of the NPRM has been revised to coincide with the applicability of French CN 95–206–189(B).

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Type Certification of Affected Airplanes

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 221.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. and

Disposition of Comments to the NPRM

Interested persons were afforded an opportunity to respond to the NPRM. Due consideration has been given to pertinent comments that were submitted, as described below.

Request to Require Pulse-Echo Ultrasound Inspections

One commenter requests that the proposed Tap Tests, be replaced with pulse-echo ultrasound (A-scan) inspections. The commenter states that the pulse-echo ultrasound inspection is much more accurate than a Tap Test.

The FAA concurs partially. The FAA acknowledges that more accurate inspections for debonding may exist; however, the FAA does not agree that pulse-echo ultrasound inspections are the type of inspections that should be required in this case. In developing this AD, the FAA considered the fact that pulse-echo ultrasound equipment and procedures are not readily available to all operators. Additionally, the FAA considered the accuracy of thermographic inspections, as well as the accessibility of thermographic inspections to all operators. In consideration of these items, the FAA finds that thermographic inspections are most appropriate to address the unsafe condition. However, under the provisions of paragraph (f) of the final rule, the FAA may approve alternative methods of compliance with this AD if data are submitted to substantiate that such a method would provide an acceptable level of safety.

Request to Update Cost Impact Information

One commenter requests that the estimated number of affected U.S.-registered airplanes specified in the cost impact information of the proposed rule be revised from 15 to 35, since that is the number of Model A300–600 series airplanes in its fleet.

The FAA concurs and has revised the cost impact information, below, to reflect this change.

Cost Impact

There are approximately 137 Model A310 and A300–600 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 35 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 34 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $71,400, or $2,040 per airplane, per inspection cycle.

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

Should an operator elect to accomplish the optional replacement of the elevators, it would take approximately 14 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work

hour. The manufacturer would provide the replacement parts at no cost to the operator. Based on these figures, the cost impact of the optional replacement action is estimated to be $840 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:

Airbus: Docket 94–NM–222–AD.

Applicability: Model A310 and A300–600 series airplanes equipped with carbon fiber elevators having part number (P/N) A5527605500000 (left-hand side) and P/N A5527605600000 (right-hand side), on which Airbus Modifications 10489 and 10533 have not been accomplished; 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 the presence of water in the elevator, which could cause debonding of the elevator skins and, consequently, could affect the structural integrity of the elevator, accomplish the following:

(a) Perform a thermographic inspection to detect any water that is trapped within the elevator structure, in accordance with either Airbus Service Bulletin A310–55–2016, Revision 1, (for Model A310 series airplanes); or Airbus Service Bulletin A300–55–6014, Revision 1, (for Model A300–600 series airplanes), both dated August 8, 1995, as applicable. Perform the inspection at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes on which CARCOM elevators are installed: Perform the inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Prior to the accumulation of 4,500 total landings on the elevator, or within 5 years after the first landing on the elevator, whichever occurs later; or

(ii) Within 3 months after the effective date of this AD.

(2) For airplanes on which CASA elevators are installed: Perform the inspection at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Prior to the accumulation of 5,000 total landings on the elevator, or within 6 years after the first landing on the elevator, whichever occurs later.

(ii) Within 3 months after the effective date of this AD.

(b) If no water is detected, repeat the thermographic inspection required by paragraph (a) of this AD thereafter at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes on which CARCOM elevators are installed: Repeat the inspection at intervals not to exceed 4,500 landings or 5 years, whichever occurs first;

(2) For airplanes on which CASA elevators are installed: Repeat the inspection at intervals not to exceed 5,000 landings or 6 years, whichever occurs first.

(c) If any water is detected in the elevator, and the area is within the limits specified in the Accomplishment Instructions of either Airbus Service Bulletin A310–55–2016, Revision 1, (for Model A310 series airplanes), or A300–55–6016 (for Model A300–600 series airplanes), both Revision 1, both dated August 8, 1995, as applicable: Prior to further flight, protect and/or repair the elevator in accordance with the applicable service bulletin. Thereafter, repeat the thermographic inspections required by paragraph (b) of this AD at the times specified in the Accomplishment Instructions of the applicable service bulletin until the replacement of the elevator is accomplished as specified in paragraph (e) of this AD.

(d) If any water is detected in the elevator that exceeds the limits specified by Airbus Service Bulletin A310–55–2016 (for Model A310 series airplanes), or Airbus Service Bulletin A300–55–6014 (for Model A300–600 series airplanes), both Revision 1, and both dated August 8, 1995, as applicable: Accomplish the requirements of either (d)(1) or (d)(2) of this AD, as applicable.

(1) If any damage is detected that is less than or equal to 60,000 square millimeters or 93 square inches, prior to further flight, protect or repair and perform repetitive inspections in accordance with the applicable service bulletin.

(2) If any damage is detected that is more than 60,001 square millimeters or 93 square inches, prior to further flight, perform the requirements of either paragraph (d)(2)(i) or (d)(2)(ii) of this AD.

(i) If the damage is within the limits of the Structural Repair Manual (SRM) (Ref. SRM 55–20–00), accomplish the repair in accordance with the SRM; or

(ii) Replace the elevator in accordance with Airbus Service Bulletin A310–55–2019 (for Model A310 series airplanes), or A300–55–6016 (for Model A300–600 series airplanes), both dated December 18, 1995. No further action is required by this AD.

(e) Replacement of the elevator in accordance with either Airbus Service Bulletin A310–55–2019 (for Model A310 series airplanes), or A300–55–6016 (for Model A300–600 series airplanes), both dated December 18, 1995, as applicable, 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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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 July 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17741 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–122–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–60 SHERPA 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 all Short Brothers Model SD3–60 SHERPA series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions, and to limit or prohibit the use of various flight control devices. This proposal is prompted by results of a review of the requirements for certification of the airplane in icing conditions, new information on the icing environment, and icing data provided currently to the flight crews. The actions specified by the proposed AD are intended to minimize the potential hazards associated with operating the airplane in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions.

DATES: Comments must be received by August 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–122–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.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–122–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–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 24, 1996, the FAA issued 18 AD's (see below for a listing of all 18 AD's) to require revising the FAA-approved Airplane Flight Manual (AFM) to provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions, and to limit or prohibit the use of various flight control devices. These AD's were published in the Federal Register on May 7, 1996:

Manufacturer/airplane model	AD No.	Amendment No.	FEDERAL REGISTER citation
de Havilland DHC–6 Series	96–09–11	39–9587	61 FR 20616
EMBRAER EMB–110P1/EMB–110P2	96–09–12	39–9588	61 FR 20636
Beech 99/200/1900 Series	96–09–13	39–9589	61 FR 20638
Dornier 228 Series	96–09–14	39–9590	61 FR 20639
Cessna 208/208B	96–09–15	39–9591	61 FR 20641
Fairchild Aircraft SA226/SA227 Series	96–09–16	39–9592	61 FR 20643
Jetstream 3101/3201	96–09–17	39–9593	61 FR 20644
Jetstream BAe ATP	96–09–18	39–9594	61 FR 20668
Jetstream 4101	96–09–19	39–9595	61 FR 20669
British Aerospace HS 748 Series	96–09–20	39–9596	61 FR 20671
Saab SF340A/SAAB 340B/SAAB 2000 Series	96–09–21	39–9597	61 FR 20672
CASA C–212/CN–235 Series	96–09–22	39–9598	61 FR 20674
Dornier 328–100 Series	96–09–23	39–9599	61 FR 20676
EMBRAER EMB–120 Series	96–09–24	39–9600	61 FR 20677
de Havilland DHC–7/DHC–8 Series	96–09–25	39–9601	61 FR 20679
Fokker F27 Mark 100/200/300/400/500/600/700/050 Series	96–09–26	39–9602	61 FR 20681
Short Brothers SD3–30/SD3–60/SD3–SHERPA Series	96–09–27	39–9603	61 FR 20682
Aerospatiale ATR–42/ATR–72 Series	96–09–28	39–9604	61 FR 20646

Those actions were prompted by results of a review of the requirements for certification of the airplane in icing conditions, new information on the icing environment, and icing data provided currently to the flight crews.

The requirements of those AD's are intended to minimize the potential hazards associated with operating the airplane in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions.

Since the issuance of those AD's, the FAA has determined that Short Brothers Model SD3–60 SHERPA series airplanes were omitted inadvertently from the list of airplane models subject to the potentially unsafe condition described previously and addressed in those AD's.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require revising the AFM to provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions, and to limit or prohibit the use of various flight control devices.

Cost Impact

The FAA estimates that 20 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,200, or $60 per airplane.

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

In addition, the FAA recognizes that this proposed AD may impose operational costs. However, those costs are incalculable because the frequency of occurrence of the specified conditions and the associated additional flight time are indeterminable. Nevertheless, because of the severity of the unsafe condition addressed, the FAA has determined that continued operational safety necessitates the imposition of these costs.

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:

Short Brothers, PLC: Docket 96–NM–122–AD.

Applicability: All Model SD3–60 SHERPA series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To minimize the potential hazards associated with operating the airplane in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

Note 2: Operators must initiate action to notify and ensure that flight crewmembers are apprised of this change.

(1) Revise the FAA-approved Airplane Flight Manual (AFM) by incorporating the following into the Limitations Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

''WARNING

Severe icing may result from environmental conditions outside of those for which the airplane is certificated. Flight in freezing rain, freezing drizzle, or mixed icing conditions (supercooled liquid water and ice crystals) may result in ice build-up on protected surfaces exceeding the capability of the ice protection system, or may result in ice forming aft of the protected surfaces. This ice may not be shed using the ice protection systems, and may seriously degrade the performance and controllability of the airplane.

• During flight, severe icing conditions that exceed those for which the airplane is certificated shall be determined by the following visual cues. If one or more of these visual cues exists, immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the icing conditions.

—Unusually extensive ice accreted on the airframe in areas not normally observed to collect ice.

—Accumulation of ice on the lower surface of the wing aft of the protected area.

—Accumulation of ice on the propeller spinner farther aft than normally observed.

• Since the autopilot may mask tactile cues that indicate adverse changes in handling characteristics, use of the autopilot is prohibited when any of the visual cues specified above exist, or when unusual lateral trim requirements or autopilot trim warnings are encountered while the airplane is in icing conditions.

• All icing detection lights must be operative prior to flight into icing conditions at night. [NOTE: This supersedes any relief provided by the Master Minimum Equipment List (MMEL).]''

(2) Revise the FAA-approved AFM by incorporating the following into the Procedures Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

''THE FOLLOWING WEATHER CONDITIONS MAY BE CONDUCIVE TO SEVERE IN-FLIGHT ICING:

• Visible rain at temperatures below 0 degrees Celsius ambient air temperature.

• Droplets that splash or splatter on impact at temperatures below 0 degrees Celsius ambient air temperature.

PROCEDURES FOR EXITING THE SEVERE ICING ENVIRONMENT:

These procedures are applicable to all flight phases from takeoff to landing. Monitor the ambient air temperature. While severe icing may form at temperatures as cold as -18 degrees Celsius, increased vigilance is warranted at temperatures around freezing with visible moisture present. If the visual cues specified in the Limitations Section of the AFM for identifying severe icing conditions are observed, accomplish the following:

• Immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the severe icing conditions in order to avoid extended exposure to flight conditions more severe than those for which the airplane has been certificated.

• Avoid abrupt and excessive maneuvering that may exacerbate control difficulties.

• Do not engage the autopilot.

• If the autopilot is engaged, hold the control wheel firmly and disengage the autopilot.

• If an unusual roll response or uncommanded roll control movement is observed, reduce the angle-of-attack.

• Do not extend flaps during extended operation in icing conditions. Operation with flaps extended can result in a reduced wing angle-of- attack, with the possibility of ice forming on the upper surface further aft on the wing than normal, possibly aft of the protected area.

• If the flaps are extended, do not retract them until the airframe is clear of ice.

• Report these weather conditions to Air Traffic Control.''

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

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

(c) Special flight permits may be issued in accordance with §§ 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 July 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17740 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–08–AD]

RIN 2120–AA64

Airworthiness Directives; Shorts Model SD3–30, –60, and –SHERPA 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 all Shorts Model SD3–30, –60, and –SHERPA series airplanes. This proposal would require a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. This proposal is prompted by a report that exfoliation corrosion was found on the brackets of the flap hydraulic units. The actions specified by the proposed AD are intended to prevent such corrosion, and consequent reduced structural integrity of the brackets of the flap hydraulic units, which could result in the loss of the flap control and consequent reduced controllability of the airplane.

DATES: Comments must be received by August 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–08–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 Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2146; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–08–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–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–30, –60, and –SHERPA series airplanes. The CAA advises that, during a maintenance check on a Model SD3–30 series airplane, exfoliation corrosion was found on the brackets of the flap hydraulic units. The effects of such corrosion could lead to the reduced structural integrity of the brackets of the flap hydraulic units. This condition, if not detected and corrected in a timely manner, could result in the loss of the flap control and consequent reduced controllability of the airplane.

The brackets of the flap hydraulic units on certain Model SD3–60, and –SHERPA series airplanes are identical to those on the affected Model SD3–30 series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

Shorts has issued Service Bulletin SD330–27–34 (for Model SD3–30 series airplanes), Service Bulletin SD360–27–24 (for Model SD3–60 series airplanes), and Service Bulletin SD3 SHERPA–27–1 (for Model SD3–SHERPA series airplanes), all dated September 12, 1995. These service bulletins describe procedures for a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. The CAA classified these service bulletins as mandatory and issued airworthiness directives 005–09–95 (for Model SD3–30 series airplanes), 007–09–95 (for Model SD3–60 series airplanes), and 008–09–95 (for Model SD3–SHERPA series airplanes), in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusion

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

The FAA estimates that 138 airplanes (50 Model SD3–30 series airplanes, 72 Model SD3–60 series airplanes, and 16 Model SD3–SHERPA series airplanes) of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $41,400, or $300 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.

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:

Short Brothers, PLC: Docket 96–NM–08–AD.

Applicability: All Model SD3–30, –60, and –SHERPA series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion on the brackets of the flap hydraulic units, and consequent reduced structural integrity of those brackets, which could result in the loss of the flap control and consequent reduced controllability of the airplane; accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, in accordance with Shorts Service Bulletin SD330–27–34 (for Model SD3–30 series airplanes); Shorts Service Bulletin SD360–27–24 (for Model SD3–60 series airplanes); or Short Service Bulletin SD3 SHERPA–27–1 (for Model SD3–SHERPA series airplanes); all dated September 12, 1995; as applicable.

(1) If no corrosion is detected, accomplish paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 2,400 hours or 12 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 12 months.

(2) If any corrosion is detected and it is within the limits specified in the applicable service bulletin, prior to further flight, rework the subject area in accordance with the applicable service bulletin. After accomplishment of the rework, accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 600 hours or 6 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 6 months.

(3) If any corrosion is detected and it is outside the limits specified in the applicable service bulletin, prior to further flight, replace the bracket with a new bracket in accordance with the applicable service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on July 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17739 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 5

RIN 1076–AD05

Preference in Employment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is proposing to amend the Preference in Employment regulations by clarifying the application of Indian preference not only within BIA but to other organizations within the Department of the Interior and removing the extension of Indian preference to the individuals of the Osage Tribe of Oklahoma who are at least one-quarter degree Indian ancestry. These regulations have also been rewritten in plain English as mandated by E.O. 12866.

DATES: Comments must be received by September 10, 1996.

ADDRESSES: Mail comments to James McDivitt, Acting Director, Office of Management and Administration, Bureau of Indian Affairs, Department of the Interior 1849 C St. NW., Mail Stop 4616–MIB, Washington, DC 20240; OR, hand deliver them to Room 4140 at the above address. Comments will be available for inspection at this address from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately July 26, 1996.

FOR FURTHER INFORMATION CONTACT: Carol Smalley, Bureau of Indian Affairs, Department of the Interior, telephone number (202) 208–5116.

SUPPLEMENTARY INFORMATION:

Background:

Indian Preference

The Indian preference statute, 25 U.S.C. 472, Section 12 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 986, requires that the Secretary of the Interior establish standards of health, age, character, experience, knowledge, and ability for Indiana who may be appointed to positions for the administration of functions or services affecting any Indian tribe. It further provides that qualified Indians shall have preference to the appointment to vacancies in such positions.

The legal position of the Department of the Interior on the scope of the preference is set forth in a June 10, 1988, opinion by then-solicitor Ralph Tarr, ''The Scope of Indian Preference Under the Indian Reorganization Act'', M–36960, 96 I.D.1. It concludes, in general, that the preference is limited in application to the Bureau of Indian Affairs (BIA) or units removed intact from the Bureau of Indian Affairs to another Departmental bureau. By memorandum dated April 10, 1996, the Deputy Solicitor concluded that when a Bureau of Indian Affairs unit is transferred intact by virtue of an administrative decision from the BIA to a Departmental office where it will continue to perform the functions it formerly performed as part of the BIA, it effectively remains a BIA organization unit and the preference continues to apply. The functions and personnel structure of the organizational unit remain segregated from the remainder of the office to which it is transferred.

Indian Preference to the Individuals of the Osage Tribe of Oklahoma

The Bureau of Indian Affairs must apply Indian preference in filling every vacant position, however created, within the Bureau of Indian Affairs, *Freeman* v. *Morton,* 499 F.2d 492 (DC Cir. 1974). The Secretary issued a final rule for the definition of ''Indian'' on January 17, 1978, which identified five categories of persons of Indian descent eligible for Indian preference. The fifth criterion applied to the Five Civilized Tribes of Oklahoma and to the Osage Tribe whose rolls were closed by the Acts of Congress, and who had not as yet reorganized to establish current membership standards. Many such individuals have received employment preference based on the one-quarter degree standard which was previously established by the Secretary. In 1978, these Tribes were allowed three years, until July 17, 1981, to organize so that members would not be deprived of the one-quarter eligibility standard rather than the one-half degree standard.

On October 4, 1984, the Bureau of Indian Affairs published a final rule (49 FR 39157) to amend 25 CFR Part 5. Section 5.1(e) specified the date of October 4, 1985, as the final date for making appointments of persons of one-quarter degree Indian ancestry. On September 15, 1986, the BIA published a final rule (51 FR 32632) to revise 25 CFR Part 5, Preference in Employment. Section 5.1(e) specified the date of September 5, 1988, as the final date for making appointments of persons of one-quarter degree Indian ancestry. The last final rule published (54 FR 282, January 5, 1989), extended Section 5.1(e) to January 5, 1990.

On February 10, 1994, the Assistant Secretary—Indian Affairs approved the Osage Tribe constitution as ratified by qualified voters of the Osage Nation February 4, 1994. By memorandum dated July 15, 1994, the Assistant Secretary—Indian Affairs recognized the authority of the Osage National Council to identify those Osage Indians who are eligible for Indian preference and suggested the voting list prepared for the constitutional election and the election of officers serve as a temporary membership roll.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Notice of our intent to amend Section 5.1(e), Indian Preference to the Individuals of the Osage Tribe of Oklahoma, appeared in the proposed rule which was published at 59 FR 47046 (Sept. 13, 1994). No comments were received by the Bureau following the publication of the proposed rule.

Certain individuals who are of Indian descent may receive preference when appointments are made to vacancies in positions in the Bureau of Indian Affairs and in any Bureau of Indian Affairs unit that has been transferred intact to a bureau of office within the Department of the Interior and continues to perform the functions it formerly performed as part of the Bureau of Indian Affairs.

Individuals seeking Indian preference in employment must subject proof: of his or her membership in a Federally recognized Indian tribe; of descendancy from a member and that he or she was residing within the present boundaries of any Indian reservation on June 1, 1934; that he or she is an Eskimo or another aboriginal person of Alaska as defined by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*); or proof of one-half or more Indian

blood of tribes that are indigenous to the United States.

Section 5.3 is intended to clarify how eligibility for Indian preference is determined. Specifically, the application of the definition of Indian in the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 988, 25 U.S.C. 479) to descendants of members born after June 1, 1934. By memorandum dated March 24, 1976, then-Associate Solicitor for Indian Affairs, Reid P. Chambers, concluded:

[O]nly persons residing within any Indian reservation on June 1, 1934, who are descendants of members may be considered preference eligibles. ''Members'' in this context means persons identified on approved census rolls or through other means prior to June 1, 1934. Persons born after June 1, 1934, must meet any of the other criteria in order to qualify for preference eligibility.

The form to be used by the Bureau of Indian Affairs to verify eligibility for Indian preference follows the proposed rule.

Publication of the proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the **ADDRESSES** section of this document.

Evaluation and Certification

The Department has certified to the Office of Management and Budget (OMB) that this rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

This rule is not a significant regulatory action under Executive Order 12866 and does not require review by the Office of Management and Budget.

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The Department has determined that this rule does not have ''significant'' takings implications. This rule does not pertain to ''taking'' of private property interests, nor does it impact private property.

The Department has determined that this rule does not have significant federalism effects because it will not interfere with the roles, rights and responsibilities of states and it impacts only the application of the Indian preference by the Bureau of Indian Affairs and the Department of the Interior.

The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

This rule has been found to contain no information collection requirements under the Paperwork Reduction Act of 1995. By memorandum dated January 11, 1984, then-Deputy Administrator for the Office of Information and Regulatory Affairs, Robert P. Bedell, Office of Management and Budget (OMB), determined that information collections related to certificates of Indian blood did not require OMB clearance.

Drafting Information. The primary authors of this document are Carol Smalley, Bureau of Indian Affairs, Department of the Interior and Mercedes C. Lewis, formerly of the Division of Personnel Management.

List of Subjects in 25 CFR Part 5

Employment, Government employees, Indians.

For the reasons set out in the preamble, Part 5 of Title 25, Chapter I of the Code of Federal Regulations is proposed to be revised as set forth below.

PART 5—INDIAN PREFERENCE IN EMPLOYMENT

Sec.
5.1 Definitions.
5.2 Do certain individuals receive preference in employment?
5.3 How is eligibility for Indian preference determined?
5.4 When does Indian preference apply?
5.5 Is placement assistance provided to non-Indians affected by the application of Indian preference?
5.6 Information collection.

Authority: 4 Stat. 737, 25 U.S.C. 43; 22 Stat. 88, 25 U.S.C. 46; 28 Stat. 313, 25 U.S.C. 44; 24 Stat. 389, 25 U.S.C. 348; and 48 Stat. 986, 25 U.S.C. 472 and 479, 93 Stat. 1056, 25 U.S.C. 472a and 5 U.S.C. 8336, 43 U.S.C. 1601.

§ 5.1 Definitions.

Alaska Native means a member of an Alaska Native Tribe; or, an individual whose name appears on the roll of Alaska Natives prior to July 31, 1981, and not subsequently disenrolled; or, an individual who was issued stock in a Native corporation pursuant to 43 U.S.C. 1606(g)(1)(B)(i).

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103–454, 108 Stat. 4791. Annually, the Bureau of Indian Affairs publishes a list of Federally recognized tribes in the Federal Register.

Roll of Alaska Natives means the roll of Alaska Natives prepared pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.*

§ 5.2 Do certain individuals receive preference in employment?

Yes. Certain persons who are of Indian descent, as described in § 5.3, receive preference when appointments are made to vacancies in positions:

(a) In the Bureau of Indian Affairs; and

(b) In any unit that has been transferred intact from the Bureau of Indian Affairs to a Bureau or Office within the Department of the Interior and that continues to perform the functions formerly performed as part of the Bureau of Indian Affairs.

§ 5.3 How is eligibility for Indian preference determined?

You are eligible for preference if:

(a) You are a member of any Federally recognized Indian tribe;

(b) You are a descendant of a member and you were residing within the present boundaries of any Indian reservation on June 1, 1934;

(c) You are an Alaska Native; or

(d) You possess one-half or more Indian blood of tribes that are indigenous to the United States.

§ 5.4 When does Indian preference apply?

(a) If you meet a standard in § 5.3, you are eligible for preference in an initial hire; reinstatement; transfer; reassignment; reduction-in-force; promotion, including a temporary promotion; and details exceeding 120 days.

(b) If you are eligible for preference, we may appoint you under a Schedule A excepted appointment, Exception Number 213.3112(a)(7), and after three consecutive years you may be converted to a career appointment in competitive service. The conversion will not alter your eligibility for preference in personnel actions.

(c) If you are within reach on a Civil Service Register, we may give you a competitive appointment.

§ 5.5 Is placement assistance provided to non-Indians affected by the application of Indian preference?

Yes. The Office of Personnel Management provides assistance to the Bureau of Indian Affairs in placing non-Indian employees in other Federal positions.

§ 5.6 Information collection.

In accordance with Office of Management and Budget regulations in 5 CFR 1320.4, approval of information collections contained in this part is not required.

BILLING CODE 4310–02–P

Appendix to Part 5

FORM BIA - 4432
Revised 5/96

VERIFICATION OF INDIAN PREFERENCE FOR EMPLOYMENT IN BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE

Complete one of the categories as stated in the Instructions and submit this form with your application for Federal employment.

CATEGORY A - MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS OR COMMUNITIES

This is to certify that the person named below is a member of the tribe shown:

_____ _____ _____
Full Name | Date of Birth | Tribal Affiliation

I certify that the above information was taken from the official membership records of the _____ Tribe (or records maintained for the Tribe by the BIA) and acknowledge that falsification and misrepresentation of this information is punishable under Federal Law, 18 U.S.C. 1001.

_____ _____ OR _____ _____
Tribal Representative | Date | BIA Official | Date

_____ _____ _____
Title | Title | Agency

CATEGORY B - DESCENDANTS OF MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS OR COMMUNITIES WHO WERE RESIDING ON ANY INDIAN RESERVATION ON JUNE 1, 1934

I certify that the person named below has established to my satisfaction that he/she is a descendant of an enrolled member of the tribe named below and that he/she was living on an Indian reservation on June 1, 1934. The applicant's family history is outlined on the attached family history chart.

_____ _____ _____
Full Name | Date of Birth | Reservation of Residence on June 1, 1934

_____ _____
Full Name of Ancestor & Tribal Affiliation | Tribal Record of Affiliation

_____ _____
BIA Official | Date

_____ _____
Title | Agency

CATEGORY C - PERSONS WHO POSSESS AT LEAST ONE-HALF DEGREE INDIAN BLOOD DERIVED FROM TRIBES INDIGENOUS TO THE UNITED STATES.

I certify that I have reviewed the documentation to support the below listed individual's claim to the possession of at least one-half degree Indian blood. The applicant's family history is outlined on the attached family history chart.

_____ _____ _____
Full Name | Date of Birth | Degree of Blood and Tribal Derivation

Based on:

_____ _____ _____
BIA Official | Date

_____ _____ _____
Title & Source of Records | Title | Agency

CATEGORY D - ALASKA NATIVE

I certify that the person named below is a member of an Alaska Native Tribe; or, an individual whose name appears on the roll of Alaska Natives prior to July 31, 1981, and not subsequently disenrolled; or, an individual who was issued stock in a Native corporation pursuant to 43 U.S.C. 1606(g)(1)(B)(i).

Full Name	Date of Birth	Alaska Native Village/Corporation/Roll

Title and source of records upon which this is based:

	BIA Official	Date
	Title	Agency

INSTRUCTIONS FOR COMPLETING FORM BIA-4432

1. It is the responsibility of the individual to establish evidence of entitlement to Indian preference. Applicants must submit as much background information as possible to verify eligibility for Indian preference. Falsification or misrepresentation of information is punishable under Federal Law, 18 U.S.C. 1001.

CATEGORY A

MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS OR COMMUNITIES. If you are a member of a Federally-recognized tribe, you may contact either your tribe or the Bureau of Indian Affairs (BIA) agency servicing your tribe for completion of this category. One of the following procedures will apply and you will be advised by the BIA or your tribal representative:

If the BIA maintains the tribal enrollment records or has a copy of a current tribal roll in its custody, the BIA verification and signature is sufficient;

If your tribe has contracted or compacted the maintenance of tribal enrollment records under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, as amended, 25 U.S.C. 450, a verification signed by an *authorized* Tribal Representative(s) is sufficient; or

If the tribe does *not* contract or compact of the tribal enrollment records, the tribe may certify the information and it is verified by an authorized BIA official.

CATEGORY B AND C

- **DESCENDANTS OF MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS OR COMMUNITIES WHO WERE RESIDING ON ANY INDIAN RESERVATION ON JUNE 1, 1934**
- **PERSONS WHO POSSESS AT LEAST ONE-HALF DEGREE INDIAN BLOOD DERIVED FROM TRIBES INDIGENOUS TO THE UNITED STATES**

If you are claiming preference based on any of these categories, you should provide as much information as possible regarding your family history. This will be the only information which the BIA will have to certify your descendence. You are asked to complete the attached FAMILY HISTORY.

Category D

ALASKA NATIVE OR DESCENDANT OF AN ALASKA NATIVE. You may contact the Bureau of Indian Affairs office servicing your village or corporation for completion of this category.

2. **INSTRUCTIONS TO RESPONSIBLE BIA OFFICIALS:**
This form has been designed for the verification that an applicant is entitled to Indian preference in employment. If category A membership is verified through records maintained for the Tribe by the BIA, a tribal representative must also sign the verification. If the applicant does not meet the tribal enrollment criteria, the form should not be completed. If the applicant cannot document at least one-half degree Indian blood derived from tribes indigenous to the United States, the form should not be completed. Upon verification by a BIA Area Director, Superintendent or other designed responsible BIA official, the applicant will be entitled to preference in employment.

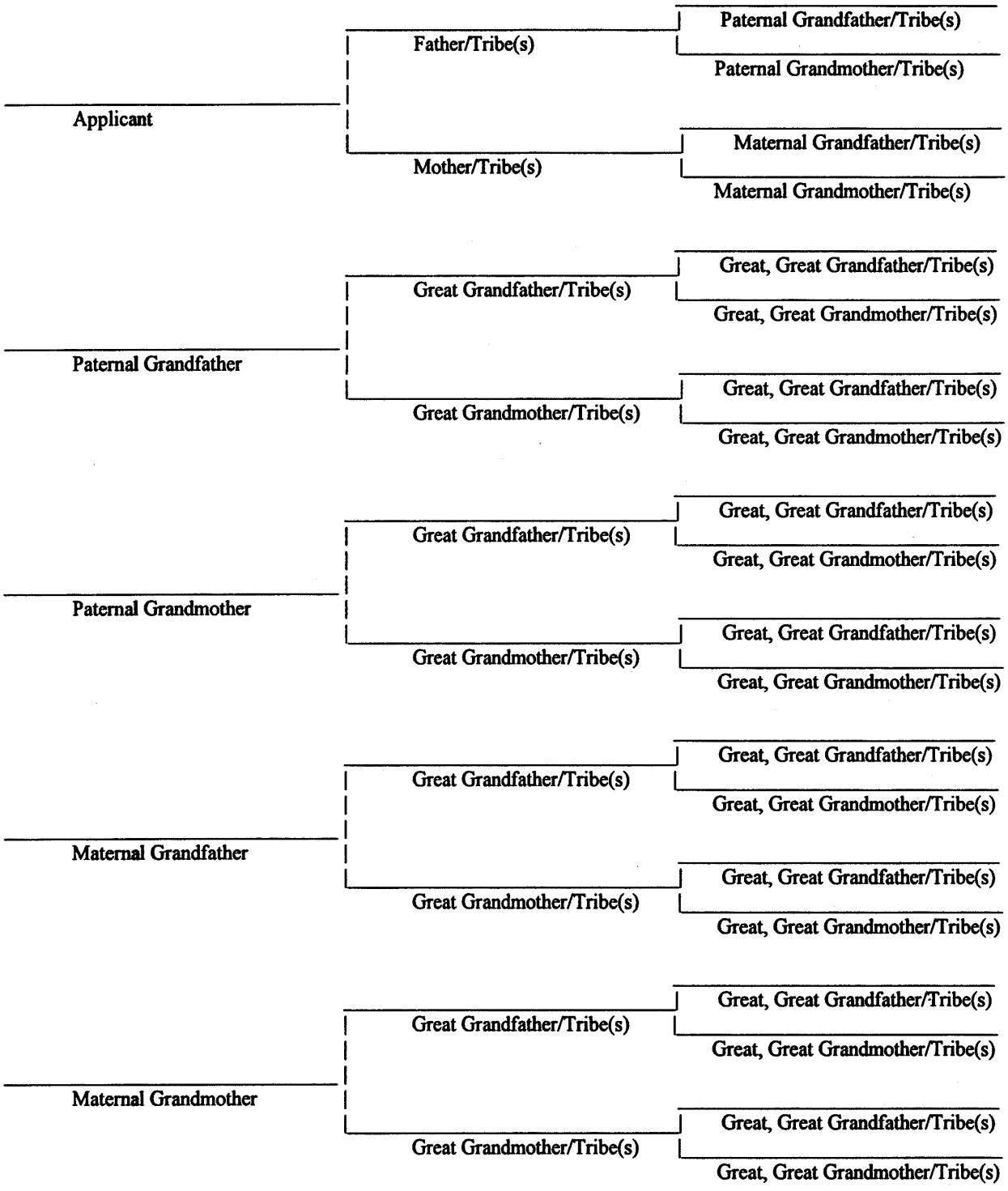
3. **INSTRUCTIONS TO PERSONNEL OFFICERS:**
Receipt of a properly verified FORM BIA 4432, together with an acceptable application, "Personal Qualifications Statement", entitles an applicant to preference in employment.

4. **PAPERWORK REDUCTION ACT NOTICE:**
This rule has been found to contain no information collection requirements under the Paperwork Reduction Act of 1995. By memorandum January 11, 1984, then-Deputy Administrator for the Office of Information and Regulatory Affairs, Robert P. Bedell, Office of Management and Budget (OMB), determined that information collections related to certificates of Indian blood did not require OMB clearance.

5. **PRIVACY ACT STATEMENT:**
This information is collected as provided pursuant to the Privacy Act, 5 U.S.C. 552a, for individuals completing Federal Employment Application Forms. We are authorized to collect information to verify Indian preference by 4 Stat. 737, 25 U.S.C. 43; 22 Stat. 88, 25 U.S.C. 46; 28 Stat. 313, 25 U.S.C. 44; 24 Stat. 389, 25 U.S.C. 348; and 48 Stat. 986, 25 U.S.C. 472 and 479, 93 Stat. 1056, 25 U.S.C. 472a and 5 U.S.C. 8336. The information collected will be used to determine eligibility for Indian preference and may be disclosed to the Department of the Interior Office of Personnel, the United States Office of Personnel Management, and the Indian Health Services Office of Personnel.

6. **EFFECTS OF NON-DISCLOSURE:**
Disclosure of the information requested on this form (Form BIA 4432) is voluntary. However, consideration for Indian preference in employment under 25 CFR Part 5 requires proof that (a) you are a member of any recognized Indian tribe currently under Federal jurisdiction; (b) you are a descendant of a member residing within the present boundaries of any Indian reservation on June 1, 1934; (c) you are an Eskimo or another aboriginal person of Alaska as defined by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*); or (d) you possess one-half or more Indian blood of tribes that are indigenous to the United States. Indian Reorganization Act of June 18, 1934, 25 U.S.C. 472.

FAMILY HISTORY FOR CATEGORY B and C



Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 96–16672 Filed 7–11–96; 8:45 am]
BILLING CODE 4310–02–C

DEPARTMENT OF JUSTICE

28 CFR Part 17

[A.G. Order No. 2040–96]

Classified National Security Information and Access to Classified Information

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements Executive Order No. 12958, entitled ''Classified National Security Information,'' and Executive Order No. 12968, entitled ''Access to Classified Information,'' by completely revising and updating the Department of Justice's classified national security information and access regulations.

DATES: Written comments must be received on or before September 10, 1996.

ADDRESSES: Comments should be submitted in triplicate to: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (202–514–2094 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The President issued Executive Orders No. 12958 and 12968 to update and revise the standards and process for classification and declassification of, and access to, national security information. This proposed rule implements these Presidential directives and completely revises part 17 in accordance with the Administration's priorities for regulatory reform and reinvention of government. The revised rule substantially shortens and simplifies the material contained in part 17, focusing on those matters that affect the general public and that should be published as a formal rule. The revised rule delegates to the Assistant Attorney General for Administration responsibility for developing the vast majority of information and internal operating instructions on classified information and access. This rule has been reviewed by the Information Security Oversight Office of the National Archives and Records Administration, pursuant to Executive Order No. 12958.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order No. 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order No. 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has not been reviewed by the Office of Management and Budget pursuant to Executive Order No. 12866.

Regulatory Flexibility Act

The Attorney General in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 17

Classified information, Foreign relations.

Part 17 of title 28 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 17—CLASSIFIED NATIONAL SECURITY INFORMATION AND ACCESS TO CLASSIFIED INFORMATION

Sec.
17.1 Purpose.
17.2 Scope.
17.3 Definitions.

Subpart A—Administration

17.11 Authority of the Assistant Attorney General for Administration.
17.12 Component head responsibilities.
17.13 Office of Intelligence Policy and Review responsibilities; interpretation of Executive orders.
17.14 Department Review Committee.
17.15 Access Review Committee.
17.16 Violations of classified information requirements.
17.17 Judicial proceedings.
17.18 Prepublication review.

Subpart B—Classified Information

17.21 Classification and declassification authority.
17.22 Classification of information; limitations.
17.23 Emergency classification requests.
17.24 Duration of classification.
17.25 Identification and markings.
17.26 Derivative classification.
17.27 Declassification and downgrading.
17.28 Automatic declassification.
17.29 Documents of permanent historical value.
17.30 Classification challenges.
17.31 Mandatory review for declassification requests.
17.32 Notification of classification changes.

Subpart C—Access to Classified Information

17.41 Access to classified information.
17.42 Positions requiring financial disclosure.
17.43 Reinvestigation requirements.
17.44 Access eligibility.
17.45 Need-to-know.
17.46 Access by persons outside the Executive Branch.
17.47 Denial or revocation of eligibility for access to classified information.

Authority: 28 U.S.C. 501, 509, 510, 515–519; 5 U.S.C. 301; E.O. 12958, 60 FR 7977, 3 CFR, 1995 Comp., p. 333 19825; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; 32 CFR part 2001.

§ 17.1 Purpose.

The purpose of this part is to ensure that information within the Department of Justice (the ''Department'') relating to the national security is classified, protected, and declassified pursuant to the provisions of Executive Orders 12958 (3 CFR, 1995 Comp., p. 333) and 12968 (3 CFR, 1995 Comp., p. 391) and implementing directives from the Information Security Oversight Office of the National Archives and Records Administration (''ISOO''). Executive Orders 12958 and 12968 made numerous substantive changes in the system of classification, declassification, and downgrading of classified National Security Information and the criteria for access to this information. Accordingly, this part is a revision of the Department's classified information security rules.

(a) Subpart A of this part prescribes the implementation of Executive Orders 12958 and 12968 within the Department through the Assistant Attorney General for Administration, as the senior responsible agency official. Subpart A of this part also provides for certain relationships within the Department between the Assistant Attorney General for Administration, other component heads, and the Office of Intelligence Policy and Review.

(b) Subpart B of this part prescribes an orderly and progressive system for ensuring that every necessary safeguard and procedure is in place to assure that information is properly classified and that classified information is protected from unauthorized disclosure. Subpart B of this part requires original classification authorities to make classification decisions based on specific criteria; provides that most newly created classified information be considered for declassification after 10 years; provides that historically valuable information that is more than 25 years old (including information classified under prior Executive orders) be automatically declassified, with

appropriate exceptions; and establishes procedures for authorized holders of classified information to challenge the classification of information.

(c) Subpart C of this part establishes substantive standards and procedures for granting, denying, and revoking, and for appealing decisions to deny access to classified information with an emphasis on ensuring the consistent, cost-effective, and efficient protection of classified information. Subpart C of this part provides a process that is fair and equitable to those with whom classified information is entrusted and, at the same time, assures the security of the classified information.

§ 17.2 Scope.

(a) All employees, contractors, grantees, and other's granted access to classified information by the Department are governed by this part, and by the standards in Executive Order 12958, Executive Order 12968, and directives promulgated under those Executive Orders. If any portion of this part conflicts with any portion of Executive Order 12958, Executive Order 12968, or any successor Executive order, the Executive order shall apply. This part supersedes the former rule and any Department internal operating policy or directive that conflicts with any portion of this part.

(b) This part applies to non-contractor personnel outside of the Executive Branch and to contractor personnel or employees who are entrusted with classified national security information originated within or in the custody of the Department. This part does not affect the operation of the Department's participation in the National Industrial Security Program under Executive Order 12829 (3 CFR, 1993 Comp., p. 570).

(c) This part is independent of and does not affect any classification procedures or requirements of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq).

(d) This part does not, and is not intended to, create any right to judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. This part creates limited rights to administrative review of decisions pursuant to §§ 17.30, 17.31, and 17.47. This part does not, and is not intended to, create any right to judicial review of administrative action under §§ 17.14, 17.15, 17.18, 17.27, 17.30, 17.31 and 17.50.

§ 17.3 Definitions.

The terms defined or used in Executive Order 12958 and Executive Order 12968, and the implementing directives in 32 CFR part 2001, are applicable to this part.

Subpart A—Administration

§ 17.11 Authority of the Assistant Attorney General for Administration.

(a) The Assistant Attorney General for Administration is designated as the senior agency official as required by § 5.6(c) of Executive Order 12958, and § 6.1(a) of Executive Order 12968 and, except as specifically provided elsewhere in this part, is authorized to administer the Department's national security information program pursuant to Executive Order 12958. The Assistant Attorney General for Administration shall appoint a Department Security Officer and may delegate to the Department Security Officer those functions under Executive Orders 12958 and 12968 that may be delegated by the senior agency official. The Department Security Officer may redelegate such functions when necessary to effectively implement this part.

(b) The Assistant Attorney General for Administration shall, among other actions:

(1) Oversee and administer the Department's program established under Executive Order No. 12958;

(2) Establish and maintain Department-wide security education and training programs;

(3) Establish and maintain an ongoing self-inspection program including the periodic review and assessment of the Department's classified product;

(4) Establish procedures to prevent unnecessary access to classified information, including procedures that:

(i) Require that a need for access to classified information is established before initiating administrative procedures to grant access; and

(ii) Ensure that the number of persons granted access to classified information is limited to the minimum necessary for operational and security requirements and needs;

(5) Develop special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;

(6) Assure that the performance contract or other system used to rate personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of:

(i) Original classification authorities;

(ii) Security managers or security specialists; and

(iii) All other personnel whose duties significantly involve the creation or handling of classified information;

(7) Account for the costs associated with implementing this part and report the cost to the Director of the ISOO;

(8) Assign in a prompt manner personnel to respond to any request, appeal, challenge, complaint, or suggestion concerning Executive Order 12958 that pertains to classified information that originated in a component of the Department that no longer exists and for which there is no clear successor in function;

(9) Cooperate, under the guidance of the Security Policy Board, with other agencies to achieve practical, consistent, and effective adjudicative training and guidelines;

(10) Conduct periodic evaluations of the Department's implementation and administration of Executive Orders 12958 and 12968;

(11) Establish a plan for compliance with the automatic declassification provisions of Executive Order 12958 and oversee the implementation of that plan; and

(12) Maintain a list of specific files series of records exempted from automatic declassification by the Attorney General pursuant to section 3.4(c) of Executive Order 12958.

(c) The Department Security Officer may grant, deny, suspend, or revoke employee access to classified information pursuant to and in accordance with Executive Order 12968. The Department Security Officer may delegate the authority under this paragraph to qualified Security Programs Managers when the operational need justifies the delegation and when the Department Security Officer is assured that such officials will apply all access criteria in a uniform and correct manner in accord with the provisions of Executive Order 12968 and subpart C of this part. The fact that a delegation has been made pursuant to this section does not waive the Department Security Officer's authority to make any determinations that have been delegated.

(d) The Department Security Officer shall maintain a current list of all officials authorized pursuant to this part to originally classify or declassify documents.

(e) The Department Security Officer shall promulgate criteria and security requirements for the marking and safeguarding of information, transportation and transfer of information, preparation of classification guides, reporting of communications related to national security by persons granted access to

classified information, reporting of information that raises doubts as to whether another employee's continued eligibility for access to classified information is clearly consistent with the national security, and other matters necessary to the administration of the Executive orders, the implementing regulations of the ISOO, and this part.

§ 17.12 Component head responsibilities.

The head of each component shall appoint and oversee a Security Programs Manager to implement this part. The Security Programs Managers shall:

(a) Observe, enforce, and implement security regulations or procedures pertaining to the classification, declassification, safeguarding, handling, and storage of classified national security information;

(b) Report violations of the provisions of this regulation to the Department Security Officer;

(c) Ensure that all employees acquire adequate security education and training as required by the provisions of the Department security regulations and procedures for classified information;

(d) Continuously review the requirements for personnel access to classified information as a part of the continuous need-to-know evaluation, and initiate action to administratively withdraw or reduce the level of access authorized as appropriate; and

(e) Cooperate fully with any request from the Department Security Officer for assistance in the implementation of this part.

§ 17.13 Office of Intelligence Policy and Review responsibilities; interpretation of Executive orders.

(a) The Counsel for Intelligence Policy shall represent the Attorney General at interagency meetings on matters of general interest concerning national security information.

(b) The Counsel for Intelligence Policy shall provide advice and interpretation on any issues that arise under Executive Orders 12958 and 12968 and shall refer such questions to the Office of Legal Counsel as appropriate.

(c) Any request for interpretation of Executive Order 12958 or Executive Order 12968, pursuant to section 6.1(b) of Executive Order 12958, and section 7.2(b) of Executive Order 12968, shall be referred to the Counsel for Intelligence Policy, who shall refer such questions to the Office of Legal Counsel as appropriate.

§ 17.14 Department Review Committee.

(a) The Department Review Committee (DRC) is established to:

(1) Resolve all issues, except those related to the compromise of classified information, that concern the implementation and administration of Executive Order 12958, implementing directives from the ISOO, and subpart B of this part, including those issues concerning over classification, failure to declassify, classification challenges, and delays in declassification not otherwise resolved;

(2) Review all appeals from denials of requests for records made under section 3.6 of Executive Order 12958 and the Freedom of Information Act (5 U.S.C. 552), when the proposed denial is based on their continued classification under Executive Order 12958;

(3) Recommend to the Attorney General appropriate administrative sanctions to correct the abuse or violation of any provision of Executive Order 12958, the implementing directives or subpart B of this part, except as it relates to the compromise of classified national security information; and

(4) Review, on appeal, challenges to classification actions and mandatory review requests.

(b) (1) The DRC shall consist of a senior representative designated by the:

(i) Deputy Attorney General;

(ii) Assistant Attorney General, Office of Legal Counsel;

(iii) Assistant Attorney General, Criminal Division;

(iv) Assistant Attorney General, Civil Division;

(v) Assistant Attorney General for Administration;

(vi) Director, Federal Bureau of Investigation; and

(vii) Counsel for Intelligence Policy.

(2) Each such official shall also designate in writing an alternate to serve in the absence of his or her representative. Four representatives shall constitute a quorum of the DRC. The Attorney General shall designate the Chairman of the DRC from among its members.

(c) The Office of Information and Privacy (OIP) shall provide the necessary administrative staff support for the DRC.

§ 17.15 Access Review Committee.

(a) The Access Review Committee (ARC) is hereby established to review all appeals from denials or revocations of eligibility for access to classified information under Executive Order 12968. Unless the Attorney General requests recommendations from the ARC and personally exercises appeal authority, the ARC's decisions shall be final.

(b) The ARC shall consist of the Deputy Attorney General or a designee, the Counsel for Intelligence Policy or a designee, and the Assistant Attorney General for Administration or a designee. Designations must be approved by the Attorney General.

(c) The Department Security Officer shall provide the necessary administrative staff support for the ARC.

§ 17.16 Violations of classified information requirements.

(a) Any person who suspects or has knowledge of a violation of this part, including the known or suspected loss or compromise of national security information, shall promptly report and confirm in writing the circumstances to the Department Security Officer.

Any person who makes such a report to the Department Security Officer shall promptly furnish a copy of such report:

(1) If the suspected violation involves a Department attorney (including an Assistant United States Attorney or Special Assistant United States Attorney) while engaged in litigation, grand jury proceedings, or giving legal advice, or a law enforcement officer assisting an attorney engaged in such activity, to the Office of Professional Responsibility;

(2) If the suspected violation involves an employee of the Federal Bureau of Investigation or the Drug Enforcement Administration, other than a law enforcement officer in paragraph (a)(1) of this section, to the Office of Professional Responsibility in that component; or

(3) In any other circumstance, to the Office of the Inspector General.

(b) Department employees, contractors, grantees, or consultants may be reprimanded; suspended without pay, terminated from classification authority; suspended from or denied access to classified information; or subject to other sanctions in accordance with applicable law and Department regulation if they:

(1) Knowingly, willfully, or negligently disclose to unauthorized persons information classified under Executive Order 12958 or predecessor orders;

(2) Knowingly, willfully, or negligently classify or continue the classification of information in violation of Executive Order 12958 or its implementing directives; or

(3) Knowingly, willfully, or negligently violate any other provision of Executive Order 12958, or knowingly and willfully grant eligibility for, or allow access to, classified information in violation of Executive Order 12968, or its implementing directives, this part, or security requirements promulgated by the Department Security Officer.

§ 17.17 Judicial proceedings.

(a) (1) Any Department official or organization receiving an order or subpoena from a federal or state court to produce classified information, required to submit classified information for official Department litigative purposes, or receiving classified information from another organization for production of such in litigation, shall immediately determine from the agency originating the classified information whether the information can be declassified. If declassification is not possible, the Department official or organization and the assigned Department attorney in the case shall take all appropriate action to protect such information pursuant to the provisions of this section.

(2) If a determination is made to produce classified information in a judicial proceeding in any manner, the assigned Department attorney shall take all steps necessary to ensure the cooperation of the court and, where appropriate, opposing counsel in safeguarding and retrieving the information pursuant to the provisions of this part.

(b) The Classified Information Procedures Act (CIPA), Pub. L. 96–456, 94 Stat. 2025, 18 U.S.C. App., and the ''Security Procedures Established Pursuant to Pub. L. 96–456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information'' may be used in Federal criminal cases involving classified information. (Available from the Security and Emergency Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530.)

(c) In judicial proceedings other than Federal criminal cases where CIPA is used, the Department, through its attorneys, shall seek appropriate security safeguards to protect classified information from unauthorized disclosure, including, but not limited to, consideration of the following:

(1) A determination by the court of the relevance and materiality of the classified information in question;

(2) An order that classified information shall not be disclosed or introduced into evidence at a proceeding without the prior approval of either the originating agency, the Attorney General, or the President;

(3) A limitation on attendance at any proceeding where classified information is to be disclosed to those persons with appropriate authorization to access classified information whose duties require knowledge or possession of the classified information to be disclosed;

(4) A court facility that provides appropriate safeguarding for the classified information as determined by the Department Security Officer;

(5) Dissemination and accountability controls for all classified information offered for identification or introduced into evidence at such proceedings;

(6) Appropriate marking to indicate classified portions of any and the maintenance of any classified transcript under seal;

(7) Handling and storage of all classified information including classified portions of any transcript in a manner consistent with the provisions of this part and Department implementing directives;

(8) Return at the conclusion of the proceeding of all classified information to the Department or the originating agency, or placing the classified information under court seal;

(9) Retrieval by Department employees of appropriate notes, drafts, or any other documents generated during the course of the proceedings that contain classified information and immediate transfer to the Department for safeguarding and destruction as appropriate; and

(10) Full and complete advice to all persons to whom classified information is disclosed during such proceedings as to the classification level of such information, all pertinent safeguarding and storage requirements, and their liability in the event of unauthorized disclosure.

(d) Access to classified information by individuals involved in judicial proceedings other than employees of the Department is governed by § 17.46(c).

§ 17.18 Prepublication review.

(a) All individuals with authorized access to Sensitive Compartmented Information shall be required to sign nondisclosure agreements containing a provision for prepublication review to assure deletion of Sensitive Compartmented Information and other classified information. Sensitive Compartmented Information is information that not only is classified for national security reasons as Top Secret, Secret, or Confidential, but also is subject to special access and handling requirements because it involves or derives from particularly sensitive intelligence sources and methods. The prepublication review provision will require Department of Justice employees and other individuals who are authorized to have access to Sensitive Compartmented Information to submit certain material, described further in the agreement, to the Department prior to its publication to provide an opportunity for determining whether an unauthorized disclosure of Sensitive Compartmented Information or other classified information would occur as a consequence of its publication.

(b) Persons subject to these requirements are invited to discuss their plans for public disclosures of information that may be subject to these obligations with authorized Department representatives to an early stage, or as soon as circumstances indicate these policies must be considered. Except as provided in paragraph (j) of this section for Federal Bureau of Investigation (FBI) personnel, all questions concerning these obligations should be addressed to the Counsel for Intelligence Policy, Department of Justice, 10th & Constitution Avenue, NW., Washington, DC 20530. The official views of the Department on whether specific materials require prepublication review may be expressed only by the Counsel for Intelligence Policy and persons should not act in reliance upon the views of other Department personnel.

(c) Prepublication review is required only as expressly provided for in a nondisclosure agreement. However, all persons who have had access to classified information have an obligation to avoid unauthorized disclosures of such information. Therefore, persons who have such access but are not otherwise required to submit to prepublication review under the terms of an employment or other nondisclosure agreement are encouraged to submit material for prepublication review voluntarily if they believe that such material may contain classified information.

(d) The nature and extent of the material that is required to be submitted for prepublication review under nondisclosure agreements is expressly provided for in those agreements. It should be clear, however, that such requirements do not extend to any materials that exclusively contain information lawfully obtained at a time when the author has no employment, contract, or other relationship with the United States Government or that contain information exclusively acquired outside the scope of employment.

(e) A person's obligation to submit material for prepublication review remains identical whether such person prepares the material or causes or assists another person (such as a ghost writer, spouse, friend, or editor) in preparing the material. Material covered by a nondisclosure agreement requiring prepublication review must be submitted prior to discussing it with or showing it to a publisher, co-author, or any other person who is not authorized to have access to it. In this regard, it

should be noted that a failure to submit such material for prepublication review constitutes a breach of the obligation and exposes the author to remedial action even in cases where the published material does not actually contain Sensitive Compartmented Information or classified information. *See Snepp v. United States,* 444 U.S. 507 (1980).

(f) The requirement to submit material for prepublication review is not limited to any particular type of material or disclosure or method of production. Written materials include not only book manuscripts but all other forms of written materials intended for public disclosure, such as (but not limited to) newspaper columns, magazine articles, letters to the editor, book reviews, pamphlets, scholarly papers, and fictional material.

(g) Oral statements are also within the scope of a prepublication review requirement when based upon written materials, such as an outline of the statements to be made. There is no requirement to prepare written materials for review, however, unless there is reason to believe in advance that oral statements may contain Sensitive Compartmented Information or other information required to be submitted for review under the terms of the nondisclosure agreement. Thus, a person may participate in an oral presentation where there is no opportunity for prior preparation (e.g., news interview, panel discussion) without violating the provisions of this paragraph.

(h) Material submitted for prepublication review will be reviewed solely for the purpose of identifying and preventing the disclosure of Sensitive Compartmented Information and other classified information. This review will be conducted in an impartial manner without regard to whether the material is critical of or favorable to the Department. No effort will be made to delete embarrassing or critical statements that are unclassified. Materials submitted for review will be disseminated to other persons or agencies only to the extent necessary to identify classified information.

(i) The Counsel for Intelligence Policy (or, in the case of FBI employees, the FBI's Office of Congressional and Public Affairs) will respond substantively to prepublication review requests within 30 working days of receipt of the submission. Priority shall be given to reviewing speeches, newspaper articles, and other materials that the author seeks to publish on an expedited basis. The Counsel's decisions may be appealed to the Deputy Attorney General, who will process appeals within 15 working days of receipt of the appeal. The Deputy Attorney General's decision is final and not subject to further administrative appeal. Persons who are dissatisfied with the final administrative decision may obtain judicial review either by filing an action for declaratory relief or by giving the Department notice of their intention to proceed despite the Department's requests for deletions of classified information, and a reasonable opportunity (30 working days) to file a civil action seeking a court order prohibiting disclosure. Employees and other affected individuals remain obligated not to disclose or publish information determined by the Government to be classified until any civil action is resolved.

(j) The obligations of Department of Justice employees described in this subpart apply with equal force to employees of the FBI with the following exceptions and provisos:

(1) Nothing in this subpart shall supersede or alter obligations assumed under the basic FBI employment agreement.

(2) FBI employees required to sign nondisclosure agreements containing a provision for prepublication review pursuant to this subpart shall submit materials for review to the Assistant Director, Office of Congressional and Public Affairs. Such individuals shall also submit questions as to whether specific materials require prepublication review under such agreements to that Office for resolution. Where such questions raise policy questions or concern significant issues of interpretation under such an agreement, the Assistant Director, Office of Congressional and Public Affairs, shall consult with the Counsel for Intelligence Policy prior to responding to the inquiry.

(3) Decisions of the Assistant Director, Office of Congressional and Public Affairs, concerning the deletion of classified information, may be appealed to the Director, FBI, who will process appeals within 15 working days of receipt. Persons who are dissatisfied with the Director's decision may, at their option, appeal further to the Deputy Attorney General as provided in paragraph (i) of this section. Judicial review, as set forth in that paragraph, is available following final agency action in the form of a decision by the Director or, if the appeal process in paragraph (i) of this section is pursued, the Deputy Attorney General.

Subpart B—Classified Information

§ 17.21 Classification and declassification authority.

(a) Top Secret original classification authority may only be exercised by the Attorney General, the Assistant Attorney General for Administration, and officials to whom such authority is delegated in writing by the Attorney General. No official who is delegated Top Secret classification authority pursuant to this paragraph may redelegate such authority.

(b) The Assistant Attorney General for Administration may delegate original Secret and Confidential classification authority to subordinate officials determined to have frequent need to exercise such authority. No official who is delegated original classification authority pursuant to this paragraph may redelegate such authority.

(c) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level. In the absence of an official authorized to exercise classification authority pursuant to this section, the person designated to act in lieu of such official may exercise the official's classification authority.

§ 17.22 Classification of information; limitations.

(a) Information may be originally classified only if all of the following standards are met:

(1) The information is owned by, produced by or for, or is under control of the United States Government;

(2) The information falls within one or more of the categories of information specified in section 1.5 of Executive Order 12958; and

(3) The classifying official determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and such official is able to identify or describe the damage.

(b) Information may be classified as Top Secret, Secret, or Confidential according to the standards established in section 1.3 of Executive Order 12958. No other terms shall be used to identify United States classified national security information except as otherwise provided by statute.

(c) Information shall not be classified if there is significant doubt about the need to classify the information. If there is significant doubt about the appropriate level of classification with respect to information that is being classified, it shall be classified at the lower classification of the levels considered.

(d) Information shall not be classified in order to conceal inefficiency,

violations of law, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay release of information that does not require protection in the interest of national security. Information that has been declassified and released to the public under proper authority may not be reclassified.

(e) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after the Department has received a request for it under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of § 17.31. When it is necessary to classify or reclassify such information, it shall be forwarded to the Department Security Officer and classified or reclassified only at the direction of the Attorney General, the Deputy Attorney General or the Assistant Attorney General for Administration.

(f) Compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that meets the standards for classification under Executive Order 12958 and that is not otherwise revealed in the individual items of information.

§ 17.23 Emergency classification requests.

(a) Whenever any employee, contractor, licensee, certificate holder, or grantee of the Department who does not have original classification authority originates or develops information that requires immediate classification and safeguarding, and no authorized classifier is available, that person shall:

(1) Safeguard the information in a manner appropriate for its classification level;

(2) Apply the appropriate overall classification markings; and

(3) Within five working days, securely transmit the information to the organization that has appropriate subject matter interest and classification authority.

(b) When it is not clear which Department organization would be the appropriate orignal classifier, the information shall be sent to the Department Security Officer to determine the appropriate organization.

(c) The organization with classification authority shall decide within 30 days whether to classify information.

§ 17.24 Duration of classification.

(a) At the time of original classification, original classification authorities shall attempt to establish a specific date or event for declassification not more than 10 years from the date of the original decision based on the duration of the national security sensitivity of the information. If the original classification authority cannot determine an earlier specific date or event for declassification, the information shall be marked for declassification 10 years from the date of the original decision.

(b) At the time original classification, an original classification authority may exempt specific information from declassification within 10 years in accordance with section 1.6(d) of Executive Order 12958.

(c) An original classification authority may extend the duration of classification or reclassify specific information for successive periods not to exceed 10 years at a time if such action is consistent with the standards and procedures established under, and subject to the limitations of, Executive Order 12958.

§ 17.25 Identification and markings.

(a) Classified information must be marked pursuant to the standards set forth in section 1.7 of Executive Order 12958; IS00 implementing directives in 32 CFR part 2001, subpart B; and internal Department of Justice direction provided by the Department Security Officer.

(b) Foreign government information shall be marked or classified at a level equivalent to that level of classification assigned by the originating foreign government.

(c) Information assigned a level of classification under predecessor Executive orders shall be considered as classified at that level of classification.

§ 17.26 Derivative classification.

(a) Persons need not possess original classification authority to derivatively classify information based on source documents or classification guides.

(b) Persons who apply derivative classification markings shall observe original classification decisions and carry forward to any newly created documents the pertinent classification markings.

(c) Information classified derivatively from other classified information shall be classified and marked in accordance with the standards set forth in section 2.1–2.3 of Executive Order 12958, the ISOO implementing directives in 32 CFR 2001.22, and internal Department directions provided by the Department Security Officer.

§ 17.27 Declassification and downgrading.

(a) Classified information shall be declassified as soon as it no longer meets the standards for classification. Declassification and downgrading is governed by sections 3.1–3.3 of Executive Order 12958, implementing ISOO directives at 32 CFR part 2001, subpart E, and applicable internal Department of Justice direction provided by the Department Security Officer.

(b) Information shall be declassified or downgraded by the official who authorized the original classification if that official is still serving in the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the Attorney General or the Assistant Attorney General for Administration.

(c) It is presumed that information that continues to meet the classification requirements under Executive Order 12958 requires continued protection. In some exceptional cases during declassification reviews, the need to protect classified information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. If it appears that the public interest in disclosure of the information may outweigh the need to protect the information, the declassification reviewing official shall refer the case with a recommendation for decision to the DRC. The DRC shall review the case and make a recommendation to the Attorney General on whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure. The Attorney General shall decide whether to declassify the information. The decision of the Attorney General shall be final. This provision does not amplify or modify the substantive criteria or procedures for classification or create any substantive or procedural rights subject to judicial review.

(d) Each component shall develop schedules for declassification of records in the National Archives. The Department shall cooperate with the National Archives and Records Administration and the Presidential Libraries to ensure that declassification is accomplished in a timely manner.

§ 17.28 Automatic declassification.

(a) Subject to paragraph (b) of this section, all classified information contained in records that are more than 25 years old that have been determined to have permanent historical value shall

be declassified automatically on April 17, 2000. Subsequently, all classified information in such records shall be automatically declassified not later than 25 years after the date of its original classification with the exception of specific information exempt from automatic declassification pursuant to section 3.4(b) and (d) of Executive Order 12958.

(b) At least 220 days before information is declassified automatically under this section, the respective component head shall notify the Assistant Attorney General for Administration through the Department Security Officer of any specific information they propose to exempt from automatic declassification. The notification shall include:

(1) A description of the information;

(2) An explanation of why the information is exempt from automatic declassification and must remain classified for a longer period of time; and

(3) A specific date or event for declassification of the information whenever the information exempted does not identify a confidential human source or a human intelligence source.

(c) Proposed exemptions under this section shall be forwarded to the DRC, which shall recommend a disposition of the exemption request to the Assistant Attorney General for Administration. When the Assistant Attorney General for Administration determines the exemption request is consistent with this section, he or she will submit it to the Executive Secretary of the Interagency Security Classification Appeals Panel.

(d) Declassification guides that narrowly and precisely define exempted information may be used to exempt information from automatic declassification. Declassification guides must include the exemption notification information detailed in paragraph (b) of this section, and be approved pursuant to paragraph (c) of this section.

§ 17.29 Documents of permanent historical value.

The original classification authority, to the greatest extent possible, shall declassify classified information contained in record determined to have permanent historical value under title 44 of the United States Code before they are accessioned into the National Archives. The Department shall cooperate with the National Archives and Records Administration in carrying out an automatic declassification program involving accessioned Department records, presidential papers, and historical materials under the control of the Archivist of the United States.

§ 17.30 Classification challenges.

(a) Authorized holders of information classified by the Department who, in good faith, believe that specific information is improperly classified or unclassified are encouraged and expected to challenge the classification status of that information pursuant to section 1.9 of Executive Order 12958. Authorized holders may submit classification challenges in writing to the DRC, through the Office of Information and Privacy, United States Department of Justice, Washington, DC 20530. The challenge need not be more specific than a question as to why the information is or is not classified, or is classified at a certain level.

(b) The DRC shall redact the identity of an individual challenging a classification under paragraph (a) of this section and forward the classification challenge to the original classification authority for review and response.

(c) The original classification authority shall promptly, and in no case later than 30 days, provide a written response to the DRC. The original classification authority may classify or declassify the information subject to challenge or state specific reasons why the original classification determination was proper. If the original classification authority is not able to respond within 30 days, the DRC shall inform the individual who filed the challenge in writing of that fact, and the anticipated determination date.

(d) The DRC shall inform the individual challenging the classification of the determination made by the original classification authority and that individual may appeal this determination to the DRC. Upon appeal, the DRC may declassify, or direct the classification of, the information. If the DRC is not able to act on any appeal within 45 days of receipt, the DRC shall inform the individual who filed the challenge in writing of that fact, and the anticipated determination date.

(e) The DRC shall provide the individual who appeals a classification challenge determination with a written explanation of the basis for the DRC decision and a statement of his or her right to appeal that determination to the Interagency Security Classification Appeals Panel (ISCAP) pursuant to section 5.4 of Executive Order 12958 and the rules issued by the ISCAP pursuant to section 5.4 of Executive Order 12958.

(f) Any individual who challenges a classification and believes that any action has been taken against him or her in retribution because of that challenge shall report the facts to the Office of the Inspector General of the Office of Professional Responsibility, as appropriate.

(g) Requests for review of classified materials for declassification by persons other than authorized holders are governed by § 17.31.

§ 17.31 Mandatory review for declassification requests.

(a) Any person may request classified information be reviewed for declassification pursuant to the mandatory declassification review provisions of § 3.6 of Executive Order 12958. After such a review, the information or any reasonably segregable portion thereof that no longer requires protection under this part shall be declassified and released to the requester unless withholding is otherwise warranted under applicable law. If the information, although declassified, is withheld, the requester shall be given a brief statement as to the reasons for denial and a notice of the right to appeal the determination to the Director, Office of Information and Privacy, United States Department of Justice, Washington, DC 20530. If the mandatory review for declassification request relates to the classification of information that has been reviewed for declassification within the past two years or that is the subject of pending litigation, the requester shall be informed of that fact and the administrative appeal rights.

(b) Request for mandatory review for declassification and any subsequent appeal to the DRC shall be submitted to the Director, Office of Information and Privacy, United States Department of Justice, Washington, DC 20530, describing the document or material containing the information with sufficient specificity to enable the Department to locate that information with a reasonable amount of effort. The OIP shall promptly forward the request to the component that originally classified the information, or to the DRC in the case of an appeal, and provide the requester with an acknowledgment of receipt of the request.

(c) When the description of the information in a request is deficient, the component shall solicit as much additional identifying information as possible from the requester. Before denying a request on the basis that the information or material is not obtainable with a reasonable amount of effort, the component shall ask the requestor to limit the request to information or material that is reasonably obtainable. If the information or material requested

cannot be described in sufficient particularity, or if it cannot be obtained with a reasonable amount of effort, the component shall provide the requestor with written notification of the reasons why no action will be taken and the right to appeal the decision to the DRC.

(d) The component that originally classified the information shall provide a written response to request for mandatory review within 60 days whenever possible, or shall inform the requester in writing why additional time is needed. Unless there are unusual circumstances, the additional time needed by the component originally classifying the information shall not extend beyond 180 days from the receipt of the request. If no determination has been made at the end of the 180 day period, the requester may apply to the DRC for a determination.

(e) If the component that originally classified the information determines that continued classification is warranted, it shall notify the requester in writing of the decision and the right to appeal the decision to the DRC no later than 60 days after receipt of the notification of the decision.

(f) The DRC shall determine the appeals of the components' mandatory declassification review decisions within 60 days after receipt of the appeal, or notify the requester why additional time is needed. In making its determinations concerning requests for declassification of classified information, the DRC, for administrative purposes, shall impose the burden of proof on the originating component to show that continued classification is warranted. The DRC shall provide the requester with a written statement of reasons for its decision.

(g) If the individual requesting review of a classification is not satisfied with the DRC's decision, he or she may appeal to the ISCAP pursuant to § 5.4 of Executive Order 12958 and rules issued by the ISCAP pursuant to that section.

§ 17.32 Notification of classification changes.

All known holders of information affected by unscheduled classification changes actions shall be notified promptly of such changes by the original classifier or the authority making the change in classification.

Subpart C—Access to Classified Information

§ 17.41 Access to classified information.

(a) No person may be given access to classified information or material originated by, in the custody, or under the control of the Department, unless that person—

(1) Has been determined to be eligible for access in accordance with §§ 3.1–3.3 of Executive Order 12968;

(2) Has a demonstrated need-to-know; and

(3) Has signed an approved nondisclosure agreement.

(b) Eligibility for access to classified information is limited to United States citizens for whom an appropriate investigation of their personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to classified information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States and any doubt shall be resolved in favor of the national security. Sections 2.6 and 3.3 of Executive Order 12968 provide only limited exceptions to these requirements.

(c) The Department of Justice does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information. However, the Department may investigate and consider any matter that relates to the determination of whether access is clearly consistent with the interests of national security. No negative inferences concerning the standards for access may be raised solely on the basis of the sexual orientation of the employee or mental health counseling.

(d) An employee granted access to classified information may be investigated at any time to ascertain whether he or she continues to meet the requirements for access.

(e) An employee granted access to classified information shall provide to the Department written consent permitting access by an authorized investigative agency, for such time as access to classified information is maintained and for a period of three years thereafter, to:

(1) Financial records maintained by a financial institution as defined in 31 U.S.C. 5312(a) or by a holding company as defined in 12 U.S.C. 3401;

(2) Consumer reports under the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*); and

(3) Records maintained by commercial entities within the United States pertaining to any travel by the employee outside the United States.

(f) Information may be requested pursuant to the employee consent obtained under paragraph (e) of this section only where:

(1) There are reasonable grounds to believe, based on credible information, that the employee or former employee is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;

(2) Information the Department deems credible indicates the employee or former employee has incurred excessive indebtedness or has acquired a level of affluence that cannot be explained by other information; or

(3) Circumstances indicate that the employee or former employee had the capability and opportunity to disclose classified information that is known to have been lost or compromised to a foreign power or an agent of a foreign power.

§ 17.42 Positions requiring financial disclosure.

(a) The Assistant Attorney General for Administration, in consultation with the Counsel for Intelligence Policy, shall designate each employee, by position or category where possible, who has a regular need for access to any of the categories of classified information described in § 1.3(a) of Executive Order 12968.

(b) An employee may not hold a position designated as requiring a regular need for access to categories of classified information described in § 1.3(a) of Executive Order 12968 unless, as a condition of access to such information, the employee files with the Department Security Officer:

(1) A financial disclosure form developed pursuant to § 1.3(c) of Executive Order 12968 as part of all background investigations or reinvestigations;

(2) The same financial disclosure form, if selected by the Department Security Officer on a random basis; and

(3) Relevant information concerning foreign travel, as determined by the Department Security Officer.

17.43 Reinvestigation requirements.

Employees who are eligible for access to classified information shall be subject to periodic reinvestigations and may also be reinvestigated if, at any time, there is reason to believe that they may no longer meet the standards for access.

§ 17.44 Access eligibility.

(a) Determinations of eligibility for access to classified information are separate from suitability determinations with respect to the hiring or retention of persons for employment by the Department or any other personnel actions.

(b) The number of employees eligible for access to classified information shall be kept to the minimum required for the conduct of Department functions.

(c) Eligibility for access to classified information shall be limited to classification levels for which there is a need for access. No person shall be granted eligibility higher than his or her need.

§ 17.45 Need-to-know.

No person shall be granted access to specific classified information unless that person has an actual need-to-know that classified information, pursuant to section 2.5 of Executive Order 12968.

§ 17.46 Access by persons outside the Executive Branch.

(a) Classified information shall not be disseminated outside the Executive Branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the Executive Branch.

(b) Classified information originated by or in the custody of the Department may be made available to individuals or agencies outside the Executive Branch provided that such information is necessary for performance of a function from which the Federal Government will derive a benefit or advantage and that the release is not prohibited by the originating department or agency (or foreign government in the case of Foreign Government Information). Before such a release is made, the head of the Office, Board, Division, or Bureau making the release shall determine the propriety of such action, in the interest of the national security, and must approve the release. Prior to the release, the Department Security Officer must confirm that the recipient is eligible for access to the classified information involved and agrees to safeguard the information in accordance with the provisions of this part.

(c) Members of Congress, Justices of the United States Supreme Court, and Judges of the United States Courts of Appeal and District Courts do not require a determination of their eligibility for access to classified information by the Department. All other Legislative and Judicial personnel including, but not limited to, Bankruptcy and Magistrate Judges, congressional committee staffers, congressional staffers, court reporters, typists, secretaries, law clerks, and translators who require access to classified information must be determined eligible by the Department Security Officer pursuant to procedures approved by the Assistant Attorney General for Administration.

(d) When other persons outside the Executive Branch who are not subject to the National Industrial Security Program require access to classified information originated by or in the custody of the Department, but do not otherwise possess a proper access authorization, an appropriate background investigation must be completed to allow the Department Security Officer to determine their eligibility for access to classified information. The length of time it generally takes to complete an expedited background investigation is 90 days. Therefore, all persons requiring access to classified information to participate in congressional or judicial proceedings should be identified and the background investigation initiated far enough in advance to ensure a minimum impact on such proceedings.

(e) Personnel who are subject to a Department contract or grant or who are rendering consultant services to the Department and require access to classified information originated by or in the custody of the Department shall be processed for such access pursuant to procedures approved by the Assistant Attorney General for Administration.

(f)(1) The requirement that access to classified information may be granted only as is necessary for the performance of official duties may be waived, pursuant to section 4.5(a) of Executive Order 12958, for persons who:

(i) Are engaged in historical research projects; or

(ii) Have previously occupied policymaking positions to which they were appointed by the President.

(2) All persons receiving access pursuant to this paragraph (f) must have been determined to be trustworthy by the Department Security Officer as a precondition before receiving access. Such determinations shall be based on such investigation as the Department Security Officer deems appropriate. Historical researchers and former presidential appointees shall not have access to Foreign Government Information without the written permission from an appropriate authority of the foreign government concerned.

(3) Waivers of the ''need-to-know'' requirement under this paragraph (f) may be granted by the Department Security Officer provided that the Security Programs Manager of the Office, Board, Division, or Bureau with classification jurisdiction over the information being sought:

(i) Makes a written determination that such access is consistent with the interest of national security;

(ii) Limits such access to specific categories of information over which the Department has classification jurisdiction;

(iii) Maintains custody of the classified information at a Department facility;

(iv) Obtains the recipient's written and signed agreement to safeguard the information in accordance with the provisions of this regulation and to authorize a review of any notes and manuscript for determination that no classified information is contained therein; and

(v) In the case of former presidential appointees, limits their access to items that such former appointees originated, reviewed, signed, or received while serving as a presidential appointee and ensures that such appointee does not remove or cause to be removed any classified information reviewed.

(4) If access requested by historical researchers and former presidential appointees requires the rendering of services for which fair and equitable fees may be charged pursuant to 31 U.S.C. 9701, the requester shall be so notified and fees may be imposed.

§ 17.47 Denial or revocation of eligibility for access to classified information.

(a) Applicants and employees who are determined to not meet the standards for access to classified information established in section 3.1 of Executive Order 12968 shall be:

(1) Provided with a comprehensive and detailed written explanation of the basis for that decision as the national security interests of the United States and other applicable law permit and informed of their right to be represented by counsel or other representative at their own expense;

(2) Permitted 30 days from the date of the written explanation to request any documents, records, or reports including the entire investigative file upon which a denial or revocation is based; and

(3) Provided copies of documents requested pursuant to this paragraph (a) within 30 days of the request to the extent such documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), and as the national security interests and other applicable law permit.

(b) An applicant or employee may file a written reply and request for review of the determination within 30 days after written notification of the determination or receipt of the copies of the documents requested pursuant to this subpart, whichever is later.

(c) An applicant or employee shall be provided with a written notice of and reasons for the results of the review, the identity of the deciding authority, and written notice of the right to appeal.

(d) Within 30 days of receipt of a determination under paragraph (c) of this section, the applicant or employee may appeal that determination in writing to the ARC, established under § 17.15. The applicant or employee may request an opportunity to appear personally before the ARC and to present relevant documents, materials, and information.

(e) An applicant or employee may be represented in any such appeal by an attorney or other representative of his or her choice, at his or her expense. Nothing in this section shall be construed as requiring the Department to grant such attorney or other representative eligibility for access to classified information, or to disclose to such attorney or representative, or permit the applicant or employee to disclose to such attorney or representative, classified information.

(f) A determination of eligibility for access to classified information by the ARC is a discretionary security decision. Decisions of the ARC shall be in writing and shall be made as expeditiously as possible. Access shall be granted only where facts and circumstances indicate that access to classified information is clearly consistent with the national security interest of the United States, and any doubt shall be resolved in favor the national security.

(g) The Department Security Officer shall have an opportunity to present relevant information in writing or, if the applicant or employee appears personally, in person. Any such written submissions shall be made part of the applicant or employee's security record and, as the national security interests of the United States and other applicable law permit, shall also be provided to the applicant or employee. Any personal presentations shall be, to the extent consistent with the national security and other applicable law, in the presence of the applicant or employee.

(h) When the Attorney General or Deputy Attorney General personally certifies that a procedure set forth in this section cannot be made available in a particular case without damaging the national security interests of the United States by revealing classified information, the particular procedure shall not be made available. This is a discretionary and final decision not subject to further review.

(i) This section does not limit the authority of the Attorney General pursuant to any other law or Executive order to deny or terminate access to classified information if the national security so requires and the Attorney General determines that the appeal procedures set forth in this section cannot be invoked in a manner that is consistent with the national security. Nothing in this section requires that the Department provide any procedures under this section to an applicant where a conditional offer of employment is withdrawn for reasons of suitability or any reason other than denial of eligibility for access to classified information. Suitability determinations shall not be used for the purpose of denying an applicant or employee the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information.

Dated: June 28, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96–17310 Filed 7–11–96; 8:45 am]

BILLING CODE 4410–01–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

Accessibility Guidelines for Play Facilities; Notice of Meeting of Regulatory Negotiation Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Committee meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered play facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act. This document announces the dates and location of the next meeting of the committee, which is open to the public.

DATES: The committee will meet as follows: Sunday, August 4, 1996, 9:00 a.m. to 6:00 p.m. Monday, August 5, 1996, 9:00 a.m. to 5:00 p.m. and 7:00 p.m. to 9:30 p.m. Tuesday, August 6, 1996, 9:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be held at the Maplewood Community Center, 2100 White Bear Avenue, Maplewood, Minnesota.

FOR FURTHER INFORMATION CONTACT: Peggy Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC. 20004–1111. Telephone number (202) 272–5434 extension 34 (Voice); (202) 272–5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disc) upon request.

SUPPLEMENTARY INFORMATION: In February 1996, the Access Board established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered play facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act. (61 FR 5723, February 14, 1996). The committee will hold its next meeting on the dates and at the location announced above. The meeting is open to the public. The meeting site is accessible to individuals with disabilities. Individuals with hearing impairments who require sign language interpreters should contact Peggy Greenwell by July 26, 1996, by calling (202) 272–5434 extension 34 (voice) or (202) 272–5449 (TTY).

On Sunday, August 4, 1996, the committee will tour various play facilities in the Minneapolis area. Bus transportation will be provided for committee members. There is limited space available on the bus for members of the public. Individuals may reserve space in advance by calling Peggy Greenwell at the phone numbers listed above. If all available spaces are not reserved in advance, spaces will be filled on the day of the tour on a first come/first served basis. The bus will depart from the main entrance of the Sheraton Metrodome, 1330 Industrial Boulevard, Minneapolis, Minnesota, at 9:00 a.m. The bus will return to Maplewood Community Center at approximately 4:00 p.m. and the committee will meet until 6:00 p.m.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 96–17709 Filed 7–11–96; 8:45 am]

BILLING CODE 8150–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E4645/P672; FRL–5384–1]

Glyphosate; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a time-limited tolerance for residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] in or on the raw agricultural commodity (RAC) oats at 20 parts per million (ppm). Because additional time is needed for the petitioner to submit additional details on the processing study and the composition of the foreign product, the Agency is proposing to grant this tolerance with a 3-year expiration date. This tolerance is being established to allow for the legal import of oats treated with glyphosate. Monsanto Company requested this tolerance in a petition submitted to EPA pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: Comments, identified by the docket control number [PP 6E4645/P672], must be received on or before August 12, 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 22202. Comments and data may also be submitted to OPP 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 [PP 6E4645/P672]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found in the ''SUPPLEMENTARY INFORMATION'' section of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all 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 Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Monsanto Company, 700 14th St., NW., Suite 1100, Washington, DC 20005, has submitted a pesticide petition (PP) 6E4645 proposing to amend 40 CFR 180.364, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA) 21 U.S.C. 346(a), by establishing a regulation to permit residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] resulting from the application of the isopropylamine salt and/or the monoammonium salt of glyphosate in or on the raw agricultural commodity (RAC) oats at 20.0 parts per million (ppm). The data submitted in the petitions and other relevant material have been evaluated. The glyphosate toxicological data listed below were considered in support of these tolerances.

1. Several acute toxicology studies placing technical-grade glyphosate in Toxicity Category III and Toxicity Category IV.

2. A 1-year feeding study with dogs fed dosage levels of 0, 20, 100, and 500 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 500 mg/kg/day.

3. A 2-year carcinogenicity study in mice fed dosage levels of 0, 150, 750, and 4,500 mg/kg/day with no carcinogenic effect at the highest dose tested (HDT) of 4,500 mg/kg/day.

4. A chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 3, 10, and 31 mg/kg/day (males) and 0, 3, 11, or 34 mg/kg/day (females) with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 31 mg/kg/day (HDT) (males) and 34 mg/kg/day (HDT) (females) and a systemic NOEL of 31 mg/kg/day (HDT) (males) and 34 mg/kg/day (HDT) (females). Because a maximum tolerated dose (MTD) was not reached, this study was classified as supplemental for carcinogenicity.

5. A chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 89, 362, and 940 mg/kg/day (males) and 1, 113, 457, and 1,183 mg/kg/day (females) with no carcinogenic effects noted under the conditions of the study at dose levels up to and including 940/1,183 mg/kg/day (males/females) (HDT) and a systemic NOEL of 362 mg/kg/day (males) based on an increased incidence of cataracts and lens abnormalities, decreased urinary pH, increased liver weight and increased liver weight/brain ratio (relative liver weight) at 940 mg/kg/day (males) (HDT) and 457 mg/kg/day (females) based on decreased body weight gain at 1,183 mg/kg/day (females) (HDT).

6. A developmental toxicity study in rats given doses of 0, 300, 1,000, and 3,500 mg/kg/day with a developmental NOEL of 1,000 mg/kg/day based on an increase in number of litters and fetuses with unossified sternebrae, and decrease in fetal body weight at 3,500 mg/kg/day, and a maternal NOEL of 1,000 mg/kg/day based on decrease in body weight gain, diarrhea, soft stools, breathing rattles, inactivity, red matter in the region of nose, mouth, forelimbs, or dorsal head, and deaths at 3,500 mg/kg/day (HDT).

7. A developmental toxicity study in rabbits given doses of 0, 75, 175, and 350 mg/kg/day with a developmental NOEL of 350 mg/kg/day (HDT); a maternal NOEL of 175 mg/kg/day based on increased incidence of soft stool, diarrhea, nasal discharge, and deaths at 350 mg/kg/day (HDT).

8. A multigeneration reproduction study with rats fed dosage levels of 0, 3, 10, and 30 mg/kg/day with a developmental NOEL of 10 mg/kg/day based on an apparent increased incidence of focal tubular dilation of the kidney (both unilateral and bilateral combined) of male F3b pups.

9. A two generation reproduction study with rats fed dosage levels of 0, 100, 500, and 1,500 mg/kg/day with a developmental NOEL of 500 mg/kg/day based on decreased pup body weight and body weight gain on lactation days 14 and 21 at 1,500 mg/kg/day (HDT), a systemic NOEL of 500 mg/kg/day based on soft stools in Fo and F1 males and females at 1,500 mg/kg/day (HDT) and a reproductive NOEL of 1,500 mg/kg/day (HDT). Additionally, since there was no increase in focal tubular dilation

of the kidney of the pups at any dose level, the findings at 30 mg/kg/day in the earlier study was considered sparious.

10. Mutagenicity data included chromosomal aberration *in vitro* (no aberrations in Chinese hamster ovary cells were caused with and without S9 activation); DNA repair in rat hepatocyte; *in vivo* bone marrow cytogenic test in rats; rec-assay with *B. subtilis*; reverse mutation test with *S. typhimurium*; Ames test with *S. typhimurium*; and dominant-lethal mutagenicity test in mice (all negative).

The reference dose (RfD) based on a developmental study with rabbits (NOEL of 175 mg/kg/ bwt/day) and using a hundred-fold safety factor is calculated to be 2.0 mg/kg body weight/ day. The theoretical maximum residue contribution (TMRC) for published tolerances is 0.021460 mg/kg bwt/day or 1.0% of the RfD for the overall U.S. population. This current action on oats will contribute 0.001644 mg/kg/day to the TMRC. This tolerance will utilize a total of 0.082% of the RfD for the overall U.S. population. For U.S. subgroup population, nonnursing infants, the current action and previously established tolerances utilize, a total of 3.2% of the RFD, assuming that residue levels are at the established tolerance levels and that 100% of the crop is treated.

Data desirable for this petition include additional details for the processing study and composition of the foreign product. The Agency is granting the tolerance for oats with a 3-year expiration date to allow the petitoner, Monsanto Company, to provide the required data.

There are currently no actions pending against the continued registration of this pesticide. No detectable residues of N-nitrosoglyphosate, a contaminant of glyphosate, are expected to be present in the commodities for which tolerances are established. The carcinogenic potential of glyphosate was first considered by a panel, then called the Toxicology Branch AD Hoc Committee, in 1985. The Committee, in a consensus review dated March 4, 1985, classified glyphosate as a Group C carcinogen based on an increased incidence of renal tumors in male mice. The Committee also concluded that dose levels tested in the 26-month rat study were not adequate for assessment of glyphosate's carcinogenic potential in this species. These findings, along with additional information, including a reexamination of the kidney slides from the long-term mouse study, were referred to the FIFRA Scientific Advisory Panel (SAP). In its report dated February 24, 1986, SAP classified glyphosate as a Group D Carcinogen (inadequate animal evidence of carcinogenic potential). SAP concluded that, after adjusting for the greater survival in the high-dose mice compared to concurrent controls, that no statistically significant pairwise differences existed, although the trend was significant.

The SAP determined that the carcinogenic potential of glyphosate could not be determined from existing data and proposed that the rat and/or mouse studies be repeated in order to classify these equivocal findings. On reexamination of all information, the Agency classified glyphosate as a Group D carcinogen and requested that the rat study be repeated and that a decision on the need for a repeat mouse study would be made upon completion of review of the rat study.

Upon receipt and review of the second rat chronic feeding/ carcinogenicity study, all toxicological findings for glyphosate were referred to the Health Effects Division Carcinogenicity Peer Review Committee on June 26, 1991, for discussion and evaluation of the weight of evidence on glyphosate with particular emphasis on its carcinogenic potential. The Peer Review Committee classified glyphosate as a Group E (evidence of noncarcinogenicity for humans), based upon lack of convincing carcinogenicity evidence in adequate studies in two animal species. This classification is based on the following findings: (1) None of the types of tumors observed in the studies (pancreatic islet cell adenomas in male rat, thyroid c-cell adenomas and/or carcinomas in male and female rats, hepatocellular adenomas and carcinomas in male rats, and renal tubular neoplasms in male mice) were determined to be compound related; (2) glyphosate was tested up to the limit dose on the rat and up to levels higher than the limit dose in mice; and (3) there is no evidence of genotoxicity for glyphosate. Accordingly, EPA concludes that glyphosate has not been ''found to induce cancer when ingested by man or animal.'' 21 U.S.C. 348(c)(3).

The nature of the residue in plants is adequately understood. The residue to be regulated is the parent glyphosate. Adequate methodology (HPLC) with flurometric detection is available for enforcement purposes, and the methodology has been published in the *Pesticide Analytical Manual (PAM), Vol. II.* The submitted residue data adequately support the proposed tolerance of 20 ppm. Any secondary residues occurring in milk, eggs, meat, fat, liver, and kidney of cattle, goats, horses, hogs, and sheep be covered by existing tolerances.

Based on the information cited above, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and the tolerance established by amending 40 CFR part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted and 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 of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [6E4645/P672]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP 6E4645/P672] (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 rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any comments electronically into printed, paper form as they are received and will place the paper copies in the rulemaking 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.

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 entitlement, grants, user fees, or loan programs or the rights and obligation 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, EPA has determined that this proposed rule is not ''significant'' and is therefore not subject to OMB review.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled ''Enhancing the Intergovernmental Partnership,'' or special consideration as required by Executive Order 12898 (59 FR 7629, February 29, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 28, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 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. Section 180.364 is amended by revising the entry for grain crops (except wheat) under paragraph (a) in the table therein and adding a new paragraph (e) to read as follows:

§ 180.364 Glyphosate: tolerances for residues.

(a) * * *

Commodity	Parts per million
* * *	* *
grain crops (except wheat and oats).	0.13
* * *	* *

* * * * *

(e) A tolerance to expire (Insert date 3-years after date of publication of the final rule in the Federal Register) is established for residues of the herbicide glyphosate (N-(phosphonomethyl)glycine) resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on the raw agricultural commodity oat at 20 parts per million.

[FR Doc. 96–17660 Filed 7–11–96; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[FHWA Docket No. MC–94–31]

RIN 2125–AD42

Parts and Accessories Necessary for Safe Operation; Antilock Brake Systems

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: The FHWA is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to require that air-braked truck tractors manufactured on or after March 1, 1997, and air-braked single-unit trucks, buses, trailers, and converter dollies manufactured on or after March 1, 1998, be equipped with antilock brake systems (ABSs) that meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 121. The FHWA is also proposing that hydraulic braked trucks and buses manufactured on or after March 1, 1999, be equipped with ABSs that meet the requirements of FMVSS No. 105. This rulemaking is intended to ensure that the in-service brake standards of the FMCSRs are consistent with the FMVSSs and to improve the safety of operation of commercial motor vehicles (CMVs) by reducing the incidence of accidents caused by jackknifing and other losses of directional stability and control during braking. With regard to CMVs manufactured prior to the dates previously mentioned, the FHWA is not proposing that motor carriers be required to retrofit such vehicles with ABSs. However, the FHWA is requesting comments on this subject.

DATES: Comments must be received on or before September 10, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC–94–31, room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 4012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, 105 Stat. 1914, 2157) directs the Secretary of Transportation to initiate a rulemaking concerning methods for improving the braking performance of new commercial

motor vehicles,[1] including truck tractors, trailers, and their dollies. Congress specifically directed that the rulemaking examine antilock systems, as a means of improving brake compatibility, and methods of ensuring effectiveness of brake timing.

The NHTSA Rulemaking

In response to the ISTEA, the National Highway Traffic Safety Administration (NHTSA) published a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) No. 105, *Hydraulic Brake Systems,* and FMVSS No. 121, *Air Brake Systems,* to require that medium and heavy vehicles be equipped with an antilock brake system (ABS) to improve the lateral stability (i.e., traction) and steering control of these vehicles during braking (60 FR 13216, March 10, 1995). For truck tractors, the ABS requirement is supplemented by a 48.3 kilometer per hour (30-mph) braking-in-a-curve test on a low coefficient of friction surface using a full brake application. By improving lateral stability and control, these requirements will significantly reduce jackknifing and other losses of control during braking as well as the deaths and injuries caused by those control problems.

In addition, the NHTSA final rule requires all powered heavy vehicles to be equipped with an in-cab lamp to indicate ABS malfunctions. Truck tractors and other trucks equipped to tow air-braked trailers are required to be equipped with two separate in-cab lamps: One indicating malfunctions in the towing vehicle ABS and the other in the trailer ABS. The requirement for the in-cab lamp to alert the driver of malfunctions in the trailer ABS applies to trucks and truck tractors manufactured on or after March 1, 2001 (61 FR 5949, February 15, 1996). Trailers produced during an initial 11-year period (March 1, 1998 through March 1, 2009) must also be equipped with an external malfunction indicator that is visible to the driver of the towing tractor (61 FR 5949).

The amendments to FMVSS No. 105 become effective on March 1, 1999. With the exception of the in-cab indicator for trailer ABS malfunctions, the amendments to FMVSS No. 121 become effective on March 1, 1997, for truck tractors, and on March 1, 1998, for air-braked trailers, converter dollies, single unit trucks, and buses.

FHWA Notice of Intent

On March 10, 1995, the FHWA published a notice of intent to initiate a rulemaking concerning requirements for ABSs on CMVs operating in interstate commerce (60 FR 13306). The notice of intent included an extensive discussion of the NHTSA's ABS fleet study conducted between 1988 and 1993. A copy of the study has been placed in FHWA Docket No. MC–94–31. The NHTSA tracked the maintenance performance histories of 200 truck tractors and 50 semitrailers equipped with ABSs, as well as the histories of a comparison group of 88 truck tractors and 35 semitrailers that were not equipped with ABSs, to determine the incremental maintenance costs and patterns associated with installing ABSs on these heavy vehicles.[2]

The authors concluded that, based upon the data collected during the fleet study, currently available ABSs are reliable, durable, and maintainable. While an ABS is not a zero-cost maintenance item, its presence on a vehicle did not substantially increase maintenance costs (less than one percent for tractors, less than two percent for trailers) or decrease vehicle operational availability.

The NHTSA data indicate that ABSs are neither difficult nor unduly expensive to maintain. The fleet test results do not indicate that the level of maintenance required to keep an ABS functional is unreasonable relative to the safety benefits that will result from the use of these systems.

The FHWA concluded that a rulemaking should be initiated to propose amending the FMCSRs to include ABS requirements and solicited comments on this decision.

Discussion of Comments

The FHWA received 11 comments in response to the March 10, 1995, notice. The commenters were: Advocates for Highway and Auto Safety (AHAS); AlliedSignal Truck Brake Systems Company (AlliedSignal); the American Trucking Associations, Inc. (ATA); Mr. G. Frank Brda, a former CMV owner-operator; Heavy Duty Brake Manufacturers Council (HDBMC); Insurance Institute for Highway Safety (IIHS); Midland-Grau Heavy Duty Systems; National Association of Independent Insurers (NAII); Mack Trucks, Inc.; National Automobile Dealers Association (NADA); and, Rockwell WABCO Vehicle Control Systems (Rockwell).

Generally the commenters were in favor of the FHWA initiating a rulemaking to require that motor carriers maintain the ABSs. However, the ATA, NADA, and AlliedSignal expressed concern about the FHWA proceeding with a notice of proposed rulemaking. The specific concerns or issues raised by the commenters are discussed below.

Interpretation of § 396.3

The ATA and AlliedSignal believe that § 396.3, Inspection, repair, and maintenance, would adequately cover the ABS requirement and that a new provision may not be necessary. The ATA states that:

> This language makes it clear that a system necessary for safety must be maintained in proper condition. It also includes the flexibility to hold that the system can be disconnected if, because of existing circumstances, doing so is the safest policy. For example, we can foresee a time when some failure in an ABS system will imperil braking. Until a cure for that problem is developed, unplugging the specific model involved may be the most prudent course.

The ATA believes NHTSA's research shows serious operational problems with ABSs and the failure warning lamp systems that were not reflected in the FHWA's March 10, 1995, notice of intent. The ATA suggests a review of the NHTSA reports ''to get an understanding of both the reliability and safety limitations of ABSs which were indirectly covered by the agency and point to serious concerns about the technology.'' The ATA summarized its recommendation to the FHWA as follows:

> ATA believes that properly administered, FMCSR 396.3(a)(1) can be used to assure that carriers provide appropriate maintenance for ABS and recommends that this be the strategy the agency follows in this matter. Given present experience and that NHTSA itself has pointed to serious operational difficulties, we believe more about its actual performance must be known before attempting to write a detailed ABS in-use regulation.

AlliedSignal shared the ATA's views on § 396.3 stating that ''[t]he current FMCSR 396.3(a)(1) assures that operators maintain brake systems in good working order and therefore possibly negating the need to change FMCSR 396.''

The FHWA does not agree with the ATA and AlliedSignal. Section

[1] For the purposes of section 4012, the term ''commercial motor vehicle'' means any self-propelled or towed vehicle used on highways to transport passengers or property if such vehicle has a gross vehicle weight rating (GVWR) of 11,794 kilograms (kg) (26,001 pounds) or more. The NHTSA's final rule on ABS applies to medium and heavy vehicles with a GVWR of 4,536 kg (10,001 pounds) or more.

[2] ''An In-Service Evaluation of the Reliability, Maintainability, and Durability of Antilock Braking Systems (ABS) for Heavy Truck Tractors,'' DOT Report No. 807 846, March 1992, and ''An In-Service Evaluation of the Reliability, Maintainability, and Durability of Antilock Braking Systems (ABS) for Semitrailers,'' DOT Report No. 808 059, October 1993.

396.3(a)(1) requires that parts and accessories be in safe and proper operating condition at all times. This includes parts and accessories specified in part 393 and any additional parts and accessories which may affect the safety of operation of the vehicle, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems. The FHWA has historically interpreted § 396.3(a)(1) as applying only to the parts and accessories required by part 393. Parts and accessories that are not required by part 393 are considered additional or optional equipment which is not necessary for the safe and proper operation of commercial motor vehicles. The applicability of § 396.3(a)(1) to optional equipment is limited to only those cases in which a failure or defect in the equipment creates a hazard to the motoring public or adversely affects the performance or function of any piece of equipment required by part 393.

If the FHWA does not establish a requirement for ABSs under part 393, such systems could only be considered as optional equipment under the FMCSRs. Since a failure of the ABS would not affect the foundation brake system, a CMV could meet all of the current requirements of subpart C of part 393 with an inoperative ABS. Therefore, the FHWA could not require motor carriers to systematically inspect, repair, and maintain ABSs unless part 393 is amended.

In response to the ATA's concern that motor carriers need the flexibility to disconnect ABSs if, ''because of existing circumstances, doing so is the safest policy,'' the FHWA does not foresee the development of such problems. In the event that an ABS or vehicle manufacturer, or the NHTSA determines that there is a safety-related defect, the manufacturers are responsible for notifying purchasers of the defective equipment and remedying the problem free of charge (49 CFR part 577, Defect and Noncompliance Notification). If a manufacturer or the NHTSA indicates there is an ABS defect of the severity alluded to by the ATA, the FHWA would immediately notify all Federal officials responsible for enforcing the FMCSRs and State officials responsible for enforcing compatible State regulations to ensure that carriers are not unfairly penalized for inoperable ABSs. However, in the absence of a notification from a vehicle or ABS manufacturer or the NHTSA, the FHWA does not intend to allow motor carriers to disconnect the ABSs.

Research on ABS Operation and Failure Modes

The NADA and the ATA believe the FHWA should evaluate in-use ABS operation and failure modes prior to establishing a requirement for motor carriers to maintain the systems. The NADA indicated that ''[u]ntil such an evaluation is undertaken, an ABS maintenance rule would be premature.'' The ATA states:

> There are several problems with ABS which will impact its inspection and repair.
>
> As NHTSA's ABS studies showed and our follow up research confirms * * * there are numerous troubles with this technology. Many of the problems involve the failure warning system. False warning signals are a daily occurrence in fleets with a large number of ABS equipped vehicles. Examples of such problems are codes for malfunctions which, when checked, didn't occur; alien codes not defined in the maintenance manual and phantom codes which come and go, typically disappearing before the vehicle gets to the shop and hopefully unrelated to a serious problem.
>
> In addition to lamps illuminating when no failure can be found, electrical failures occur which do not cause either the warning lamp to come on or a failure code to be set, sometimes because the warning system itself has failed. Also, the warning lamp does not signal all mechanical failures and, as FMVSS 121 is now written, it is not required to do so.
>
> The warning light system is not directly connected to each part of the ABS. Typically it is coupled to the ECU which grounds the lead when a failure is detected. The ECU makes its decision by taking input from many sources and using electronic logic to calculate whether all is well. The only thing one can say for sure when the warning light is on is that the bulb filament is intact and receiving electrical power.
>
> Given the warning lamp limitations cited above, its use as an enforcement tool to assess whether ABS is working properly is questionable. As it is presently configured, there is no quick, accurate, easy way to do a complete functional test of the total ABS short of making a panic stop and watching for wheel lockup, something impractical for roadside inspection.

In addition to concerns about research, the ATA believes the FHWA should ensure that the availability of spare parts to keep ''any vintage ABS acceptably functioning for 20 years'' prior to requiring motor carriers to maintain the ABSs. The ATA states:

> There is a very good possibility that in twenty years, there will be no source of repair parts for today's ABS. Certainly there is nothing available now with which to fix most of the 1970's systems. While it can be argued that the deletion of the requirement for ABS from FMVSS 121 eliminated the market, we are not convinced that this was the only major factor impacting the aftermarket spare component arena. Other influences were an extremely small market and the need to retain antiquated processes to build outmoded parts.

The ATA further states that ''[i]f FHWA/OMC plans to require that carriers keep systems in repair, then it is only fair that the agency help assure the job can be done.''

The FHWA does not consider the issues raised by the ATA and NADA to be sufficient reasons to delay issuing a proposal to require carriers to maintain the ABSs required by the NHTSA. Neither the ATA nor the NADA identify specific safety-related issues that would justify postponing an in-service requirement for ABS. The NHTSA fleet study provides a clear indication of how ABSs behave in a real-world environment. Further, there is no documentation of an ABS defect or malfunction contributing to an accident as the ATA suggests may occur in the future.

The NHTSA studied the reliability, maintainability, and durability of ABSs installed in 200 truck tractors that were operated in normal revenue service by 17 fleets. All of the ABSs which were available in 1988 were included in the test and the antilock systems were installed on truck tractors produced by all of the major United States truck tractor manufacturers. During the two-year test, the ABS equipped tractors accumulated approximately 40 million miles of in-service revenue-producing operation. Maintenance activities for all 200 ABS-equipped tractors as well as 88 comparable tractors without ABSs were monitored and recorded. Each of the ABS-equipped tractors had on-board data recorders to monitor each ABS operation and keep a record of truck mileage, number of brake applications, brake pressure distribution, and acceleration during braking. To verify that these records were representative of normal non-ABS operation, 16 truck tractors out of the 88 control trucks were also equipped with on-board data recorders. All accidents involving the participating tractors were investigated, with particular attention being given to those which might have involved braking and/or ABS operation.

The NHTSA also conducted a two-year study of the performance, reliability, maintainability, and durability of ABSs installed on 50 semitrailers that were operated in normal revenue service by five fleets. All ABSs which were available in 1990 were included in the test, and the ABSs were installed on semitrailers produced by three different manufacturers. The ABS-equipped semitrailers accumulated approximately four million miles of in-service revenue-producing operation.

Maintenance activities for all 50 ABS-equipped semitrailers as well as 35 comparable semitrailers without ABS were monitored and recorded. The on-board recorders kept a record of semitrailer mileage, number of brake applications, brake pressure distribution, voltage, and deceleration during braking.

The authors of the studies concluded that, based upon the data collected during the fleet study, the 1988 ABSs used on the truck tractors, and the 1990 ABSs used on the trailers, were reliable, durable, and maintainable. The researchers acknowledge that installation-related problems were encountered during the study. The problems included adjustments, repairs, or, in some cases replacement, of wiring cables, wiring connectors, sensors, modulator valves, or other components. The researchers indicated that many of these problems were related to the experimental nature of the ABS installations on the test vehicles.

As the NHTSA indicated in its report on the truck tractor study, only one U.S. heavy truck manufacturer (Freightliner Corporation) offered ABS as a fully-engineered production option on its line of trucks. In contrast, other manufacturers had only limited experience installing small numbers ofcurrent-generation ABSs and, therefore, had not worked out many of the detailed design aspects of installing the systems. Some of the manufacturers had no experience with the systems they agreed to install for the purposes of the fleet study. Many of the ABS installations required a collaborative effort on the part of ABS suppliers, truck manufacturers, wheel and hub suppliers, and wiring harness suppliers. As a result, the quality of some of the installations was not typical of what would be expected for production-line installations.

The FHWA believes the NHTSA fleet study provides sufficient data concerning the reliability, durability, and maintainability for ABSs and that it is not necessary to conduct additional research. Although the NHTSA experienced installation-related ABS problems, there is no indication that production-line ABSs installed to meet the NHTSA requirements would have problems of the proportion experienced in the fleet study. Neither the ATA nor the NADA have identified flaws in NHTSA's research methodology or explained what additional aspects of ABS operation need to be studied.

With regard to the ATA's concerns about ABS malfunction indicators, the FHWA does not anticipate widespread problems on vehicles manufactured on and after the effective date of the NHTSA requirements. If the ABS malfunction indicator is activated, it is a clear signal that a repair or adjustment to the system is necessary. Either the malfunction signal is correct (indicating a problem with one or more ABS components (ECU, wheel sensors, etc.)) and the ABS is not fully operational, or the malfunction indicator is faulty and the ABS is fully operational. In either case, the cause for the malfunction signal should be properly diagnosed and corrected. Establishing a requirement under the FMCSRs will ensure that motor carriers take the appropriate steps to have the problem diagnosed and corrected.

In response to the ATA's comments about the FHWA helping to assure that motor carriers can maintain the ABSs for 20 years, the agency is responsible for establishing safety regulations and does not have authority to regulate the availability of spare parts. The FHWA notes that most motor carriers do not keep CMVs for 20 years. Those that choose to keep vehicles in service for such periods must take full responsibility for ensuring, at a minimum, that the vehicles meet all safety requirements that were applicable at the time the vehicles were manufactured. Motor carriers have the option of upgrading or retrofitting the vehicles brake systems to meet subsequent safety standards. Therefore if parts are not available in 20 years to maintain the ABSs with which the vehicles were originally equipped (in accordance with the NHTSA requirements), motor carriers have the option of retiring those vehicles from service in interstate commerce, or retrofitting the vehicles with ABSs for which spare parts are available. In any case, the NHTSA's ABS requirements will create a permanent market for replacement parts.

Retrofitting

Several of the commenters discussed retrofitting of vehicles manufactured prior to the effective dates of the NHTSA requirements. Most of these commenters indicated that the FHWA should not require retrofitting. The ATA indicated that manufacturers have made ABS an integral part of vehicle design and that ABS is not a technology which can safely and effectively be retrofitted. The ATA states:

> Installation of this equipment requires additional wiring and wheel sensor hardware that would be very costly and difficult or impossible to install in some existing vehicles, especially on power units.
>
> To monitor the motion of wheels, ABS relies on some sort of device to sense their speed. This equipment is either a part of the axle hub or is internal to the axle itself. In either case, fitting it to existing vehicles not so equipped is very difficult. Heat treated axle housings may have to be drilled and the scrap ''chips'' generated kept from contaminating the axle lubricant, both of which require special knowledge and equipment. Wheel end hardware may need changing and this could require special, off-vehicle, welding and machining of hub flanges and even fabrication of parts to assure existing wheels and drums can be retained.

The ATA also indicated that wiring must be properly routed to avoid electromagnetic interference with ABS signals and mandated warning lamps. The ATA emphasized that none of these activities are within the normal scope of work of either truck maintenance facilities or garages specializing in air brake systems.

The ATA concluded:

> FHWA/OMC (Office of Motor Carriers) has adopted the proper strategy in not suggesting ABS retrofit and that stance should be maintained. ATA requests that FHWA/OMC confirm it discourages retrofitting because there are serious difficulties associated with such installations on a broad scale and there are technical considerations that have not been fully explored which could introduce operational and safety problems.

With regard to comments in support of a retrofitting requirement, the NAII, in its November 8, 1993, comments in response to the NHTSA's NPRM on ABS (the NAII included a copy of its 1993 comments with its response to the FHWA's notice of intent), stated:

> Requiring ABS on all heavy vehicles would save among 379 and 600 lives annually, prevent between 19,825 and 34,517 injuries and save approximately $541 million to $650 million in property damage, a figure that does not include medical costs and lost time costs. With the immediate benefit of saving lives and avoiding injuries, we go beyond the NPRM to urge that antilock brakes be required to be retrofitted onto existing medium and heavy vehicles and that the implementation date for all vehicles be accelerated to two years after final rulemaking.

The FHWA agrees with the ATA that it would be inappropriate to propose an ABS retrofitting requirement. The FHWA believes the NHTSA research provides a strong indication of the types of technical problems that would be expected if motor carriers were required to retrofit vehicles with ABS.

As noted earlier, at the time the NHTSA conducted its research on ABS for truck tractors, only one heavy truck manufacturer offered ABS as a fully-engineered production option on its line of trucks. In contrast, most of the remaining truck tractor manufacturers had only limited experience installing

small numbers of ''current-generation'' ABSs and, therefore, had not worked out many of the detailed design aspects of installing the systems. The retrofitting of ABSs on truck tractors required teamwork on the part of ABS suppliers, truck manufacturers, wheel and hub suppliers, and wiring harness suppliers. Even with this team effort, some of the test vehicles were delivered to the participating motor carriers with pre-existing problems that, for one reason or another, prevented the ABS from functioning properly.

In all, 116 out of the 200 truck tractors (58 percent) experienced installation/preproduction design related problems. The researchers indicated that the relatively high percentage is indicative of the ''newness'' of the systems in North American applications. Table 1 summarizes the types of problems that were experienced in the truck tractor portion of the fleet study. Table 2 summarizes installation-related problems in the semitrailer portion of the fleet study.

TABLE 1.—TRUCK-TRACTOR ABS INSTALLATION/PRE-PRODUCTION DESIGN-RELATED PROBLEMS BY SYSTEM COMPONENT NEEDING WORK

ABS component	Number of trucks requiring inspections, adjustments or repairs of this component	Number of trucks requiring replacements of this component
Wiring Cables	12	[2] 23
Wiring Connectors	29	10
Sensors and Related Parts	5	10
Modulator Valves and Related Parts	13	[3] 50
ECUs	17	[2] 20
Others [1]	7	0
Total No. Of Trucks per Column	57	102
Overall No. of Trucks Involved in Installation/Pre-Production Design Related Problems	116	

[1] Others include: rewiring due to installation oversights; two miscellaneous wire resecurements; and the addition of one ground strap to adjust the ECU.

[2] One problem represented all of these replacements.

[3] One problem involved 40 of these trucks, while another involved 10 trucks.

NOTE: Individual column numbers are not additive since specific trucks may have needed maintenance on more than one component.

TABLE 2.—SEMITRAILER ABS INSTALLATION/PRE-PRODUCTION DESIGN-RELATED PROBLEMS BY SYSTEM COMPONENT NEEDING WORK

ABS component	Number of semitrailers requiring inspections, adjustments or repairs of this component	Number of semitrailers requiring replacements of this component
Wiring Cables	0	2
Wiring Connectors	11	0
Sensors and Related Parts	[2] 3	10
Modulator Valves and Related Parts	0	0
ECUs	0	5
Others [1]	0	26
Total No. of Semitrailers per Column	14	31
Overall No. Of Semitrailers Involved in Installation/Pre-Production Design-Related Problems	31	

[1] Others include: Isolation diode installation and replacement of ECU grommets.

[2] Sensor adjustment resulted from incorrectly adjusted wheel bearings on new semitrailers.

NOTE: Individual column numbers are not additive since specific semitrailers may have needed maintenance on more than one component.

The NHTSA report on the truck tractor portion of the fleet study indicates the percentage of installation-related problems is similar to that observed by many of the participating fleets when they receive newly-built vehicles. However, the FHWA believes the percentage of malfunctions would be much greater if motor carriers were required to attempt retrofitting innumerable configurations of air-braked vehicles. The FHWA considers NHTSA's fleet study to be a best-case scenario for retrofitting ABS in that the vehicle and brake manufacturers (as well as wheel and hub manufacturers) worked together to complete the installations of the ABS. Even with this collaborative effort of experienced engineers, numerous problems related to the retrofitting process surfaced during the fleet study.

Although many motor carriers have excellent maintenance programs and talented engineering staff, the FHWA believes that the majority of motor carriers could not retrofit their vehicles without a substantial amount of technical assistance from vehicle and component manufacturers. Without this technical assistance it is more likely than not that many of the retrofitted ABS installations would not be performed correctly, thereby creating the potential for a degradation of the CMV's braking performance. It is unrealistic to expect manufacturers to be able to help more than 300,000 motor carriers complete the retrofitting of several million vehicles while working on the design and installation of ABSs on newly manufactured vehicles. Further, it is unlikely that a collaborative effort between vehicle and component manufacturers and the motor carriers would result in better installations than those experienced in the NHTSA fleet study.

The FHWA believes the cost of retrofitting a commercial motor vehicle with ABS is likely to be higher than original equipment manufacturer (OEM) installations because the vehicle will have to be removed from revenue service during the retrofitting process. This is not the case for brand new vehicles. Also, repeated adjustments or repairs of the type described in the NHTSA research reports would mean more down time for the retrofitted vehicles.

In addition, § 396.25 of the FMCSRs, Qualifications of brake inspectors, prohibits motor carriers from allowing their employees to be responsible for ensuring that brake-related inspection, repair, and maintenance tasks are performed correctly unless the employee has at least one year of training and/or experience. This requirement was issued in response to section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (49 U.S.C. 31137(b)). Therefore, motor carriers that lack sufficient staff with at least one year of training and/or experience at retrofitting ABSs prior to the effective date of a retrofitting requirement would have to rely on commercial garages or similar facilities to fulfill a retrofitting requirement. Since many of these facilities would also have very little if any experience retrofitting ABSs, there is no assurance that they could do a better job than the motor carriers' employees. Therefore, most motor carriers could not allow their employees to attempt the retrofitting of ABSs, and would not have a practical means to satisfy a retrofitting requirement.

Inspection Procedures

Several of the commenters discussed roadside inspection procedures to determine if ABSs are in working order. The HDBMC recommends that the FHWA ''provide for maintenance of

ABS systems by regulation and include a[n] ABS roadside inspection procedure.'' The HDBMC recommends that the roadside inspection procedure include a check of the ABS malfunction indicator.

Midland-Grau also recommends that vehicle inspections include checking the operational status of the ABS. Midland-Grau states:

> The majority of antilock systems on the market have an initial startup check sequence along with on-board diagnostics which monitors the operational status of the ABS. The startup sequence consists of watching the malfunction indicator light on the dash to flash along with listening to the ABS modulator valve to exhaust (blow-down). This operation can be performed simply by having the driver perform the following steps:
>
> 1. Shut down the vehicle's engine by turning off the ignition switch[;]
> 2. Have the driver fully apply the brakes[; and,]
> 3. With the brakes fully applied have the driver turn on the ignition switch[.]
>
> When the driver follows the above sequence of steps the ABS malfunction indicator lamp should flash once followed by the ABS modulator valves exhausting (blow-down). If the ABS is not operating properly then either the ABS malfunction light will remain on and/or the ABS modulator valves will not exhaust (blow-down). This quick check insures that the ABS is fully operational.

Rockwell recommends that the inspection procedure be simple and straightforward. Rockwell states that ''[t]he inspections should: (1) [b]e conducted in a short amount of time, (2) [p]rovide meaningful information about the condition of the ABS[,] and (3) [u]tilize the self-diagnostic system capabilities required by rulemaking.'' Rockwell believes the inspection should consist of a basic bulb check of the ABS indicator lamp followed by a verification that the ABS indicator lamp deactivates at the end of the check function.

The FHWA appreciates the information provided by the brake manufacturers and will share this information with the Commercial Vehicle Safety Alliance (CVSA)—the organization of Federal, State and Provincial government agencies and representatives from private industry in the United States, Canada and Mexico dedicated to improvement of commercial vehicle safety. State agencies responsible for conducting roadside inspections are members of the CVSA. The FHWA will work with the appropriate committees within the CVSA to develop the necessary training material to help inspectors identify ABS components and determine if the ABS malfunction indicators are working properly. However, the FHWA does not intend to include roadside inspection procedures in the FMCSRs. The establishment of inspection procedures for use by State officials is a non-regulatory function that is best left to the CVSA with assistance from the FHWA, the NHTSA, and brake manufacturers.

With regard to the responsibilities of motor carriers in maintaining the ABSs required by the NHTSA, the FHWA intends to work with industry groups and brake manufacturers to develop educational material to help motor carriers understand how the ABSs operate (including the malfunction indicators), and to identify appropriate industry sources for information concerning ABS maintenance. The FHWA does not believe that including detailed systematic, inspection, repair, and maintenance requirements in part 396 of the FMCSRs would benefit the industry. The FHWA requests comments on this issue.

Discussion of the Proposal

Creation of Section 393.55

The FHWA proposes to amend the FMCSRs by adding a new § 393.55, Antilock Brake Systems. This section would be added to subpart C of part 393, Brakes. The provisions of paragraph (a) would require that hydraulic braked trucks and buses manufactured on or after March 1, 1999, be equipped with an ABS that meets the requirements of FMVSS No. 105. Paragraph (b) would require indicator lamps on hydraulic-braked vehicles to alert the driver of ABS malfunctions. Paragraph (c) would require that each air-braked truck tractor manufactured on or after March 1, 1997, be equipped with an ABS that meets the requirements of FMVSS No. 121. Paragraph (c) would also cover air braked trucks, buses, trailers, and converter dollies manufactured on or after March 1, 1998. The requirement for ABS malfunction indicators on air braked vehicles would be covered under paragraph (d). Paragraph (e) would cover the requirement for the external indicator lamp on trailers and converter dollies manufactured between March 1, 1998, and March 1, 2009.

Applicability to Canadian and Mexican Vehicles

The FHWA is not proposing an exemption for CMVs operated in the United States by Canada- and Mexico-based motor carriers. Although the Federal governments of Canada and Mexico have not indicated whether they intend to require ABSs for CMVs operating in their countries, the FHWA believes that it is appropriate to require ABS on foreign-based vehicles manufactured on or after the effective dates of the NHTSA requirements if those vehicles are operated within the United States. This preliminary decision is consistent with the applicability of the requirements of parts 393 and 396 of the FMCSRs and ensures that all CMVs operating in interstate or foreign commerce within the United States are required to meet the same safety standards.

Currently subpart C of part 393 cross references FMVSS No. 105 (Hydraulic Brake Systems), FMVSS No. 106 (Brake Hoses), and FMVSS No. 121 (Air Brake Systems) as well as several other CMV-related FMVSSs. The FHWA's cross references have the net effect of requiring that vehicles operated by Canada- and Mexico-based motor carriers be equipped with safety features/equipment that are compatible with the NHTSA requirements irrespective of where the vehicle was originally manufactured, or whether the vehicle was manufactured for sale or use in the United States. Commercial motor vehicles that do not meet all of the applicable requirements of part 393 cannot be operated in the United States. As such, commercial motor vehicles operated by foreign-based motor carriers are currently required by the FHWA to have, at a minimum, brake systems that comply with the applicable provisions of FMVSS Nos. 105, 106, and 121 in effect on the date of manufacture.

On September 6, 1995 (60 FR 46236), the FHWA published its final rule on automatic brake adjusters and brake adjustment indicators. The final rule requires motor carriers to maintain automatic brake adjusters on hydraulic-braked CMVs manufactured on or after October 20, 1993, and air-braked CMVs manufactured on or after October 20, 1994, the effective dates of NHTSA's requirement for automatic brake adjusters. Further, air braked vehicles that have exposed pushrods and are manufactured on or after October 20, 1994, must have brake adjustment indicators. The preamble to the final rule states:

> These provisions will apply to all CMVs operated in the United States, irrespective of the country where the CMV is based.
>
> Canadian and Mexican vehicles manufactured on or after the effective dates of the NHTSA rules will be required to conform to this regulation.

Although the FHWA does not have data on the extent to which CMVs manufactured for sale in Canada and Mexico comply with the current brake-related FMVSSs and FMCSRs, it is

unlikely that there are technical reasons that would preclude manufacturers of these vehicles from offering ABS as an option. As previously mentioned, foreign-based motor carriers are currently required to operate commercial motor vehicles that comply with all of the applicable requirements of part 393 while in the United States.

The FHWA contacted the Truck Manufacturers Association (TMA) to determine the availability of ABS on air braked vehicles sold in Canada and Mexico. The TMA's membership includes the Ford Motor Company; Freightliner; General Motors (GM); Mack Trucks, Inc. (Mack), Navistar International Transportation Corporation (Navistar); PACCAR, Inc. (Kenworth and Peterbilt); and, Volvo GM Heavy Truck Corporation (Volvo).

The TMA indicated that five of the manufactures that sell medium and heavy-duty trucks in Canada install ABS as standard equipment. Another manufacturer offers ABS as optional equipment for the Canadian market. With regard to the Mexican market, none of the TMA's members installs ABS as standard equipment. Only two of the TMA's members offer ABS as optional equipment. However, another member indicated it would make ABS available on units manufactured in Mexico in the near future.

The FHWA also contacted Dina, a Mexican manufacturer of heavy trucks, and determined that ABS is offered as optional equipment.

Based upon the information obtained from the TMA and Dina, the FHWA believes that requiring Canadian and Mexican CMVs manufactured on or after the effective dates of NHTSA's ABS requirements, is appropriate. The FHWA notes that ABS is not yet commercially available for hydraulically-braked medium and heavy vehicles in the United States, Canada or Mexico. However, given the March 1, 1999, effective date of the FMVSS No. 105 requirements for ABS, the FHWA believes these systems will be commercially available in time for motor carriers to comply with the FMCSRs.

The FHWA specifically requests comments from Canada and Mexico-based motor carriers and original equipment manufacturers that sell vehicles for the Canadian and Mexican markets.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866. No serious inconsistency or interference with another agency's actions or plans is likely to result, and it is unlikely that this regulatory action will have an annual effect on the economy of $100 million or more. The FHWA's regulation would only require maintenance of ABSs; the NHTSA final rule published on March 10, 1995, is the regulation which actually requires installation of ABSs. The data collected by NHTSA indicates that the level of maintenance required to keep an ABS functional would only increase incrementally and would not be unreasonable relative to the safety benefits that would result from the use of these systems. Therefore it is anticipated that the economic impact of this proposal would be minimal.

The preamble to NHTSA's March 10, 1995, final rule included estimates of the increased costs of operating heavy vehicles equipped with ABS. Three categories of operating costs were examined: Lifetime maintenance costs; lifetime fuel costs due to the additional weight of the ABS; and lifetime revenue loss due to payload displacement. The range of the increase in total lifetime operating costs related to equipping vehicles with ABS is from $201.47 for single-unit trucks and buses to $786.65 for truck tractors. The NHTSA indicated that the total estimated increase in lifetime vehicle operating costs associated with ABS for all commercial motor vehicles is $232 million. A copy of the NHTSA's final economic assessment is included in FHWA Docket No. MC–94–31.

In addition, the FHWA has determined that this action is not a significant regulatory action under the Department of Transportation's regulatory policies and procedures because it does not concern a matter about which there is substantial public controversy, it will not have a substantial effect on State and local governments, or initiate a substantial regulatory program or change in policy.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities and has determined that it would not have a significant economic impact on a substantial number of small entities. The FHWA finds that this rule would not significantly increase costs for motor carriers because FHWA regulations only require maintenance of brake systems and the data collected by the NHTSA shows that the presence of an ABS on a vehicle would not substantially increase maintenance costs (less than one percent for tractors and less than two percent for trailers) or decrease vehicle operational availability.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. These new safety requirements would not directly preempt any State law or regulation, and no additional costs or burdens would be imposed on the States as a result of this action. Furthermore, the State's ability to discharge traditional State governmental functions would not be affected by this rulemaking.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

Issued on: July 8, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend title 49, Code of Federal Regulations, subchapter B, chapter III, as follows:

PART 393—[AMENDED]

1. The authority citation for part 393 continues to read as follows:

Authority: Sec. 1041(b) of Pub. L. 102–240, 105 Stat. 1914, 1993 (1991), 49 U.S.C. 31136 and 31502; 49 CFR 1.48.

2. Section 393.5 is amended by adding the definition of *antilock brake system,* in alphabetical order, to read as follows:

* * * * *

Antilock Brake System or *ABS* means a portion of a service brake system that automatically controls the degree of rotational wheel slip during braking by:

(1) Sensing the rate of angular rotation of the wheels;

(2) Transmitting signals regarding the rate of wheel angular rotation to one or more controlling devices which interpret those signals and generate responsive controlling output signals; and

(3) Transmitting those controlling signals to one or more modulators which adjust brake actuating forces in response to those signals.

* * * * *

3. In subpart C, § 393.55 is added to read as follows:

§ 393.55 Antilock brake systems.

(a) *Hydraulic brake systems.* Each truck and bus manufactured on or after March 1, 1999, and equipped with a hydraulic brake system, shall be equipped with an antilock brake system that meets the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 105 (49 CFR 571.105, S5.5).

(b) *ABS malfunction indicators for hydraulic braked vehicles.* Each hydraulic braked vehicle subject to the requirements of paragraph (a) of this section shall be equipped with an ABS malfunction indicator system that meets the requirements of FMVSS No. 105 (49 CFR 571.105, S5.3).

(c) *Air brake systems.* (1) Each truck tractor manufactured on or after March 1, 1997, shall be equipped with an antilock brake system that meets the requirements of FMVSS No. 121 (49 CFR 571.121, S5.1.6.1(b)).

(2) Each air braked commercial motor vehicle other than a truck tractor, manufactured on or after March 1, 1998, shall be equipped with an antilock brake system that meets the requirements of FMVSS No. 121 (49 CFR 571.121, S5.1.6.1(a) for trucks and buses, S5.2.3 for semitrailers, converter dollies and full trailers).

(d) *ABS malfunction circuits and signals for air braked vehicles.* (1) Each truck tractor manufactured on or after March 1, 1997, and each single unit air braked vehicle manufactured on or after March 1, 1998, shall be equipped with an electrical circuit that is capable of signaling a malfunction that affects the generation or transmission of response or control signals to the vehicle's antilock brake system (49 CFR 571.121, S5.1.6.2(a)).

(2) Each truck tractor manufactured on or after March 1, 2001, and each single unit vehicle that is equipped to tow another air-braked vehicle, shall be equipped with an electrical circuit that is capable of transmitting a malfunction signal from the antilock brake system(s) on the towed vehicle(s) to the trailer ABS malfunction lamp in the cab of the towing vehicle, and shall have the means for connection of the electrical circuit to the towed vehicle. The ABS malfunction circuit and signal shall meet the requirements of FMVSS No. 121 (49 CFR 571.121, S5.1.6.2(b)).

(3) Each semitrailer, trailer converter dolly, and full trailer manufactured on or after March 1, 2001, and subject to the requirements of paragraph (b)(2) of this section, shall be equipped with an electrical circuit that is capable of signaling a malfunction in the trailer's antilock brake system, and shall have the means for connection of this ABS malfunction circuit to the towing vehicle. In addition, each trailer manufactured on or after March 1, 2001, that is designed to tow another air-brake equipped trailer shall be capable of transmitting a malfunction signal from the antilock brake system(s) of the trailer(s) it tows to the vehicle in front of the trailer. The ABS malfunction circuit and signal shall meet the requirements of FMVSS No. 121 (49 CFR 571.121, S5.2.3.2).

(e) *Exterior ABS malfunction indicator lamps for trailers.* Each trailer (including a trailer converter dolly) manufactured on or after March 1, 1998 and before March 1, 2009, shall be equipped with an ABS malfunction indicator lamp which meets the requirements of FMVSS No. 121 (49 CFR 571.121, S5.2.3.3).

[FR Doc. 96–17785 Filed 7–11–96; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93–94; Notice 3]

RIN 2127–AE47

Federal Motor Vehicle Safety Standards; Antilock Brake Systems for Light Vehicles

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

ACTION: Advance notice of proposed rulemaking (ANPRM); Deferral of rulemaking.

SUMMARY: This document defers a rulemaking proceeding in which the agency is considering whether to require light vehicles (those with a gross vehicle weight rating (GVWR) equal to or less than 10,000 lbs.) to be equipped with antilock braking systems (ABS). This rulemaking proceeding was mandated by the National Highway Traffic Safety Administration Authorization Act of 1991, which directed the agency to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The agency believes it would be inappropriate at this time to require ABS for light vehicles for the following reasons: Most studies that have analyzed the accident involvement experiences of ABS-equipped light vehicles have found mixed patterns, with a reduction in accidents in some crash modes and an increase in accidents in other crash modes; even without a Federal requirement, a significant majority of light vehicles will be voluntarily equipped with ABS; and requiring ABS on those light vehicles that will not be equipped with ABS would result in significant costs that, on balance, cannot be justified at this time.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Robert M. Clarke, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366–5278.

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366–2992.

SUPPLEMENTARY INFORMATION:

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I. Background

A. Advance Notice of Proposed Rulemaking and Comments to That Notice

This rulemaking proceeding to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards, was mandated by the National Highway Traffic Safety Administration Authorization Act of 1991 (Public Law 102–240, December 18, 1991). On January 4, 1994, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking (ANPRM), soliciting comments about whether rulemaking was warranted to require that all light vehicles (i.e., those with a gross vehicle weight rating (GVWR) of 10,000 lbs. or less) be equipped with antilock braking systems (ABS) (59 FR 281). The ANPRM also posed a number of questions relative to the regulatory approaches that might be employed if requirements were imposed; the types of performance tests that might be used; varieties of ABSs that might be appropriate; and regulatory implementation strategies and schedules that might be employed if requirements were established.

NHTSA received over 140 comments in response to the docket, the majority of which were from private citizens relating their experiences with ABS-equipped light vehicles. Other commenters included vehicle manufacturers (American Honda, BMW, Chrysler, Ford, General Motors, Mazda, Mitsubishi, Nissan, Porche, Subaru of America, Toyota, and Volkswagen) and brake manufacturers (AlliedSignal, ITT Teves of Germany (ITT Teves), ITT Automotive, and ABS Tech Sciences). Other organizations that commented included Advocates for Highway and Auto Safety (Advocates), the American Automobile Association (AAA), the Insurance Institute for Highway Safety (IIHS), the National School Transportation Association (NSTA), and the American Coalition for Traffic Safety.

Commenters expressed differing opinions about whether all light vehicles should be equipped with ABS. Toyota, ITT Teves, AlliedSignal, AAA, the NSTA, Edge Diagnosis Systems, and approximately 35 percent of the private citizen respondents stated that light vehicles should be required to be equipped with ABS. Nissan, Honda, Chrysler, Mitsubishi, Ford, Subaru, Volkswagen, Mazda, and IIHS, and approximately 65 percent of the private citizen respondents believed that equipping light vehicles with ABS should remain an optional choice for consumers. GM and BMW stated that they were not opposed to a requirement for ABS but indicated that additional information should be obtained before the agency made such a decision.

Commenters supporting a requirement that light vehicles be equipped with ABS offered the following reasons:

- Equipping light vehicles with ABS would increase vehicle safety and enhance correct brake usage.
- Equipping light vehicles with ABS would improve lateral stability and steerability, and enhance braking performance.
- A requirement would eliminate an indefinite transition period for light vehicles to ABS. They believed that a protracted transition period would create the possibility of increased risks to drivers, especially for those who operate light vehicles with and without ABS brake systems.

Additionally, 31 private citizens commented about their positive experience with ABS-equipped light vehicles, such as near-miss crashes.

Commenters opposing a requirement that light vehicles be equipped with ABS offered the following reasons:

- Consumer demand for advanced safety systems including ABS is sufficient to encourage manufacturers to offer the systems.
- Equipping light vehicles with ABS should not be required until data conclusively demonstrate that ABS-equipped light vehicles are involved in fewer and less severe crashes.
- The costs associated with requiring that all light vehicles be equipped with ABS would increase the costs associated with purchasing new light vehicles. This added cost might discourage potential buyers of new light vehicles from purchasing other, optional improved safety features of new vehicles.
- Not all consumers need their light vehicles to be equipped with ABS, based on either their driving habits or the types of roads and/or road conditions they typically encounter.

Twenty-four private citizens submitted comments citing unfavorable experiences with their ABS-equipped light vehicles. These incidents typically involved braking on surfaces with low coefficients of friction. It appears that the drivers incorrectly assumed the ABS would help them stop in shorter distances. These commenters cited additional reasons why they think ABS on light vehicles should remain optional, including concerns that:

- A requirement would add significant costs, thereby lowering the affordability of less expensive vehicles. This would create an incentive for consumers to keep their older, potentially less safe, vehicles longer.
- Insurance industry studies showing no reductions in the number of insurance claims or costs per claim for ABS-equipped light vehicles, compared to non-ABS-equipped light vehicles, do not support a requirement for ABS on such vehicles.
- Repairs of ABS on light vehicles could be expensive which could result in some consumers deciding not to repair these systems.
- There are too few instances where equipping a light vehicle with ABS would be useful.
- The brake pedal pulsation and system noise, evident when some systems activate, could frighten or distract drivers.
- Average drivers lack the skill to capitalize on the main benefit of ABS, the ability to execute aggressive crash-avoidance steering maneuvers.

B. NHTSA Evaluations of the Performance of Light Vehicles Equipped With ABS

The January 1994 ANPRM referenced test track evaluations of ABS-equipped light vehicles,[1] including a December 1991 report which describes tests conducted on ten light vehicles to evaluate the improvement in braking performance and vehicle stability and control resulting from ABS. The test program's purpose was to show the degree to which an ABS improves a light vehicle's braking performance. Among the principal findings in the

[1] Hiltner, Arehart, and Radlinski, ''Light Vehicle ABS Performance Evaluation,'' DOT HS 807 813, December 1991; and ''Light Vehicle ABS Performance Evaluation—Phase II,'' DOT HS 807 924, May 1992.

report were that each ABS, and especially all-wheel systems, improved the light vehicle's lateral stability during panic braking, and that the all-wheel systems shortened stopping distances on most hard paved surfaces, with improvements of between 25 to 50 percent on wet surfaces.

A May 1992 report described tests conducted on eight light vehicles to evaluate how the ABS influenced vehicle stopping distance and lateral stability and control on various surfaces. Among the report's principle findings were that seven of the eight vehicles were under complete directional control during the tests with ABS ''on,'' and that ABSs improved stopping performance on all surfaces, except for stops on dry gravel surfaces.

In 1994, NHTSA issued a third report evaluating ABS performance.[2] On February 9, 1995, NHTSA published a notice requesting comments about this report. (60 FR 7814). The report evaluated the accident rates of ABS-equipped cars currently on the road and compared them to the accident rates of similar cars without ABS. The principal findings of and conclusions of this report were that (1) ABS reduced the involvements of passenger cars in multi-vehicle crashes on wet roads by 14 percent and reduced those involving fatalities by 24 percent, (2) ABS had little effect on multi-vehicle crashes on dry roads, (3) ABS reduced the risk of fatal collisions with pedestrians by 27 percent in ABS equipped passenger cars, (4) run-off-road crashes (e.g., rollovers, side and front impacts with fixed objects) increased by 19 percent for nonfatal crashes and 28 percent for fatal crashes, and (5) the overall, net effect of light vehicle ABS on both fatal and nonfatal accidents was close to zero.

NHTSA received comments about this study from Volkswagen, the American Automobile Manufactures Association (AAMA), the National Automobile Dealers Association (NADA), General Motors, and Advocates. The commenters generally believed that the NHTSA study should not be considered definitive until additional studies and analysis have been conducted. Volkswagen, NADA, GM, Toyota, and Advocates supported NHTSA's efforts to conduct additional research and to educate the driving public on the advantages and limitations of ABS. GM, Toyota, and NADA agreed with several hypotheses presented by NHTSA to explain why ABS, which clearly improves vehicle performance in controlled maneuvers, appeared to have minimal effect in reducing overall crash rates. In contrast, Advocates disagreed with the agency's risk compensation and driver error hypotheses as possible explanations for why ABS-equipped cars have more run-off-the-road crashes. Advocates also stated that these findings indicate that vehicle platforms need to be redesigned to prevent rollover crashes, since ABS often will not prevent such crashes.

C. Other Studies About the Effectiveness of Light Vehicle ABS

In addition to NHTSA's efforts, several other organizations have evaluated the effectiveness of light vehicle ABS. Studies conducted by the Insurance Institute for Highway Safety (IIHS), which compared insurance claims for 1991 and 1992 model year cars with and without ABS, showed no reduction in claims for cars equipped with ABS.[3] Another study[4] based its conclusions on the same set of data collected by HLDI, yielding similar findings.

Another study[5] by Evans demonstrated that, although benefits associated with ABS-equipped light vehicles may not be seen in general, ABS does have a positive effect in reducing certain types of accidents, while possibly being associated with increases in others.

A recent study by Lau and Padmanaban (1996), reported more favorable results; namely, that ABS-equipped light vehicles were experiencing lower overall crash involvement rates.[6] However, the study reported no measurable difference in the rate of involvements in fatal crashes between light vehicles with and without ABS. The agency notes that the difference in the finding relative to overall crash involvement rates, compared to other studies that found no significant change in crash involvement rates, is primarily the result of different assumptions about which populations of vehicles were appropriate to include in the comparison.

II. NHTSA's Decision to Defer Rulemaking

After reviewing the available information, NHTSA has decided to defer indefinitely its decision about whether to require equipping light vehicles with antilock braking systems until a later date. The agency believes it would be inappropriate to currently mandate such a requirement for the following reasons: (1) most studies that have analyzed the accident involvement experiences of ABS-equipped light vehicles have found mixed patterns, with a reduction in accidents in some crash modes but an increase in accidents in other crash modes, (2) even without a Federal requirement, a significant majority of light vehicles will be voluntarily equipped with ABS, (3) and requiring ABS on those light vehicles that will not be equipped with ABS would result in significant costs that, on balance, cannot be justified at this time.

In a separate rulemaking, NHTSA decided to require that medium and heavy vehicles be equipped with ABS (60 FR 13216, March 10, 1995). The agency emphasizes that its decision not to require that light vehicles be equipped with ABS is applicable only to light vehicles and not to medium and heavy vehicles, and therefore should not be interpreted as being inconsistent with this earlier decision. The two rulemakings are readily distinguishable. The studies discussed in today's notice only studied the accident involvement patterns of ABS on light vehicles; they did not evaluate the accident involvement patterns of ABS on medium or heavy vehicles. Tractor trailer combinations are more prone to loss of stability and control including jackknifing, given that they have an articulation point. ABS provides more potential benefits for vehicles, such as medium and heavy ones, which have a greater disparity between their lightly loaded and fully loaded weights. An out-of-control medium or heavy vehicle (that can weigh 10,000 to 80,000 pounds) is more dangerous in collisions with other vehicles than an out-of-control light vehicle.

A. Studies Evaluating the Accident Involvement of Light Vehicle ABS

NHTSA believes that the increased involvements in some crash modes with ABS equipped light vehicles, especially single vehicle run-off-road crashes, may be due to a lack of driver knowledge rather than the performance attributes of ABS. This is consistent with track test

[2] Kahane, C. *Preliminary Evaluation of the Effectiveness of Antilock Brake Systems for Passenger Cars* (DOT Rep. No HS 808 206). Washington, DC: National Highway Traffic Safety Administration. (1994)

[3] Highway Loss Data *Institute. Collision and Property Damage Liability Losses of Passenger Cars With and Without Antilock Brakes.* (Research Report HLDI A41). Arlington, VA (1994, January).

[4] Insurance Institute for Highway Safety. (1994, January). ''Antilocks May Not Make the Difference That Many Expected.; What Antilocks Can Do, What They Cannot Do.'' *Status Report*, *29*(2), 1–5, Arlington, VA

[5] Evans, L. (1995). *ABS and Relative Crash Risk Under Different Roadway, Weather, and Other Conditions.* SAE Paper 950353.

[6] Lau, E., and Padmanaban, J., *Accident Experience of Passenger Vehicles with Four-Wheel Antilock Braking Systems*, Failure Analysis Associates, Inc., Menlo Park, CA, January 1996.

results, conducted by professional drivers, indicating that ABS-equipped light vehicles have better stability and control than non-ABS equipped light vehicles. NHTSA believes that the ability of an ABS-equipped light vehicle to reduce crashes is linked closely to a driver's ability to use its performance capabilities. The agency plans to conduct further analyses to evaluate how driver behavior and performance affect how well light vehicle ABS reduces crashes.

One possible explanation for the increase in single vehicle run-off-road accidents may be due to driver steering behavior rather than the functioning of a light vehicle's ABS.

NHTSA notes that typical panic steering in non-ABS light vehicles is often characterized by a three-stage maneuver: (1) a large steering input to avoid a collision with the obstacle; (2) a reverse steering input to stop lateral deviation and correct for vehicle heading, and 3) an attempt to regain vehicle control by returning to an appropriate lane.[7] ABS-equipped light vehicles allow drivers the opportunity to maneuver around an obstacle, while keeping the vehicle under control, but having such capability does not guarantee a potential crash will be avoided.

NHTSA has considered certain hypotheses to explain why some drivers of ABS-equipped light vehicles may leave the road: (1) Some drivers are unaware of how ABS functions, (2) some drivers do not know how to react properly to crash threats, and (3) some drivers may drive more aggressively with ABS.

NHTSA believes that drivers of ABS-equipped light vehicles may ''pump'' their brake pedals in crash-imminent situations, thereby defeating the purpose of the ABS. Also, when activated, some ABS systems emit a chattering noise or cause the brake pedal to pulsate, which could confuse drivers into thinking their brakes have failed. Other drivers have reported their belief that the ABS-equipped light vehicle is stopping poorly, because tires on such vehicles do not squeal.

Some drivers may be oversteering their vehicles in an attempt to avoid a crash threat, thereby causing the vehicles to lose control and spin out. Other drivers may purposely steer off the road in crash-imminent situations, either because they incorrectly see no other option or because they decide this is their best option. Further, light vehicle ABS performance in situations where drivers make evasive maneuvers on loose surfaces such as gravel or grass could exacerbate drivers' lack of skill when executing extreme braking and steering maneuvers.

Some drivers may be driving more aggressively because they think that their ABS equipped light vehicle can stop better. This has been termed ''risk compensation'' or ''risk homeostasis.''

NHTSA is continuing its efforts to review crash data sets, individual crash case histories, and other information to evaluate these hypotheses. Also, the agency has established a sub-group of its motor vehicle safety research advisory committee to specifically address this problem. Meanwhile, conclusions regarding the effectiveness of ABS-equipped light vehicles which are based on the analysis of currently available accident databases should be viewed with caution. Given increased driver knowledge and experience with ABS-equipped light vehicles, the agency believes that the number of crashes involving such vehicles may decline. In addition, more precise crash database analysis techniques may shed additional light on these questions.

B. Market Trends

As for the marketplace, NHTSA notes that there is a strong trend among vehicle manufacturers to voluntarily equip light vehicles with ABS in response to significant consumer demand for this technology.

As the data in Table 1 indicate, the percentage of new passenger cars equipped with four-wheel antilock systems has grown from 3.7 percent in 1989 to 57 percent in 1995. Most manufacturers have publicly indicated plans to offer ABS as either standard or optional equipment on nearly all of their passenger car lines within the next three years.

TABLE 1.—PERCENTAGE OF PASSENGER CARS SOLD IN THE U.S., EQUIPPED WITH ABS[1]

	Domestic cars % 4WABS	Import cars % 4WABS	Total cars % ABS
1989	3.7	13.6	6.5
1990	7.6	21.4	11.1
1991	14.1	26.0	17.1
1992	32.2	32.2	32.2
1993	42.3	37.0	41.2
1994	57.3	47.6	55.5
1995	57.1	.....	.....

[1] Source: *Wards Automotive,* 1990–1995.

Similar data for light trucks, as shown in Table 2, indicate even stronger trends in this regard, with ABS installation rates growing to 84.3 percent by 1994.

TABLE 2.—PERCENTAGE OF LIGHT TRUCKS SOLD IN THE U.S., EQUIPPED WITH ABS[1]

Model year	Import truck % ABS	Domestic truck % RWAL[2]	Domestic truck % 4WABS	Total truck % ABS
1989	—	59.5	—	—
1990	10.2	77.3	2.1	71.4
1991	41.5	77.1	6.2	77.8
1992	51.6	71.5	11.4	80.1
1993	67.9	52.2	31.9	83.0
1994	66.6	53.0	32.4	84.3

[7] Weirwille, W.W., ''Driver Steering Performance,'' in *Automotive Engineering and Litigation, Volume 1,* G.A. Peters and B.J. Peters, Eds., New York, Garland Publishing Co., 1984

TABLE 2.—PERCENTAGE OF LIGHT TRUCKS SOLD IN THE U.S., EQUIPPED WITH ABS [1]—Continued

Model year	Import truck % ABS	Domestic truck % RWAL [2]	Domestic truck % 4WABS	Total truck % ABS
1995	.....	34.7	56.2	

[1] Source: *Wards Automotive,* 1990–1995.
[2] RWAL=Rear Wheel Antilock System.

Based on this information, NHTSA continues to believe that a significant majority of the light vehicle fleet will be equipped with ABS, regardless of whether there is a Federal mandate for such systems. As a result, light vehicles will benefit from the stability and control characteristics obtained by equipping such vehicles with ABS. Accordingly, the agency's decision not to require light vehicles to be equipped with ABS is based in part on the wide scale voluntary installation of ABS.

C. Cost Implications

In the January 1994 ANPRM, NHTSA estimated that requiring all light vehicles to be equipped with ABS would cost approximately $1.04 billion annually to equip those vehicles that would not voluntarily be equipped. That notice stated that this cost consists of ABS hardware costs of $920 million, installation costs of about $80 million, and increased fuel costs of about $40 million due to a small increase in vehicle weight. The average retail price of an ABS system to the consumer was estimated to be $450. This price was based on a cost study of seven ABS systems entitled ''Evaluation of Costs of Antilock Brake Systems'' and a markup factor of 1.51. The agency's cost estimate assumed that all-wheel ABS would be required on all light vehicles. It projected that all-wheel ABS would be voluntarily installed as standard equipment in 85 percent of model year 1999 passenger cars. The remaining 15 percent, or about 1.4 million vehicles, would be equipped only as a result of this regulatory requirement. However, since the ABS installation rate for 1995 model year domestic passenger vehicle cars, as reported in Table 1, was little different from 1994, it appears that this projected 85 percent voluntary installation rate by 1999 could be somewhat optimistic. A voluntary installation rate of possibly as low as 70 percent by 1999 could occur, in which case the remaining 30 percent, or about 2.8 million passenger cars, would be equipped only if there were a regulatory requirement. Such a higher involuntary ABS installation rate would increase the estimated annual cost of a requirement for passenger cars from $710 million to $1,420 million. If this were to occur, the estimated annual cost for all light vehicles would increase to $1.75 billion.

The cost estimate also projected that all light trucks would be voluntarily equipped with ABS by model year 1999/2000, 75 percent of them having all-wheel systems. Thus, an additional 25 percent of new light trucks or about 1.5 million vehicles, would be involuntarily equipped with all-wheel ABS if the agency issued a final rule requiring this. In this case, all- wheel ABS hardware and installation costs would be about $200 more than those for rear-wheel systems.

NHTSA believes that the significant costs associated with manufacturers having to equip approximately 4.3 million additional vehicles with all-wheel ABS further justifies the agency's decision not to require light vehicles to be equipped with all-wheel ABS at this time. The studies discussed above do not support such a Federal requirement at this time. NHTSA emphasizes that the costs and benefits associated with light vehicle ABS contrasts sharply with the analyses the agency conducted for medium and heavy ABS, which determined that ABS was highly beneficial for such vehicles.

For the reasons set forth above, NHTSA has decided to defer this rulemaking action indefinitely.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: July 5, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–17750 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 070196E]

RIN 0648–AI95

Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Fisheries Research Plan

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

ACTION: Notice of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted for review by NMFS the repeal of the North Pacific Fisheries Research Plan (Research Plan), Amendment 47 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska, Amendment 47 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (Groundfish FMPs), and Amendment 6 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area (Crab FMP). NMFS is requesting comments on these proposed actions from the public. Repeal of the Research Plan would terminate the comprehensive North Pacific groundfish and crab observer program and the associated user-fee system developed by NMFS and the Council as authorized by section 313 of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Amendments 47 and 47 to the groundfish FMPs would establish an interim groundfish observer program to supersede the Research Plan and authorize mandatory groundfish observer coverage requirements for 1997. Amendment 6 to the crab FMP would remove reference to the Research Plan. Copies of the amendments may be obtained from the Council (see **ADDRESSES**).

DATES: Comments should be submitted by September 9, 1996.

A public hearing on the proposed repeal of the Research Plan will be held

by teleconference on Monday, August 19, 1996, at 1 p.m., Alaska local time. (For information regarding how to participate, see **ADDRESSES**.)

ADDRESSES: Comments should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK.

Copies of the FMP amendments and the Environmental Assessment/ Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for the amendments are available from the North Pacific Fishery Management Council, 605 West Fourth Ave., Anchorage, AK 99501-2252; telephone: 907-271-2809.

See **SUPPLEMENTARY INFORMATION** for locations of public hearings by teleconference.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907–586–7228.

SUPPLEMENTARY INFORMATION: Locations where interested persons may participate in the August 19, 1996, public hearing by teleconference are as follows:

1. Anchorage—North Pacific Fishery Management Council, 600 West 4th Avenue, Anchorage, AK 99501, telephone: 907–271–2809;

2. Juneau—National Marine Fisheries Service, Alaska Region, 706 West 9th Street, Juneau, AK 99802, telephone: 907–586–7228;

3. Kodiak—National Marine Fisheries Service Laboratory, Bldg. 53, U.S. Coast Guard Support Center, Kodiak, AK 99615, telephone: 907–487–5961;

4. Seattle—Alaska Fisheries Science Center, 7600 Sand Point Way Northeast, Building 4, Room 7600, Seattle, WA 98115, telephone: 206–526–4197;

5. Newport—Oregon Department of Fish and Wildlife, 2040 Southeast Marine Science Drive, Newport, OR 97365, telephone: 503–867–0300.

The Magnuson Act requires that each Regional Fishery Management Council submit any fishery management plan (FMP) or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document that the FMP or amendment is available for public review and comment. During this comment period, NMFS will conduct public hearings, as required by section 313(c)(2) of the Magnuson Act, in Alaska, Oregon, and Washington to receive public comments on the proposed repeal of the Research Plan. NMFS will consider the public comments received during the comment period in determining whether to approve the repeal of the Research Plan and these amendments.

Repeal of the Research Plan

Beginning in April 1995, the Council and industry representatives voiced numerous concerns about certain elements of the Research Plan. The fundamental issues were cost-related and included: (1) Cost equity issues associated with the redistribution of observer costs throughout the crab, groundfish, and halibut sectors; (2) the ability of NMFS to require necessary observer coverage levels for special management programs (e.g., community development quotas, individual vessel bycatch and discard accountability) given the fee limitations outlined in the Magnuson Act (i.e., fees cannot exceed 2 percent of the exvessel value of retained Research Plan fish); and (3) potential reductions in observer coverage due to cost increases associated with Research Plan objectives to address observer data integrity. As a result, the Council recommended delaying full implementation of the Research Plan and requested that NMFS work with Council-appointed industry representatives on the Observer Oversight Committee (OOC) to address these concerns and others of a less substantial nature.

The OOC met with NMFS and interested parties in September and October 1995. Through discussion and negotiation, the OOC arrived at acceptable solutions to most of the Council's stated Research Plan implementation problems. The OOC was unable to reach consensus on issues associated with the redistribution of costs under the Research Plan. The distribution of costs throughout the crab, groundfish, and halibut fleets on the basis of landed value of catch, and implemented through the Research Plan user fee, resulted in significantly increased observer costs for some industry sectors and generally reduced costs for catcher vessels and small processors. Even though this change in cost distribution was integral to the Research Plan, some participants in the groundfish and crab fisheries asserted that they had been encumbered with an inequitably high share of the cost of the North Pacific observer programs.

Because of the inability to resolve these critical issues, the Council voted at its December 1995 meeting to repeal the Research Plan and its associated fee-based funding mechanism. In response, NMFS issued an interim final rule (61 FR 13782, March 28, 1996) that discontinued the 1995 Research Plan fee collection process, authorized the issuance of annual Federal processor permits without regard to payment of Research Plan fees, and established a procedure to refund all fees collected (approximately $5.6 million) by NMFS under the 1995 Research Plan, along with accrued interest.

FMP Amendments

Amendments 47 to the Groundfish FMPs would authorize an interim North Pacific groundfish observer program and authorize groundfish observer coverage requirements through 1997. Amendment 6 to the Crab FMP would remove language associated with the Research Plan.

A proposed rule to implement the repeal of the Research Plan and the FMP amendments has been submitted for Secretarial review and approval and is scheduled to be published within 15 days of the date of publication of this document. The proposed rule to implement Amendments 47 also will include 1997 observer coverage requirements, vessel and processor responsibilities under the interim groundfish observer program, and criteria for the certification, suspension, and decertification of observers and observer contractors.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 8, 1996.

Richard W. Surdi,

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

[FR Doc. 96–17788 Filed 7–9–96; 1:23 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 135
Friday, July 12, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Big Bend Timber Sale, Umpqua National Forest, Douglas and Lane County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On March 29, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the Big Bend Timber Sale on the North Umpqua Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 13105). A draft EIS was released to public November 1991. A notice of Availability for the draft EIS was published in the Federal Register on November 8, 1991 (56 FR 57330). The comment period on the draft EIS ended December 23, 1991. Forest Service has decided to cancel the environmental analysis process. There will be no final EIS for the Big Bend Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Ned Davis, District Ranger, North Umpqua Ranger District, 18782 North Umpqua Hwy., Glide, Oregon 97443 or telephone (541) 496–3532.

Dated July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17732 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Couplet Timber Sale, Umpqua National Forest, Douglas County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On June 30, 1992, a Notice of Intent to prepare an environmental impact statement (EIS) for the Couplet Timber Sale on the Diamond Lake Ranger District of the Umpqua National Forest was published in the Federal Register (57 FR 29059). Forest Service has decided to cancel the environmental analysis process for the Couplet Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to J. Dan Schindler, District Ranger, Diamond Lake Ranger District, 2020 Toketee Ranger Station Rd., Idleyld Park, Oregon 97447 or telephone (541) 498–2531.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17733 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Lake Creek Timber Sale, Umpqua National Forest, Douglas County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On July 10, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the Lake Creek Timber Sale on the Diamond Lake Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 31371). Forest Service has decided to cancel the environmental analysis process of the Lake Creek Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to J. Dan Schindler, District Ranger, Diamond Lake Ranger District, 2020 Toketee Ranger Station Rd., Idleyld Park, Oregon 97447 or telephone (541) 498–2531.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17734 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

West Cat Timber Sale, Umpqua National Forest, Lane County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On March 29, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the West Cat Timber Sale on the Cottage Grove Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 13109). Forest Service has decided to cancel the environmental analysis process for the West Cat Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Jim Wieman, District Ranger, Cottage Grove Ranger District, 78405 Cedar Parks Road, Cottage Grove, Oregon 97424 or telephone (541) 942–5591.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17735 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Inch Timber Sale, Umpqua National Forest, Lane County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On March 29, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the Inch Timber Sale on the Cottage Grove Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 13108). Forest Service has decided to cancel the environmental analysis process for the Inch Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Jim Wieman, District Ranger, Cottage Grove Ranger District, 78405 Cedar Parks Road, Cottage Grove, Oregon 97424 or telephone (541) 942–5591.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17736 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Donna Timber Sale, Umpqua National Forest, Lane County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On March 29, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the Donna Timber Sale on the Cottage Grove Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 13107). Forest Service has decided to cancel the environmental analysis process for the Donna Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Jim Wieman, District Ranger, Cottage Grove Ranger District, 78405 Cedar Parks Road, Cottage Grove, Oregon 97424 or telephone (541) 942–5591.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17737 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Walton Ridge Timber Sale, Umpqua National Forest, Lane County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On March 29, 1991, a Notice of Intent to prepare an environmental impact statement (EIS) for the Walton Ridge Timber Sale on the Cottage Grove Ranger District of the Umpqua National Forest was published in the Federal Register (56 FR 13110). Forest Service has decided to cancel the environmental analysis process for the Walton Ridge Timber Sale. The Notice of Intent is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Jim Wieman, District Ranger, Cottage Grove Ranger District, 78405 Cedar Parks Road, Cottage Grove, Oregon 97424 or telephone (541) 942–5591.

Dated: July 3, 1996.

Bernie Rios,

Deputy Forest Supervisor.

[FR Doc. 96–17738 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

Southwest Oregon Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on July 24, 1996 at the Red Lion Inn, 1414 N. Bayshore, Coos Bay, Oregon. The meeting will begin at 8:00 a.m. and continue until 4:00 p.m. Agenda items to be covered include: (1) Local area issues presentation; (2) Advisory Committee priority development; (3) Riparian Reserves and grazing; (4) Report on further actions being taken relative to fallen timber from winter storms on the Rogue River National Forest; (5) Timber sale updates; (6) Advisory Committee absenteeism; (7) Advisory Committee monitoring recommendation status, and (8) Public comments.

All Province Advisory committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Kurt Austermann, Province Advisory Committee staff, USDI, Medford District, Bureau of Land Management, 3040 Biddle Rd., Medford, Oregon 97504, phone 541–770–2200.

Dated: July 3, 1996.

James T. Gladen,

Forest Supervisor, Designated Federal Official.

[FR Doc. 96–17745 Filed 7–11–96; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

PROCUREMENT LIST PROPOSED ADDITIONS

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 12, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Grounds Maintenance, Lake Mendocino, Ukiah, California, NPA: Rubicon Programs, Inc., Richmond, California

Grounds Maintenance, Tripler Army Medical Center, Oahu, Hawaii, NPA: Lanakila Rehabilitation Center, Honolulu, Hawaii

Switchboard Operation, Department of Veterans Affairs Medical Center, Nashville, Tennessee, NPA: Ed Linsey Industries for the Blind, Inc., Nashville, Tennessee.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96–17789 Filed 7–11–96; 8:45 am]

BILLING CODE 6353–01–M

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: August 12, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 29 and May 17, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (61 F.R. 14088 and 24921) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and service and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List.

Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Chock Block
2540–00–T27–8865
2540–00–T27–9043

(Requirements for the Defense Distribution Region West, Stockton, California)

Service

Janitorial/Custodial, Federal Bureau of Investigation, Headquarters Building, 10th & Pennsylvania Avenue, NW., Washington, DC

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96–17790 Filed 7–11–96; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–412–815]

Notice of Court Decision: Certain Cut-to-Length Carbon Steel Plate from the United Kingdom

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Court Decision.

SUMMARY: On June 4, 1996, the United States Court of International Trade (CIT) affirmed the remand determination made by the Department of Commerce (the Department) which used company-specific average useful life of renewable physical assets as the time period over which to allocate benefits from nonrecurring subsidies. *British Steel Plc. et al.* v. *United States,* Slip Op. 96–88 (*British Steel III*). In so doing, the Court rejected the Department's use of the U.S. Internal Revenue Service's Class Life Asset Depreciation Range System (the IRS tax tables) for allocating benefits as set forth in the ''Allocation Period'' section of its *General Issues Appendix,* which is appended to the *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Austria,* 58 FR 37217, 37227 (July 9, 1993).

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Roy A. Malmrose, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5414.

SUPPLEMENTARY INFORMATION: In its *Final Affirmative Countervailing Duty Determination; Certain Steel Products From the United Kingdom,* 58 FR 37393 (July 9, 1993), the Department allocated benefits from nonrecurring subsidies, such as grants and equity, over the average useful life of renewable physical assets, as set out in the IRS tax tables. The Department's reasoning was fully set forth in the *General Issues Appendix.*

On February 9, 1995, the CIT held that the Department's use of the IRS tax tables was unlawful because the Department did not adequately consider whether and to what extent the 15-year period from the IRS tax tables was reasonable based on the commercial and competitive benefits received by the firms under investigation. *British Steel plc et al.* v. *United States,* 879 F. Supp. 1254. In accordance with the CIT's instructions, the Department reexamined the allocation period in question. The Department found that an allocation methodology based upon the average useful life of assets (AUL) specific to each company was the most reasonable methodology that complied with the instructions of the Court. On June 4, 1996, the CIT affirmed the Department's remand determination. *British Steel III.*

In its decision in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's decision in *British Steel III* on June 4, 1996, constitutes a decision not in harmony with the Department's final affirmative determination. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, until a ''conclusive'' court decision.

Dated: July 2, 1996.

Barbara R. Stafford,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–17805 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–DS–P

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 96–00002.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to U.S. Leaf Tobacco Exporters, L.L.C. (''U.S. Leaf''). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 400l–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1994). The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. Products

Leaf tobacco and by-products.

2. Services

Buying, handling, processing and shipment of leaf tobacco and by-products.

3. Export Trade Facilitation Services (as they Relate to the Export of Products and Services)

Consulting, market research, advertising, marketing, insurance, product research and design, legal assistance, transportation (including trade documentation and freight forwarding), communication and processing of orders, warehousing, foreign exchange, financing, and taking title to goods.

Export Markets

The Export Markets are foreign state trading entities (''STEs'') and are limited to the following: Algeria, China, Egypt, Korea, Lebanon, Morocco, Taiwan, Thailand, Tunisia, Turkey, and Vietnam.

Export Trade Activities and Methods of Operation

In connection with the promotion and sale of Members' Products and Services into the Export Markets, U.S. Leaf and/or one or more of its Members may:

a. Solicit orders or bids from STEs in Export Markets.

b. Design and execute foreign marketing strategies for sales in Export Markets.

c. Quote charges to STEs for processing, shipping and handling services relating to the sale of U.S. grown tobacco to such customers and for dealer commissions and other miscellaneous buying charges. Such quotes may be made by one or more Members individually or by U.S. Leaf on behalf of such Members as may be interested in participating in such transactions or opportunities.

d. Collect and exchange information about U.S. Leaf's or Members' export operations and prior export sales by Members, including export price information with respect to STEs.

e. Collaborate in the preparation and submission of individual or joint bids for processing, shipping and handling charges relating to the sale of tobacco to STEs in Export Markets.

f. Collect and exchange information and conduct joint negotiations with STEs concerning estimated yields for the processing of green leaf tobacco into redried tobacco.

g. Alocate export sales and/or export markets among Members.

h. Engage in joint promotional activities aimed at increasing sales in existing Export Markets and identifying new Export Markets, such as: arranging trade shows and marketing trips; providing advertising services; providing brochures, industry newsletters and other forms of product, service and industry information; conducting international market and product research; procuring international marketing, advertising and promotional services; and sharing the cost of these joint promotional activities among the Members.

i. Collect and exchange information with respect to transportation services utilized by Members in the export of U.S. grown tobacco, including overseas freight transportation, inland freight transportation from the Members' processing plants to the U.S. port of embarkement, storage and warehousing, stevedoring, wharfage and handling, insurance, forwarder services, trade documentation and services, customs clearance, financial instruments and foreign exchange.

j. Collect and exchange information and conduct joint negotiations with STEs regarding contractual terms for export sales.

Terms and Conditions of Certificate

a. Except as expressly authorized in the Export Trade Activities and Methods of Operations section of this Certificate, neither U.S. Leaf nor any Member shall intentionally disclose, directly or indirectly, to any other Member or Supplier any information that is about its or any other Member's or Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless (1) such information is already generally available to the trade or public; or (2) the information disclosed is a necessary term or condition (e.g., price, time required to fill an order, etc.) of an actual or potential bona fide sale and the disclosure is limited to the prospective purchaser.

b. Any agreements, discussions, or exchanges of information under this Certificate relating to quantities of Products available for Export Markets shall be in connection only with actual or potential bona fide export transactions and shall be on a transaction- by-transaction basis only.

c. Participation by a Member in any Export Trade Activity or Method of Operation under this Certificate shall be entirely voluntary as to that Member, subject to the honoring of contractual commitments. A Member may withdraw from coverage under this Certificate at any time by giving written notice to U.S. Leaf, a copy of which U.S. Leaf shall promptly transmit to the Departments of Commerce and Justice.

d. U.S. Leaf and its Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

Definitions

''Members'', within the meaning of section 325.2(1) of the Regulations, means the member companies of U.S. Leaf set out in Attachment A and incorporated herein by reference.

''Processing'' means the processing of green leaf tobacco into redried tobacco by the removal of moisture content, foreign matter and stems, and the blending of such tobacco.

''Handling charges'' means all charges associated with the services provided by the Members in connection with the buying of green leaf tobacco and for the

delivery of redried tobacco to STEs, but excluding the cost of green leaf tobacco at auction and processing charges. Handling charges include, but are not limited to, inland freight, container cost, dealer commissions, tagging, inspection, storage, warehousing, financing, fumigation, by-product credits and ocean shipping.

''Subsidiary'' means a U.S. tobacco dealer which is a wholly- or majority-owned subsidiary of a Member or of a Member's controlling entity.

''Supplier'' means a person who produces, provides, or sells a Product or Service, whether a Member or nonmember.

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Dated: July 1, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

Attachment A

Member

Universal Leaf Tobacco Company, Incorporated

Subsidiaries: Universal Leaf Tobacco Company, Incorporated, Richmond, VA; Virginia Tobacco Company, Incorporated, Richmond, VA; Virsa Incorporated, Richmond, VA; Winston Leaf Tobacco Company, Incorporated, Richmond, VA; Southern States Tobacco Company, Incorporated, Richmond, VA; Thorpe & Ricks, Inc. (VA), Richmond, VA; Thorpe-Greenville Export Tobacco Company, Rocky Mount, NC; Thorpe-Ricks, Inc (NC), Rocky Mount, NC; Southern Processors, Inc., Danville, VA; Danville Leaf Tobacco Company, Inc., Danville, VA; J.P. Taylor Company, Inc., Henderson, NC; Eastern Leaf Tobacco Company, Richmond, VA; K.R. Edwards Leaf Tobacco Company, Incorporated, Smithfield, NC; Southwestern Tobacco Company, Incorporated, Lexington, KY; W.H. Winstead Company, Inc., Richmond, VA; Tobacco Processors, Inc., Wilson, NC; R.P. Watson Company, Richmond, VA; and Dunnington- Beach Tobacco, Incorporated, Farmville, VA.

Member

DIMON International, Inc., Farmville, NC

Subsidiaries: A.C. Monk & Company, Inc., Farmville, NC; The Austin Company, Incorporated, Kinston, NC; T.S. Ragsdale Company, Inc., Lake City, NC; Dibrell Brothers Tobacco USA, Inc., Danville, VA; Carolina Leaf Tobacco Company, Inc., Greenville, NC; Dimon International, A.G., Basel, Switzerland; and Dimon Asia on behalf of Dimon International, Inc., Farmville, NC.

Member

Unitob Inc., Greenville, NC

Subsidiaries: China American Tobacco Co., Greenville, NC; and Intabex-Hail & Cotton International Co., Greenville, NC.

Member

Standard Commercial Corporation, Wilson, NC

Subsidiaries: Standard Commercial Tobacco Co., Inc., Wilson, NC; and W A Adams Company, Wilson, NC.

Member

G.F. Vaughan Tobacco Co., Inc., Lexington, KY

[FR Doc. 96–17730 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–DR–P

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 95–00006.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to Water and Wastewater Equipment Manufacturers Association. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1994). The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. Products

Machinery, equipment, instrumentation, chemicals, supplies, systems, accessories, turnkey systems, and software development (as these items are used in the treatment of water and/or wastewarer).

Export Trade

1. Products

Machinery, equipment, instrumentation, chemicals, supplies, systems, accessories, turnkey systems, and software development (as these items are used in the treatment of water and/or wastewater).

2. Services

A. Identification, conceptual prefeasibility, and feasibility assessments of residential, commercial, industrial, and municipal Products and water and/or wastewater treatment facilities for homeowners, businesses, companies, utilities, or foreign government entities;

B. Engineering and architectural services related to Products and/or to turnkey contracts that substantially incorporate Products;

C. Design and installation of water and/or wastewater treatment facilities and/or Products;

D. Project and construction management of water and/or wastewater treatment facilities;

E. Arranging or offering financing for investments in water and/or wastewater treatment facilities and/or Products, including lease, loan, shared savings arrangements, guaranteed lease or loans, and third party financing;

F. Providing bonded performance guarantees that guarantee a certain level of water and/or wastewater treatment as a result of the installation of water and/or wastewater treatment Products;

G. Servicing, training, and other services related to the sale, use, installations, maintenance monitoring, rehabilitation, or upgrading of Products or to projects that substantially incorporate Products;

H. All other services related to water and/or wastewater treatment.

3. Export Trade Facilitation Services (as They Relate to the Export of Products and Services)

Consulting; international market research; insurance; legal assistance; accounting assistance; services related to compliance with foreign customs requirements; trade documentation and freight forwarding; communication and processing of export orders and sales leads; warehousing; foreign exchange; financing; liaison with U.S. and foreign government agencies, trade associations and banking institutions; taking title to goods; marketing and trade promotion; trade show participation; coordination and negotiation of the terms and

conditions of participation in trade promotion activities such as trade shows, expositions, exhibitions, conferences or similar events; and negotiations with providers of transportation, insurance, exhibits and lodging in connection with such trade promotion opportunities.

4. Technology Rights

Patents, trademarks, service marks, trade names, copyrights (including neighboring rights); trade secrets; know-how; technical expertise; utility models (including petty patents); computer modeling; semiconductor mask works; industrial designs; computer software protection associated with Products, Services, industrial designs, first die proofs, design of die block impressions, inserts, and Export Trade Facilitation Services.

Export Markets

The Export Markets include all parts of the world except the United States (the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

A. Except as set forth in Paragraph F, WWEMA and/or one or more of its Members may:

1. Engage in joint selling arrangements for the sale of Products and/or Services in the Export Markets, such as joint marketing, joint negotiation, joint offering, joint bidding, and joint financing; and allocate sales resulting from such arrangements.

2. Establish export prices of Products and/or Services by the Members in Export Markets.

3. Discuss and reach agreements relating to the interface specifications and engineering of Products and/or Services required by specific export customers, potential export customers, or Export Markets.

4. Refuse to quote prices for, or to market or sell, Products and/or Services in Export Markets;

5. Solicit non-Member Suppliers to sell such non-Member Suppliers' Products and/or Services, or offer such non-Member Suppliers' Export Trade Facilitation Services through the certified activities of WWEMA and/or its Members; provided, however, that WWEMA and/or one or more of its Members shall make such solicitations or offers to non-Member Suppliers on a transaction by transaction basis only and then only when the Members are unable to supply, at a price competitive under the circumstances, the requisite Products or Services for such transaction; provided further that WWEMA and/or one or more of its Members may exchange only such information with such non-Member Suppliers as is reasonably required by such transaction.

6. Coordinate with respect to

(a) the development of water and/or wastewater treatment projects in Export Markets, including project identification, scientific and technical assessment, transportation and/or delivery, engineering, design, maintenance, monitoring, construction and delivery, installation and construction, project ownership, project operation, and transfer of project ownership;

(b) the installation and servicing of Products in Export Markets, including establishment of joint warranty, service, and training centers in such markets; and

(c) the operation of and maintenance services for water and/or wastewater treatment facilities, parts warehousing, and support services related to the foregoing.

7. License associated Technology Rights in conjunction with the sale of Products, but in all instances, the terms of such licenses shall be determined solely by negotiations between the licensor Member and the export customer without coordination with WWEMA or any Member.

8. Engage in joint promotional activities aimed at developing existing or new Export Markets. Such promotional activities may include advertising, demonstrating, field trips, trade missions, reverse trade missions, and conferences.

9. Agree on the frequency, level of, duration, or other terms and conditions of participation in joint Export Trade Promotion activities conducted in Export Markets. Such activities may include trade shows for the purpose of promoting the industry's Products in Export Markets.

10. Enter into agreements wherein WWEMA and/or one or more Members acts in certain Export Markets as the Members' exclusive or non-exclusive Export Intermediary. The Export Intermediary shall be responsible for coordinating the level of participation and joint export trade promotion and facilitation activities by WWEMA and its Members, as well as for negotiating agreements with foreign government agencies, corporations, or trade associations concerning terms and conditions of participation, transportation, insurance, lodging, local transportation, and food services in connection with such joint promotional activities. When acting as an Export Intermediary, WWEMA and/or any one or more Members shall make its services available to any Member on non-discriminatory terms.

11. Agree to refuse to attend any specific trade show, exposition, exhibition, or conference conducted in the Export Markets.

12. Establish and operate jointly owned subsidiaries or other joint venture entities owned exclusively by Members for the purposes of engaging in the Export Trade Activities and Methods of Operation herein, other than the licensing of associated Technology Rights pursuant to subparagraph (7) above. WWEMA and/or one or more of its Members may establish and operate joint ventures for operations in Export Markets with non-Members, including public-sector foreign corporations and other foreign government entities, and/or private sector foreign entities such as corporations. Non-Members engaging in such activities shall not receive protection under this Certificate of Review.

13. Enter into exclusive arrangements with an Export Intermediary, which arrangement may provide that such Export Intermediary may not represent any non-Member Supplier of Products and/or Services in specified Export Markets.

14. Agree not to export independently into specified Export Markets, either directly or through any other Export Intermediary or other party.

15. Agree that any information obtained pursuant to this Certificate shall not be provided to any non-Member.

16. For the transportation of Products, act as a shippers' association to negotiate favorable transportation rates and other terms for the transportation of Products with individual common carriers and individual shipping conferences.

B. Except as set forth in Paragraph F, WWEMA and/or one or more of its Members may exchange and discuss the following types of information as they relate solely to Export Trade and Export Markets:

1. Information (other than information about the cost, output, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or United States business plans, strategies or methods) that is already generally available to the trade or public.

2. Information about sales and marketing efforts for Export Markets,

activities and opportunities for sales of Products and Services in Export Markets, selling strategies for Export Markets, pricing in Export Markets, projected demands in Export Markets (quality and quantity), customary terms of sale in Export Markets, the types of Products available from competitors for sale in particular Export Markets and the prices for such Products, customer specifications for Products in Export Markets, and market strengths and economic and business conditions in Export Markets.

3. Information about the export prices, quality, quantity, sources, available capacity, and delivery dates of Products available from Members for export, provided however that exchanges of information and discussions as to Product quantity, sources, available capacity to produce, and delivery dates must be on a transaction-by-transaction basis and involve only those Members who are participating or have genuine interest in participating in each such transaction.

4. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by WWEMA and/or its Members.

5. Information about joint bidding, joint selling, or joint servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members.

6. Information about expenses specific to exporting to, and within Export Markets, including without limitation, transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes.

7. Information about U.S. and foreign legislation, regulations and policies and executive actions affecting the sales of Products and/or Services in the Export Markets, such as U.S. Federal and State programs affecting the sales of Products and/or Services in the Export Markets or foreign policies that would affect the sale of Products and/or Services.

8. Information about WWEMA's and/or its Members' export operations, including without limitation, sales and distribution networks established by WWEMA or its Members in Export Markets, and prior export sales by Members (including export price information).

C. Except as set forth in Paragraph F, WWEMA and/or one or more of its Members may meet to engage in the activities described in paragraphs A through B above.

D. Except as set forth in Paragraph F, WWEMA and/or one or more of its Members may refuse to provide Export Trade Facilitation Services to non-Members or refuse to participate in other activities described in paragraphs A through B above.

E. WWEMA and/or one or more of its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (such as prices and/or costs). If such Member elects to respond with respect to domestic activities, it shall respond directly to the requesting foreign government or its agent with respect to such information.

F. If an Export Trade Activity or Method of Operation described in paragraphs A through D would involve: (a) a Product identified in Attachment II as a ''Restricted Product'', and (b) two or more Member Suppliers of a Restricted Product identified in Attachment II (''Restricted Members''), then such Export Trade Activity or Method of Operation shall be subject to the following limitations:

1. Participation in any price discussion is limited to instances in which the prices are discussed and determined solely in the following manner: a Neutral Third Party, as hereinafter defined, acting independently, will obtain price information concerning each Restricted Product for which the Restricted Members listed in conjunction therewith intend to participate as part of a joint bid or other sales arrangement, and will incorporate such price information into the bid or other arrangement.

(i) For purposes of this paragraph, ''acting independently'' means that the Neutral Third Party who obtains the price information from the Restricted Members, and who negotiates offer prices on behalf of the Restricted Members, will not disclose the price information of one Restricted Member to another Restricted Member intending to participate in a joint bid or other sales arrangement as a Supplier of the Restricted Products.

(ii) For purposes of this paragraph, ''Neutral Third Party'' means an individual, partnership, corporation (profit or non-profit), or any representative thereof which is not engaged in the manufacture, distribution, or sale of any Restricted Product. Any Member may be a Neutral Third Party as long as it meets the requirements set out above.

2. The limitation set forth in paragraph F.1 above also shall apply to instances where more than one Restricted Member intends to participate in the joint bid or other sales arrangement but the participation of one is solely as an Export Intermediary for the Export Trade Activity or Method of Operation.

3. Neither WWEMA nor any Member participating in the Export Trade Activity or Method of Operation shall disclose the price information of one Restricted Member to another Restricted Member with respect to the relevant Restricted Product.

Terms and Conditions of Certificate

1. Except as expressly authorized in Export Trade Activity and Method of Operation B.6, in engaging in Export Trade Activities and Methods of Operation, neither WWEMA nor any Member shall intentionally disclose, directly or indirectly, to any other Member or Supplier (including parent companies, subsidiaries, or other entities related to any Member not named as a Member) any information that is about its or any other Member's or Supplier's costs, production, inventories, domestic prices, domestic sales, capacity to produce Products for domestic sale, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless (1) Such information is already generally available to the trade or public; or (2) the information disclosed is a necessary term or condition (e.g., price, time required to fill an order, etc.) of an actual or potential *bona fide* sale and the disclosure is limited to the prospective purchaser.

2. Any agreements, discussions, or exchanges of information under this Certificate relating to quantities of Products available for Export Markets, product specifications or standards, export prices, product quality or other terms and conditions of export sales (other than export financing, servicing and repair arrangements) shall be in connection with actual or potential *bona fide* export transactions and shall be on a transaction-by-transaction basis only and shall include only those Members participating or having a genuine interest in participating in such transactions; provided that WWEMA and/or its Members may discuss standardization of Products and Services for purposes of making *bona fide* recommendations to foreign governmental or private standard-setting organizations.

3. Participation by a Member in any Export Trade Activity or Method of Operation under this Certificate shall be entirely voluntary as to that Member, subject to the honoring of contractual commitments for sales of Products or Services in specific export transactions.

A Member may withdraw from coverage under this Certificate at any time by giving written notice to WWEMA, a copy of which WWEMA shall promptly transmit to the Secretary of Commerce and the Attorney General.

4. WWEMA and its Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

Definitions

1. ''Export Intermediary'' means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. ''Member'' means a person who has membership in WWEMA, has been certified as a ''Member'' within the meaning of Section 325.2(1) of the Regulations, and is listed in Attachment I.

3. ''Supplier'' means a person who produces, provides, or sells a Product, Service, and/or Export Trade Facilitation Service, whether a Member or non-Member.

Protection Provided by Certificate

This Certificate protects WWEMA, its Members, and directors, officers, and employees acting on behalf of WWEMA and its Members from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

Other Conduct

Nothing in this Certificate prohibits WWEMA and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

Disclaimer

The issuance of this Certificate of Review to WWEMA by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or by the Attorney General concerning either (a) the viability or quality of the business plans of WWEMA or its Members or (b) the legality of such business plans of WWEMA or its Members under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct in export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the ''Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition),'' 50 Fed. Reg. 1786 (January 11, 1985).

In accordance with the authority granted under the Act and Regulations, this Certificate of Review is hereby granted to WWEMA.

Dated: July 1, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

Attachment I

ABB Kent Meters, Inc., Ocala, Florida
A.O. Smith Harvestore Products, Inc., DeKalb, Illinois
Elsag Bailey Process Automation N.V. for the activities of its unit Bailey-Fischer & Porter Company, Warminster, Pennsylvania
Capital Controls Co., Inc., Colmar, Pennsylvania
CBI Walker, Inc., Aurora, Illinois
Dorr-Oliver Incorporated, Milford, Connecticut
Enviroquip, Inc., Austin, Texas
G.A. Industries, Inc., Mars, Pennsylvania
Galaxy Environmental Corporation, Warminster, Pennsylvania
General Signal Corporation for the activities of its unit General Signal Pump Group, North Aurora, Illinois
Gorman-Rupp Company (The), Mansfield, Ohio
The Gorman-Rupp International Company, Mansfield, Ohio
Hycor Corporation, Lake Bluff, Illinois
I. Kruger, Inc., Cary, North Carolina
Infilco Degremont Inc., Richmond, Virginia
JCM Industries, Inc., Nash, Texas
Komline-Sanderson, Peapack, New Jersey
Parkson Corporation, Fort Lauderdale, Florida
Patterson Pump Co., Taccoa, GA
Smith & Loveless, Inc., Lenexa, Kansas
Temcor, Carson, California
Wallace & Tiernan, Inc., Belleville, New Jersey
Water Pollution Control Corp., Brown Deer, Wisconsin

Attachment II

Restricted product	Restricted members
Gas Chlorination Systems.	Bailey-Fischer & Porter Company, Capital Controls Company, Inc., Wallace & Tiernan, Inc.
Evaporators ...	Bailey-Fischer & Porter Company, Capital Controls Company, Inc., Wallace & Tiernan, Inc.
Gas Sulphonation Systems.	Bailey-Fischer & Porter Company, Capital Controls Company, Inc., Wallace & Tiernan, Inc.

[FR Doc. 96–17731 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–DS–P

Minority Business Development Agency

Business Development Center Applications: Corpus Christi

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Amendment.

SUMMARY: The Minority Business Development Agency is revising the announcement to solicit competitive applications under its Minority Business Development Center (MBDC) Program to operate the Corpus Christi MBDC. The revised closing date for the Corpus Christi MBDC application is July 29, 1996. This solicitation was originally published in the Federal Register, Wednesday, June 12, 1996, Vol. 61, No. 114, Page 29738.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development Center)

Dated: July 9, 1996.

Donald L. Powers,

Federal Register Liaison Officer, Minority Business Development Agency.

[FR Doc. 96–17804 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–21–M

National Institute of Standards and Technology

National Conference on Weights and Measures; Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the 81st Annual Meeting of the National Conference on Weights and Measures will be held July 21, through 25, 1996, at Westin Canal Place, New Orleans, Louisiana. The meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the states, counties, and cities of the United States, and private sector representatives. The interim meeting of the conference, held in January, 1996, as well as the annual meeting, bring together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to (15 U.S.C. 272(B)(6)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighting and measuring.

DATE: The meeting will be held July 21–25, 1996.

LOCATION: Westin Canal Place New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Giblert M. Ugiansky, Executive Secretary, National Conference on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885. Telephone: (301) 975–4005.

Dated: July 8, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–17761 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 070596C]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

DATES: The meetings will be held on August 13–15, 1996.

ADDRESSES: All meetings will be held at the Caravelle Hotel, St. Croix, U.S. Virgin Islands.

Council address: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 89th regular public meeting to discuss the First Amendment to the Coral Fishery Management Plan, among other topics.

The Council will convene on August 14, 1996, from 9:00 a.m. to 5:00 p.m., and August 15, 1996, from 9:00 a.m. to noon, approximately.

The Administrative Committee will meet on August 13, 1996, from 2:00 p.m. to 5:00 p.m., to discuss administrative matters regarding Council operation.

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or requests for sign language interpretation and/or other auxiliary aids please contact Mr. Miguel A. Rolón, Executive Director, (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 8, 1996.

Richard W. Surdi,

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

[FR Doc. 96–17786 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 070396A]

Mid-Atlantic Fishery Management Council; Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee, Surfclam Ocean Quahog Committee, and Surfclam Ocean Quahog Advisory Panel will hold a public meeting.

DATES: The meeting will be held on July 23, 1996, beginning at 9:30 a.m.

ADDRESSES: The meeting will be held at the Days Inn, 4101 Island Avenue, Philadelphia, PA, telephone 215–492–0400.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director; telephone: (302) 674–2331.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review Stock Assessment Review Committee issues raised concerning methods, models, and surveys; review National Fisheries Institute/NMFS Data Needs meeting held in Woods Hole; review of proposals submitted for research work aboard commercial vessels; review of modeling, field studies, and assessment schedules.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: July 8, 1996.

Richard W. Surdi,

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

[FR Doc. 96–17787 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 070396B]

Endangered Species; Permits

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

ACTION: Issuance of modification 4 to permit 847 (P211E) and modification 4 to permit 822 (P500B).

SUMMARY: Notice is hereby given that NMFS has issued modifications to two permits that authorize takes of Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein, to the Oregon Department of Fish and Wildlife (ODFW) and the Fish Passage Center at Portland, OR (FPC).

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 modifications to permits 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 ODFW (P211E) for modification 4 to scientific research/enhancement permit 847. Modification 4 to permit 847 was issued to ODFW on June 28, 1996. Permit 847 authorizes ODFW annual takes of adult and juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with supplementation programs at the Imnaha River and Lookingglass Creek Hatcheries. For Modification 4, ODFW is authorized to retain 50 percent of the adult, ESA-listed, naturally-produced and artificially-propagated salmon that return to the Imnaha River weir in 1996 for hatchery broodstock; to release the adult, ESA-listed, naturally-produced and artificially-propagated salmon not retained for broodstock above the weir for natural spawning as long as the number of hatchery-produced adult releases does not exceed the number of naturally-produced adult releases; and to retain two naturally-produced jacks (age three males) and two artificially-propagated jacks for broodstock for every five females retained, up to a maximum fertilization of 10 percent of the 1996 brood eggs. ODFW is also authorized to release all of the naturally-produced jacks not retained for broodstock above the weir for natural spawning and to sacrifice all of the surplus hatchery jacks so that they do not dominate the population of males above the weir site. Modification 4 is valid in 1996 only.

Permit 847 expires on March 31, 1998.

Notice was published on May 7, 1996 (61 FR 20514) that an application had been filed by FPC (P500B) for modification 4 to scientific research/monitoring permit 822. Modification 4 to permit 822 was issued to FPC on July 3, 1996. Permit 822 authorizes FPC annual takes of juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*); and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with scientific research/monitoring activities at upstream locations and at the hydropower dams on the Snake and Columbia Rivers in the Pacific Northwest. For Modification 4, FPC is authorized an increase in the number of juvenile, ESA-listed, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon associated with the operation of a second airlift sampler at John Day Dam during the annual juvenile outmigration. Also for modification 4, FPC is authorized an increase in the number of juvenile, ESA-listed, Snake River sockeye salmon to be captured and handled, and an increase in the resulting indirect mortality of these fish, associated with an increase in the estimate of the number of ESA-listed sockeye salmon juveniles expected to outmigrate in 1996. In addition, FPC is authorized an incidental take of adult and jack, ESA-listed, Snake River spring/summer chinook salmon associated with fallbacks through the juvenile bypass systems at Bonneville and John Day Dams on the Columbia River. FPC is also authorized a modification of their sampling protocol for monitoring juvenile salmonids for symptoms of nitrogen gas bubble trauma. Modification 4 is valid for the duration of the permit. Permit 822 expires on December 31, 1997.

Issuance of the permit modifications, 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: July 5, 1996.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–17724 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 070196G]

Marine Mammals; Permit No. 928 (P351E)

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

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of scientific research permit no. 928 submitted by Ms. Olga von Ziegesar, North Gulf Oceanic Society, P.O. Box 15244, Homer, AK 99603, has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Suite 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

SUPPLEMENTARY INFORMATION: On May 20, 1996, notice was published in the Federal Register (61 FR 25210) that an amendment of permit no. 928, issued July 18, 1994 (59 FR 37745), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222).

Permit no. 928 authorizes the harassment of up to 100 humpback whales (*Megaptera novaeangliae*) annually during repeated approaches for photo-identification studies in Prince William Sound and in the area from the Copper River Delta to Kachemak Bay, Alaska.

Amendment No. 1 to permit no. 928 authorizes the harassment of up to 400 humpback whales per year during photo-identification studies, of which up to 100 whales may be biopsy sampled over a four year period; export of the biopsy samples collected; and expansion of the research area to include all Alaskan waters.

Issuance of this Permit as required by the ESA of 1973 was based on a finding that the permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in Section 2 of the ESA.

Dated: July 2, 1996.

Ann Hochman,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–17760 Filed 7–11–96; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Membership of the Defense Contract Audit Agency (DCAA) Performance Review Boards

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Notice of Membership of the Defense Contract Audit Agency Performance Review Boards.

SUMMARY: This notice announces the appointment of the members of the Performance Review Boards (PRBs) of the Defense Contract Audit Agency (DCAA). The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Director, DCAA, regarding final performance ratings and performance awards for DCAA SES members.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Dale R. Collins, Director, Human Resources Management, Defense Contract Audit Agency, Department of Defense, Ft. Belvoir, Virginia 22060–6219, 703–767–1236.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are the names and titles of the executives who have been appointed to serve as members of the DCAA Performance Review Boards. They will serve one-year terms, effective upon publication of this notice.

Headquarters Performance Review Board

Mr. Russell Richards, Assistant Director, Operations, Defense Contract Audit Agency, Chairperson.

Mr. Lawrence Uhlfelder, Assistant Director, Policy and Plans, Defense Contract Audit Agency, member.

Mr. Kirk Moberley, General Counsel, Defense Contract Audit Agency, member.

Regional Performance Review Board

Mr. Charles Cherry, Regional Director, Central, Defense Contract Audit Agency, Chairperson.

Mr. Robert Matter, Regional Director, Western, Defense Contract Audit Agency, member.

Mr. Robert Melby, Deputy Regional Director, Eastern, Defense Contract Audit Agency, member.

Dated: July 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–17685 Filed 7–11–96; 8:45 am]

BILLING CODE 5000–04–M

Corps of Engineers

Notice of Public Scoping Meeting for an Environmental Impact Statement, and Request for Comments for the Bluestone Dam Safety Assurance Program, Hinton West Virginia

AGENCY: Corps of Engineers, Army.

ACTION: Notice.

SUMMARY: a. Under the Policy of Evaluating Modifications of Existing Dams Related to Hydrologic and Seismic Adequacy, the Huntington District is evaluating alternative measures to modify Bluestone Dam consistent with state of the art design criteria. The proposed action is being conducted through the Corps' Dam Safety Assurance Program for the evaluation of existing dams..

b. The COE is forming working groups to exchange information with known interest groups; businesses; community development; local governments; environmental and cultural resources; emergency management; and cooperating/regulatory agencies. Membership in these working groups is open, and you may participate as a volunteer. Meetings are scheduled for:

Date: July 18, 1996.

Time: 12:30–2:30 pm—business interest group; 3:00–5:00 pm—emergency management interest group.

Place: The Blue & Gold Room, Golf Complex, Pipestem State Park, Pipestem WV.

Date: July 19, 1996.

Time: 10:00 am–12:00 noon—community development interest group; 12:30–2:30 pm—cooperating/regulatory agencies; 3:00–5:00 pm—environmental/cultural resources interest group.

Place: The Blue & Gold Room, Golf Complex, Pipestem State Park, Pipestem WV.

c. The COE is also holding public scoping meetings as follows:

Date: August 5, 1996.

Time: 7:00 pm.

Place: The Conference Room C, Bldg. 7, State Capital Complex, 1900 Kanawha Blvd., Charleston, WV.

Date: August 6, 1996.

Time: 7:00 pm.

Place: The Faulconer Room, Main Lodge, Pipestem State Park, State Route 20, Pipestem, WV.

FOR FURTHER INFORMATION CONTACT: Please address questions regarding this notice to Mr. C . Barry Passmore, PD–R, Huntington District, Corps of Engineers, 502 Eighth Street, Huntington, West Virginia 25701–2070, Telephone: (304) 529–5712.

SUPPLEMENTARY INFORMATION: a. The COE has determined that improvements to the dam are necessary to accommodate the probable maximum flood (PMF). Two dam corrections have been chosen as the most technically feasible:

- Alternative 1—Raising the dam to contain the PMF. Features of this alternative include: a 22-foot cantilever wall on top of the dam; an additional gravity monolith on the east bank; a gate closure across state route 20 on the west bank; removable closures at each end of the spillway; high-strength multi-strand anchors; and mass concrete thrust blocks topped with overburden.
- Alternative 2—Auxiliary Spillway to pass the PMF. Features of this alternative include: gated additional spillway over the penstocks; four 47′×48′ tainter gates; a flip-bucket energy dissipator and training walls; and high-strength multi-strand anchors.

b. The COE plans no changes from current day-to-day operation of the Bluestone Dam following completion of construction of necessary modifications.

c. The National Environmental Policy Act (NEPA) requires the COE to take into account the environmental impacts that could result from this Federal action. NEPA also requires that the COE discover and address concerns the public may have about the proposed project. This occurs during the ''scoping'' process. By this Notice, the COE requests public comments. All comments received related to the scope of the project are considered during the preparation for the EIS.

d. The EIS will discuss impacts that could occur as a result of construction and operation of the proposed project including impacts to biological resources, cultural resources, and socioeconomic effects, air quality, noise impact, and recreation resources.

e. Interested groups and individuals are encouraged to attend the meetings and to present oral comments on the environmental issues which they believe should be addressed in the Draft EIS. Anyone who would like to make an oral presentation should telephone or write Barry Passmore, the COE contact, before 4:00 pm, July 31, 1996, so that time can be allotted during the

meetings, and a name placed on the speakers' list.

f. You can make a difference by sending a letter addressing your specific comments or concerns about this project. Focus on the potential environmental effects of the alternatives, and methods to avoid or lessen impacts. The more specific your comments, the more useful they will be. Comments must be received by August 15, 1996.

g. The COE will evaluate alternatives and make recommendations on how to lessen or avoid impacts. An independent analysis of the issues will be presented in the Draft EIS, available in June 1997. A 45-day comment period will be allotted for review of the Draft EIS.

h. State and Federal agencies are asked to indicate whether they want to be cooperating agencies for the purpose of producing the EIS. Those identified to date include:

U.S. Environmental Protection Agency, Region III
U.S. National Park Service
U.S. Fish and Wildlife Service
U.S. Federal Emergency Management Agency
WV Department of Highways
WV Division of Environmental Protection
WV Division of Natural Resources
WV State Historic Preservation Office

i. These, or any other Federal, State or local agencies that want to participate as a cooperating agency should send a letter describing the extent to which you wish to be involved to the contact provided with this notice. Please provide written comments by August 15, 1996.

j. A Notice of Intent was published in the Federal Register—March 11, 1996, Volume 61, No. 48, page 9681.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–17743 Filed 7–11–96; 8:45 am]

BILLING CODE 3710–GM–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Submission for OMB review; 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 12, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The 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: July 8, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of the Under Secretary

Type of Review: New.

Title: Evaluation of School-to-Work Implementation—Survey of Local Partnerships and 18 Month Student Follow-up.

Frequency: Annually.

Affected Public: Individuals or households; State, local or Tribal Government, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 7,896.

Burden Hours: 9,150.

Abstract: The School-to-Work (STW) Act of 1994 directs the Secretaries of Education and Labor to evaluate progress made by States and local communities in establishing systems to promote effective school-to-work transitions. Information will be collected through surveys of local STW partnerships, case studies and surveys of high school seniors. This submission seeks clearance for surveys of local STW partnerships and an 18 month follow-up student survey. Data collected will be used in reports to Congress and to others interested in school-to-work programs.

[FR Doc. 96–17697 Filed 7–11–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No: 84.278e]

Office of Vocational and Adult Education

DEPARTMENT OF LABOR

Employment and Training Administration

Notice Inviting Applications for New Awards for Fiscal Year (FY) 1996 for School-to-Work Opportunities State Implementation Grants (State Implementation Grants)

Purpose of Program: State Implementation Grants will enable States to implement their plans for statewide School-to-Work Opportunities systems. Such systems will offer young Americans access to programs designed to prepare them for a first job in high-skill, high-wage careers, and for further education and training. Funds awarded under section 212 of the School-to-Work Opportunities Act will serve as ''venture capital'' to allow States to build comprehensive School-to-Work Opportunities systems which provide all youth with high-quality education that integrates school-based learning, work-based learning and connecting activities, prepares young Americans for success in high-skill, high-wage careers, and increases their opportunities for further education and training.

Eligible Applicants: All States, including the District of Columbia and Puerto Rico, that did not receive a State

Implementation Grant in FY 1994 or 1995 are eligible for Implementation Grants under this competition. In accordance with the School-to-Work Opportunities Act, the Governor must submit the application on behalf of the State.

Deadline for Transmittal of Applications: August 30, 1996. Telefacsimile (FAX) applications will not be accepted.

Deadline for Intergovernmental Review: October 29, 1996.

Applications Available: Application packages will be mailed directly to both the Governor and the State School-to-Work Development Grant contact of each eligible applicant. Applications will be mailed to applicants, via overnight mail, within one day of the publication of this notice in the Federal Register.

Available Funds: Approximately $55.5 million (funding for the first twelve months).

Estimated Range of Awards: The Departments expect the minimum award to be approximately $1.5 million and the maximum award to be approximately $20 million. The Departments wish to emphasize that, in accordance with sections 212, 213, 214, and 216 of the Act, the actual amount of each award made under this competition will depend on such factors as the scope and quality of the State plan and application, the number of projected participants in programs operating within each State's School-to-Work Opportunities system, and the State's youth population. Therefore, the Departments strongly encourage applicants to consider these factors, the estimated average grant award amount, and the amount of awards made to Implementation States in prior rounds in deciding what funds to request. Applicants are discouraged from requesting significantly more funds than States with similar numbers of school-age youth received last year without a strong programmatic basis for doing so. Information on last years' awards is contained in the application package.

Estimated Average Size of Awards: $4.5 million.

Estimated Number of Awards: Up to 13.

Note: The Departments are not bound by any estimates in this notice.

Project Period: Up to five years (five twelve-month grant periods).

Applicable Regulations: In accordance with the authority provided in the Act, the Departments have determined that the administrative provisions contained in the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86, will apply to grants awarded to State partnerships under this competition. The selection criteria and definition published in this notice, as well as the instructions contained in the application package and the eligibility and other requirements specified in the Act, apply to this competition.

Definition

All definitions in the Act apply to School-to-Work Opportunities systems funded under this and future State Implementation Grant competitions. Since the Act does not contain a definition of the term ''administrative costs'' as used in section 217 of the Act, the Departments apply the following definition to competitions for State Implementation Grants:

The term ''administrative costs'' means the activities of a State or local partnership that are necessary for the proper and efficient performance of its duties under the School-to-Work Opportunities Act and that are not directly related to the provision of services to participants or otherwise allocable to the system's allowable activities listed in section 215(b)(4) and section 215(c) of the Act. Administrative costs may be either personnel costs or non-personnel costs, and direct or indirect. Costs of administration shall include, but not be limited, to—

(a) Costs of salaries, wages, and related costs of the grantee's staff engaged in—

(1) Overall system management, system coordination, and general administrative functions;

(2) Preparing program plans, budgets, and schedules, as well as applicable amendments;

(3) Monitoring of local initiatives, pilot projects, subrecipients, and related systems and processes;

(4) Procurement activities, including the award of specific subgrants, contracts, and purchase orders;

(5) Developing systems and procedures, including management information systems, for assuring compliance with the requirements under the Act;

(6) Preparing reports and other documents related to the Act; and

(7) Coordinating the resolution of audit findings.

(b) Costs for goods and services required for administration of the system;

(c) Costs of system-wide management functions; and

(d) Travel costs incurred for official business in carrying out grant management or administrative activities.

Note on Administrative Cost Cap: In accordance with section 215(b)(6) of the Act, a local partnership receiving a subgrant from State Implementation Grant funds awarded under the competition may use no more than 10 percent of that subgrant for administrative costs associated with carrying out School-to-Work program activities in one fiscal year. This notice clarifies that a 10 percent cap on administrative costs applies to both State Implementation grantees and all State-funded local partnerships.

Selection Criteria and Review Process

Under this School-to-Work Opportunities Implementation Grant competition, the Departments will use the following selection criteria in evaluating applications. These criteria were published in final in the Notice Inviting Applications for New Awards for School-to-Work State Implementation Grants in FY 1995 (60 FR 26812). The Departments will utilize a two-phase review process. In the first phase, review teams, including peer reviewers, will evaluate applications using the selection criteria and the associated point values. In the second phase, review teams, including peers, will visit high-ranking States to gain additional information and further assess State plans. The following selection criteria will apply to both review phases. The Departments will base final funding decisions on information obtained during the site visits, the ranking of applications as a result of the first-phase review, and such other factors as replicability, sustainability, innovation, and geographic balance and diversity of program approaches.

Note: If the initial round of site visits yields fewer States in the competitive range than the Departments anticipated funding, and funds remain to finance additional awards, a second round of visits may be conducted. Candidates for site visits will be selected from States for which site visits have not been previously conducted, according to the scores following the peer review of applications. All site visit determinations will be made in a manner consistent with the process outlined above, and one or more of these States may also be recommended for funding.

Selection Criterion 1: Comprehensive Statewide System.

Points: 35.

Considerations: In applying this criterion, reviewers will consider—

(a) *20 points.* The extent to which the State has designed a comprehensive statewide School-to-Work Opportunities plan that—

(1) Includes effective strategies for integrating school-based and work-

based learning, integrating academic and vocational education, and establishing linkages between secondary and postsecondary education;

(2) Is likely to produce systemic change in the way youth are educated and prepared for work and for further education, across all geographic areas of the State, including urban and rural areas, within a reasonable period of time;

(3) Includes strategic plans for effectively aligning other statewide priorities, such as education reform, economic development, and workforce development into a comprehensive system that includes the School-to-Work Opportunities system and supports its implementation at all levels—State, regional and local;

(4) Ensures that all students, including school dropouts, will have a range of options, including options for higher education, additional training and employment in high-skill, high-wage jobs; and

(5) Ensures coordination and integration with existing local education and training programs and resources, including those School-to-Work Opportunities systems established through local partnership grants and Urban/Rural Opportunities grants funded under Title III of the School-to-Work Opportunities Act, and related Federal, State, and local programs.

(b) *15 points.* The extent to which the State plan demonstrates the State's capability to achieve the statutory requirements and to effectively put in place the system components in Title I of the School-to-Work Opportunities Act, including—

(1) The work-based learning component that includes the statutory mandatory activities and that contributes to the transformation of workplaces into active learning components of the education system through an array of learning experiences, such as mentoring, job-shadowing, unpaid work experiences, school-sponsored enterprises, supported work experiences, and paid work experiences;

(2) The school-based learning component that will provide students, as well as school dropouts, with high level academic skills consistent with academic standards that the State establishes for all students, including, where applicable, standards established under the Goals 2000: Educate America Act;

(3) A connecting activities component to provide a functional link between school and work activities and employers and educators for both students and school dropouts; and

(4) A plan for an effective process for assessing students' skills and knowledge required in career majors, and the process for issuing portable skill certificates that are benchmarked to high quality standards such as those the State establishes under the Goals 2000: Educate America Act, and for periodically assessing and collecting information on student outcomes, as well as a realistic strategy and timetable for implementing the process.

Selection Criterion 2: Commitment of Employers and Other Interested Parties.

Points: 15.

Considerations: In applying this criterion, reviewers will consider the following:

(a) The extent to which the State has obtained the active involvement of employers and other interested parties listed in section 213(d)(5) of the Act, such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational education agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies, as well as State legislators.

(b) Whether the State plan demonstrates an effective and convincing strategy for continuing the involvement of employers and other interested parties in the statewide system, such as the parties listed in section 213(d)(5) of the Act, as well as State legislators.

(c) The extent to which the State plan proposes to include private sector representatives as joint partners with educators in the oversight and governance of the overall School-to-Work Opportunities system.

(d) The extent to which the State has developed strategies to provide a range of opportunities for employers to participate in the design and implementation of the School-to-Work Opportunities system, including membership on councils and partnerships; assistance in setting standards, designing curricula and determining outcomes; providing worksite experience for teachers; helping to recruit other employers; and providing worksite learning activities for students, such as mentoring, job shadowing, unpaid work experiences, supported work experiences, and paid work experiences.

Selection Criterion 3: Participation of All Students.

Points: 15.

Considerations: In applying this criterion, reviewers will refer to the definition of the term ''all students'' in section 4(2) of the Act, and consider the following:

(a) The extent to which the State will implement effective strategies and systems to—

(1) Provide all students with equal access to the full range of program components specified in sections 102 through 104 of the Act and related activities such as recruitment, enrollment and placement activities; and

(2) Ensure that all students have meaningful opportunities to participate in School-to-Work Opportunities programs.

(b) Whether the plan identifies potential barriers to the participation of any students, and the degree to which the plan proposes effective ways of overcoming these barriers.

(c) The degree to which the State has developed realistic goals and methods for assisting young women to participate in School-to-Work Opportunities programs leading to employment in high-performance, high-paying jobs, including nontraditional jobs and has developed realistic goals to ensure an environment free from racial and sexual harassment.

(d) The feasibility and effectiveness of the State's strategy for serving students from rural communities with low population densities.

(e) The State's methods for ensuring safe and healthy work environments for students, including strategies for encouraging schools to provide students with general awareness training in occupational safety and health as part of the school-based learning component, and for encouraging employers to provide risk-specific training as part of the work-based learning component.

Note: Experience with the FY 1994 and FY 1995 School-to-Work Opportunities State Implementation Grant applications has shown that many applicants do not give adequate attention to designing programs that will serve school dropouts and programs that will serve students with disabilities. Therefore, the Departments would like to remind applicants that reviewers will consider whether an application includes strategies to specifically identify the barriers to participation of dropouts and students with disabilities and proposes specific methods for effectively overcoming such barriers and for integrating academic and vocational learning, integrating work-based learning and school-based learning, and

linking secondary and postsecondary education for dropouts and students with disabilities. Applicants are reminded that JTPA Title II funds may be used to design and provide services to students who meet the appropriate JTPA eligibility criteria.

Selection Criterion 4: Stimulating and Supporting Local School-to-Work Opportunities Systems.

Points: 15.

Considerations: In applying this criterion, reviewers will consider the following:

(a) The effectiveness of the State's plan for ensuring that local partnerships include employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors, or administrators), representatives of labor organizations or nonmanagerial employee representatives, and students, and others such as those included in section 4(11)(B) of the Act.

(b) The extent to which the State assists local entities to form and sustain effective local partnerships serving communities in all parts of the State.

(c) Whether the plan includes an effective strategy for addressing the specific labor market needs of localities that will be implementing School-to-Work Opportunities systems.

(d) The effectiveness of the State's strategy for building the capacity of local partnerships to design and implement local School-to-Work Opportunities systems that meet the requirements of the Act.

(e) The extent to which the State will provide a variety of assistance to local partnerships, as well as the effectiveness of the strategies proposed for providing this assistance, including such services as: developing model curricula and innovative instructional methodologies, such as creative strategies for meeting the needs of school dropouts; expanding and improving career and academic counseling services; and assisting localities in the use of technology-based instructional techniques.

(f) The effectiveness of the State's strategy for providing staff development to teachers, employers, mentors, counselors, related services personnel, and others who are critical to successful implementation of School-to-Work Opportunities systems for all youth, such as staff in alternative learning environments.

(g) The ability of the State to provide constructive assistance to local partnerships in identifying critical and emerging industries and occupational clusters.

Selection Criterion 5: Resources.

Points: 10.

Considerations: In applying this criterion, reviewers will consider the following:

(a) The amount and variety of other Federal, State, and local resources the State will commit to implementing its School-to-Work Opportunities plan, as well as the specific use of these funds, including funds for JTPA Summer and Year-Round Youth programs and Perkins Act programs.

(b) The feasibility and effectiveness of the State's long-term strategy for using other resources, including private sector resources, to maintain the statewide system when Federal resources under the School-to-Work Opportunities Act are no longer available.

(c) The extent to which the State is able to limit administrative costs in order to maximize the funds spent on the delivery of services to students, as required in section 214(b)(3)(B) of the Act, while ensuring the efficient administration of the School-to-Work Opportunities system.

Criterion 6: Management Plan.

Points: 10.

Considerations: In applying this criterion, reviewers will consider the following:

(a) The adequacy of the management structure that the State proposes for the School-to-Work Opportunities system.

(b) The extent to which the State's management plan anticipates barriers to implementation and proposes effective methods for addressing barriers as they arise.

(c) Whether the application includes an evaluation plan containing feasible, measurable goals for the School-to-Work Opportunities system, based on performance measures contained in section 402(a) of the Act.

(d) The extent to which the evaluation plan includes an effective method for collecting information relevant to the State's progress in meeting its goals, and is likely to assist the State to meet its School-to-Work Opportunities system objectives, to gauge the success of the system in achieving those objectives, to continuously improve the system's effectiveness, and to contribute to the review of results across all States.

(e) Whether the plan includes a feasible workplan for the School-to-Work Opportunities system that includes major planned objectives over a five-year period.

Additional Priority Points

As required by section 214(a)(1) and (a)(2) of the Act, the Departments will give priority to applications that demonstrate the highest level of concurrence among State partners with the State plan, and to applications that require paid, high quality work-based learning experiences as an integral part of the School-to-Work Opportunities system by assigning additional points—above the 100 points described in the criteria—as follows:

(a) *Highest Levels of Concurrence—5 Points*

Up to 5 points will be awarded to applications that can fully demonstrate that each of the State partners listed in section 213(b)(4) of the Act concurs with the State School-to-Work Opportunities plan, and that the State partners' concurrence is backed by a commitment of time and resources to implement the plan.

(b) *Paid, High-quality Work-based Learning—10 Points*

Up to 10 points will be awarded to applications that demonstrate that the State—

(1) Has developed effective plans for requiring, to the maximum extent feasible, paid, high-quality work experience as an integral part of the State's School-to-Work Opportunities system, and for offering the paid, high-quality work experiences to the largest number of participating students and school dropouts as is feasible; and

(2) Has established methods for ensuring consistently high quality work-based learning experiences across the State.

For Applications or Information Contact: Karen Clark, National School-to-Work Office, 400 Virginia Avenue, S.W., Washington, D.C. 20024. Telephone: (202) 401–6222 (this is not a toll-free number). 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.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 6101 *et seq.*

Dated: July 9, 1996.

Timothy M. Barnicle,

Assistant Secretary for Employment and Training, Department of Labor.

Patricia W. McNeil,

Assistant Secretary for Vocational and Adult Education, Department of Education.

[FR Doc. 96–17870 Filed 7–11–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket Nos. 96–25–NG, 96–27–NG, 96–28–NG, 96–30–NG, 96–32–NG, 96–33–NG and 96–34–NG]

The Brooklyn Union Gas Company, et al.; Orders Granting Authorization to Import and/or Export Natural Gas

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, SW., Washington, DC 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, DC, on July 1, 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
1168	05/23/96	The Brooklyn Union Gas Company (96–25–NG).	.....	50 Bcf/term	Blanket for 2 years from and to Canada.
1169	5/23/96	The Brooklyn Union Gas Company (96–27–NG).	.....	50 Bcf/term	Blanket for 2 years to Mexico.
1170	05/29/96	The Brooklyn Union Gas Company (96–28–NG).	50 Bcf/term	.....	Blanket for 2 years from Mexico.
1171	06/03/96	Onyx–CCGM, L.C. (96–30–NG)	110 Bcf/term	Combined total (See import).	Blanket for 2 years from and to Mexico.
1172	06/07/96	National Fuel Resources, Inc. (96–32–NG)	8 Bcf/term	8 Bcf/term	Blanket for 2 years from and to Canada.
1173	06/07/96	Michigan Consolidated Gas Company (96–33–NG).	73 Bcf/term	.....	Blanket for 2 years from Canada.
1174	06/14/96	CU Energy Marketing, Inc. (96–34–NG)	200 Bcf/term	.....	Blanket for 2 years from Canada.

[FR Doc. 96–17754 Filed 7–11–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–299–000]

Carnegie Interstate Pipeline Company; Notice of Proposed Change in FERC Gas Tariff

July 8, 1996.

Take notice that on July 1, 1996, Carnegie Interstate Pipeline Company (''CIPCO'') tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, to become effective on August 1, 1996:

Eighth Revised Sheet No. 7

CIPCO states that this is its quarterly filing pursuant to Section 32.2 of the General Terms and Conditions of its FERC Gas Tariff to reflect prospective changes in transportation costs associated with unassigned upstream capacity held by CIPCO on Texas Eastern Transmission Corporation (''Texas Eastern'') for the 3-month period commencing August 1, 1996 and ending October 31, 1996. The filing reflects an increase in the Transportation Cost Rate (''TCR'') from $0.8558 to $0.9786. The new TCR includes a TCR Adjustment of $1.4691 and a TCR Surcharge credit of $0.4905.

CIPCO states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17719 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–298–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

July 8, 1996.

Take notice that on July 1, 1996, Columbia Gas Transmission Corporation (Columbia) filed the following revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff) bearing a proposed effective date of August 1, 1996.

Thirteenth Revised Sheet No. 25
Thirteenth Revised Sheet No. 26
Thirteenth Revised Sheet No. 27
Fourteenth Revised Sheet No. 28

Columbia states that this filing is being made pursuant to Section 46 (Stranded Facilities Charge (SFC)) of the General Terms and Conditions (GTC) of Columbia's FERC Gas Tariff, Second

Revised Volume No. 1. Columbia filed its SFC Tariff provision and resulting initial SFC as part of its August 1, 1995, general rate case filing pursuant to Section 4 of the Natural Gas Act initiating Docket No. RP95–408. The SFC was accepted and suspended effective February 1, 1996, and it is currently set for hearing before an Administrative Law Judge in Docket No. RP95–408. GTC Section 46.3(b) requires Columbia to restate the SFC twice a year (Adjustment Filings). This filing is Columbia's first Adjustment Filing recalculating the SFC pursuant to GTC Section 46.3(b) to be effective August 1, 1996. By this filing, Columbia is proposing a reduction in the SFC to reflect adjustments to the unamortized balance of ''Stranded Facilities Costs'' including: collections for the first biannual collection period; updates for actual activity since February 1, 1996, including for the actual net book value of stranded facilities as of January 31, 1996; the collection of only FERC interest on the unamortized balance; certain capital expenditures to maintain stranded facilities; and to reflect other adjustments as more fully explained in the filing. Columbia states that it has recalculated the SFC based upon projected demand determinats for the twelve month period commencing August 1, 1996, consistent with GTC Section 46.3.

Columbia states that copies of its filing are available for inspection at its offices at 1700 MacCorkle Avenue, SE., Charleston, West Virginia, and 700 Thirteenth Street, NW., Suite 900, Washington, DC; and have been mailed to all firm customers, affected state Commissions and interruptible 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, NE., Washington, DC. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervent. Copies of this filing are on filed with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17718 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–301–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

July 8, 1996.

Take notice that on July 1, 1996, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 the following tariff sheets to become effective August 1, 1996.

Second Revised Sheet No. 122
First Revised Sheet No. 122A

FGT states that Section 10.E. of the General Terms and Conditions (GT&C) of its FERC Gas Tariff provides shippers the opportunity to delegate the tasks associated with nominations and scheduling, as well as other administrative tasks, to one or more designees. Paragraph 1(f) of Section 10.E. requires that if such designation encompasses the resolution of imbalances or payment responsibility under Sections 14 and 15, respectively, of the GT&C, the designee must meet the creditworthiness provisions set forth in Section 16 of the GT&C. The instant filing eliminates this requirement that designees be creditworthy. Rather, the shipper shall retain such responsibility as set forth in Paragraph 1(g) of Section 10.E., unless otherwise agreed upon in writing by FGT.

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, 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. 96–17721 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–231–001]

Kern River Gas Transmission Company; Notice of Compliance Filing

July 8, 1996.

Take notice that on June 28, 1996, Kern River Gas Transmission (''Kern River'') tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to become effective June 3, 1996:

First Revised Volume No. 1

First Revised Sheet Nos. 74–76
First Revised Sheet No. 92
Substitute Third Revised Sheet No. 93
Substitute First Revised Sheet No. 126
Substitute Second Revised Sheet No. 127

Kern River states that the purpose of this filing is to comply with the Commission's Order Accepting Tariff Sheets Subject to Conditions issued on May 30, 1996 in Docket No. RP96–231. 75 FERC ¶ 61,228. To comply with the directives of the Commission, Kern River has proposed tariff language to revise and clarify Kern River's policy regarding the construction of delivery facilities and the choice-of-law provisions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17716 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–297–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

July 8, 1996.

Take notice that on July 1, 1996, Tennessee Gas Pipeline tendered for

filing as part of its Fifth Revised FERC Gas Tariff the following tariff sheets to become effective August 1, 1996:

Eighth Revised Sheet No. 20
Twelfth Revised Sheet No. 21A
Seventeenth Revised Sheet No. 22
Twelfth Revised Sheet No. 22A
Eighth Revised Sheet No. 23
Third Revised Sheet No. 23B
Fifteenth Revised Sheet No. 24
Tenth Revised Sheet No. 25
Eighth Revised Sheet No. 26B

Tennessee states that the purpose of this filing is to recover gas supply realignment costs (''GSR costs'') paid or known and measureable at the time of the filing, consistent with the GSR cost recovery provisions reflected in Section XXVI of the General Terms and Conditions of Tennessee's Fifth Revised FERC Gas Tariff. The charges include a GSR demand surcharge applicable to firm customers and a unit GSR component applicable to Tennessee's interruptible services.

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, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedures. 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. Copies 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. 96–17717 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–117–002]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

July 8, 1996.

Take notice that on June 27, 1996, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets to become effective June 27, 1996:

Fourth Revised Sheet No. 596
Substitute Original Sheet No. 596A

Texas Eastern asserts that the purpose of this filing is to comply with the Commission's order issued June 14, 1996 in Docket Nos. RP96–117–000 and RP96–117–001 (June 14 Order).

Texas Eastern states that in compliance with Ordering Paragraph (A) of the June 14 Order, this filing reflects in Section 10.10 of the General Terms and Conditions of its FERC Gas Tariff the pro forma revisions to the order of discounts as submitted in its comments.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern, interested state commissions, and other parties to this proceeding.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17715 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–300–000]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

July 8, 1996.

Take notice that on July 1, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 585011, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 the following revised tariff sheets to become effective July 1, 1996:

Second Revised Volume No. 1

First Revised Sheet No. 264
Third Revised Sheet No. 265
Second Revised Sheet No. 275

Williston Basin states that the revised tariff sheets allow releases of and requests for released capacity under Rate Schedule ST–1 which contains a two-part rate structure.

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, Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17720 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER91–195–024, et al.]

Western Systems Power Pool, et al.; Electric Rate and Corporate Regulation Filings

July 5, 1996.

Take notice that the following filings have been made with the Commission:

1. Western Systems Power Pool and Mid American Natural Resources, Inc.

[Docket Nos. ER91–195–024 and ER95–1423–002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On June 11, 1996, Western Systems Power Pool filed certain information as required by the Commission's April 23, 1991, order in Docket No. ER91–195–000.

On June 18, 1996, Mid American Natural Resources, Inc. filed certain information as required by the Commission's August 25, 1995, order in Docket No. ER95–1423–000.

2. Central Power and Light Company and West Texas Utilities Company

[Docket Nos. ER96–64–000, ER96–355–000, ER96–1181–000, and ER96–1342–000]

Take notice that on June 20, 1996, Central Power and Light Company and West Texas Utilities Company requested permission to withdraw the service agreements that they submitted in the above-captioned dockets.

Copies of the filing were served on the affected customers.

Comment date: July 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Black Hills Power and Light Company

[Docket No. ER96–1704–000]

Take notice that on June 27, 1996, Black Hills Power and Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. New England Power Pool

[Docket No. ER96–2180–000]

Take notice that on June 19, 1996, New England Power Pool Executive Committee filed signature pages to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Eastern Power Distribution, Inc. (Eastern Power), UNITIL Resources, Inc. (UNITIL) and Federal Energy Sales, Inc. (Federal Energy). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature pages would permit Eastern Power, UNITIL and Federal Energy to join the over 90 Participants that already participate in the Pool. NEPOOL further states that the filed signature pages do not change the NEPOOL Agreement in any manner, other than to make Eastern Power, UNITIL and Federal Energy Participants in the Pool. NEPOOL requests an effective date on or before July 1, 1996, or as soon as possible thereafter for commencement of participation in the Pool by Eastern Power, UNITIL and Federal Energy.

Comment date: July 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. American Electric Power Service Corporation

[Docket No. ER96–2259–000]

Take notice that on June 28, 1996, American Electric Power Service Corporation (AEPSC), tendered for filing service agreements, executed by AEPSC and the following Parties, under the AEP Companies' Power Sales and/or Point-to-Point Transmission Service Tariffs: AIG Trading Corporation, Ohio Valley Electric Corporation and PanEnergy Power Services, Inc.

The Power Sales Tariff has been designated as FERC Electric Tariff, First Revised Volume No. 2, effective October 1, 1995. The Point-to-Point Transmission tariff has been designated AEPSC FERC Electric Tariff Second Revised Volume No. 1, effective September 7, 1993. AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after June 1, 1996.

A copy of the filing served upon the Parties and the State Utility Regulatory Commission of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Electric and Gas Company

[Docket No. ER96–2260–000]

Take notice that on June 28, 1996, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey, tendered for filing an agreement for the sale of capacity and energy to CNG Power Services Corporation (CNG), pursuant the PSE&G Bulk Power Service Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's regulations such that the agreement can be made effective on July 1, 1996.

Copies of the filing have been served upon CNG and the New Jersey Board of Public Utilities.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Electric and Gas Company

[Docket No. ER96–2261–000]

Take notice that on June 28, 1996, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey, tendered for filing an agreement for the sale of capacity and energy to PanEnergy Power Services, Inc. (PanEnergy), pursuant the PSE&G Bulk Power Service Tariff, presently on file with the Commission.

Copies of the filing have been served upon PanEnergy and the New Jersey Board of Public Utilities.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric Company

[Docket No. ER96–2262–000]

Take notice that on June 28, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Vitol Gas and Electric, L.L.C. under Rate GSS.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Louisville Gas and Electric Company

[Docket No. ER96–2263–000]

Take notice that on June 28, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Maine Yankee Atomic Power Company

[Docket No. ER96–2264–000]

Take notice that on June 28, 1996, Maine Yankee Atomic Power Company, tendered for filing a limited 205 filing solely for approval of earnings on Construction Work In Progress balances for the year 1995 that were included in rates subject to refund. Total earnings on CWIP balances for 1995 were $311,055 or 0.15 percent of total billings. This represents an increase of $71,305 from the 1994 CWIP billings of $239,750.

Copies of the limited 205 filing were served upon Maine Yankee's jurisdictional customers, secondary customers, and Massachusetts Department of Public Utilities, Vermont Public Service Board, Connecticut Public Utilities Control Authority, Maine Public Utilities Commission, New Hampshire Public Utilities Commission, Office of the Public Advocate, State of Maine, and Rhode Island Division of Public Utilities and Carriers.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Portland General Electric Company

[Docket No. ER96–2265–000]

Take notice that on June 28, 1996, Portland General Electric Company (PGE), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a Notice of Termination for Portland General Electric Company FERC Rate Schedule No. 113, the WNP–1 Project Exchange Agreement between PGE, the Washington Public Power Supply System (WPPSS), and the Bonneville Power Administration (Bonneville).

A copy of the filing was served upon Bonneville and WPPSS.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER96–2266–000]

Take notice that on June 28, 1996, Cinergy Services, Inc. (Cinergy),

tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and CNG Power Services Corporation.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Duke Power Company

[Docket No. ER96–2267–000]

Take notice that on June 28, 1996, Duke Power Company (Duke), tendered for filing a Service Agreement for Market Rate (Schedule MR) Sales between Duke and Union Electric Company.

Comment date: July 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17756 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–P

[Project Nos. 11499–000 and 11500–000–Tennessee]

Armstrong Energy Resources; Notice of Intent To Prepare a Joint Environmental Impact Statement, Conduct Public Scoping Meeting and Site Visits, and Determine the Feasibility of Forming a Cooperative Consultation Process Team With Interested Parties

July 8, 1996.

The Federal Energy Regulatory Commission (FERC) and the Tennessee Valley Authority (TVA) have received proposals from Armstrong Energy Resources to construct and operate the 1,500 megawatt Laurel Branch Pumped Storage Project, FERC No. 11499–000, and the 1,000 megawatt Reynolds Creek Pumped Storage Project No. 11500–000. The Laurel Branch Project would be located in Bledsoe County, Tennessee, seven miles northeast of Dunlap, Tennessee. The Reynolds Creek project would be located in Sequatchie County, Tennessee, approximately five miles northwest of Dunlap, Tennessee.

The FERC staff has determined that Federally licensing these projects pursuant to provisions of the Federal Power Act would constitute a major federal action significantly affecting the quality of the human environment. Additional federal involvement with these projects include TVA's approval of project shoreline structures under Section 26a of the TVA Act, providing the ''pump-up'' power for the projects, and, possibly purchasing some of the generation from the projects. Therefore, FERC and TVA staff intend to prepare an environmental impact statement (EIS) on the hydroelectric projects in accordance with the National Environmental Policy Act (NEPA). TVA has requested that FERC be a joint lead cooperating agency in the preparation of an EIS and FERC has agreed to become a joint lead agency. Additionally, the U.S. Army Corps of Engineers has agreed to be a cooperating agency because of its jurisdiction pursuant to Section 404 of the Clean Water Act.

The review process being utilized for the projects will initiate environmental compliance under NEPA subsequent to the filing of the Section 26(a) permit application with TVA and concurrently with the preparation of a FERC license applications. Under the joint cooperative EIS process, scoping and draft EIS preparation will occur prior to the filing of a final license applications with FERC.

Active participation by interested federal and state agencies and members of the public will be essential for this process to be successful. TVA and FERC staff will determine at the scoping meetings whether Federal and State resource agencies, local and regional conservation organizations, local municipalities and other parties are interested in participating in a Cooperative Consultation Team Process (CCP) to assist the staff in development of the EIS scoping process. CCP team members would assist in identifying areas of interests, issues, required scientific study objectives and methodologies, provide information or data, define project alternatives and other matters of interest to all parties. To enhance public input the TVA and FERC staff will actively engage and work with the participants throughout the process.

The EIS will objectively consider both site-specific and cumulative environmental impacts of the projects and reasonable alternatives. It will also address economic, financial and engineering analysis. A draft EIS will be circulated to all interested parties for review. Comments will also be requested. FERC and TVA will also hold a joint public meeting to elicit comments on the draft EIS. All comments filed on the draft EIS will be analyzed by staff and will be considered in a final EIS. The staffs' conclusions and recommendations will be presented to the Tennessee Valley Authority and the Federal Energy Regulatory Commission for consideration in reaching final permit and licensing decisions, respectively.

Scoping Process

FERC and TVA will jointly conduct two scoping meetings on August 6, 1996. These meetings are scheduled as follows:

An agency scoping meeting will be held at Bledsoe County High School, Highway 127 South in Pikeville, Tennessee, beginning at 10:00 a.m., CDT.

A public scoping meeting will also be held at Bledsoe County High School with registration beginning at 5:00 p.m. and the meeting scheduled from 5:30 to 9:00 p.m., CDT. It will not be necessary for participants to stay for the whole meeting in order to have their comments recorded. Anyone needed sign language interpretation or other special arrangements, please contact Jill Elmendorf at (423) 632–6592 no later than Monday, July 29.

The meetings will be recorded by a stenographer and will become a part of the formal record of the FERC and TVA proceeding. Individuals presenting statements at the meetings will be asked to sign in before the meeting starts and to clearly identify themselves for the record.

Interested individuals, organizations, and agencies are invited to comment on the scope of the proposed EIS. Scoping will help ensure that a full range of issues related to these proposals are addressed in the EIS, an also will identify significant or potentially significant impacts that may result from the proposed projects.

To help focus discussions at the meetings, a preliminary scoping document (Scoping Document I) outlining subject areas to be addressed on the EIS will be mailed to agencies and interested individuals. Preliminary Scoping Document I will also be available at the scoping meetings.

At the scoping meetings, FERC and TVA staff will: (1) Identify preliminary environmental issues related to the proposed project; (2) identify preliminary resource issues that are not important and do not require detailed analysis; (3) identify reasonable alternatives to be addressed in the EIS; (4) solicit from the meeting participants all available information, especially quantified data, on the resource issues; and (5) encourage statements from experts and the public on issues that should be analyzed in the EIS, including points of view in opposition to, or in support of, the staffs' preliminary views.

Persons choosing not to speak at the meetings, but who have views on the issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meetings. In addition, written scoping comments may be filed with Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20425, with Linda Oxendine, Senior Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, WT8C–K, Knoxville, TN 37902. All written correspondence should clearly show the following captions on the first page: Laurel Branch Pumped Storage Project, FERC Project No. 11499–000, and Reynolds Creek Pumped Storage Project, FERC Project No. 11500–000.

Site Visit

A site visit to the proposed project location is planned for Monday, August 5 at 2:00 p.m. CDT. Participants will gather at Dunlap, Tennessee. Please contact Jill Elmendorf at (423) 632–6592 no later than Thursday, August 1 for reservations and information.

Consultation With the State Historic Preservation Officer

With this notice, we are initiating consultation with the Tennessee State Historic Preservation Officer (SHPO), as required by § 106 of the National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

Additional Scientific Study Requests

In accordance with Section 4.32(b)(7) of the FERC regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate, factual basis for complete analysis of these projects on its merits, they must file a request for the study with the FERC, together with justification for such request, not later than 60 days from the date of this notice and serve a copy of the request on the potential applicant.

For Further Information on This Process, please contact Eddie R. Crouse, FERC, (202) 219–2794, or Linda Oxendine, TVA, (423) 632–3440.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17714 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–564–000]

National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Line K Relocation Project and Request for Comments on Environmental Issues

July 8, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facility proposed in the Line K Relocation Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

National Fuel Gas Supply Corporation (National Fuel) wants to construct about 877 feet of 20-inch-diameter pipeline to replace about 454 feet of Line K in Erie County, New York. Of this 454-foot-long segment of Line K, about 147 feet would be removed and 307 feet would be abandoned in place. National Fuel states that due to encroachment of residential development this segment of deteriorating Line K can not be replace in the same location.

The specific location of the project facility is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facility would require about 0.99 acre of land. Following construction, about 0.60 acre would be maintained as permanent right-of-way. The remaining 0.33 acre would be restored and allowed to revert to its former use.

[1] National Fuel Gas Supply Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call the ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources, fisheries, and wetlands
- vegetation and wildlife
- endangered and threatened species
- land use
- cultural resources
- hazardous waste
- public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facility and the environmental information provided by National Fuel. This preliminary list of issues may be

changed based on your comments and our analysis:

- Three residences are located within 50 feet of the construction right-of-way.
- The entire project lies within a residential area.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal including alternative routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Washington, D.C. 20426;
- Reference Docket No. CP96–564–000;
- Send a *copy* of your letter to: Mrs. Medha Kochhar, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., N.E., PR–11.2, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before August 12, 1996.

If you wish to receive a copy of the EA, you should request one from Mrs. Medha Kochhar at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mrs. Medha Kochbar, EA Project Manager, at (202) 208–2270.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17713 Filed 7–11–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5471–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 24, 1996 Through June 28, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1996 (61 FR 15251).

Draft EISs

ERP No. D–APH–A99207–00 Rating EC2, Programmatic EIS—Veterinary Services (VS) Programs, Implementation, to Detect, Prevent, Control, and Eradicate Domestic and Foreign Animal Diseases and Pests, All 50 States and the United States Territories.

Summary: EPA expressed environmental concerns with the program regarding contamination of ground water from carcass disposal and issues concerning pesticide use. EPA suggested that the final EIS include additional alternatives and assessment of their impacts, consideration of mitigation of chemical use, applicator training requirements, and several changes to inaccuracies pertaining to pesticide use.

ERP No. D–COE–F35042–IN Rating EC2, Indiana Harbor and Canal Dredging and Confined Disposal Facility, Construction and Operation, Comprehensive Management Plan, East Chicago, Lake County, ID.

Summary: EPA expressed environmental concerns regarding dredging depth impacts to water quality, cumulative impacts, and TSCA and RCRA issues. EPA requested that additional information be provided in the final EIS to address these issues.

ERP No. FRC–L05216–WA Rating EU3, Cushman Hydroelectric Project (FERC No. 460), Relicensing, North Fork Skokomish River, Mason County, WA.

Summary: EPA's review concluded that the proposed alternative is environmentally unsatisfactory. In addition, EPA has significant concerns regarding the adequacy of the draft EIS. In particular, the draft EIS does not (1) provide a comprehensive analysis of cumulative impacts; (2) appropriately characterize the no-action alternative; (3) assess impacts on Tribal Trust/Treaty resources; (4) give equal consideration to power and nonpar values when assessing project ''benefits''; and (5) provide sufficient information and support conclusions regarding alternatives and mitigation measures, especially with regard to restoration of more natural flows to the North Fork Skokomish River. EPA noted that if this proposal is carried forward to the final EIS without correcting unacceptable impacts, it will be a candidate for referral to the Council on Environmental Quality.

ERP No. D–IBR–K39043–CA Rating EU3, American River Water Resources Investigation, Implementation, Placer, Suter, EL Dorado, Sacramento and San Joaquin Counties, CA.

Summary: EPA's review concluded that one of the alternatives, the proposed Auburn Dam on the American River, is environmentally unsatisfactory. EPA noted that if this proposal is carried forward to the Final EIS without correcting unacceptable impacts, it will be a candidate for referral to the Council on Environmental Quality. EPA urged the Bureau of Reclamation and other program sponsors to pursue development of a non-Auburn Dam alternative which modifies elements of the Conjunctive Use alternative to guarantee adequate instream flows and Bay/Delta outflow.

ERP No. D–USN–A11073–00 Rating EC2, United States Navy Shipboard Solid Waste Disposal, Implementation, MARPOL Special Areas: Designated Baltic Sea, North Sea, Wilder Caribbean, Antarctic Ocean, Mediterranean Sea, Black Sea and Red Sea, Gulfs Region: Persian Gulf and Gulf of Oman.

Summary: EPA expressed environmental concerns for additional measures to protect special resources (e.g., coral reefs) and to ensure that future designs of ships provide for storage space for wastes; EPA also requested additional impacts analysis and clarification regarding planned actions in the Baltic Sea, the North Sea and Antarctic Waters.

Final EISs

ERP No. F–COE–E30036–MS Coldwater River Watershed Demonstration Erosion Control Project, Flood and Sediment Control Measures, Implementation, Yazoo Basin, Marshall, Benton and Tate Counties, MS.

Summary: EPA had no significant environmental objections with implementation of the proposed flood control measures. No formal comment letter was sent to the preparing agency.

ERP No. FS–COE–K32028–CA Richmond Harbor Deep Draft Navigation Improvements, Updated and Additional Information to Improve Navigation Efficiency into the Potrero, San Francisco Bay, Contra Costa County, CA.

Summary: EPA expressed environmental concerns with the Corps' failure to select an alternative with a greater degree of beneficial use, in line with the goals of the Long Term Management Strategy for San Francisco Bay dredged material disposal. EPA also expressed a need for monitoring and appropriate mitigation of impacts to eelgrass beds and shallow subtidal habitat.

Dated: July 9, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–17797 Filed 7–11–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5471–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed July 01, 1996 Through July 05, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960312, Draft EIS, NPS, VA, Shenandoah National Park, Facility Development Plan, Implementation, several counties, VA, Due: August 26, 1996, Contact: John W. Wade (540) 999–3400.

EIS No. 960313, Final EIS, FHW, AL, Montgomery Outer Loop Construction, US 80 southwest of Montgomery to I–85 east of Montgomery, Funding and COE Section 404 Permit Issuance, Montgomery County, AL, Due: August 12, 1996, Contact: Joe D. Wilkerson (334) 223–7370.

EIS No. 960314, Draft Supplement, AFS, OR, Mount Hood Meadows Ski Area Additional Development and Expansion to the Skiing and Summer Areas, Construction to Forest Road 3555, Special Use Permit and NPDES Permit, Hood River Ranger District, Mount Hood National Forest, Hood River County, OR, Due: August 26, 1996, Contact: Mike Odom (360) 696–7766.

EIS No. 960315, Draft EIS, COE, Santa Maria and Sisquoc Rivers Specific Plan, Mining and Reclamation Plans, (MRPs), Coast Rock Site and S.P. Milling Site, Conditional Use Permits, Approval of Reclamation Plans, and COE Section 404 Permits, Santa Barbara and San Luis Obispo County, CA, Due: August 26, 1996, Contact: Theresa Stevens (805) 641–0936.

EIS No. 960316, Final EIS, FRC, MT, Kerr Hydroelectric Project (FERC No. 5–021), License Modification Issuance to Existing License, Flathead River, Flathead and Lake Counties, MT, Due: August 12, 1996, Contact: Robert Grieve (202) 219–2655.

EIS No. 960317, Final EIS, AFS, MT, Boulder and Wyman Gulch Vegetation Management Timber Sale and Prescribed Burning, Implementation, Beaverhead-Deerlodge National Forests, Philipsburg Ranger District, Granite County, MT, Due: August 12, 1996, Contact: Ed Casey (406) 859–3211.

EIS No. 960318, Draft EIS, FHW, CA, CA–125 South Route Location, Adoption and Construction, between CA–905 on Otay Mesa to CA–54 in Spring Valley, Funding and COE Section 404 Permit, San Diego County, CA, Due: September 03, 1996, Contact: Jeffery S. Lewis (916) 498–5035.

Dated: July 9, 1996.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 96–17798 Filed 7–11–96; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5536–3]

Clean Air Act Advisory Committee Notice of Meeting; Correction Notice

SUMMARY: On June 28, 1996 (61 FR 33736) a notice was published in error stating that the Subcommittee for Development of Ozone, Particulate Matter and Regional Haze Implementation Programs of the Clean Air Act Advisory Committee was planned for Monday, July 29, 1996. The meeting of this subcommittee is scheduled for Tuesday, July 30, 1996, from 8:00 a.m.–5:00 p.m., and will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Crystal City, Virginia.

For Further Information concerning the Subcommittee for Development of Ozone, Particulate Matter, and Regional Haze Implementation Programs, please contact Mr. William F. Hamilton, Designated Federal Official, at 919–541–5498, or by mail at U.S. EPA, Office of Air Quality Planning and Standards, MD–12, Research Triangle Park, North Carolina 27711. When a draft agenda is developed, a copy can be downloaded from the Ozone/Particulate Matter/Regional Haze FACA Bulletin Board, which is located on the Office of Air Quality Planning and Standards Technology Transfer Network (OAQPS TTN) or by contacting Ms. Denise M. Gerth at 919–541–5550.

Dated: July 8, 1996.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 96–17803 Filed 7–11–96; 8:45 am]

BILLING CODE 6560–50–M

[OPP–181016; FRL 5383–4]

Pyriproxyfen and Buprofezin; Receipt of Application for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the California Environmental Protection Agency, Department of Pesticide Regulation (hereafter referred to as the ''Applicant'') to use the insect growth regulators pyriproxyfen (CAS 95737–68–1) and buprofezin (CAS 69327–76–0) to treat up to 24,000 acres of cotton in Imperial, Riverside, and San Bernardino counties, to control the sweet potato, or silverleaf whitefly (*Bemesia species*).

In the case of pyriproxyfen, the Applicant proposes the first food use of an active ingredient. Buprofezin is an unregistered material, and its proposed use is thus use of a ''new'' chemical.

Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments must be received on or before July 29, 1996.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–181016,'' should be submitted by mail to: Public Response and Program Resource 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, 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–181016]. 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 submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8791; e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue specific exemptions for the use of pyriproxyfen and buprofezin on cotton to control the sweet potato, or silverleaf whitefly (SLW). Information in accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant states that a new strain or possibly a new species, of whitefly, often referred to as the strain B of sweet potato whitefly, or silverleaf whitefly (SLW), has been a major pest of cotton in Imperial, Riverside, and San Bernardino counties of California since 1991. Since that time, it has steadily spread to new host plants and grown in population size each summer and fall. The SLW causes damage by feeding, and also through the production of honeydew, which encourages growth of sooty mold and other fungi. When SLWs become numerous, their direct feeding lowers the yield. The SLW has also been implicated as a vector of virus. The Applicant claims that adequate control of the SLW is not being achieved with currently registered products and alternative cultural practices. The Applicant points out that the ability to adequately control this pest is further complicated because of the close proximity of these California cotton-growing areas to that of Arizona where large populations of whitefly have demonstrated resistance to available insecticidal control. It is expected that resistant whitefly will migrate into California and cause identical resistance problems to those being experienced in Arizona. The Applicant indicates that one application of either one or the other of the requested chemicals would not provide adequate control throughout the season, and since application of either would be limited to one, is requesting the use of both materials. The Applicant indicates that without adequate control of the SLW in cotton, significant economic losses will be suffered.

The Applicant proposes to apply pyriproxyfen at a rate of 0.054 lb. active ingredient (a.i.) per acre with a maximum of one application per crop season on a total of 24,000 acres of cotton. The Applicant proposes to apply buprofezin at a rate of 0.35 lb. a.i., per acre with a maximum of one application per crop season on a total of up to 24,000 acres of cotton. Therefore, use under these exemptions could potentially amount to a maximum total of 1,296 lbs. of pyriproxyfen and 8,400 lbs. of buprofezin.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt in the Federal Register for an application for a specific exemption proposing the first food use of an active ingredient, or for use of a new (unregistered) chemical. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP–181016] (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 Resource 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. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: July 2, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17901 Filed 7–11–96; 8:45 am]

BILLING CODE 6560–50–F

[ER–FRL–5471–4]

Availability of Draft Guidance on Environmental Justice in EPA's NEPA Compliance Analysis

Responsible Agency: Office of Federal Activities.

The Office of Federal Activities (OFA) has prepared a draft guidance on ''Environmental Justice in EPA's NEPA Compliance Analysis'' which is available for review.

The National Environmental Policy Act (NEPA) requires all federal agencies to evaluate the environmental consequences of major federal actions. In February, 1994, the Administration issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations. Specifically, the Executive Order requires all federal agencies to analyze the environmental effects, including human health, economic and social effects, of federal actions, including effects on minority communities and low-income communities, as required by the National Environmental Policy Act of 1969.

A Presidential Memorandum accompanying the Executive Order requires all federal agencies to design a strategy to incorporate EJ assessment into ongoing projects and all future planning. In conjunction with the Office of Environmental Justice and the American Indian Environmental Office, OFA has completed draft guidance to assist EPA staff responsible for developing EPA/NEPA compliance documentation, including environmental impact statements (EISs) and environmental assessments (EAs) in addressing environmental justice concerns. The draft EJ/NEPA Guidance is available for review through September 30, 1996. At that time, the document will be revised to incorporate comments.

Please contact Arthur Totten at 202/564–7164 or Karen Norris at 202/564–7132 *or* write EPA, 401 M Street, SW. (2252A), Washington, DC, 20460 to request a copy. The document can also be found on the Internet under OFA's home page at http://es.inel.gov/oeca/ofa/index.html.

Dated: July 9, 1996.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 96–17811 Filed 7–11–96; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, July 16, 1996, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Proposed Amendments to Part 311—Rules Governing Public Observation of Meetings of the Corporation's Board of Directors.

Memorandum and resolution re: Proposed Amendments to Part 357—Determination of Economically Depressed Regions.

Discussion Agenda:

Memorandum and resolution re: Stored Value Cards.

Memorandum and resolution re: Final Rule Amending Part 348 of the Corporation's Regulations on Management Official Interlocks.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: July 9, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–17897 Filed 7–10–96; 12:16 pm]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 5, 1996.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Roosevelt Financial Group, Inc., Chesterfield, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Community Charter Corporation, St. Louis, Missouri, and thereby indirectly acquire Missouri State Bank & Trust Company, St. Louis, Missouri.

In connection with this proposal, Roosevelt Financial Group, Inc., Chesterfield, Missouri, has applied to continue to own, control and operate a savings institution through the retention of 100 percent of the voting shares of Roosevelt Bank, FSB, Chesterfield, Missouri, pursuant to § 225.25(b)(9) of the Board's Regulation Y; and continue to engage in mortgage banking activities through the retention of 10 percent of the voting shares of Roosevelt Mortgage Company, Chesterfield, Missouri, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. Southwest Missouri Bancshares, Inc., Ozark, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of

Southwest Community Bank, Ozark, Missouri, a *de novo* bank.

3. S.Y. Bancorp, Inc., Louisville, Kentucky; to acquire 100 percent of the voting shares of The Austin State Bank, Austin, Indiana.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Nacogdoches Commercial Bancshares, Inc., Nacogdoches, Texas; to acquire 6.33 percent of the voting shares of Security National Bank, Nacogdoches, Texas.

2. Incus Company, Ltd., Road Town, Tortola, BVI; and Laredo National Bancshares, Inc., Laredo, Texas, to acquire 100 percent of the voting shares of Mercantile Financial Enterprises, Inc., Wilmington, Delaware, and thereby indirectly acquire Mercantile Bank, NA, Brownsville, Texas.

Board of Governors of the Federal Reserve System, July 8, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–17723 Filed 7–11–96; 8:45 am]

BILLING CODE 6210–01–F

Board of Governors; Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, July 17, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 2lst Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 10, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–17900 Filed 7–10–96; 12:14 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 061796 AND 062896

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Protection One, Inc., Metrol Security System, Inc., Metrol Security System, Inc	96–2033	06/17/96
Jordan Industries, Inc., Dean Stanton, Diversified Wire & Cable, Inc	96–2038	06/17/96
Stichting ''The SITA Foundation,'' AMR Corporation, American Airlines, Inc	96–2056	06/17/96
Masland Corporation, The Dexter Corporation, The Dexter Corporation	96–2061	06/17/96
Alusuisse-Lonza Holding Ltd., Celltech Group plc (a British company), Celltech Biologics plc	96–2076	06/17/96
DenAmerica Corp., Unigate PLC, Black-eyed Pea U.S.A., Inc	96–2104	06/17/96
Kaiser Foundation Health Plan, Inc., CHP Companies, Inc., CHP Companies, Inc	96–1993	06/18/96
Allied Waste Industries, Inc., Brian O'Leary, Container Corporation of Carolina	96–2055	06/18/96
Hollywood Park, Inc., Boomtown, Inc., Boomtown, Inc	96–2063	06/18/96
Fibreboard Corporation, Stone Products Corporation, Stone Products Corporation	96–2066	06/18/96
Equitable of Iowa Companies, Bankers Trust New York Corporation, BT Variable, Inc	96–2073	06/18/96
The SK Equity Fund, L.P., Ezra Dabah, The Children's Place Retail Stores, Inc	96–2074	06/18/96
Rohm and Haas Company, RohMax Additives GmbH, RohMax Additives GmbH	96–2080	06/18/96
HealthPlan Services Corporation, Harrington Services Corporation, Harrington Services Corporation	96–2082	06/18/96
Physician Sales & Services, Inc., John Armstrong, The Crocker-Fels Company	96–2083	06/18/96
FPA Medical Management, Inc., Sterling Healthcare Group, Inc., Sterling Healthcare Group, Inc	96–2089	06/18/96
Shaw Industries, Inc., Irving Nusbaum, New York Carpet World, Inc	96–2090	06/18/96
Shaw Industries, Inc., Marvin Berlin, New York Carpet World, Inc	96–2091	06/18/96
Siemens Aktiengesellschaft, Mark IV Industries, Inc., Automatic/Eagle Holding, LLC	96–2103	06/18/96
Counsel Corporation, Stadtlander Drug Company, Inc., Stadtlander Drug Company, Inc	96–2110	06/18/96
Lynch Corporation, Dunkirk & Fredonia Telephone Company, Dunkirk & Fredonia Telephone Company	96–2111	06/18/96
Computer Sciences Corporation, Arthur H. Spiegel, III, American Practice Management, Inc	96–2112	06/18/96
Quaker State Corporation, Sheldon G. Adelman, Blue Coral, Inc	96–2125	06/18/96
Sheldon G. Adelman, Quaker State Corporation, Quaker State Corporation	96–2126	06/18/96
The Coastal Corporation, Tenneco Inc., Tennessee/New England Pipeline Company	96–2130	06/18/96
Kelso Investment Associates V, L.P., GS Capital Partners II, L.P., AMF Holdings, Inc	96–2084	06/19/96
Newcourt Credit Group Inc., Anthem Insurance Companies, Inc., Anthem Financial, Inc	96–2093	06/19/96
Koninklijke Pakhoed N.V., Univar Corporation, Univar Corporation	96–2097	06/19/96
Darwin Deason, MCN Corporation, The Genix Group, Inc	96–2098	06/19/96
LDI, Ltd. (Limited Partnership), Maxco, Inc., FinishMaster, Inc	96–2100	06/19/96
CB Commercial Holdings, Inc., Lawrence J. Melody, L.J. Melody & Company and L.J. Melody & Company of Cali	96–2118	06/19/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 061796 AND 062896—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Dennis R. Washington, Morrison Knudsen Corporation, Morrison Knudsen Corporation	96–2121	06/19/96
Warner-Lambert Company, Glaxo Wellcome plc (a British company), Glaxo Services, Inc	96–2141	06/19/96
Hoechst AG, O'Brien Powder Products, Inc., O'Brien Powder Products, Inc	96–2005	06/20/96
Anheuser-Busch Companies, Inc., Eagle Distributors, Inc., Eagle Distributors, Inc	96–2032	06/20/96
PacifiCorp, Pacific Gas & Electric Company, Hermiston Generating Company, L.P	96–2069	06/20/96
Scott K. Ginsburg, Allen B. Shaw, Crescent Communications L.P	96–2105	06/20/96
Blackstone TWF Capital Partners, L.P., The Toronto-Dominion Bank, Mission Cable Company, L.P	96–2107	06/20/96
U.S. Can Corporation, Alltrista Corporation, Alltrista Corporation	96–2116	06/20/96
BTR plc, Henry Vogt Machine Company, Henry Vogt Machine Company	96–2134	06/20/96
Sun Alliance Group plc, Royal Insurance Holdings plc, Royal Insurance Holdings plc	96–1938	06/22/96
Jefferson Health System, Inc., Methodist Hospital Foundation, Methodist Hospital Foundation	96–1998	06/24/96
Health Systems International, Inc., Medaphis Corporation, Medaphis Corporation	96–2000	06/24/96
Consolidated Healthcare Services, Inc., Sewickley Valley Hospital, Sewickley Valley Hospital	96–2001	06/24/96
Sewickley Valley Hospital, Consolidated Healthcare Services, Inc., Consolidated Healthcare Services, Inc	96–2002	06/24/96
Packard Bell Electronics, Inc., NEC Corporation, NEC Corporation	96–2064	06/24/96
OrNda HealthCorp, Cypress Fairbanks Medical Center, Inc., Cypress Fairbanks Medical Center, Inc	96–2087	06/24/96
Nash-Finch Company, T.J. Morris Company, T.J. Morris Company	96–2129	06/24/96
Movie Gallery, Inc., Home Vision Entertainment, Inc., Home Vision Entertainment, Inc	96–2137	06/24/96
Sinclair Broadcast Group, Inc., Gerald J. Robinson, Bloomington Comco, Inc	96–2139	06/24/96
Robert E. and Kathryn Gracey Cannon, Buckeye Cellulose Corporation, Buckeye Cellulose Corporation	96–2140	06/24/96
Gay M. Love, Newco, Newco	96–2144	06/24/96
WinStar Communication, Inc., MobileMedia Corporation, Local Area Telecommunications, Inc	96–2145	06/24/96
Einstein Bros., Equity Funding, L.L.C., Boston Chicken, Inc., Einstein Bros. Bagels, Inc	96–2146	06/24/96
Borland International, Inc., Open Environment Corporation, Open Environment Corporation	96–2147	06/24/96
Rite Aid Corporation, Taylor Drug Stores, Inc., Taylor Drug Stores, Inc	96–2148	06/24/96
Capital Blue Cross, Hospital Service Association of Northeastern PA., Hospital Service Association of Northeastern PA	96–2150	06/24/96
American Radio Systems Corporation, Charlton Buckley, Henry Broadcasting Company	96–2152	06/24/96
Charlton Buckley, American Radio Systems Corporation, American Radio Systems Corporation	96–2153	06/24/96
Cerberus Partners, L.P., Frederick C. Caruso (debtor-in-possession), Colfor, Inc. and Colmach, Inc	96–2160	06/24/96
Tiger/Westbrook Real Estate Fund, L.P., Kahler Realty Corporation, Kahler Realty Corporation	96–2161	06/24/96
Apria Healthcare Group Inc., Vitas Healthcare Corporation, Vitas Healthcare Corporation	96–2167	06/24/96
Fred Meyer, Inc., General Electric Company, Merksamer Jewelers, Inc	96–2168	06/24/96
U.S. Office Products Company, Donald Ray Pate, Jr., Re-Print Corporation	96–2169	06/24/96
Donald Ray Pate, Jr., U.S. Office Products Company, U.S. Office Products Company	96–2170	06/24/96
The Maxim Group, Inc., Image Industries, Inc., Image Industries, Inc	96–2173	06/24/96
UtiliCorp United Inc., The Dow Chemical Company, Oasis Pipe Line Company	96–2177	06/24/96
360 (Degree) Communications Company, Henry Crown and Company, Independent Cellular Network, Inc	96–2179	06/24/96
St. Laurent Paperboard Inc., Cascades Inc., Paperboard Inudstries Inc	96–2183	06/24/96
Liquid Container, Vorwerk & Co. Beteiligungsgesellschaft mbH, Plaxicon Holding Corporation	96–2186	06/24/96
Clear Channel Communications, Inc., Second Amended and Restated Voting Trust, Heftel Broadcasting Corporation	96–2188	06/24/96
Teleport Communications Group Inc., TCG Partners, TCG Partners and TCG St. Louis	96–2202	06/24/96
Teleport Communications Group, Inc., Tele-Communications, Inc., TCG Dallas/TCG Pittsburgh/TCG Seattle/TCG San Francisco	96–2220	06/24/96
Teleport Communications Group Inc., Cox Enterprises, Inc., TCG Omaha, TCG Phoenix and TCG San Diego	96–2221	06/24/96
Teleport Communications Group, Inc., TCG Chicago, TCG Chicago	96–2222	06/24/96
Teleport Communications Group, Inc., TCG Los Angeles, TCG Los Angeles	96–2223	06/24/96
Teleport Communications Group Inc., TCG Connecticut, TCG Connecticut	96–2224	06/24/96
Teleport Communications Group Inc., TCG Detroit, TCG Detroit	96–2225	06/24/96
Teleport Communications Group, Inc., TCG Illinois, TCG Illinois	96–2226	06/24/96
Teleport Communications Group, Inc., TCG South Florida, TCG South Florida	96–2227	06/24/96
Allianz Aktiengesellschaft Holding, John Hancock Mutual Life Insurance Company, John Hancock Property and Casualty Insurance Company	96–1987	06/25/96
Teledyne, Inc., Allegheny Ludlum Corporation, Allegheny Ludlam Corporation	96–1756	06/26/96
Allegheny Ludlum Corporation, Teledyne, Inc., Teledyne, Inc	96–1757	06/26/96
AGRIPAC, Inc., Stokely USA, Inc., Stokely USA, Inc	96–2015	06/26/96
JELD–WEN, Inc., TJ International, Inc., Norco Windows, Inc	96–2096	06/26/96
Eastman Chemical Company, Solvay S.A., Solvay Enzymes, Inc	96–1077	06/27/96
Cultor Ltd., Solvay S.A., Solvay Enzymes, Inc	96–1078	06/27/96
George A. Roberts, Allegheny Teledyne Incorporated, Allegheny Teledyne Incorporated	96–1758	06/27/96
Richard P. Simmons, Allegheny Teledyne Incorporated, Allegheny Teledyne Incorporated	06–1759	06/27/96
Henry E. Singleton, Allegheny Teledyne Incorporated, Allegheny Teledyne Incorporated	96–1760	06/27/96
Robert P. Bozzone, Allegheny Teledyne Incorporated, Allegheny Teledyne Incorporated	96–1761	06/27/96
Dean Foods Company, Stokely USA, Inc., Stokely USA, Inc	96–1988	06/27/96
Caisse Nationale de Credit Agricole, Compagnie de Suez, Banque Indosuez	96–2057	06/27/96
Anatoly Tikhman, Quarterdeck Corporation, Quarterdeck Corporation	96–2060	06/27/96
ConAgra, Inc., Don Davis, Texas Smokehouse Foods, Inc	96–2065	06/27/96
Genzyme Corporation, KDK Acquisition Company, L.P., Deknatel Snowden Pencer, Inc	96–2068	06/27/96
Kelso Investment Associates IV, L.P., International Cold Storage Co., Inc Emp. Stock Own. Tr., International Cold Storage Co., Inc	96–2136	06/27/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 061796 AND 062896—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Adaptec, Inc., Cogent Data Technologies, Inc., Cogent Data Technologies, Inc	96–2149	06/27/96
Robert J. Gourley, NV Knoinklijke KNP BT (a Netherlands corporation), VGC Corp., Graphic Art Supplies, Inc. and Graphic Arts	96–2151	06/27/96
ERLY Industries, Inc., Campbell Soup Company, Campbell Soup Company, Compania Envasadora Loreto, S.A	96–2158	06/27/96
Larry J. Winget, Bailey Corporation, Bailey Corporation	96–2176	06/27/96
Tenneco Inc., The Pullman Company, The Pullman Company	96–2230	06/27/96
Chemical Banking Corporation, Alfalfa's Inc., Alfalfa's Inc	96–1506	06/28/96
TransCanada PipeLines Limited, Cibola Energy Services Corporation, Cibola Energy Services Corporation	96–1994	06/28/96
Protection One, Inc., The Buckey Family Trust, Metrol Security Systems, Inc	96–2062	06/28/96
Sybron International Corporation, John Cornwell and Carol Cornwell, Stephens Scientific Division of Cornwell Corporation	96–2067	06/28/96
Lane Investment Limited Partnership, Steven Dinetz, Shamrock Broadcasting Inc	96–2070	06/28/96
Steven Dinetz, Lane Investment Limited Partnership, Secret Communications Limited Partnership	96–2071	06/28/96
The Chase Manhattan Banking Corporation, UROHEALTH Systems, Inc., UROHEALTH Systems, Inc	96–2085	06/28/96
Apollo Investment Fund III, L.P., UROHEALTH Systems, Inc., UROHEALTH Systems, Inc	96–2086	06/28/96
SunGuard Data Systems Inc., National Computer Systems, Inc., NCS Financial Systems, Inc	96–2094	06/28/96
Charles W. Ergen, Direct Broadcasting Satellite Corporation, Direct Broadcasting Satellite Corporation	96–2123	06/28/96
ABRY Broadcast Partners II, L.P., Citadel Communications Corporation, Citadel Communications Corporation	96–2124	06/28/96
United Auto Group, Inc., Lynda Jane Hickman, Executrix, Nissan, Inc., a Georgia Corporation	96–2143	06/28/96
Wireless One, Inc., Henry M. Burkhalter, TruVision Wireless, Inc	96–2175	06/28/96
Falcon Holding Group, L.P., Falcon Cable Systems Company, Falcon Cable Systems Company	96–2181	06/28/96
Varlen Corporation, Brenco, Incorporated, Brenco, Incorporated	96–2182	06/28/96
Dura Pharmaceuticals, Inc., The Procter & Gamble Company, Procter & Gamble Pharmaceuticals, Inc	96–2194	06/28/96
Quanex Corporation, Mr. B.F. Sammons, Piper Impact, Inc	96–2196	06/28/96
WPG Corporate Development Associates IV, L.P., Bernard P. West, West Roofing & Supply, Inc	96–2198	06/28/96
Electrowatt Ltd., McCormick & Company, Incorporated, Gilroy Energy Company, Inc	96–2199	06/28/96
Coca-Cola Enterprises Inc., Bussey C. Bonner, Jr., Coca-Cola Bottling Company West, Inc. and Grand Forks	96–2200	06/28/96
Coca-Cola Enterprises Inc., The Coca-Cola Company, Coca-Cola Bottling Company West, Inc. and Grand Forks	96–2201	06/28/96
General Communications, Inc., Alaska Cable, Inc., Prime Cable of Alaska, L.P	96–2205	06/28/96
Insignia Financial Group, Inc., Edward S. Gordon, Edward S. Gordon Company, Incorporated	96–2210	06/28/96
Danaher Corporation, William G. Hungerford, American Sigma, Inc	96–2211	06/28/96
Suiza Foods Corporation, Jose M. Rodriguez Garrido, Garrido y Compania, Inc	96–2214	06/28/96
U.S. Industries, Inc., Keller Industries, Inc. (debtor-in-possession), Keller Industries, Inc. (debtor-in-possession)	96–2216	06/28/96
Zapata Corporation, Malcolm I. Glazer, Houlihan's Restaurant Group, Inc	96–2219	06/28/96
Florida Progress Corporation, Gerald Mansbach, Mansbach Realty Company	96–2228	06/28/96
Florida Progress Corporation, Samuel Mansbach, Mansbach Realty Company	96–2229	06/28/96
Royal Dutch Petroleum Company, Stichting AdministratiekantoorVitol Holding II, Catex Vitol Gas, Inc	96–2235	06/28/96
Idex Corporation, Henry Crown & Company, Fluid Management L.P	96–2236	06/28/96
Buffets, Inc., HomeTown Buffet, Inc., HomeTown Buffet, Inc	96–2237	06/28/96
C-Cube Microsystems Inc., SAGEM S.A., DiviCom Inc	96–2254	06/28/96

For Further Information Contact: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–17784 Filed 7–11–96; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FTR 19, Supplement 1]

Federal Travel Regulation; Reimbursement of Higher Actual Subsistence Expenses for Official Travel to Per Diem Localities Impacted by the 1996 Atlanta, Georgia, Olympic Games

AGENCY: Office of Policy, Planning and Evaluation, GSA.

ACTION: Notice of bulletin.

SUMMARY: The attached bulletin informs agencies of several additions to the special actual subsistence expense ceilings described in GSA Bulletin FTR 19 (61 FR 28211, June 4, 1996) for official travel to certain localities due to the escalation of lodging rates during the 1996 Atlanta Olympic Games. The Departments of Agriculture, Commerce, Justice, and Transportation requested establishment of the increased rates to accommodate employees who perform temporary duty in either of the States of Georgia and Tennessee in areas not covered in GSA Bulletin FTR 19 and who experience a temporary but significant increase in lodging costs due to the escalation of lodging rates during the 1996 Atlanta Olympic Games. These additions are in Georgia: Athens area (Clarke County), Columbus area (Muscogee County), Conyers area (Rockdale County), Gainesville and Lake Lanier Island areas (Hall County), and McDonough area (Henry County); and in Tennessee: Benton, Ococee, and Parksville areas (Polk County), Chattanooga area (Hamilton County), and Cleveland area (Bradley County).

EFFECTIVE DATES: These special rates are applicable to claims for reimbursement covering travel to specified localities in

the States of Georgia and Tennessee during the specified periods.

FOR FURTHER INFORMATION CONTACT: Devoanna R. Reels, General Services Administration, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–1538.

SUPPLEMENTARY INFORMATION: The Administrator of General Services, pursuant to 41 CFR 301–8.3(c), has increased the maximum daily amount of reimbursement that may be approved for actual and necessary subsistence expenses for official travel to certain localities in the States of Georgia and Tennessee for travel during specified periods. The attached GSA Bulletin FTR 19, Supplement 1 is issued to inform agencies of the establishment of these special actual subsistence expense ceilings.

Dated: July 1, 1996.

Becky Rhodes,

Deputy Associate Administrator, Office of Transportation and Personal Property.

Attachment

[GSA Bulletin FTR 19, Supplement 1]

July 1, 1996.

To: Heads of Federal agencies

Subject: Reimbursement of higher actual subsistence expenses for official travel to per diem localities impacted by the 1996 Atlanta, Georgia, Olympic Games.

1. *Purpose.* This supplement informs agencies of additional locations subject to special actual subsistence expense ceilings for official travel to certain localities due to the escalation of lodging rates during the 1996 Atlanta Olympic Games. Special actual subsistence expense ceilings were previously established for several areas in Georgia due to the 1996 Atlanta Olympic Games (see GSA Bulletin FTR 19 (61 FR 28211, June 4, 1996)). These special rates apply to claims for reimbursement covering travel during periods as specified in paragraph 3, below.

2. *Background.* The Federal Travel Regulation (FTR) (41 CFR chapters 301–304) part 301–8 permits the Administrator of General Services to establish a higher maximum daily rate for the reimbursement of actual subsistence expenses of Federal employees on official travel to an area within the continental United States.

The head of an agency may request establishment of such a rate when special or unusual circumstances result in an extreme increase in subsistence costs for a temporary period. The Departments of Agriculture, Commerce, Justice, and Transportation requested establishment of such rates for areas in the States of Georgia and Tennessee to accommodate employees who perform temporary duty there and experience a temporary but significant increase in lodging costs due to the escalation of lodging rates during the 1996 Atlanta Olympic Games. These circumstances justify the need for higher subsistence expense reimbursement in these areas during the designated periods.

3. *Maximum rate, effective date, and affected localities.* The Administrator of General Services, pursuant to 41 CFR 301–8.3(c), has increased the maximum daily amount of reimbursement that may be approved for actual and necessary subsistence expenses for official travel to certain localities in the States of Georgia and Tennessee during the 1996 Atlanta Olympic Games. These special reimbursement rates apply for travel to the following areas:

Georgia

Athens area (Clarke County), a higher actual subsistence expense reimbursement rate not to exceed $195 maximum for lodging with a $30 M&IE allowance during the period July 6 through August 18, 1996.

Columbus area (Muscogee County), a higher actual subsistence expense reimbursement rate not to exceed $121 maximum for lodging with a $30 M&IE allowance during the period July 13 through August 10, 1996.

Conyers area (Rockdale County), a higher actual subsistence expense reimbursement rate not to exceed $154 maximum for lodging with a $30 M&IE allowance during the period July 13 through August 10, 1996.

Gainesville and Lake Lanier Island areas (Hall County), a higher actual subsistence expense reimbursement rate not to exceed $172 maximum for lodging with a $26 M&IE allowance during the period July 6 through August 18, 1996.

McDonough area (Henry County), a higher actual subsistence expense reimbursement rate not to exceed $83 maximum for lodging with a $26 M&IE allowance during the period July 13 through August 10, 1996.

Tennessee

Benton, Ococee, and Parksville areas (Polk County), a higher actual subsistence expense reimbursement rate not to exceed $172 maximum for lodging with a $26 M&IE allowance during the period July 6 through August 18, 1996.

Chattanooga area (Hamilton County), a higher actual subsistence expense reimbursement rate not to exceed $240 maximum for lodging with a $30 M&IE allowance during the period July 6 through August 18, 1996.

Cleveland area (Bradley County), a higher actual subsistence expense reimbursement rate not to exceed $172 maximum for lodging with a $26 M&IE allowance during the period July 6 through August 18, 1996.

4. *Expiration date.* This bulletin expires for administrative tracking purposes on December 31, 1996.

5. *For further information contact.* Devoanna R. Reels, General Services Administration, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–1538.

[FR Doc. 96–17706 Filed 7–11–96; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: OCSE–34 Child Support Enforcement Program Quarterly Report of Collections.

OMB No.: 0970–0013.

Description: The authorities to collect and report the information requested on form are found in the following sections of the Social Security Act: 403(b)(2)(c), 452(a)(6), 452(a)(10)(A), and 458. State agencies administering State plans approved under Title IV–D of the Social Security Act are required by legislation in section 454(10) to maintain a full record of child support collections and have an adequate reporting system to provide information as requested by the Department. Under legislation at section 452(a)(6) and (a)(10)(A), the Department is required to maintain records of this information as reported by the State agencies for use in the annual report to Congress. This information is also necessary to compute incentive payments to States as required by Section 458.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OCSE–34	54	4	8	1,728

Estimated Total Annual Burden Hours: 1,728.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the

information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 8, 1996.

Bob Sargis,

Acting Director, Office of Information Services.

[FR Doc. 96–17762 Filed 7–11–96; 8:45 am]

BILLING CODE 4184–01–M

Proposed Information Collection Activity; Comment Request

Title: ACF Uniform Discretionary Grant Application Form.

OMB No.: 0970–0139.

Description: ACF has more than forty discretionary grant programs. The proposed information collection form would be a uniform discretionary application form usable for all of these grant programs to collect the information from grant applicants needed to evaluate and rank applicants and protect the integrity of the grantee selection process. All ACF discretionary grant programs would be eligible but not required to use this application form. The application consists of general information and instructions; the Standard Form 424 series that requests basic information, budget information and assurances; the Program Narrative requesting the applicant to describe how these objectives will be reached; and certifications. Guidance for the content of information requested in the Program Narrative if found in OMB Circulars A–102 and A–110.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application Form	4,127	1	4	16,688

Estimated Total Annual Burden Hours: 16,688.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: July 9, 1996.

Bob Sargis,

Acting Director, Office of Information, Management Services.

[FR Doc. 96–17763 Filed 7–11–96; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Transmissible Spongiform Encephalopathies Advisory Committee (formerly Ad Hoc Advisory Committee on Creutzfeldt-Jakob Disease) by the Commissioner of Food and Drugs. The Commissioner has determined that it is in the public interest to renew the charter of the Committee for an additional 2 years. At the time of charter renewal, the Committee's name and function were changed to more accurately describe the Committee and because the Committee is no longer serving in an ad hoc capacity. Elsewhere in this issue of the Federal Register the agency is issuing a final rule that announces the addition of the Transmissible Spongiform Encephalopathies Advisory Committee to the agency's list of standing advisory committees (21 CFR 14.100). This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463 (5 U.S.C. app.2)).

DATES: Authority for this committee will expire on June 9, 1998, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: July 5, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–17688 Filed 7–11–96; 8:45 am]

BILLING CODE 4160–01–F

Food and Drug Administration

[Docket No. 96M–0219]

Abbott Laboratories; Premarket Approval of Abbott PGR–ICA Monoclonal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application submitted by Abbott Laboratories, Abbott Park, IL, for premarket approval, under the Federal Food, Drug, and Cosmetic Act

(the act), of Abbott PGR–ICA Monoclonal. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 26, 1995, of the approval of the application.

DATES: Petitions for administrative review by August 12, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Cornelia B. Rooks, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1243.

SUPPLEMENTARY INFORMATION: On February 6, 1992, Abbott Laboratories, Abbott Park, IL 60064–3500, submitted to CDRH an application for premarket approval of Abbott PGR–ICA Monoclonal. The device is for the detection of human progesterone receptor (PgR) in breast tumor tissue to be used as an aid in assessing the likelihood of response to hormonal therapy, and as an aid in the prognosis and management of breast cancer patients.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel. On September 26, 1995, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 12, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 21, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–17687 Filed 7–11–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Special Project Grants; Maternal and Child Health (MCH) Services; Community Integrated Service Systems (CISS) Set-Aside Program

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: Extension of application deadline dates.

The Special Project Grants; Maternal and Child Health (MCH) Services; Community Integrated Service Systems (CISS) Set-Aside Program notice deadline dates published on June 20, 1996, beginning on page 31537, are hereby uniformly extended to August 1, 1996.

The rest of the notice remains as published.

Dated: July 8, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–17747 Filed 7–11–96; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 16, 1996.

Time: 8:30 a.m.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: July 3, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–17818 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer

Advisory Board which was published in the Federal Register on June 26, 1996 (61 FR 33129).

The National Cancer Advisory Board was scheduled to hold an open telephone conference on July 18, 1996 from 1 pm to approximately 2 pm. The date has been changed to July 29, 1996; the time remains the same.

Dated: July 3, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–17819 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code, Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: July 25, 1996.

Time: 1:00 to 4:30 p.m.

Place: Executive Plaza South, Room 400C, Bethesda, MD, (telephone conference call).

Contact Person: Marilyn Semmes, Ph.D., Acting Chief, Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda, MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: July 9, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–17812 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Long Term Effects of Prenatal DES Exposure on Bone (Telephone Conference Call).

Date: July 23, 1996.

Time: 9:00 a.m.

Place: National Institute of Environmental Health Sciences, North Campus, Bldg. 17, Conference Room 1713, Research Triangle Park, North Carolina.

Contact Person: Dr. John Braun, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–1446.

Purpose/Agenda: To review and evaluate contract proposals.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health)

Dated: July 9, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–17813 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 26, 1996.

Time: 8: 30 a.m.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Bernice R. Cherry, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–1367.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: July 3, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–17814 Filed 7–11–96; 8: 45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Committee Name: National Institute of General Medical Sciences Special Emphasis Panel—Trauma and Burn.

Date: July 25, 1996.

Time: 2:00 p.m.–adjournment.

Place: Inn by the Sea, 7830 Fay Avenue, La Jolla, CA 92037.

Contact Person: Bruce K. Wetzel, Ph.D., Scientific Review Administrator, NIGMS, 45 Center Drive, Room 1AS–19K, Bethesda, MD 20892–6200.

Purpose: To review and evaluate a Trauma and Burn application.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers [MARC]; and 93.375, Minority Biomedical Research Support [MBRS])

Dated: July 3, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–17817 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 9, 1996.

Time: 12:30 p.m.

Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Shirley H. Maltz, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–3367.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 10, 1996.

Time: 3 p.m..

Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 16, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 23, 1996.

Time: 2 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Angela L. Redlingshafer, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1367.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 29, 1996.

Time: 8:30 a.m.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 30, 1996.

Time: 8:30 a.m.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: July 30, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: July 3, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–17821 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences

National Institute of Environmental Health Sciences (NIEHS)/National Toxicology Program (NTP) Public Meeting; Proposed Partnerships for the Validation of New Approaches for Toxicological Evaluation.

Notice is hereby given of a public meeting to be held at the National Institute of Environmental Health Sciences to explore the development and utilization of partnerships to develop stronger and more efficient links between toxicology, risk assessment, and regulatory decision-making. Discussions will focus in three areas: (1) Evaluation and Validation of Transgenic Carcinogenicity Models; (2) Evaluation of Risks to Human Reproduction; and (3) Evaluation of Alternative Toxicological Methods. Invited participants will comment and add perspectives to discussion documents prepared by NIEHS/NTP scientists in each of the areas.

The meeting will begin at 8:30 a.m. on Monday, July 22, 1996, in the Main Conference Facility of the NIEHS, South Campus, 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will adjourn by 5:00 p.m.

The tentative agenda includes: Opening Comments from 8:30–9:15 a.m.; an update of the ongoing Partnership for the Evaluation and Validation of Transgenic Carcinogenicity Models from 9:15 to approximately 10:00 a.m. followed by open discussion by all invited participants; presentations by scheduled speakers on a draft proposal for an NIEHS/NTP Center for the Evaluation of Risks to Human Reproduction from 11:00 a.m. to noon. Lunch is expected to be from noon to 12:45 p.m., followed by open discussion on the proposed Center by all invited participants. Beginning at approximately 1:45 p.m. there will be scheduled presenters commenting on a proposed NIEHS/NTP Interagency Center for the Evaluation of Alternative Toxicological Methods which will also be followed by open discussion on the proposed interagency center for all invited participants. A summary of the day's deliberations and any future action is tentatively scheduled from 4:15 to 5:00 p.m.

The entire meeting is open to the public and limited only by the space available. Persons wanting additional information or wishing to attend should contact Ms. Sandra Lange, NTP Liaison Office, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709; telephone (919) 541–0530; fax (919) 541–0295; or on the Internet: britton@niehs.nih.gov.

Dated: July 3, 1996.

Kenneth Olden,

Director, National Institute of Environmental Health Sciences and the National Toxicological Program.

[FR Doc. 96–17822 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meeting:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: July 15, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

This notice is being published less than 15 days prior to the above meeting due to the

urgent need to meet timing limitations imposed by the grant review and funding cycle.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–17815 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: July 23–24, 1996.

Time: 8:00 p.m.

Place: Holiday Inn, Chevy Chase, MD.

Contact Person: Dr. Cheryl Corsaro, Scientific Review Administrator, 6701 Rockledge Drive, Room 6172, Bethesda, Maryland 20892, (301) 435–1045.

Name of SEP: Clinical Sciences.

Date: July 24, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4100, Telephone Conference.

Contact Person: Dr. Jeanne Ketley, Scientific Review Administrator, 6701 Rockledge Drive, Room 4100, Bethesda, Maryland 20892, (301) 435–1788.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Clinical Sciences

Date: July 29, 1996.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4128, Telephone Conference.

Contact Person: Dr. Anshumali Chaudhari, Scientific Review Administrator, 6701 Rockledge Drive, Room 4128, Bethesda, Maryland 20892, (301) 435–1210.

Name of SEP: Behavioral and Neurosciences.

Date: July 29, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5172, Telephone Conference.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

Name of SEP: Behavioral and Neurosciences.

Date: July 30, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5172, Telephone Conference.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

Name of SEP: Clinical Sciences.

Date: July 31, 1996.

Time: 8:00 a.m.

Place: Holiday Inn—Olde Towne, Alexandria, VA.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

Name of SEP: Clinical Sciences.

Date: August 15, 1996.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 4138, Telephone Conference.

Contact Person: Dr. Anthony Chung, Scientific Review Administrator, 6701 Rockledge Drive, Room 4138, Bethesda, Maryland 20892, (301) 435–1213.

Purpose/Agenda: To review Small Business Innovation Research.

Name of SEP: Behavioral and Neurosciences.

Date: July 29, 1996.

Time: 8:30 a.m.

Place: Double Tree Hotel, Rockville, MD.

Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 6701 Rockledge Drive, Room 5179, Bethesda, Maryland 20892, (301) 435–1246.

Name of SEP: Behavioral and Neurosciences.

Date: August 1, 1996.

Time: 8:30 a.m.

Place: Bethesda Marriott, Bethesda, MD.

Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Domestic Assistance Programs Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–17816 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) (NIH) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 61 FR 14804, April 3, 1996), is amended to reflect the reorganization of the extramural information systems and data analysis functions within the NIH. The reorganization transfers from the Division of Research Grants (DRG) (HNG) the extramural information systems and data analysis functions of the Information Systems Branch (ISB) (HNG–3) to the Office of Extramural Research (OER) (HNA3), except for those functions related to DRG-specific support and the Networking and Telecommunications Section (HNG–38). (1) In DRG, retitle the ISB to the Advanced Technology Branch (ATB), revise its functional statement and realign its Standard Administrative Code from HNG–3 to HNG3. (2) Revise the overall functional statement for the DRG. (3) Establish the Office of Reports and Analysis (ORA) (HNA36) in OER; transfer the functions of two sections of DRG/ATB, Research Documentation Section (HNG–33) and Statistics, Analysis and Evaluation Section (HNG–34), to ORA, then abolish the two DRG/ATB sections. (4) Establish the Division of Extramural Information Systems (HNA345) within the Office of Policy for Extramural Research Administration (OPERA) (HNA34), OER; transfer the functions of three DRG/ATB sections to this new Division (the Data Management and Control Section [HNG–36], the Information Systems Management Section [HNG–37], and the Systems Analysis Section [HNG–39]). (5) In OPERA, retitle the Division of Extramural Invention Reports (HNA343) to the Division of Extramural Inventions and Technology Resources (DEITR); consolidate the functions of invention reporting and development of a common Federal database into one office by transferring functions from the Office of Extramural Programs (OEP) (HNA32) to DEITR; and revise DEITR's

functional statement. (6) In OPERA, revise the functional statement for the Division of Grants Policy (HNA342). (7) In OEP, retitle the Division of Extramural Programs Management (HNA322) to the Division of Research Programs, Training and Review Policy (DRPTR); consolidate the functions of programs management, research training, and appeals into one office by transferring functions from Division of Research Training and Special Programs (DRTSP) (HNA323) to DRPTR; abolish DRTSP; and revise DRPTR's functional statement. (8) In OEP, retitle the Division of Institutional Affairs (HNA326) to the Division of Extramural Outreach and Information Resources (DEOIR); consolidate the information dissemination function into one office by transferring functions from the Grants Information Office (HNG1–53), DRG, to DEOIR; revise DEOIR's functional statement. (9) Revise the functional statement for OPERA. (10) In OEP, revise the functional statement for the Division of Extramural Staff Training (HNA325). (11) Revise the functional statement for OEP.

Section HN–B, Organization and Functions, is amended as follows:

(1) Under the heading *Office of the Director (HNA)*, insert the following:

Office of Extramural Programs (HNA32). (1) Advises the Deputy Director for Extramural Research on matters pertaining to the development, promulgation and management of policies and procedures related to extramural research programs; (2) conducts evaluations of programs, policies, and procedures; and (3) represents the OER on numerous permanent and ad hoc NIH, Departmental, interagency, and non-governmental committees concerned with extramural program activities.

Division of Research Programs, Training and Review Policy (HNA323). Develops NIH policies concerning extramural programs and review, and coordinates or manages selected activities, including: (1) Provides guidance in the development of NIH policies and recommended procedures concerning peer review, extramural research programs, research training and career development programs; (2) advises the Deputy Director for Extramural Research, the Director of the Office of Extramural Programs, and NIH staff concerning NIH extamural program and review policy and procedures; (3) provides advice to extramural staff on the use of the appropriate NIH extramural award mechanism, e.g., grant, cooperative agreement, or contract; (4) leads and manages NIH functional program, review, and research training committees, which represent the ICDs and NIH staff, and provide for discussion and recommendations on relevant policies and procedures; (5) coordinates policies for dealing with applicants' and grantees' concerns about the review of their applications and awardees' concerns about adverse determinations on their grants, and manages the process for investigating appeals of peer review and post-award determinations; (6) coordinates and/or manages selected NIH-wide activities, such as the Small Business Innovation Research (SBIR) program, the Small Business Technology Transfer (STTR) program, the Academic Research Enhancement Award (AREA) program, and the Shannon Awards; and (7) conducts evaluations of extramural policies and procedures in relation to scientific program activities, peer review, and research training.

Division of Extramural Staff Training (HNA325). Develops and administers the extramural program staff training activities, including (1) the Staff Training in Extramural Programs (STEP); (2) the Extramural Associates Program (EAP), a residential training program on NIH extramural functions and policies for individuals selected from women's and minority institutions; and (3) the Extramural Scientist Administrators training program that includes mandatory fundamental training for persons new to NIH extramural program administration, as well as continuing education programs for more senior ESAs.

Division of Extramural Outreach and Information Resources (HNA326). (1) Identifies issues, concerns, and information needs of the extramural research community and the information needs of the NIH extramural research staff; (2) designs and manages the central telephone contact for information about NIH extramural research programs, including integration of electronic and FAX systems for delivery of information; (3) designs, develops, and manages the website for the Office of Extramural Research; (4) coordinates the development and parallel production of printed and electronic products to provide information to the extramural research community, including the weekly NIH Guide for Grants and Contracts, the NIH Extramural Programs, and other program descriptions, policy notices, descriptive data, and analytical reports; and (5) maintains liaison with NIH components, trans-NIH committees, professional associations, and the segments of the extramural research community that are involved in outreach activities, information systems technology, and electronic research administration.

Office of Policy for Extramural Research Administration (HNA34). (1) Assures effective grants administration policies and procedures for the NIH extramural programs and stewardship of Federal funds, which includes electronic research administration; (2) maximizes research productivity, increases public accountability, enhances administrative integrity, and monitors fiscal stewardship in research administration systems; (3) ensures proper management of extramural resources at both the portfolio level (allocation issues), program level (strategic planning), and project level (cost analysis); (4) promotes the proper selection and effective use of assistance mechanisms by both NIH staff and the extramural community; (5) initiates new procedures for research administration; (6) provides assistance to NIH extramural staff and grantee organizations regarding policies and procedures pertinent to the administration of NIH grants; (7) receives and maintains all documentation relating to extramural inventions made with assistance of research grants or research and development contracts from NIH; (8) establishes and maintains communication between NIH and awardee and applicant institutions and investigators with respect to extramural policies and procedures; (9) conducts studies, develops plans and manages projects that extend, improve and/or maintain system capabilities to satisfy the information requirements associated with NIH extramural research; (10) conducts requirements analyses, develops general and detailed designs databases, overseas the programming and testing of new systems, and the development and execution of implementation plans.

Division of Grants Policy (HNA342). (1) Initiates new and modifies existing NIH grants administration policies and procedures; (2) provides assistance to NIH extramural staff and grantee organizations regarding policies and procedures pertinent to the administration of NIH grants to ensure stewardship of Federal funds; (3) provides guidance to and articulates grants management policy for NIH extramural staff on the effective utilization of extramural assistance mechanisms (grants and cooperative agreements); (4) reviews for OMB clearance all application forms, proposed surveys, and questionnaires for information gathering activities conducted under research contracts to

meet the requirements of the Federal Paperwork Reduction Act; and (5) develops the business process and functionality for pertinent Electronic Research Administration components.

Division of Extramural Inventions and Technology Resources (HNA343). (1) Ensures proper and complete compliance with mandated patent policies and procedures; (2) informs grantees, contractors, and NIH staff of their responsibilities through various policy and administration manual issuances, and instructions and commentary in the *NIH Guide for Grants and Contracts*; (3) receives and maintains all documentation relating to extramural inventions made with the assistance of research grants or research and development contracts from NIH; (4) promotes the proper utilization of patents and inventions in extramural programs through guidance or referral on licensing agreements and distribution of shares resources; and (5) develops the business process and functionality for progress reporting, abstracting, research resources and other pertinent Electronic Research Administration components.

Division of Extramural Information Systems (HNA345). (1) Provides computer systems design, programming, and systems maintenance for the IMPAC/CRISP systems and the ancillary systems supporting the NIH extramural grants management program; (2) maintains a comprehensive systems overview, providing data systems currency and ensuring interoperability between IMPAC and related subsystems; (3) facilitates the interoperability with Electronic Research Administration functional components and interfaces; (4) develops specifications for the interoperability of IMPAC, CRISP, Committee Management Information, Trainee Appointment, payback, and other related auxiliary data systems; (5) maintains overall integrity of data systems while making changes and enhancements to satisfy NIH needs; (6) develops quality control procedures in data capture functions; (7) reconciles data integrity issues; and (8) performs assigned data capture functions.

Office of Reports and Analysis (HNA36). This office is responsible for: (1) maintaining CRISP, the Computer Retrieval of Information on Scientific Projects System database, by adding scientific information and indexing terms to IMPAC records for funded PHS research; (2) maintaining and updating the CRISP Thesaurus as emerging concepts and technologies are developed; (3) editing all IMPAC titles for accuracy and uniformity; (4) publishing reports based on the CRISP database; (5) conducting statistical investigations of extramural trends and related topics; (6) designing, establishing, and maintaining databases to compile and analyze information relevant to policy or program issues; (7) developing and conducting special projects, experiments, and simulations to support planning and evaluation of programs, policies and procedures; (8) serving as a focal point for requests from individual Institutes and Centers for *ad hoc* statistical reports; (9) supporting NIH budget development by providing financial projections and reports; and (10) providing consultation to CRISP and IMPAC users.

(2) Under the heading *Division of Research Grants (HNG),* insert the following:

Division of Research Grants (HNG). (1) Provides staff support to the Office of the Director, NIH, in the formulation of grant and award policies and procedures; (2) provides central receipt of all PHS applications for research and research training support, and makes initial referral to PHS components; (3) assigns NIH applications to supporting institutes, centers, and divisions and to DRG initial review groups; and (4) provides for scientific review of NIH research grants, National Research Service Awards, and research career development applications.

Advanced Technology Branch (HNG3). (1) Establishes comprehensive long-range plans for developing, implementing, supporting, and expanding all systems on the DRG LAN and the NIH mainframe relating to DRG extramural activities; (2) conducts studies and analyses for new LAN- and PC-based automatic data processing applications; (3) provides end-user support across NIH/PHS for DRG-developed systems; (4) maintains hardware, software and related on-site services for the PC workstations and LAN for DRG and OD/OER components in the Rockledge Building; (5) serves as the focal point for responding to NIH IRM studies and dissemination of IRM information; (6) manages DRG risk assessments and life cycle planning; and (7) plans for the acquisition of all DRG ADP requirements.

Dated: July 1, 1996.

Ruth L. Kirschstein,

Acting Director, NIH.

[FR Doc. 96–17820 Filed 7–11–96; 8:45 am]

BILLING CODE 4140–01–M

Office of Refugee Resettlement

Refugee Resettlement Program; Availability of Formula Allocation Funding for FY 1996 Targeted Assistance Grants for Services to Refugees in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Final notice of availability of formula allocation funding for FY 1996 targeted assistance grants to States for services to refugees [1] in local areas of high need.

SUMMARY: This notice announces the availability of funds and award procedures for FY 1996 targeted assistance grants for services to refugees under the Refugee Resettlement Program (RRP). These grants are for service provision in localities with large refugee populations, high refugee concentrations, and high use of public assistance, and where specific needs exist for supplementation of currently available resources. This notice reflects the final rule published in the Federal Register on June 28, 1995 (60 FR 33584) which was effective October 1, 1995. This rule established a new subpart L, providing regulations for the Targeted Assistance Program (TAP) for the first time.

This notice announces that the qualification of counties is based on refugee and entrant arrivals during the 5-year period from FY 1991 through FY 1995, in keeping with ORR's new regulation, and on the concentration of refugees and entrants as a percentage of the general population. Under this notice, 15 new counties will qualify for targeted assistance and 18 counties which previously received targeted assistance grants will no longer qualify for targeted assistance funding. This notice also establishes a new allocation formula to reflect the limitation on the

[1] In addition to persons who meet all requirements of 45 CFR 400.43, ''Requirements for documentation of refugee status,'' eligibility for targeted assistance includes Cuban and Haitian entrants, certain Amerasians from Vietnam who are admitted to the U.S. as immigrants, and certain Amerasians from Vietnam who are U.S. citizens. (See section II of this notice on ''Authorization.'') The term ''refugee'', used in this notice for convenience, is intended to encompass such additional persons who are eligible to participate in refugee program services, including the targeted assistance program.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the targeted assistance program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival, or until they obtain permanent resident alien status, whichever comes first.

use of targeted assistance funding for services to refugees who have resided in the United States 5 years or less.

In addition, this notice replaces the schedule of allowable administrative cost amounts for local administrative budgets that appeared in previous notices with an allowable administrative cost amount of up to 15% for all TAP counties for the purpose of increasing local flexibility and oversight.

The final notice reflects an adjustment in final allocations to States as a result of additional arrival data.

A notice of proposed allocation of targeted assistance funds was published for public comment in the Federal Register on May 6, 1996 (61 FR 20260).

FOR FURTHER INFORMATION CONTACT: Toyo Biddle (202) 401–9250.

APPLICATION DEADLINE: The closing date for submission of applications is August 12, 1996. Applications postmarked after the closing date will be classified as late.

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Division of Refugee Self-Sufficiency, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attention: Application for Targeted Assistance Formula Program.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Division of Refugee Self-Sufficiency, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

To be considered complete, an application package must include a signed original and two copies of Standard Form 424, 424A, and 424B, dated April 1988. (We will provide copies of these materials to all targeted assistance States.)

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: 93.584.

FOR FURTHER INFORMATION ON APPLICATION PROCEDURES: States should contact their State Analyst in ORR.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the availability of funds for grants for targeted assistance for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of resources for services to this population.

The Office of Refugee Resettlement (ORR) has available $55,397,000 in FY 1996 funds for the targeted assistance program (TAP) as part of the FY 1996 appropriation for the Department of Health and Human Services (Pub. L. 104–134).

The FY 1996 House Appropriations Committee Report (H.R. Rept. No. 104–209) reads as follows with respect to targeted assistance funds:

This program provides grants to States for counties which are impacted by high concentrations of refugees and high dependency rates. The Committee agrees that $19,000,000 is available for targeted assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The Committee has set-aside 20 percent of these funds for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense and longer duration level of Federal assistance.

The Conference Report on Appropriations (H. Rept. No. 104–537) agrees with the allocation of targeted assistance contained in the House Report.

The Director of the Office of Refugee Resettlement (ORR) will use the $55,397,000 appropriated for FY 1996 targeted assistance as follows:

- $25,317,600 will be allocated under the 5-year population formula, as set forth in this notice.
- $19,000,000 will be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant arrivals.
- $11,079,400 (20% of the total) will be awarded under a discretionary grant announcement that has been issued separately setting forth application requirements and evaluation criteria. These funds will be used to provide increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult, in accordance with the intent of Congress as reflected in the House Appropriations Committee Report.

In addition, the Office of Refugee Resettlement will have available an additional $5,000,000 in FY 1996 funds for the targeted assistance discretionary program through the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Pub. L. 104–107). These funds are to be used for grants to localities most heavily impacted by the influx of refugees such as Laotian Hmong, Cambodians and Soviet Pentecostals, and will be awarded under a discretionary grant announcement which has been issued setting forth application requirements and evaluation criteria.

The purpose of targeted assistance grants is to provide, through a process of local planning and implementation, direct services intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements.

The targeted assistance program reflects the requirements of section 412(c)(2)(B) of the Immigration and Nationality Act (INA), which provides that targeted assistance grants shall be made available (i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency, (ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity.

II. Authorization

Targeted assistance projects are funded under the authority of section 412(c)(2) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605), 8 U.S.C. 1522(c); section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for

refugees established by section 412(c)(2) of the INA, as cited above; section 584(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100–202), insofar as it incorporates by reference with respect to certain Amerasians from Vietnam the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above, including certain Amerasians from Vietnam who are U.S. citizens, as provided under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. 100–461), 1990 (Pub. L. 101–167), and 1991 (Pub. L. 101–513).

III. Client and Service Priorities

Targeted assistance funding must be used to assist refugee families to achieve economic independence. To this end, States and counties are required to ensure that a coherent family self-sufficiency plan is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. (See §§ 400.79 and 400.156(g) of the final rule.) Each family self-sufficiency plan should address a family's needs for both employment-related services and other needed social services. The family self-sufficiency plan must include: (1) A determination of the income level a family would have to earn to exceed its cash grant and move into self-support without suffering a monetary penalty; (2) a strategy and timetable for obtaining that level of family income through the placement in employment of sufficient numbers of employable family members at sufficient wage levels; and (3) employability plans for every employable member of the family. In local jurisdictions that have both targeted assistance and refugee social services programs, one family self-sufficiency plan may be developed for a family that incorporates both targeted assistance and refugee social services.

Services funded through the targeted assistance program are required to focus primarily on those refugees who, either because of their protracted use of public assistance or difficulty in securing employment, continue to need services beyond the initial years of resettlement. Effective October 1, 1995, under new regulations at § 400.315(b) published in the Federal Register on June 28, 1995, (60 FR 33584), States may not provide services funded under this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (5 years). States may, however, continue to provide employability services through September 30, 1996, or until the services are completed, whichever occurs first, to refugees who have been in the U.S. for more than 60 months, who were receiving employability services, as defined in § 400.316, as of September 30, 1995, as part of an employability plan.

In accordance with § 400.314, States are required to provide targeted assistance services to refugees in the following order of priority, except in certain individual extreme circumstances (a) Refugees who are cash assistance recipients, particularly long-term recipients; (b) unemployed refugees who are not receiving cash assistance; and (c) employed refugees in need of services to retain employment or to attain economic independence.

In addition to the statutory requirement that TAP funds be used primarily for the purpose of facilitating refugee employment (section 412(c)(2)(B)(i)), funds awarded under this program are intended to help fulfill the Congressional intent that employable refugees should be placed on jobs as soon as possible after their arrival in the United States (section 412(a)(1)(B)(i) of the INA). Therefore, in accordance with § 400.313 of the final rule, targeted assistance funds must be used primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

In accordance with § 400.317, if targeted assistance funds are used for the provision of English language training, such training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities.

A portion of a local area's allocation may be used for services which are not directed toward the achievement of a specific employment objective in less than one year but which are essential to the adjustment of refugees in the community, provided such needs are clearly demonstrated and such use is approved by the State. Allowable services include those listed under § 400.316.

Reflecting section 412(a)(1)(A)(iv) of the INA, States must insure that women have the same opportunities as men to participate in training and instruction. In addition, in accordance with § 400.317, services must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. The Director also strongly encourages the inclusion of refugee women in management and board positions in agencies that serve refugees. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit. States and counties are expected to make every effort to assure availability of day care services for children in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the targeted assistance program. Refugees who are participating in TAP-funded or social services-funded employment services or have accepted employment are eligible for day care services for children. For an employed refugee, TAP-funded day care should be limited to one year after the refugee becomes employed. States and counties, however, are expected to use day care funding from other publicly funded mainstream programs as a prior resources and are encouraged to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with § 400.317 in the new regulations, targeted assistance services must be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background, to the maximum extent feasible. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population. Services funded under this notice must be refugee-specific services which are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job-skills training, on-the-job training, or English language training, however, need not be refugee-specific.

When planning targeted assistance services, States must take into account

the reception and placement (R & P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless, coordinated services to refugees that are not duplicative. See § 400.156(b).

ORR strongly encourages States and counties when contracting for targeted assistance services, including employment services, to give consideration to the special strengths of mutual assistance associations (MAAs), whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also strongly encourages MAAs to ensure that their management and board composition reflect the major target populations to be served.

ORR defines MAAs as organizations with the following qualifications:

a. The organization is legally incorporated as a nonprofit organization; and

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

Finally, in order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR strongly encourages States and counties to promote and give special consideration to the provision of services through coalitions of refugee service organizations, such as coalitions of MAAs, voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

The award of funds to States under this notice will be contingent upon the completeness of a State's application as described in section IX, below.

IV. Discussion of Comments Received

Twenty-three letters of comment were received in response to the notice of proposed availability of FY 1996 funds for targeted assistance. The comments are summarized below and are followed in each case by the Department's response.

Comment: Six commenters expressed concern about the Cuban entrant figures being used to determine eligibility. Two commenters were concerned about the accuracy of the data being used. Three commenters were concerned about the fact that States were only given 30 days to submit documentation to support the adjustment of county arrival numbers to reflect parolees who originated in Havana. Two of these commenters requested a 60-day delay to review the data. One commenter objected to the fact that ORR was placing the onus on the States to submit supporting documentation and recommended that the revised allocation be circulated for comment before the notice is made final. One commenter noted that the Cuban arrivals for October, November, and December 1995 were significant but are not included in the TAP formula for this year.

Response: The 5-year arrival data used to determine county eligibility and targeted assistance allocations to counties are derived from the ORR Refugee Data System. ORR refugee arrival data are based on monthly refugee/Amerasian arrival data received from the Refugee Data Center (RDC) in New York. These data are then matched with monthly port-of-entry data received from the Centers for Disease Control (CDC) to identify and correct discrepancies. Cuban/Haitian entrant data received from the Community Relations Service (CRS) in the Department of Justice, the agency responsible for the initial resettlement of Cuban and Haitian entrants in the U.S., are merged with the refugee/Amerasian data file, providing a complete refugee/entrant/Amerasian arrival file. There is no other refugee/entrant arrival data system that is as accurate and comprehensive as the ORR Data System.

However, as we acknowledged in the May 6 notice of proposed allocations, ORR arrival data do not include Cuban parolees who came to the United States directly from Havana in FY 1995. Because these parolees were not resettled through any sponsoring agencies, there is no reliable source of destination data for these parolees at this time. We indicated in the Allocation Formula section of the May 6 notice that States could receive credit for their Havana parolee population with the submission of documented evidence. One State, Florida, where the great majority of Cuban entrants and parolees resettle, submitted documentation of Havana parolee arrivals to its counties. Florida's arrival population has been appropriately credited.

In the case of qualified targeted assistance counties that were not able to submit evidence of Havana parolee arrivals, we have devised a method of crediting each county with a share of Havana parolees that we believe is a reasonable proxy in the absence of hard data. ORR has credited each qualified TAP county that received entrant arrivals during the 5-year period from FY 1991 through FY 1995 with a prorated share of the estimated 10,279 parolees who came directly from Havana during FY 1995. The proration is based on the percentage of the total 5-year entrant arrival population that each qualified county received. Thus, for example, San Diego County, which received 378 entrants during the period from FY 1991–FY 1995, received 0.69 percent of the entrants who resettled in the United States during the 5-year period. San Diego, therefore, would be credited with the same percentage of the estimated 10,279 Havana parolees, or 71 parolees, increasing San Diego's 5-year population from 13,579 to 13,650. These adjustments in county 5-year refugee/entrant arrivals are reflected in the third column of table 3 in this notice.

Regarding the comment about Cuban parolees who arrived after FY 1995, the commenter is correct, Cuban arrivals for October, November, and December 1995 are not included in the TAP formula this year because FY 1996 allocations are based on arrivals during the 5-year period from FY 1991 through FY 1995. Targeted assistance counties will be given credit for Cuban parolees who arrived during FY 1996 in the targeted assistance allocations for FY 1997

Comment: One commenter requested that ORR review the procedure for awarding the $19 million Cuban/Haitian set-aside to only those counties which qualify for targeted assistance to determine if deserving counties are excluded from consideration for set-aside funds.

Response: After considering the commenter's request, we have decided to include any county that received 900 or more entrant arrivals from FY 1991 through FY 1995 for eligibility for Cuban/Haitian set-aside funds, instead of limiting qualification for these funds only to counties eligible for regular targeted assistance formula funds. In reviewing congressional report language regarding the use of the special set-aside funds (H.R. Rept. No. 104–209), we believe congressional intent would be better served if eligibility for Cuban/Haitian set-aside funds is open to all counties affected by recent Cuban and

Haitian arrivals, regardless of their eligibility for regular targeted assistance funds. We re-examined the eligibility of all counties that received entrant arrivals over the past 5 years to identify all counties with 900 or more entrant arrivals, based on documented arrival data. Two additional counties, Broward County and Hillsborough County, FL, were found to have 900 or more entrant arrivals and are, therefore, eligible to receive set-aside funds.

Comment: Five commenters questioned the limiting of eligible counties to the top 38 counties. One commenter wondered what the rationale was for arriving at the cut-off of 38. Four commenters questioned why the Denver metropolitan area, which ranked 39th with an arrival population of more than 5,000 refugees, was not included among the list of eligible counties and recommended including Denver in the final notice. Two of these commenters recommended that we allow all counties with 5,000 or more refugee arrivals to qualify. One commenter who felt that refugee population is a much more significant factor than concentration recommended that ORR assign 3 times as much weight to population as to concentration. One commenter asked how many counties were considered for qualification.

Response: ORR proposed to limit the number of qualified counties to the top 38 counties in order to cover as many counties as possible while still targeting a sufficient level of funding to the most impacted counties. The decision to place the cut-off after the 38th county was based on the fact that a sufficient point difference existed in the sum of ranks between the 38th county and the 39th county, the Denver metropolitan area, to constitute a natural break. In contrast, the summed scores between the 39th county through the next several counties were clustered within a very narrow point range.

In regard to the qualification of the Denver metropolitan area, this metropolitan area, which is made up of 5 counties, does not qualify for targeted assistance. While the Denver area had over 5,000 refugee arrivals, the percentage of refugees to the general population was low. However, Denver County, which has over 62 percent of the refugee arrivals in the 5-county area and a much higher refugee-to-general population ratio than the 5-county area, when considered alone, ranks as the 26th county. We have, therefore, decided to include Denver County, as the 26th county, on the qualified county list. The addition of Denver changes the rank of the subsequent counties on the qualified list, shifting Oakland County, MI from 38 to 39, thereby increasing the list of qualified counties to the top 39 counties.

We do not agree with the suggestion that ORR should allow all counties with 5,000 or more refugees to qualify for targeted assistance. Our statutory language requires ORR to take into account refugee concentrations as well as refugee population numbers as factors in qualifying counties for targeted assistance. A county with 5,000 or more refugees may have a very low concentration rank that results in a summed score that is not high enough to legitimately qualify the county for targeted assistance. We also do not agree with the suggestion that population should be given 3 times as much weight as concentration. This weighting would reduce the factor of concentration to insignificance, contrary to our understanding of congressional intent.

Regarding the number of counties that were considered for qualification, 1,000 counties were considered.

Comment: One commenter requested clarification on the methodology used to qualify counties. The commenter wondered whether assigning a weight of 2 to the 5-year arrival population means that the number of arrivals in each county were multiplied by two and then all counties were ranked based on this number. The commenter also wondered whether refugee concentration was calculated by computing a ratio of the number of refugees to the total population and whether old refugees only or old refugees plus new arrivals were divided by the total population. The commenter wondered whether the final ranking was the sum of the population ranking and the concentration ranking.

Response: In regard to the weight given to the factor of population, a county's rank on arrivals from FY 1991 through FY 1995 was multiplied by 2. Thus, if county X had a rank of 4 for arrivals, this rank was multiplied by 2, giving a total of 8. Refugee concentration was calculated by dividing the number of refugee/entrant arrivals to a county during the 5-year period by the county's general population number, thus yielding the percentage that the 5-year arrivals represent of the county's general population. The counties were ranked on the basis of their refugee concentration, with the county having the highest refugee concentration assigned a rank of 1. A county's population rank (multiplied by 2) was then added to its concentration rank for a summed rank score. Counties were then ranked in order of their summed scores, with the county with the lowest summed score given the rank of 1. If county X, mentioned earlier, ranked 1 on concentration, its summed score would be 9 (8+1). If the score of 9 happens to be the lowest summed score, then county X would be ranked as the top county, with a rank of 1.

Comment: Thirteen commenters expressed concerns about the factors used in the formula to determine county qualification. Ten commenters objected to the exclusion of secondary migrants in the population count. Four commenters recommended that a State's secondary migration numbers could be allocated to each county based on the proportion of new arrivals going to those counties. Two commenters objected to the fact that ORR is not taking welfare dependency into account when determining eligibility. One commenter recommended that we use population as the sole eligibility criterion, since we allocate TAP formula funds according to population. Another commenter recommended that we determine eligibility at the municipality level, instead of at the county level.

Response: As we have noted in previous years, we are not able to include secondary migrants in the population count for targeted assistance because secondary migration data are not available at the county level. States report annually on in-migration at the State level using the ORR–11. This reporting is based on the first three digits of a refugee's Social Security Number (SSN). These digits identify the State in which the SSN was issued which, with a few exceptions, is the State of initial resettlement. This information enables ORR both to credit the State of in-migration and to debit the State of out-migration in developing State population estimates. Most States and counties are not able to provide county secondary migration data, which would involve tracking intrastate movement. Such data would be very difficult to construct since it would be necessary to determine both in-migration and out-migration for all targeted assistance counties in order to arrive at adjusted population estimates.

The suggestion to allocate a State's secondary migration numbers to each county based on the proportion of new arrivals in the State going to those counties, is an idea that warrants some consideration. We can see problems with using a proportion of State secondary migration data as a proxy for actual data on county secondary migration because the use of secondary migration data involves both credits and debits for in- and out-migration. However, we are willing to look further

into the feasibility of using this method or some form of it in FY 1997.

Regarding the use of welfare dependency data, ORR no longer uses welfare dependency as a qualifying factor because data that would accurately reflect refugee dependency rates with any reasonable scope do not exist. While some States collect refugee recipient data in the AFDC program, many States and counties no longer collect such data. Using these data for some counties and not for others would be inequitable. As discussed in Section V, if a State with more than one eligible targeted assistance county collects welfare dependency data, such data may be used by the State to determine county allocations differently from the allocations set forth in this notice.

Regarding the suggestion that we use population as the only qualifying criterion, ORR must take into account all eligibility factors which are outlined in the statute for which data are available. In section 412(c)(2) of the Immigration and Nationality Act, the three factors for targeted assistance are high population, high refugee concentration, and high use of public assistance. While we do not have available welfare dependency data, data are available on refugee population and refugee concentration. Therefore, we are required to use both factors in determining county qualification.

Regarding the suggestion that ORR determine eligibility at the municipality level, ORR is required by statute to make grants to States for assistance to counties and similar areas. Therefore, we do not consider smaller municipalities, such as townships, for targeted assistance eligibility.

Comment: Six commenters recommended that ORR determine country eligibility on an annual basis instead of the proposed three-year eligibility period. The commenters felt that the three-year eligibility period does not account for fluctuations in arrivals.

Response: As the notice indicates, we proposed maintaining county eligibility for three years in order to allow counties an adequate period of time to address the refugee impact in their counties. An annual redetermination of county qualification would not provide the funding stability needed to sufficiently address refugee impact. If a community experiences a new population impact, discretionary funds are available through the unanticipated arrivals standing announcement to address this issue.

Comment: Three commenters recommended that the 20 percent discretionary funding be included in the targeted assistance formula allocation to impacted areas. One commenter felt that this would result in a more equitable distribution of funds and would avoid the administrative costs involved in preparing a grant proposal.

Response: It is the intent of Congress that TAP 20 percent funds be made available to all communities with large concentrations of refugees whose cultural differences make assimilation especially difficult, not just targeted assistance counties.

Comment: One commenter objected to the $19 million set-aside for Cuban/Haitian Entrants, stating that this set-aside allows certain counties to receive a disproportionate share of the funding.

Response: The allocation of Cuban/Haitian set-aside funds is in accordance with Congressional intent as expressed in the Appropriation Committee Reports.

Comment: Three commenters recommended that ORR consider the impact that discontinuing funding will have on areas of high unemployment. Two commenters expressed concern about the effect that the loss of TAP funds will have on counties' abilities to serve refugees. In addition, two commenters expressed concern that the loss of TAP funds will decrease the county's ability to leverage other funds that have been used to provide services to refugees.

Response: ORR understands that discontinuing funding in the counties that no longer qualify for TAP will undoubtedly have an effect on the services in those counties. It is time, however, to direct targeted assistance funds to those counties that are the most impacted by recent refugee arrivals. Over the past 13 years, the same counties have been receiving targeted assistance, based on arrivals dating back to FY 1980. New ORR regulations require that we now limit our focus on the most recent 5-year arrival populations, which, not surprisingly, shifts the funds to areas with more recent impacts. Such changes to the targeted assistance formula have been discussed with States at a number of meetings over the past two years to ensure that States would understand the effect that the new formula would have and would prepare for the possible loss of funds.

Counties losing targeted assistance formula funds may wish to apply for ORR targeted assistance discretionary funds through their States.

Comment: Two commenters expressed concerns about the application requirements. One commenter felt that offering the TAP funds to the counties would lead the counties to merge TAP with other funds to provide consolidated workforce programs; the commenter felt that such a scenario would detract from the concept of refugee-specific services as supported by ORR. Another commenter asked at what point States can stop applying for TAP funds and have them allocated in the same manner as social service funds. One commenter recommended that ORR allow for a 90-day application period; another commenter recommended that there be a 60-day application period or that there be fewer application requirements,

Response: Section 412(c)(2)(B)(ii) of the Immigration and Nationality Act requires that 95 percent of targeted assistance funds by made available to the county or similar local jurisdiction. States, therefore, must pass the funding down to the qualified county unless the county chooses to rely on the States to administer the targeted assistance program.

Regarding the question about eliminating the need to apply for TAP funds, we have no plans to eliminate this requirement. States that wish to receive targeted assistance funding will continue to have to submit an application for funding in accordance with the application content requirements contained in this notice. Similarly, the receipt of social services formula funds is contingent upon the submission of an approved Annual Services Plan.

A full application is required this year because a number of new counties are eligible for targeted assistance and because counties that have received TAP funds in the past and will continue to qualify for TAP have not been required to submit a full application since FY 1986. Application requirements in the second and third year of a 3-year TAP period will be less extensive. Regarding the time allowed to prepare applications, we plan to allow a longer period of time beginning in FY 1997 for submission of applications.

Comment: One commenter was opposed to requiring the submission of outcome goals in the TAP application since goals which reflect TAP funding will be submitted to ORR every November as part of a State's Annual Outcome Goal Plan. The commenter also felt that goals should reflect changes in funding and other local factors such as the refugee population. The commenter stated that outcomes will decrease if funding decreases.

Response: It is necessary for targeted assistance counties to establish outcome goals as part of their TAP application for two reasons: Not all States that received TAP funds in FY 1995 included TAP-

funded goals in their FY 1996 aggregated Annual Outcome Goal Plans; and HHS grants policy requires grantees to set goals specific to each funding source.

ORR understands that funding levels and other variables must be taken into account when setting and meeting goals. For this reason, we ask States and counties to set goals in terms of percentages of caseload and real numbers. A decrease in funding will likely result in a smaller caseload to be served, but need not necessarily result in a smaller percentage of the caseload entering employment.

Comment: One commenter was opposed to the fact that the notice specifies what must be included in family self-sufficiency plans. The commenter stated that there is no evidence that gathering this information leads to jobs any sooner.

Response: Sections 400.156 and 400.317 of ORR's final rule stipulate that a family self-sufficiency plan must be developed for anyone receiving employment services funded by social services and TAP dollars. We received comments to the proposed rule requesting a definition of a family self-sufficiency plan. Therefore, in response to this request, we defined what we mean by a family self-sufficiency plan in the preamble to the final rule, published on June 28, 1995. The same definition is used in this notice. Contrary to the commenter's view, while there may not be hard evidence that a family self-sufficiency plan, as defined in this notice, leads to earlier employment, there is abundant experiential evidence in the refugee program that the development of such plans assists both the refugee family and the employment counselor to focus more clearly on what steps need to be taken to achieve self-sufficiency. Such plans result ultimately in earlier family self-sufficiency through the attainment of jobs for one or more wage-earners at self-supporting wages.

Comment: One commenter objected to ORR's encouraging States with more than one funded county to place all counties on the same contracting cycle. The commenter stated that until ORR allocates on a Federal fiscal year funding cycle, ORR should not expect States to require counties to operate on the same cycle. Another commenter stated that while having the same start date for all counties would be nice, it would not be able to be accomplished without additional funds in order to avoid a reduction in services.

Response: We are encouraging uniformity of contracting cycles within a State because we believe this makes good management sense and makes reporting less complicated.

Comment: One commenter recommended that TAP funds be allocated to counties within 5 months after being appropriated by Congress. The commenter felt that releasing the funds later keeps counties from accessing funds when they are needed and gives Congress and OMB the impression that the counties do not really need the resources.

Response: We are looking into the feasibility of issuing targeted assistance formula allocations on a quarterly basis, similar to the quarterly allocation of social service formula funds, beginning in FY 1997. Next year, when county eligibility for targeted assistance will not have to be re-determined, we should be able to issue the awards earlier.

Comment: One commenter objected to increasing the county administrative allowance to 15 percent. This commenter felt that counties that have no experience working with refugees will contract out the services to providers that already have contracts with the State, resulting in the same services with added administrative costs. Another commenter expressed support for the increase.

Response: County administrative costs vary in the targeted assistance program. Some counties are able to operate an efficient targeted assistance program with a minimum of administrative costs, while other counties require a higher administrative level of funding to properly manage their targeted assistance program. The increase to 15 percent simply allows for more flexibility in meeting differing administrative cost needs. The increase, however, is not meant to encourage counties to automatically increase their administrative costs, regardless of need.

V. Eligible Grantees

Eligible grantees are those agencies of State governments that are responsible for the refugee program under 45 CFR 400.5 in States containing counties which qualify for FY 1996 targeted assistance awards.

The Director of ORR has determined the eligibility for counties for inclusion in the FY 1996 targeted assistance program on the basis of the method described in section VI of this notice.

The use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

The State agency will submit a single application on behalf of all county governments of the qualified counties in that State. Subsequent to the approval of the State's application by ORR, local targeted assistance plans will be developed by the county government or other designated entity and submitted to the State.

A State with more than one qualified county is permitted, but not required, to determine the allocation among for each qualified county within the State. However, if a State chooses to determine county allocations differently from those set forth in this notice, in accordance with § 400.319, the FY 1996 allocations proposed by the State must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of its targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. In addition, if a State chooses to allocate its FY 1996 targeted assistance funds in a manner different from the formula set forth in this notice, the FY 1996 allocations and methodology proposed by the State must be included in the State's application for ORR review and approval.

Applications submitted in response to this notice are not subject to review by State and areawide clearinghouses under Executive Order 12372, Intergovernmental Review of Federal Programs.

VI. Qualification and Allocation Formulas

Beginning with FY 1996, ORR has eliminated the formulas used to date for qualification for, and allocation of, targeted assistance funds and replaced them with new formulas in keeping with § 400.315 in ORR's final rule which limits the use of targeted assistance funds to serving refugees who have been in the U.S. 5 years or less.

A. Qualifying New Counties

In order to qualify for application for FY 1996 targeted assistance funds, a county (or group of adjacent counties with the same Standard Metropolitan Statistical area, or SMSA) or independent city is required to rank above a selected cut-off point of jurisdictions for which data were reviewed, based on two criteria: (1) The number of refugee/entrant arrivals placed in the county during the most recent 5-year period (FY 1991—FY 1995); and (2) the 5-year refugee/entrant population as a percent of the county overall population. County arrival numbers have been adjusted based on

updated refugee and entrant arrival data.

Welfare dependency will no longer be used as a qualifying criterion since welfare dependency data for refugee AFDC recipients have not been available at the national level since FY 1989.

Each county was ranked on the basis of its 5-year arrival population and its concentration of refugees, with a relative weighting of 2 to 1 respectively, because we believe that large numbers of refugee/entrant arrivals into a county create a significant impact, regardless of the ratio of refugees to the county general population. The rank of some counties changed slightly due to updated arrival numbers. No county changed its rank sufficiently to change its status from ineligible to eligible.

Each county was then ranked in terms of the sum of a county's rank on refugee arrivals and its rank on concentration. To qualify for targeted assistance, a county had to rank within the top 39 counties. ORR has decided to limit the number of qualified counties to the top 39 counties in order to target a sufficient level of funding to the most impacted counties. Denver County, which had been considered as part of the Denver metropolitan area, in combination with 4 other counties, in the May 6 notice, was ranked as a separate county in the final notice and found to qualify in its own right as the 26th county. The addition of Denver has increased the list of qualified counties from the 38 counties listed in the May 6 notice to 39.

ORR has screened data on all counties that have received awards for targeted assistance since FY 1983 and on all other counties that could potentially qualify for TAP funds based on the criteria in this notice. Analysis of these data indicates that: (1) 24 counties which have previously received targeted assistance continue to qualify; (2) 18 counties which have previously received targeted assistance no longer qualify; and (3) 15 new counties qualify.

Table 1 provides a list of the counties that remain qualified and the new counties that qualify, the number of refugee/entrant arrivals in those counties within the past 5 years, the percent that the 5-year arrival population represents of the overall county population, and each county's rank, based on the qualification formula described above.

Table 2 lists the counties that have previously received targeted assistance which no longer qualify, the number of refugee/entrant arrivals in those counties within the past 5 years, the percent that the 5-year arrival population represents of the overall county population, and each county's rank, based on the qualification formula.

The ORR Director plans to determine qualification of counties for targeted assistance funds once every three years. Thus the counties listed in this notice as qualified to apply for FY 1996 TAP funding will remain qualified for TAP funding through FY 1998. ORR does not plan to consider the eligibility of additional counties for TAP funding until FY 1999, when ORR will again review data on all counties that could potentially qualify for TAP funds based on the criteria in this notice. We believe that a more frequent redetermination of county qualification for targeted assistance would not provide qualifying counties a sufficient period of time within a stable funding climate to adequately address the refugee impact in their counties, while a less frequent redetermination of county qualification would pose the risk of not considering new population impacts in a timely manner.

B. Allocation Formula

Of the funds available for FY 1996 for targeted assistance, $25,317,600 is allocated by formula to States for qualifying counties based on the initial placements of refugees, Amerasians, and entrants in these counties during the 5-year period from FY 1991 through FY 1995 (October 1, 1990—September 30, 1995).

At this time, ORR entrant arrival data do not include Cuban parolees who came to the U.S. directly from Havana in FY 1995 under the U.S. Bilateral Agreement with Cuba. Reliable data on these parolees are difficult to obtain since these parolees are not resettled through sponsoring agencies. Only one State was able to provide appropriate documentation to ORR regarding the number of Havana parolee arrivals to that State. We have adjusted the 5-year population to include Havana parolees to that State based on the data it submitted. For those States that were not able to submit documentation on Havana parolee arrivals, we have decided, in the absence of actual data, to credit each qualified TAP county that received entrant arrivals during the 5-year period from FY 1991–FY 1995 with a prorated share of the estimated 10,279 parolees who came to the U.S. directly from Havana in FY 1995. We believe it is a reasonable proxy to base the proration on the percentage of the total 5-year entrant population that each county received. The allocations in this notice reflect these additional parolee numbers.

C. Allocation Formula for Communities Affected by Recent Cuban/Haitian Arrivals

Allocations for recent Cuban and Haitian entrant arrivals are based on entrant arrival numbers during the 5-year period beginning October 1, 1990 through September 30, 1995. Allocations are limited to counties that received 900 or more Cuban and Haitian arrivals during the 5-year period. We have limited allocations to counties with at least 900 entrants to target these resources on the most impacted counties. Counties with 900 or more entrants are eligible for these special funds regardless of whether they qualify for the regular targeted assistance formula program.

VII. Allocations

Table 3 lists the qualifying counties, the number of refugee/entrant arrivals in those counties during the 5-year period from October 1, 1990–September 30, 1995, the prorated number of Havana parolees credited to each county based on the county's proportion of the 5-year entrant population in the U.S., the sum of the first two columns, and the amount of each county's allocation based on its 5-year total population.

Table 4 lists the number of Cuban and Haitian entrant arrivals in each county during FY 1991–FY 1995, the prorated number of Havana parolees credited to each county, the total number of entrants and parolees, and the allocation amount for each county that received 900 or more entrants during the 5-year period.

Table 5 provides State totals for targeted assistance allocations.

Table 6 indicates the areas that each qualified county represents.

TABLE 1.—TOP 39 COUNTIES ELIGIBLE FOR TARGETED ASSISTANCE, TARGETED ASSISTANCE COUNTIES ELIGIBLE FOR CONTINUATION

County and state	5-year arrival pop.	Concentration percent	Rank
Alameda, CA	5,915	0.4624	23
Fresno, CA	6,856	1.0271	8
Merced, CA	1,885	1.0566	38
Orange, CA	26,218	1.0876	4
Sacramento, CA	12,967	1.2454	5
San Diego, CA	13,579	0.5436	14
San Francisco, CA	11,798	0.7357	12
San Joaquin, CA	3,019	0.6281	28
Santa Clara, CA	18,395	1.2283	3
Los Angeles, CA	30,395	0.3429	21
Denver, CO	3,420	0.7314	26
Dade, FL	54,386	2.8076	1
Palm Beach, FL	3,715	0.4302	35
Cook/Kane, IL	18,979	0.3500	22
Suffolk, MA	6,305	0.9497	13
Hennepin, MN	5,324	0.5157	20
Ramsey, MN	4,814	0.9910	15
New York, NY	87,570	1.1959	2
Multnomah, OR	11,463	0.8116	9
Philadelphia, PA	8,643	0.5451	16
Dallas/Tarrant, TX	13,371	0.4423	17
Harris, TX	11,337	0.4023	24
Fairfax, VA	4,848	0.5055	25
King, WA	17,618	0.8930	6
NEW COUNTIES THAT QUALIFY			
District of Columbia	4,460	0.7349	19
Duval, FL	3,282	0.4877	34
De Kalb, GA	5,762	1.0556	11
Fulton, GA	6,581	1.0141	10
Polk, IA	2,784	0.8510	29
City of Baltimore, MD	3,568	0.4848	32
Oakland, MI	4,100	0.3784	39
City of St. Louis, MO	5,442	1.3719	7
Lancaster, NE	2,894	1.3546	18
Bernalillo, NM	2,828	0.5885	37
Broome, NY	2,155	1.0157	36
Monroe, NY	3,495	0.4895	30
Oneida, NY	2,300	0.9169	33
Davidson, TN	3,308	0.6476	27
Richmond, VA	2,165	1.0662	31

TABLE 2.—TARGETED ASSISTANCE COUNTIES THAT NO LONGER QUALIFY

County and state	5-year arrival pop.	Concentration percent	Rank
Contra Costa, CA	1,748	0.2175	85
Tulare, CA	1,110	0.3559	87
Stanislaus, CA	1,258	0.3395	82
Broward, FL	3,703	0.2949	51
Hillsborough, FL	2,863	0.3433	52
Honolulu, HI	1,363	0.1630	111
Sedgwick, KS	1,572	0.3894	68
Orleans, LA	1,259	0.1332	117
Montgomery/Prince Georges, MD	4,530	0.3048	47
Middlesex, MA	3,114	0.2227	61
Jackson, MO	3,234	0.4067	41
Essex, NJ	2,100	0.2699	67
Hudson, NJ	2,761	0.4992	44
Union, NJ	1,221	0.2473	101
Providence, RI	1,389	0.2329	95
Salt Lake, UT	2,957	0.2511	59
Arlington, VA	1,468	0.8588	54
Pierce, WA	2,825	0.4819	46

TABLE 3.—TARGETED ASSISTANCE ALLOCATIONS BY COUNTY: FY 1996

County, state	Arrivals: Refugee+entrant [1] FY 1991–1995	Prorated [2] Havana Parolees	Total arrivals	$25,317,600 Total FY 1996 allocation
ALAMEDA, CA	5,915	3	5,918	$341,304
FRESNO, CA	6,856	0	6,856	395,400
LOS ANGELES, CA	30,395	114	30,509	1,759,519
MERCED, CA	1,885	0	1,885	108.712
ORANGE, CA	26,218	6	26,224	1,512,394
SACRAMENTO, CA	12,967	1	12,968	747,892
SAN DIEGO, CA	13,579	71	13,650	787,224
SAN FRANCISCO, CA	11,798	35	11,833	682,434
SAN JOAQUIN, CA	3,019	1	3,020	174,170
SANTA CLARA, CA	18,395	2	18,397	1,060,994
DENVER, CO	3,420	1	3,421	197,296
DIST OF COLUMBIA, DC	4,460	2	4,462	257,333
DADE, FL	54,386	0	54,386	3,136,556
DUVAL FL	3,282	0	3,282	189,280
PALM BEACH, FL	3,715	0	3,715	214,252
DE KALB, GA	5,762	4	5,766	332,537
FULTON, GA	6,581	31	6,612	381,328
COOK/KANE, IL	18,979	62	19,041	1,098,135
POLK, IA	2,784	0	2,784	160,559
BALTIMORE, MD [3]	3,568	0	3,568	205,774
SUFFOLK, MA	6,305	52	6,357	366,622
OAKLAND, MI	4,100	2	4,102	236,571
HENNEPIN, MN	5,324	0	5,324	307,046
RAMSEY, MN	4,814	2	4,816	277,749
ST LOUIS, MO [3]	5,442	0	5,442	313,852
LANCASTER, NE	2,894	1	2,895	166,961
BERNALILLO, NM	2,828	188	3,016	173,939
BROOME, NY	2,155	5	2,160	124,572
MONROE, NY	3,495	76	3,571	205,947
NEW YORK, NY	87,570	193	87,763	5,061,479
ONEIDA, NY	2,300	0	2,300	132,646
MULTNOMAH, OR	11,463	62	11,525	664,671
PHILADELPHIA, PA	8,643	12	8,655	499,152
DAVIDSON, TN	3,308	0	3,308	190,779
DALLAS/TARRANT, TX	13,371	85	13,456	776,036
HARRIS, TX	11,337	19	11,356	654,925
FAIRFAX, VA	4,848	1	4,849	279,652
RICHMOND, VA	2,165	15	2,180	125,725
KING/SNOHOMISH, WA	17,618	2	17,620	1,016,183
TOTAL	437,944	1,048	438,992	25,317,600

[1] Includes Havana parolees for counties in Florida.
[2] Havana Parollees credited to non-Florida TAP counties based on counties' proportion of the 5 year entrant population in the U.S.
[3] The qualifying local jurisdiction is the independent City of Baltimore and the independent city of St. Louis.

TABLE 4.—TARGETED ASSISTANCE ALOCATIONS FOR COMMUNITIES AFFECTED BY RECENT CUBAN AND HAITIAN ARRIVALS: FY 1996

County, state	Entrants [1] FY 1991–1995	Prorated [2] Havana parolees	Entrants [1]+Prorated [2] Havana parolees	Entrants [1]+ Prorated [2] Havana Par. more than 900	$19,000,000 total FY 1996 C/H allocation
ALAMEDA, CA	16	3	19	.....	.....
FRESNO, CA	0	0	0	.....	.....
LOS ANGELES, CA	608	114	722	.....	.....
MERCED, CA	0	0	0	.....	.....
ORANGE, CA	30	6	36	.....	.....
SACRAMENTO, CA	3	1	4	.....	.....
SAN DIEGO, CA	378	71	449	.....	.....
SAN FRANCISCO, CA	187	35	222	.....	.....
SAN JOAQUIN, CA	5	1	6	.....	.....
SANTA CLARA, CA	12	2	14	.....	.....
DENVER, CO	3	1	4	.....	.....
DIST OF COLUMBIA, DC	13	2	15	.....	.....
DADE, FL	42,679	0	42,679	42,679	$15,737,705
DUVAL, FL	35	0	35	.....	.....
PALM BEACH, FL	2,955	0	2,955	2,955	$1,089,644
DE KALB, GA	19	4	23	.....	.....
FULTON, GA	165	31	196	.....	.....

TABLE 4.—TARGETED ASSISTANCE ALOCATIONS FOR COMMUNITIES AFFECTED BY RECENT CUBAN AND HAITIAN ARRIVALS: FY 1996—Continued

County, state	Entrants [1] FY 1991–1995	Prorated [2] Havana parolees	Entrants [1]+Prorated [2] Havana parolees	Entrants [1]+ Prorated [2] Havana Par. more than 900	$19,000,000 total FY 1996 C/H allocation
COOK/KANE, IL	331	62	393	0	0
POLK, IA	0	0	0	.....	.....
BALTIMORE. MD [2]	1	0	1	.....	.....
SUFFOLK, MA	277	52	329	.....	.....
OAKLAND, MI	8	2	10	.....	.....
HENNEPIN, MN	0	0	0	.....	.....
RAMSEY, MN	8	2	10	.....	.....
ST LOUIS, MO [2]	1	0	1	.....	.....
LANCASTER, NE	5	1	6	.....	.....
BERNALILLO, NM	1,002	188	1,190	1,190	$438,808
BROOME, NY	29	5	34	.....	.....
MONROE, NY	403	76	479	.....	.....
NEW YORK, NY	1,029	193	1,222	1,222	450,607
ONEIDA, NY	1	0	1	.....	.....
MULTNOMAH, OR	329	62	391	.....	.....
PHILADELPHIA, PA	66	12	78	.....	.....
DAVIDSON, TN	1	0	1	.....	.....
DALLAS/TARRANT, TX	452	85	537	.....	.....
HARRIS, TX	99	19	118	.....	.....
FAIRFAX, VA	4	1	5	.....	.....
RICHMOND, VA	82	15	97	.....	.....
KING/SNOHOMISH, WA	12	2	14	.....	.....
BROWARD, FL [3]	2,523	0	2,523	2,523	$930,346
HILLSBOROUGH, FL [3]	957	0	957	957	$352,890
TOTAL	54,728	1,048	55,776	51,526	$19,000,000

[1] Includes Havana parolees for counties Florida.
[2] Havana Parolees credited to non-Florida TAP counties based on counties' proportion of the 5 year entrant population in the U.S.
[3] Broward and Hillsborough counties only qualify for the C/H Allocation.

TABLE 5.—TARGETED ASSISTANCE ALLOCATIONS BY STATE: FY 1996

State	$25,317,600 Total FY 1996 allocation	$19,000,000 Total FY 1996 C/H allocation	$44,317,600 Total FY 1996 allocation
California	$7,570,043	.....	$7,570,043
Colorado	197,296	.....	197,296
District of Col.	257,333	.....	257,333
Florida	3,540,088	18,110,585	21,650,673
Georgia	713,865	.....	713,865
Illinois	1,098,135	.....	1,098,135
Iowa	160,559	.....	160,559
Maryland	205,774	.....	205,774
Massachusetts	366,622	.....	366,622
Michigan	236,571	.....	236,571
Minnesota	584,795	.....	584,795
Missouri	313,852	.....	313,852
Nebraska	166,961	.....	166,961
New Mexico	173,939	438,808	612,747
New York	5,524,644	450,607	5,975,251
Oregon	664,671	.....	664,671
Pennsylvania	499,152	.....	499,152
Tennessee	190,779	.....	190,779
Texas	1,430,961	.....	1,430,961
Virginia	405,377	.....	405,377
Washington	1,016,183	.....	1,016,183
Total	25,317,600	19,000,000	44,317,600

TABLE 6.—TARGETED ASSISTANCE AREAS

State	Targeted assistance area [1]	Definition
CA	ALAMEDA	
CA	FRESNO	

TABLE 6.—TARGETED ASSISTANCE AREAS—Continued

State	Targeted assistance area [1]	Definition
CA	LOS ANGELES	
CA	MERCED	
CA	ORANGE	
CA	SACREMENTO	
CA	SAN DIEGO	
CA	SAN FRANCISCO	MARIN, SAN FRANCISCO, & SAN MATEO COUNTIES
CA	SAN JOAQUIN	
CA	SANTA CLARA	
CO	DENVER	
DC	DISTRICT OF COL.	
FL	DADE	
FL	DUVAL	
FL	PALM BEACH	
GA	DEKALB	
GA	FULTON	
IL	COOK/KANE	
IA	POLK	
MD	CITY OF BALTIMORE	
MA	SUFFOLK	
MI	OAKLAND	
MN	HENNEPIN	
MN	RAMSEY	
MO	CITY OF ST. LOUIS	
NE	LANCASTER	
NM	BERNALILLO	
NY	BROOME	
NY	MONROE	
NY	NEW YORK	BRONX, KINGS, NEW YORK, QUEENS, & RICHMOND COUNTIES.
NY	ONEIDA	
OR	MULTNOMAH	CLACKAMAS, MULTNOMAH, & WASHINGTON COUNTIES, OR. & CLARK COUNTY, WA.
PA	PHILADELPHIA	
TN	DAVIDSON	
TX	DALLAS/TARRANT	
TX	HARRIS	
VA	FAIRFAX	FAIRFAX COUNTY & THE INDEPENDENT CITIES OF ALEXANDRIA, FAIRFAX AND FALLS CHURCH.
VA	RICHMOND	
WA	KING/SNOHOMISH	

[1] Consists of named county/counties eligible for the regular Targeted Assistance Formula Grant unless otherwise defined.

VIII. Application and Implementation Process

Under the FY 1996 targeted assistance program, States may apply for and receive grant awards on behalf of qualified counties in the State. A single allocation will be made to each State by ORR on the basis of an approved State application. The State agency will, in turn, receive, review, and determine the acceptability of individual county targeted assistance plans.

Pursuant to § 400.210(b), FY 1996 targeted assistance funds must be obligated by the State agency no later than one year after the end of the Federal fiscal year in which the Department awarded the grant. Funds must be liquidated within two years after the end of the Federal fiscal year in which the Department awarded the grant. A State's final financial report on targeted assistance expenditures must be received no later than two years after the end of the Federal fiscal year in which the Department awarded the grant. If final reports are not received on time, the Department will deobligate any unexpended funds, including any unliquidated obligations, on the basis of a State's last filed report.

Although additional funding for communities affected by Cuban and Haitian entrants and refugees whose arrivals in recent years have increased is part of the appropriation amount for targeted assistance, the scope of activities for these additional funds will be administratively determined. Applications for these funds are therefore not subject to provisions contained in this notice but to other requirements which will be conveyed separately. Similarly, the requirements regarding the discretionary portion of the targeted assistance appropriation have been addressed separately in the grant announcement for those funds.

IX. Application Requirements

In applying for targeted assistance funds, a State agency is required to provide the following:

A. Assurance that effective October 1, 1995, targeted assistance funds will be used in accordance with the new ORR regulations published in the Federal Register on June 28, 1995.

B. Assurance that targeted assistance funds will be used primarily for the provision of services which are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program. States must indicate what percentage of FY 1996 targeted assistance formula allocation funds that are used for services will be allocated for employment services.

C. Assurance that targeted assistance funds will not be used to offset funding otherwise available to counties or local jurisdictions from the State agency in its

administration of other programs, e.g. social services, cash and medical assistance, etc.

D. Identification of the local administering agency.

E. The amount of funds to be awarded to the targeted county or counties. If a State with more than one qualifying targeted assistance county chooses to allocate its targeted assistance funds differently from the formula allocation for counties presented in the ORR targeted assistance notice in a fiscal year, its allocations must be based on the State's population of refugees who arrived in the U.S. during the most recent 5-year period. A State may use welfare data as an additional factor in the allocation of targeted assistance funds if it so chooses; however, a State may not assign a greater weight to welfare data than it has assigned to population data in its allocation formula. The application must provide a description of, and supporting data for, the State's proposed allocation plan, the data to be used, and the proposed allocation for each county.

In instances where a State receives targeted assistance funding for impacted counties contained in a standard metropolitan statistical area (SMSA) which includes a county or counties located in a neighboring State, the State receiving those funds must provide a description of coordination and planning activities undertaken with the State Refugee Coordinator of the neighboring State in which the impacted county or counties are located. These planning and coordination activities should result in a proposed allocation plan for the equitable distribution of targeted assistance funds by county based on the distribution of the eligible population by county within the SMSA. The proposed allocation plan must be included in the State's application to ORR.

F. A description of the State's guidelines for the required content of county targeted assistance plans and a description of the State's review/approval process for such county plans. Acceptable county plans must minimally include the following:

1. Assurance that targeted assistance funds will be used in accordance with the new ORR regulations published in the Federal Register on June 28, 1995. In particular, a description of a county's plan to carry out the requirements of 45 CFR 400.156.

2. Procedures for carrying out a local planning process for determining targeted assistance priorities and service strategies. All local targeted assistance plans will be developed through a planning process that involves, in addition to the State Refugee Coordinator, representatives of the private sector (for example, private employers, private industry council, Chamber of Commerce, etc.), leaders of refugee/entrant community-based organizations, voluntary resettlement agencies, refugees from the impacted communities, and other public officials associated with social services and employment agencies that serve refugees. Counties are encouraged to foster coalition-building among these participating organizations.

3. Identification of refugee/entrant populations to be served by targeted assistance projects, including approximate numbers of clients to be served, and a description of characteristics and needs of targeted populations. (As per § 400.314)

4. Description of specific strategies and services to meet the needs of targeted populations. These should be justified where possible through analysis of strategies and outcomes from projects previously implemented under the targeted assistance programs, the regular social service programs, and any other services available to the refugee population.

5. The relationship of targeted assistance services to other services available to refugees/entrants in the county including State-allocated ORR social services.

6. Analysis of available employment opportunities in the local community. Examples of acceptable analyses of employment opportunities might include surveys of employers or potential employers of refugee clients, surveys of presently effective employment service providers, review of studies on employment opportunities/forecasts which would be appropriate to the refugee populations.

7. Description of the monitoring and oversight responsibilities to be carried out by the county or qualifying local jurisdiction.

8. Assurance that the local administrative budget will not exceed 15% of the local allocation. Targeted assistance grants are cost-based awards. Neither a State nor a county is entitled to a certain amount for administrative costs. Rather, administrative cost requests should be based on projections of actual needs. Beginning with FY 1996 funds, all TAP counties will be allowed to spend up to 15% of their allocation on TAP administrative costs, as need requires. However, States and counties are strongly encouraged to limit administrative costs to the extent possible to maximize available funding for services to clients.

9. For any State that administers the program directly or otherwise provides direct service to the refugee/entrant population (with the concurrence of the county), the State must provide ORR with the same information required above for review and prior approval.

G. All applicants must establish targeted assistance proposed performance goals for each of the 6 ORR performance outcome measures for each impacted county's proposed service contract(s) or sub-grants for the next contracting cycle. Proposed performance goals must be included in the application for each performance measure. The 6 ORR performance measures are: entered employments, cash assistance reductions due to employment, cash assistance terminations due to employment, 90-day employment retentions, average wage at placement, and job placements with available health benefits. Targeted assistance program activity and progress achieved toward meeting performance outcome goals are to be reported quarterly on the ORR–6, the Quarterly Performance Report.

States which are currently grantees for targeted assistance funds should base projected annual outcome goals on past performance. Current grantees should have adequate baseline data for at least 3 of the 6 ORR performance outcome measures (entered employments, 90 day retentions, and average wage at placement) based on a long history (in some cases, as much as 12 years) of targeted assistance program experience. Where baseline data do not exist for a specific performance outcome measure, current grantees should use available performance data from the current targeted assistance funding cycle to establish reasonable outcome goals for contractors and sub-grantees on all 6 measures.

States identified as new eligible targeted assistance grantees are also required to set proposed outcome goals for each of the 6 ORR performance outcome measures. New grantees may use baseline data, as available, and current data as reported on the ORR–6 for social services program activity to assist them in the goal-setting process.

Proposed targeted assistance outcome goals should reflect improvement over past performance and strive for continuous improvement during the project period from one year to another.

H. An identification of the contracting cycle dates for targeted assistance service contracts in each county. States with more than one qualified county are encouraged to ensure that all counties participating in TAP in the State use the same contracting cycle dates.

I. A description of the State's plan for conducting fiscal and programmatic monitoring and evaluations of the targeted assistance program, including frequency of on-site monitoring.

J. Assurance that the State will make available to the county or designated local entity not less than 95% of the amount of its formula allocation for purposes of implementing the activities proposed in its plan, except in the case of a State that administers the program locally as described in item F9 above.

K. A line item budget and justification for State administrative costs limited to a maximum of 5% of the total award to the State. Each total budget period funding amount requested must be necessary, reasonable, and allocable to the project. States that administer the program locally in lieu of the county, through a mutual agreement with the qualifying county, may add up to, but not exceed, 10% of the county's TAP allocation to the State's administrative budget.

L. Assurance that the State will follow or mandate that its sub-recipients will follow appropriate State procurement and contract requirements in the acquisition, administration, and management of targeted assistance service contracts.

X. Reporting Requirements

States are required to submit quarterly reports on the outcomes of the targeted assistance program, using Schedule A and Schedule C of the new ORR–6 Quarterly Performance Report form which was sent to States in ORR State Letter 95–35 on November 6, 1995.

Dated: July 8, 1996.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 96–17808 Filed 7–11–96; 8:45 am]

BILLING CODE 4184–01–P–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3778–N–93]

Office of the Assistant Secretary for Community Planning and Development; Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* versus *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: July 5, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 96–17560 Filed 7–11–96; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–030–06–1610–00–1784]

Southwest Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Resource Advisory Council Meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (SW RAC) will meet on Wednesday, August 14, 1996, in the See Forever Room in the Miramonte Building, 333 West Colorado Avenue, Telluride, Colorado, and on Thursday, September 12, 1996, at the Gunnison County Fairgrounds Multi-Purpose Building, 275 South Spruce, Gunnison, Colorado.

DATES: The meetings will be held on Wednesday, August 14, 1996, and on Thursday, September 12, 1996. Both meetings will begin at 9:00 a.m. and end at 4:30 p.m.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; Telephone 970–249–7791; TDD 970–249–4639.

SUPPLEMENTARY INFORMATION: The August 14, 1996, meeting is scheduled to begin at 9:00 a.m. in the See Forever Room in the Miramonte Building, 333 West Colorado Avenue, Telluride, Colorado. The agenda will focus on management of the San Miguel River corridor and will include a tour of the San Miguel River Area of Critical Environmental Concern/Special Recreation Management Area. Time will be provided for public comments. Field trip participants must provide their own transportation.

The Thursday, September 12, 1996, is scheduled to begin at 9:00 a.m. at the Gunnison County Fairgrounds Multi-Purpose Building, 275 South Spruce, Gunnison, Colorado. This will be a joint meeting with the Gunnison Sage Grouse Working Group and the agenda will focus on the management of sage grouse in southwestern Colorado. Time will be provided for public comments.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and are available for public inspection and reproduction during regular business hours within thirty (30) days following each meeting.

Dated: July 5, 1996.

Mark W. Stiles,

District Manager.

[FR Doc. 96–17705 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–JB–P

[CA–066–06–1610–00]

Emergency Area Closure to the Discharge of Firearms, San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency area closure to the discharge of firearms on BLM-managed public lands, San Diego County, California.

SUMMARY: Under the authority of 43 CFR 8364.1 (a), notice is hereby given that an emergency area closure to the discharge of firearms is in effect on BLM-managed

public lands, San Diego County, east side of La Posta Road, approximately 4.5 miles south of Old Highway 80. Township 17 South, Range 5 East, Section 25. The emergency area closure shall remain in effect until the official end of fire season as authorized by the California Department of Forestry and Fire Protection. Exceptions to this rule are as follows: (1) The discharge of firearms in the legal taking of game pursuant to possession of a valid hunting license and valid game tag if necessary. In this taking of game, steel core ammunition is prohibited; and (2) Federal, State and local law enforcement officers in the performance of their official duties.

DATES: The emergency area closure, effective June 26, 1996, shall remain in effect until the official end of the 1996 fire season as authorized by the California Department of Forestry and Fire Protection.

FOR ADDITIONAL INFORMATION CONTACT: John Blachley, Chief Ranger, U.S.D.I. Bureau of Land Management, Palm Springs-South Coast Resource Area, 690 Garnet Avenue, North Palm Springs, CA 92258–2000; telephone (619) 251–4861.

SUPPLEMENTARY INFORMATION: The discharge of firearms on the aforementioned public lands poses a significant threat to public land resources, public safety, and adjacent private property including residences. The threat determination was based on the following factors: (1) the existence of high and extreme fire danger in this area, and (2) the close proximity of private residences, group camps, ranches, houses and barns to the area where the discharge of firearms is occurring on public lands, causing projectiles to strike buildings, outbuildings, personal property and persons.

Dated: June 26, 1996.

Julia Dougan,

Area Manager.

[FR Doc. 96–17707 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–40–P

[OR–035–00–1050–00; G6–00188]

Notice of Emergency Closure and Restrictions on Public Land in the Grande Ronde Area of Critical Environmental Concern (ACEC), Asotin County, WA

AGENCY: Bureau of Land Management, Baker Resource Area, Vale District.

ACTION: Emergency Closure and Use Restrictions on Public Land in the Lime Hill and Rogersburg areas of the Grande Ronde ACEC, Asotin County, Washington.

SUMMARY: Notice is hereby given that the Vale District is implementing emergency closures and restrictions to protect the values of the Grande Ronde Area of Critical Environmental Concern (ACEC) on public lands near the mouth of the Grande Ronde River and on the west bank of the Snake River in Asotin County, Washington. The purpose of the closure and restrictions are to protect wildlife habitat, native vegetation, fragile soils, and scenic, cultural, and natural values on public land in this part of the Grande Ronde ACEC. These closure and restriction orders will be in effect on 2070 acres of public land.

The authority for this emergency closure and restriction is 43 CFR 8364.1: Closure and restriction orders. This emergency order will be evaluated in a management plan and environmental assessment for the Lime Hill vicinity of the Grande Ronde ACEC

The public lands in Asotin County, Washington, affected by this emergency order are located at:

Willamette Meridian, Oregon:

T. 7N., R. 46E., Section 13
T. 7N., R. 47E., Sections 18, 19, 20, 29, 33
T. 7N., R. 47E., Section 32: E½
T. 6N., R. 47E., Sections 4, 9

The following acts are prohibited on all public lands administered by the Bureau of Land Management (BLM) within the affected area of the Grande Ronde Area of Environmental Concern at the locations identified in this order:

1. Motorized Vehicles

A. Operating any motorized vehicle within the affected ACEC area, except on the existing improved Rogersburg Access Road on BLM public land. The Rogersburg Access Road is located on the east bank of the Grande Ronde River, from the BLM and Washington State public land boundary to the west boundary of the BLM public land and Rogersburg community, at the following location:

T.7N, R.46 E, Section 13: All that portion of the road beginning at the boundary of the BLM administered public land in the SE¼ of the SW¼ of Section 13 to the boundary between the public land and private land located in the SE¼ of the SE¼ of Section 13.

B. Aircraft landing without authorization.

2. Fire

A. Building or maintaining any open campfires except those contained in a fireblanket, firepan or similar metal container with sides measuring at least 2 inches in height.

B. Failure to remove campfire debris and disposing of it in a refuse container.

3. Sanitation and Refuse

A. Disposal of solid human waste except at designated locations or facilities provided for that purpose.

4. Camping

A. Installation of permanent camping facilities.

B. Overnight camping on the public lands located in Township 7N, Range 46E, Section 13, including on and in the vicinity of the Rogersburg Access Road.

SUPPLEMENTARY INFORMATION: This emergency closure and use restriction order is the minimum required to mitigate the impacts of unregulated off-highway vehicle use; to protect wildlife habitat, cultural resources, scenic values, native vegetation and fragile soils in the area; and to respond to concerns of public health and safety, wildfire, weed control and resource degradation. Actions to implement the closure and restrictions will be undertaken.

Private Lands

This order is in no way intended to affect the legal rights, or existing right-of-way, of adjacent private land owners, or their interests within private lands within the closure area. Further, this order does not infer any Bureau of Land Management jurisdiction over private lands located within the closure area.

State Lands

This order is in no way intended to affect uses or restrictions on Washington state owned lands adjacent to the closure area. Further, this order does not infer any Bureau of Land Management jurisdiction over state lands.

Copies of the closure and restriction order and maps showing the location of the closed lands and roads are available from the Baker Resource Area office, 1550 Dewey Avenue, Baker City, Oregon 97814.

Personnel that are exempt from the area closures and restrictions include any Federal, State, or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized or permitted in writing by the Bureau of Land Management. BLM personnel conducting official duties, cooperating agency personnel, and contractors authorized by the Bureau of Land Management are included in the exemption from this order.

EFFECTIVE DATES: The closure and use restrictions shall be effective

immediately and shall remain in effect until rescinded or modified by the Authorized Officer.

PENALTIES: Violations of this closure and restriction order are punishable by fines not to exceed $100,000 and imprisonment not to exceed 1 year.

FOR FURTHER INFORMATION CONTACT: Gloria Brown, Area Manager, Baker Resource Area, 1550 Dewey Avenue, P.O. Box 987, Baker City, Oregon 97814; (541) 523–1256 or Vale District Manager, Vale District, 100 Oregon Street, Vale, Oregon 97918; (541) 473–3144.

Gloria D. Brown,

Area Manager.

[FR Doc. 96–17765 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–33–M

[CA–066–00–5440–00–ZBBB; CACA–30070; CACA–25594; CACA–31926]

Notice of Availability of Draft Eagle Mountain Landfill and Recycling Center Project Environmental Impact Statement/Environmental Impact Report, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Eagle Mountain Landfill and Recycling Center Project Environmental Impact Statement/Environmental Impact Report.

SUMMARY: In accordance with Section 202 of the National Environmental Policy Act of 1969, a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) has been prepared for the Eagle Mountain Landfill and Recycling Center Project by the Bureau of Land Management (BLM) and County of Riverside. The EIS/EIR describes and analyzes six alternatives in addition to the proposed project. Mine Reclamation Corporation and Kaiser Eagle Mountain, Inc. has proposed to develop the project on a portion of the Kaiser Eagle Mountain Mine in Riverside County, California. The proposed project comprises a Class III nonhazardous municipal solid waste landfill and the renovation and repopulation of Eagle Mountain Townsite. The proposal by the proponent includes a land exchange and application for rights-of-way with the Bureau of Land Management and a Specific Plan, General Plan Amendment, Change of Zone, Development Agreement, Revised Permit to Reclamation Plan, and Tentative Tract Map with the County. The EIS/EIR analyzes the effects of the proposed action and alternatives on such environmental issues as desert tortoise, air and water quality, and wilderness. The BLM has not identified a preferred alternative in the Draft EIS/EIR; a preferred alternative will be identified in the Final EIS/EIR. Comments concerning the adequacy of this document will be considered in preparation of the Final EIS/EIR. Copies of the EIS/EIR are available for review at the following libraries:

Desert Hot Springs Public Library, 1691 West Drive, Desert Hot Springs, CA
Los Angeles Public Library, Documents Department, 433 Spring Street, Los Angeles, CA
Palo Verde Valley District Library, 125 W. Chanslor Way, Blythe, CA
San Bernardino County Library, Yucca Valley Branch, 57098 Twentynine Palms Highway, Yucca Valley, CA
University of California, Riverside Library, Government Publications, Riverside, CA
California State Library, Sacramento, CA
Indio Branch Library, 200 Civic Center Mall, Indio, CA
Palm Desert Publc Library, 4480 Portola, Palm Desert, CA
Riverside Central Library, Government Documents, 381 Mission Inn Avenue, Riverside, CA
Colllege of the Desert Library, 43–500 Monterey Avenue, Palm Desert, CA
Coachella Branch Library, Coachella, CA
Lake Tamarisk Branch Public Library, 43880 Lake Tamarisk Drive, Desert Center, CA
Palm Springs Library, 300 S. Sunrise Way, Palm Springs, CA
San Bernardino County Library, Joshua Tree Branch, 6465 Park Boulevard, Joshua Tree, CA
San Bernardino Public Library, Feldheym Central Library, W. 6 Street, San Bernardino, CA
Riverside Community College, Martin Luther King Library, 4800 Magnolia Avenue, Riverside, CA
Rancho Mirage Public Library, 42520 Bob Hope Drive, Rancho Mirage, CA
Catherdral City, 33520 Date Palm Drive, Cathedral City, CA

Copies will be also be available at the following BLM and County offices:

BLM Desert District Office, 6221 Box Springs Boulevard, Riverside, CA
BLM Palm Springs-South Coast Resource Area, 63–500 Garnet, North Palm Springs, CA
County of Riverside, Planning Department, 4080 Lemon Street, 9th Floor, Riverside, CA
County of Riverside, Transportation and Land Management Agency, 46–209 Oasis Street, Room 209, Indio, CA

DATES: A sixty (60) day comment period has been established for review of the Draft EIS/EIR. Written comments on the draft EIS/EIR must be submitted or postmarked no later than September 10, 1996. Oral and/or written comments may also be presented at four public hearings to be held:

August 5, 1996, 6:00–9:00 p.m.—Lake Tamarisk Clubhouse, 26251 Parkview, Desert Center, CA
August 6, 1996, 4:00–7:00 p.m.—Palm Springs Convention Center, Springs Theater, 277N. Avenida Caballeros, Palm Springs, CA
August 7, 1996, 6:00–9:00 p.m.—Black Rock Visitor Center, 9800 Black Rock Canyon Road, Yucca Valley, CA
August 8, 1996, 4:00–7:00 p.m.—Riverside Municipal Auditorium, 3485 Mission Inn Avenue, Riverside, CA

ADDRESSES: Written comments on the document should be addressed to: Eagle Mountain Landfill and Recycling Center Project, Bureau of Land Management, 6221 Box Springs Boulevard, Riverside, California 92507.

FOR FURTHER INFORMATION CONTACT: Joan Oxendine, California Desert District, 6220 Box Springs Boulevard, California 92507; phone (909) 697–5365.

Dated: July 3, 1996.

Henri R. Bisson,

District Manager.

[FR Doc. 96–17699 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–40–M

[(NM–060–06–1610–00) (602)]

Change of Mailing Address; Notice

AGENCY: Bureau of Land Management, Interior.

ACTION: Change of mailing address.

SUMMARY: This notice sets forth the new mailing address of the Bureau of Land Management, Lea County Inspection Station, Hobbs, New Mexico.

DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Howard Parman, Public Affairs Officer, Bureau of Land Management 1717 West 2nd Street, Roswell NM 88201 (505) 627–0212.

SUPPLEMENTARY INFORMATION: The Department of Interior's Bureau of Land Management, New Mexico State Office, Roswell District Office, Carlsbad Resource Area Office, Lea County Inspection Station, Hobbs, New Mexico is changing their mailing address effective August 19, 1996. The new mailing address will be: Bureau of Land Management, Lea County Inspection Station, 414 W. Taylor, Hobbs, New Mexico 88240.

Dated: July 2, 1996.

Leslie M. Cone,

District Manager.

[FR Doc. 96–17698 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–FB–M

[NM017–1430–01/G–010–G6–0204; NMNM 34098]

Partial Termination of Airport Lease Segregation and Opening Order, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates the segregative affect on 20 acres in airport lease NMNM 34098. The land will be open to the public land laws.

EFFECTIVE DATE: Termination of the segregation is effective July 12, 1996. The land will be open to entry at 9:00 a.m. on July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph Jaramillo, Realty Specialist, Rio Puerco Resource Area, 435 Montano Rd. NE, Albuquerque, NM, 87107, 505–761–8779.

SUPPLEMENTARY INFORMATION: On July 18, 1978, Airport Lease application, NMNM 34098 segregated the following described land:

T. 24 N., R. 2 W., NMPM,
Sec. 20, S½SE¼;
Sec. 21, S½S½ and NE¼SW¼.

This Notice terminates the segregation of 20 acres as to the N½SW¼SE¼, sec. 20, T. 24 N., R. 2 W., NMPM. At 9:00 a.m. on July 12, 1996 the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregation, of record, and the requirements of applicable law.

Dated: July 1, 1996.

Sue Richardson,

Associate District Manager.

[FR Doc. 96–17702 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–AG–M

[CA–017–05–1220–00]

Proposed Resource Area Management Plan Amendment, Bishop Resource Area, California

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of Intent to amend the Bishop Resource Area Management Plan.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), the Federal Land Policy and Management Act of 1976 (FLPMA) and the Code of Federal Regulations (40 CFR 1501.7, 43 CFR 1610.5–5), notice is hereby given that the Bureau of Land Management (BLM) will consider a proposed amendment to the Bishop Resource Area Managment Plan.

The proposed plan amendment would evaluate the potential wilderness suitability of eight Section 202 Wilderness Study Areas (WSAs) in the Bishop Resource Area. An environmental assessment would be prepared to identify the environmental consequences of this action and determine whether an Environmental Impact Statement is needed.

SUPPLEMENTARY INFORMATION: The Bishop Resource Area proposes to determine if eight Section 202 WSAs potentially qualify for wilderness designation based on the mandatory criteria of the Wilderness Act of 1964 (PL 88–577). The WSAs were designated in 1979. They qualified for WSA designation only when considered in combination with similar wilderness values of adjacent United States Forest Service wilderness study areas. The Forest Service referred to their study areas as ''RARE II Further Planning Areas''.

Without the adjoining Forest Service lands, the Bureau's Section 202 WSAs would not have met minimum size requirements and outstanding opportunities for solitude or primitive recreation opportunities.

The Forest Service RARE II areas were identified as nonsuitable for wilderness and released from further wilderness review.

The Bureau proposes to determine each Section 202 WSA's wilderness suitability potential as per the Wilderness Act criteria, recommend an administrative land use designation based on wilderness suitability potential, and prepare an environmental assessment.

The Section 202 WSAs to be evaluated are located in Inyo and Mono Counties. Several contain multiple land parcels. The WSAs include the following:

1. CA–010–060—Paiute WSA—(3 parcels—7,600 total acres)
2. CA–010–063—Coyote Southeast WSA—(5 parcels—3,211 total acres)
3. CA–010–065—Black Canyon WSA—(3 parcels—total 6,518 acres)
4. CA–010–068—Wheeler Ridge WSA—(2 parcels—3,197 total acres)
5. CA–010–072—Laurel-McGee WSA—(1 parcel—110 acres)
6. CA–010–075—White Mountain WSA—(9 parcels—1,260 total acres)
7. CA–010–077—Benton Range WSA—(2 parcels—4,052 total acres)
8. CA–010–103—Sweetwater WSA—(1 parcel—960 acres)

Public participation is an integral part of the planning and environmental review process. For 30 days commencing the date of this notice, citizens are formally requested to identify issues related to wilderness value identification, including designation recommendations for the Section 202 WSAs. Relevant comments will be incorporated into the planning process and environmental assessment. Upon completion of the draft plan amendment and environmental assessment, a 60 day public comment period will take place.

DATES: Citizens are invited to submit or provide any information that may help the Bureau prepare this amendment and environmental assessment. Written comments must be submitted no later than August 12, 1996, to the following address: Ms. Genivieve D. Rasmussen, 785 N. Main Street, Ste. E, Bishop, CA 93514. Citizens submitting comments will automatically be included on a mailing list to receive a copy of the Proposed Plan and Environmental Assessment when available.

FOR ADDITIONAL INFORMATION CONTACT: Genivieve D. Rasmussen, Bishop Resource Area, 785 N. Main St., Ste. E, Bishop, CA 93514. Telephone: (619) 872–4881.

Genivieve D. Rasmussen,

Area Manager, Bishop Resource Area.

[FR Doc. 96–17704 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–40–P

[OR–957–00–142–00; G6–0200]

Filing of Plats of Survey; Oregon/ Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Williamette Meridian

Oregon

T. 40 S., R. 12 E., accepted June 25, 1996
T. 40 S., R. 13 E., accepted June 25, 1996
T. 34 S., R. 5 W., accepted May 9, 1996
T. 21 S., R. 11 W., accepted May 23, 1996
T. 22 S., R. 12 W., accepted May 23, 1996
T. 39 S., R. 13 W., accepted May 24, 1996
T. 38 S., R. 14 W., accepted May 22, 1996

Washington

T. 6 N., R. 13 E., accepted June 25, 1996
T. 22 N., R. 11 W., accepted June 21, 1996

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue,) P.O. Box 2965, Portland, Oregon 97208.

Dated: July 2, 1996.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 96–17703 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–33–M

[NV–930–1992–01; N–59336]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service proposes to withdraw 9,422.82 acres of public lands for an addition to the Ash Meadows National Wildlife Refuge, Nye County, Nevada. This notice closes the lands for up to 2 years from settlement, sale, location, and entry under the general land laws, including the mining laws.

DATES: Comments and requests for meeting should be received on or before October 10, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 702–785–6507.

SUPPLEMENTARY INFORMATION: On June 24, 1996, a petition was approved allowing the U.S. Fish and Wildlife Service to file an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 17 S., R. 50 E.,
  Sec. 9, lots 7 and 8;
  Sec. 10, lot 12;
  Sec. 15, lots 1 to 4, inclusive;
  Sec. 17, E½NE¼;
  Sec. 19, lot 14;
  Sec. 21, lots 5 and 6;
  Sec. 22, lots 1 to 5, inclusive, W½SE¼, and SE¼SE¼;
  Sec. 23, lots 3 and 4;
  Sec. 26, S½;
  Sec. 27;
  Sec. 28, E½NE¼;
  Sec. 29, NE¼NW¼;
  Sec. 32, NE¼NE¼, S½NE¼, and N½SE¼;
  Sec. 34, NE¼;
  Sec. 35, E½NE¼, W½NE¼, N½NW¼, SW¼NW¼, W½SW¼, E½SE¼, and NW¼SE¼;
  Sec. 36, W½ and SE¼SE¼.
T. 17 S., R. 51 E.,
  Sec. 31, lot 4, SE¼SW¼, and SW¼SE¼;
  Sec. 32, S½NW¼.
T. 18 S., R. 50 E.,
  Sec. 1, lots 1 to 4, inclusive;
  Sec. 2, lots 1 and 2, S½NE¼, and SE¼;
  Sec. 3, SW¼SW¼;
  Sec. 9, W½NW¼;
  Sec. 10, E½;
  Sec. 11, N½NW¼ and W½SW¼;
  Sec. 12, W½NE¼ and NW¼;
  Sec. 13, SW¼NE¼, SE¼SW¼, NW¼SE¼, E½W½SW¼SE¼, and E½SW¼SE¼;
  Sec. 14, NE¼, NW¼SE¼, and SE¼SE¼;
  Sec. 15, E½ and E½SW¼;
  Sec. 23;
  Sec. 24, E½NE¼, NW¼NE¼, W½SW¼, and N½NW¼;
  Sec. 25, S½N½ and NW¼NW¼;
  Sec. 26, NE¼.
T. 18 S., R. 51 E.,
  Sec. 5, lot 1;
  Sec. 6, lots 2 to 6, inclusive, SW¼NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
  Sec. 7, NE¼ and E½NW¼;
  Sec. 8, NW¼;
  Sec. 18, lots 2 to 4, inclusive, SW¼NE¼, SE¼NW¼, and E½SW¼;
  Sec. 19, lots 1 and 2, E½NE¼, NW¼NE¼, SW¼NE¼, E½NW¼, E½SW¼, and SE¼;
  Sec. 20, W½E½ and W½;
  Sec. 29, W½NE¼ and NW¼;
  Sec. 30, lot 2, NE¼ (excluding patent #27–70–009), and E½NW¼.

The areas described aggregate 9,422.82 acres in Nye County.

The purpose of the proposed withdrawal is for an addition to the Ash Meadows National Wildlife Refuge.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Nevada State Director of the Bureau of Land Management.

Notice is hereby given that a public meeting in connection with the proposed withdrawal will be held at a later date. A notice of the time and place will be published in the Federal Register and a newspaper in the general vicinity of the lands to be withdrawn at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are rights-of-way, leases, and permits.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the U.S. Fish and Wildlife Service.

Dated: July 1, 1996.

William K. Stowers,

Lands Team Lead.

[FR Doc. 96–17764 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

Extension of Time for Inventory

AGENCY: National Park Service

ACTION: Notice

The Native American Graves Protection and Repatriation Act (NAGPRA) requires museums and

Federal agencies to complete inventories of all Native American human remains and associated funerary objects in their collections by November 16, 1995. Section 5(c) of the statute authorizes the Secretary to extend the inventory time requirements for museums that have made good faith efforts to complete their inventories by the statuary deadline.

58 INSTITUTIONS with APPROVED EXTENSION APPEALS

MUSEUM DATE

American Museum of Natural History, NY 11/16/98
Arkansas Tech University, Museum of Prehistory and History 5/16/96
Auburn University, AL 4/30/97
Baylor University, TX 11/16/96
Brooklyn Museum, NY 11/16/97
Cabrillo College, CA 12/1/96
California Dept. of Parks & Recreation 11/16/97
California State University, Sacramento 11/16/96
Foothill-DeAnza Community College District, CA 9/30/96
Fort Ticonderoga, NY 5/16/97
Georgia Dept. of Natural Resources 11/16/96
Georgia Dept. of Transportation 5/16/96
Grand Valley State University, MI 5/16/96
Graves Museum of Archaeology and Natural History, FL 12/31/96
Harvard University, Peabody Museum of Archaeology & Ethnography, MA 11/16/98
Hutchinson County Historical Museum, TX 5/16/96
Iowa Historical Society 8/31/97
Jersey City Museum, NJ 9/1/96
Louisiana State University 5/31/96
Michigan State University 5/31/96
Milwaukee Public Museum, WI 11/16/97
Minnesota Indian Affairs Council 7/1/97
Museum of the Great Plains, OK 5/16/96
Natural History Museum of LA County, CA 11/16/98
Nevada State Museum Nevada Historical Society, Lost City Museum, NV 6/16/96
New Mexico State University 9/19/96
New York State Museum 11/16/98
Northeast Louisiana University 12/31/97
Northern Indiana Center for History 9/30/96
Ohio Historical Society 11/16/98
Old Fort Museum, AR 8/31/96
Putnam Museum, IA 9/30/96
Reading Public Museum, PA 11/16/98
Robert S. Peabody Museum at Phillips Academy, MA 11/16/98
Rochester Museum & Science Center, NY
7/31/96
San Diego State University, CA (one site)
7/15/96
San Francisco State University, CA 5/31/98
San Juan County Museum Association, NM 6/1/97
Santa Barbara Museum of Natural History, CA 11/16/96
South Dakota State Archeological Research Center 12/31/98
Southern Illinois University—Carbondale, Center for Archeological Investigations
12/15/96
State University of NY, Binghamton (one site) 11/16/96
Trinidad State Junior College, Louden-Henritze Archaeology Museum, CO, 11/16/96
University of California, Berkeley, Hearst Museum 11/16/98
University of California, Los Angeles, Fowler Museum 3/31/96
University of Florida, Florida Museum of Natural History 8/16/96
University of Idaho 11/16/96
University of Illinois—Urbana 11/16/96
University of Kansas, Museum of Anthropology 4/30/96
University of Oregon 6/30/96
University of Pennsylvania, Museum of Archaeology & Anthropology 12/31/96
University of Texas-Austin, Texas Archeological Research Laboratory 11/16/98
University of West Florida, Archaeology Institute 6/15/96
Wagner Free Institute of Science, PA 12/31/97
Washington State University 5/17/97
West Virginia Division of Culture & History, State Historic Preservation Office Blennerhasset Museum 12/31/96
Western Kentucky University, Kentucky Museum 12/31/96
Western Kentucky University, Dept. of Modern Languages & Intercultural Studies
11/16/98

Dated: July 5, 1996

Francis P. McManamon,

Departmental Consulting Archeologist, Chief, Archeology and Ethnography Program.

[FR Doc. 96–17807 Filed 7–11–96; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Registration of Potential Claims Against Iraq; Extension of Filing Deadline

AGENCY: Foreign Claims Settlement Commission; Justice.

ACTION: Notice.

SUMMARY: By notice published in the Federal Register on May 23, 1996 (61 F.R. 25897), the Foreign Claims Settlement Commission announced the establishment of an Iraq Claims Registration Program for registration of potential claims of United States nationals (individual U.S. citizens, corporations and other legal entities) against the Government of Iraq. The deadline for registration of such claims is hereby extended to August 30, 1996.

DATES: The new deadline for registration of claims is August 30, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission of the United States, 600 E Street, N.W., Suite 6002, Washington, DC 20579. Tel. (202) 616–6975; FAX (202) 616–6993.

Notice of Commencement of Claims Registration Program, and of Program Completion Date

The Foreign Claims Settlement Commission of the United States (FCSC), an independent, quasi-judicial agency within the U.S. Department of Justice, has begun a program for United States nationals (private citizens, corporations, and other legal entities) to register claims against the Government of Iraq for breach of contract, loss of and damage to property, physical injury or illness, and other losses and damages.

Claims to be registered in this program are claims against the Government of Iraq (and its subdivisions and controlled entities) that are not within the jurisdiction of the United Nations Compensation Commission (UNCC) in Geneva, Switzerland. The UNCC's jurisdiction is defined by relevant United Nations Security Council resolutions (particularly 687 and 692) and the decisions of the UNCC Governing Council.

The claims covered by this Registration Program include: (1) All claims which arose prior to Iraq's August 2, 1990, invasion of Kuwait; (2) all claims of U.S. military personnel or their survivors which arose out of Desert Shield and Desert Storm (other than claims for inhumane treatment of prisoners of war, which are compensable by the UNCC); and (3) all claims arising out of Iraq's 1987 attack on the U.S.S. Stark (other than wrongful death claims, which have been compensated by Iraq).

The information collected in the FCSC Iraq Claims Registration Program will be used to compile an accurate and comprehensive Registry of claimants and claims against Iraq, in preparation

for the adjudication of those claims upon enactment of authorizing legislation. If such legislation is not enacted, the information will be used to ensure that all claims are taken into account in connection with any future claims settlement negotiations with Iraq.

This Claims Registration Program will update and supplement the information on such claims compiled by the Treasury Department in 1991. (56 F.R. 5636, Feb. 11, 1991) Potential claimants who registered previously with the Treasury Department should also file in this new Registration Program.

Requests for claim registration forms should be directed to the following address: Foreign Claims Settlement Commission, Attn: Iraq Claims Registration, Washington, DC 20579.

Forms also may be requested in person at the offices of the Foreign Claims Settlement Commission, 600 E Street, Northwest, Suite 6002, Washington, DC, or by telephone at 202–616–6975 or fax at 202–616–6993.

The new deadline for filing a Registration Form is August 30, 1996.

Note: The registration of a claim in this program will *not* constitute the filing of a formal claim against Iraq. In the event legislation is passed authorizing the Commission to adjudicate these claims against Iraq, instructions for the formal filing of claims will be forwarded to all those registered in this Iraq Claims Registration Program.

Approval has been obtained from the Office of Management and Budget for the collection of this information. Approval No. 1105–0067.

David E. Bradley,

Chief Counsel.

[FR Doc. 96–17708 Filed 7–11–96; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 9, 1996.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202)–219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget or for Departmental Management, Room 10235, Washington, DC 20503 ((202)–395–7316), by no later than August 12, 1996.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Title: Employment Service Reporting System.

OMB Number: 1205–0240.

Affected Public: State, Local or Tribal Government.

Form	Respondents	Frequency	Average time per response
ETA 9002A–C	54	Quarterly	3 hours.
ETA 200A–B & 300	54	Quarterly	2 hours 42 minutes.
Management Report	1,600	Quarterly	50 minutes.
Recordkeeping	54	As needed	12 hours.

Total Burden Hours: 7,213.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): 0.

Description: The Employment Service Program Reporting System is to provide data on State public employment service program activity and expenditures, for use at the Federal level by the U.S. Employment Service and the Veterans Employment and Training Service in program administration and to provide reports to the President and Congress.

Agency: Departmental Management, Women's Bureau.

Title: Fair Pay Clearinghouse.

Type: New collection.

OMB Number: 1225–0new.

Frequency: Annually.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Form/instrument	Respondents	Estimated time per respondent	Total burden hours
Letter to Solicitors	52	8 hours	416
Letter to State/local governments	177	12 hours	2,124
Labor Unions	19	12 hours	228
Organizations	750	30 minutes	375
State Commissions on Women	46	1 hour	46

Total Burden Hours: 3,189.

Total Annualized Capital/Startup Cost: 0.

Total Annual Cost (operating/maintaining systems or purchasing services): 0.

Description: The Women's Bureau needs to have current information on the status of fair pay/pay equity adjustments to respond to employees, employers, unions and other organizations that wish to explore successful pay equity experience in the United States with a view toward implementing pay equity in other work environments. The Clearinghouse will facilitate networking. Survey respondents include state local government entities, unions and organizations.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–17780 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

[TA–W–31, 736, etc.]

Bayer Clothing Group, Inc., Formerly Known as Target Sportswear, Clearfield, PA, Hyde, PA, New Philadelphia, PA, and Kent Sportswear, Inc., Formerly Known as Target Sportswear, Curwensville, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 1, 1996, applicable to all workers of Bayer Clothing Group, Inc., Clearfield, Pennsylvania. The notice was published in the Federal Register on March 19, 1996 (61 FR 11224). The certification was amended on April 29, 1996, to include other production facilities of the subject firm. The notice was published in the Federal Register on May 8, 1996 (61 FR 20835).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that Bayer Clothing Group, Inc., was formerly known as Target Sportswear. Workers of Target Sportswear were covered under a certification until August 5, 1995. Accordingly, the Department is amending this certification to change the impact date from December 11, 1994 to August 5, 1995.

The intent of the Department's certification is to include all workers of Bayer Clothing Group, Inc., formerly known as Target Sportswear, who were adversely affected by increased imports of apparel, beginning with the expiration of the precious certification August 5, 1995.

The amended notice applicable to TA–W–31, 736 is hereby issued as follows:

All workers of Bayer Clothing Group, Inc., formerly known as Target Sportswear, located in Clearfield, Pennsylvania (TA–W–31, 736), Hyde Pennsylvania (TA–W–31, 736A), New Philadelphia, Pennsylvania (TA–W–31, 736B); and Kent Sportswear, Inc., Curwensville, Pennsylvania (TA–W–31, 736C), who became totally or partially separated from employment on or after August 5, 1995, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C. this 28th day of June, 1996

Linda G. Poole,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17773 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,260; 32,260A]

Buster Brown Apparel, Inc. Garment Finishing Department Chattanooga, TN and Chilhowie, VA; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 24, 1996, applicable to all workers of Buster Brown Apparel, Inc., Chattanooga, Tennessee. The notice was published in the Federal Register on May 17, 1996 (FR 61 24960).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations have occurred at Buster Brown's Garment Finishing Department in Chilhowie, Virginia. The production facility closed in March 1996. The workers were engaged in employment related to the production of infant's and children's apparel.

The intent of the Department's certification is to include all workers of Buster Brown Apparel adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the subject firms' Chilhowie, Virginia location.

The amended notice applicable to TA–W–32,260 is hereby issued as follows:

''All workers of Buster Brown Apparel, Inc., Garment Finishing Department, Chattanooga, Tennessee (TA–32,260), and Chilhowie, Virginia (TA–W–32,260A) who became totally or partially separated from employment on or after April 15, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 1st day of July 1996.

Curtis K. Kooser,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17770 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,397]

Buster Brown Apparel, Inc., Garment Finishing Department, Chilhowie, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 3, 1996 in response to a worker petition which was filed May 20, 1996 on behalf of workers at Buster Brown Apparel, Garment Finishing Department, Chilhowie, Virginia (TA–W–32,397).

The petitioning group of workers are covered under an existing Trade Adjustment Assistance certification (TA–W–32,260A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 1st day of July 1996.

Curtis K. Kooser,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17772 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,179A; 32,179B]

Dallco Industries, Inc., Headquarters and Production Facility, York and Production Facility, Adams County, Pennsylvania, and Mt. Union, PA; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 22, 1996, applicable to all workers of Dallco Industries, Inc., headquarters and production facility, York, Pennsylvania

and production facility, Adams County, Pennsylvania. The notice was published in the Federal Register on June 6, 1996 (61 FR 28900).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The Department's review of the certification, revealed that workers at the subject firm's Mount Union, Pennsylvania production facility were inadvertently excluded from the certification. Accordingly, the Department is amending the certification to include workers of Dallco Industries, Inc. located in Mount Union. The workers are engaged in employment related to the production of ladies' loungewear, sleepwear, sportswear and children's clothing.

The intent of the Department's certification is to include all workers of Dallco Industries, Inc. who were adversely affected by imports.

The amended notice applicable to TA–W–32,179A is hereby issued as follows:

''All workers of Dallco Industries, Inc., headquarters and production facility, York Pennsylvania and the production facility in Adams County, Pennsylvania (TA–W–32,179A), and the production facility in Mount Union, Pennsylvania (TA–W–32,179A), who became totally or partially separated from employment on or after March 12, 1995, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 1st day of July 1996.

Curtis K. Kooser,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17775 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,258]

IBM Corporation, Glendale Development Laboratory (Including Network Systems (NS) Division), Endicott, NY; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 15, 1994, applicable to all workers of IBM Corporation, Glendale Development Laboratory located in Endicott, New York. The notice was published in the Federal Register on January 20, 1995 (60 FR 4195).

At the request of the petitioner, the Department reviewed the certification for workers of the subject firm. Findings show that some workers of Glendale Laboratory were transferred to Network Systems (NS) Division, and continued to perform the same development work in Endicott for IBM's Large Scale Computing Division. Worker separations have occurred at Network Systems. Based on these new findings, the Department is amending the certification to cover workers of Network Systems (NS) Division located in Endicott.

The intent of the Department's certification is to include all workers of IBM Corporation, Glendale Development Laboratory, who are adversely affected by imports.

The amended notice applicable to TA–W–30,258 is hereby issued as follows:

''All workers of Glendale Development Laboratory, including Network Systems (NS) Division located in Endicott, New York of the Large Scale Computing Division of IBM Corporation who became totally or partially separated from employment on or after July 29, 1993, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 26th day of June 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17776 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,098]

Oshkosh B'Gosh, Columbia Cutting and Columbia Sewing, Columbia, Ky; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Revised Determination on Reopening for Worker Adjustment Assistance on June 21, 1996, applicable to all workers of OshKosh B'Gosh, Columbia Cutting, located in Columbia, Kentucky. The notice will soon be published in the Federal Register.

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at OshKosh's Columbia Sewing plant in Columbia, Kentucky. The workers are engaged in the production of children's apparel.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the Columbia Sewing plant of OshKosh B'Gosh.

The amended notice applicable to TA–W–32 is hereby issued as follows:

''All workers of OshKosh B'Gosh, Columbia Cutting and Columbia Sewing, Columbia, Kentucky, who became totally or partially separated from employment on or after March 11, 1995, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC this 1st day of July 1996.

Curtis K. Kooser,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17769 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,134; 32,134A]

Scotts Hill Leisurewear, Inc., Scotts Hill, TN and Henderson, TN; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 28, 1996, applicable to all workers of Scotts Hill Leisurewear, Inc., located in Scotts Hill, Tennessee. The notice was published in the Federal Register on June 20, 1996 (61 FR 31533).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at Scotts Hill Leisurewear plant in Henderson, Tennessee. The workers produce ladies robes and sleepwear.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the Scotts Hill Leisurewear plant in Henderson.

The amended notice applicable to TA–W–32,134 is hereby issued as follows:

''All workers of Scotts Hill Leisurewear, Inc., Scotts Hill, Tennessee (TA–W–32,134), and Henderson, Tennessee (TA–W–32,134A) who became totally or partially separated from employment on or after March 13, 1995, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 1st day of July 1996.

Curtis K. Kooser,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17768 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31, 694; TA–W–31, 694A]

Snyder Oil Corporation, Headquartered in Fort Worth, TX Operating Throughout the States of Texas and Wyoming; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 2, 1996, applicable to all workers of Snyder Oil Corporation, headquartered in Fort Worth, Texas and operating throughout the State of Texas. The notice was published in the Federal Register on February 21, 1996 (61 FR 6660).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations will occur at Snyder Oil's production operations throughout the State of Wyoming. The workers are engaged in employment related to the production of crude oil, natural gas and natural gas liquids.

The intent of the Department's certification is to include all workers of Snyder Oil Corporation adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the subject firms' Wyoming locations.

The amended notice applicable to TA–W–31, 694 is hereby issued as follows:

''All workers at Snyder Oil Corporation, headquartered in Fort Worth, Texas, operating throughout the State of Texas (TA–W–31, 694), and operating throughout the State of Wyoming (TA–W–31, 694A), who became totally or partially separated from employment on or after November 17, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 1st day of July 1996.

Curtis K. Kooser,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17774 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00946; NAFTA–00946A]

Montana Power Company, Colstrip Project Division, Colstrip, MT and Western Energy Company, Colstrip, MT; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on May 10, 1996, applicable to all workers of Montana Power Company, Colstrip Project Division located in Colstrip, Montana. The certification was published in the Federal Register on May 24, 1996 (61 FR 26220).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The new findings show that worker separations have occurred at Western Energy Company in Colstrip, Montana. Western Energy is a wholly-owned subsidiary of Montana Power Company. The workers are engaged in employment related to the production of electricity.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports. Accordingly, the Department is amending the certification to include workers at Western Energy Company.

The amended notice applicable to NAFTA–00946 is hereby issued as follows:

All workers of Montana Power Company, Colstrip Project Division (NAFTA–00946), and Western Energy Company (NAFTA–00946A), both located in Colstrip, Montana, who became totally or partially separated from employment on or after April 1, 1995, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed in Washington, D.C., this 27th day of June 1996.

Linda G. Poole,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17777 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00952, 00952A]

Scotts Hill Leisurewear Inc., a Wholly Owned Subsidiary of I. Appel Corporation, Scotts Hill, TN and Henderson, TN; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on May 8, 1996, applicable to all workers of Scotts Hill Leisurewear Inc., a wholly owned subsidiary of I. Appel Corporation, located in Scotts Hill, Tennessee. The certification was published in the Federal Register on May 24, 1996 (61 FR 26219).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at Scotts Hill Leisurewear plant in Henderson, Tennessee. The workers produce ladies robes and sleepwear.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in production from the workers' firm to Mexico or Canada. Accordingly, the Department is amending the certification to include workers at the Scotts Hill Leisurewear plant in Henderson.

The amended notice applicable to NAFTA—00952 is hereby issued as follows:

All workers of Scotts Hill Leisurewear, Inc., a wholly owned subsidiary of the I. Appel Corporation, Scotts Hill, Tennessee (NAFTA–00952) and Henderson, Tennessee (NAFTA–00952A) who became totally or partially separated from employment on or after March 28, 1995, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed in Washington, D.C., this 1st day of July 1996.

Curtis K. Kooser,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17771 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00868]

Stone Ridge Farm, Livingston Manor, NY; Notice of Revised Determination On Reopening

On June 13, 1996, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and formers workers of the subject firm. The notice will soon be published in the Federal Register.

The workers at Stone Ridge Farm were engaged in the production of beef cattle. New findings on reconsideration show that a major customer of Stone Ridge Farm imported beef from Canada during the time period relevant to the investigation. Other findings on

reconsideration show that the value of United States imports of cattle from Mexico and Canada increased from 1994 to 1995.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports from Mexico and Canada of articles like or directly competitive with cattle contributed importantly to the declines in sales or production and to the total or partial separation of workers at Stone Ridge Farm, Livingston, New York. In accordance with the provisions of the Act, I make the following certification:

''All workers of Stone Ridge Farm, Livingston, New York who became totally or partially separated from employment on or after March 1, 1995 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 1st day of July 1996.

Curtis K. Kooser,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–17767 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interests in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

NONE

Volume II

District of Columbia
DC960001 (March 15, 1996)
DC960003 (March 15, 1996)
Delaware
DE960001 (March 15, 1996)
DE960002 (March 15, 1996)
DE960004 (March 15, 1996)
DE960005 (March 15, 1996)
DE960009 (March 15, 1996)
Maryland
MD960008 (March 15, 1996)
MD960017 (March 15, 1996)
MD960035 (March 15, 1996)
MD960047 (March 15, 1996)
MD960048 (March 15, 1996)
Virginia
VA960022 (March 15, 1996)
VA960034 (March 15, 1996)
VA960039 (March 15, 1996)
VA960052 (March 15, 1996)
VA960063 (March 15, 1996)
VA960069 (March 15, 1996)
VA960102 (March 15, 1996)
VA960104 (March 15, 1996)
VA960105 (March 15, 1996)

Volume III

Kentucky
KY960025 (March 15, 1996)
KY960027 (March 15, 1996)
KY960028 (March 15, 1996)

Volume IV

Indiana
IN960001 (May 17, 1996)

Volume V

Louisiana
LA960001 (March 15, 1996)
LA960004 (March 15, 1996)
LA960005 (March 15, 1996)
LA960009 (March 15, 1996)
LA960014 (March 15, 1996)
LA960018 (March 15, 1996)

Volume VI

Alaska
AK960001 (March 15, 1996)
California
CA960032 (March 15, 1996)
Hawaii
HI960001 (March 15, 1996)
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NV960002 (March 15, 1996)
NV960003 (March 15, 1996)
NV960004 (March 15, 1996)
NV960005 (March 15, 1996)
NV960006 (March 15, 1996)
NV960007 (March 15, 1996)
Oregon
OR960001 (March 15, 1996)
OR960017 (March 15, 1996)
South Dakota

SD960002 (March 15, 1996)
SD960024 (March 15, 1996)
Washington
WA960001 (March 15, 1996)
WA960002 (March 15, 1996)
WA960003 (March 15, 1996)
WA960004 (March 15, 1996)
WA960006 (March 15, 1996)
WA960007 (March 15, 1996)
WA960008 (March 15, 1996)
WA960011 (March 15, 1996)
WA960013 (March 15, 1996)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C., this 5th day of July 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–17540 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–27–M

Occupational Safety and Health Administration

[Docket No. NRTL–2–92]

Canadian Standards Association

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Request for Expansion of Recognition as a Nationally Recognized Testing Laboratory, and Preliminary finding.

SUMMARY: This notice announces the application of the Canadian Standards Association for expansion of its recognition as an NRTL under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is September 10, 1996.

ADDRESSES: Send comments to: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor—Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Canadian Standards Association (CSA), which previously made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7, for recognition of its Rexdale (Toronto) facility as a Nationally Recognized Testing Laboratory (see 57 FR 23429, 6/3/92; amended 57 FR 48804, 10/28/92), and was so recognized (see 57 FR 61452, 12/24/92); made application for expansion of the recognition of its Rexdale facility (see 58 FR 64973, 12/10/93), and was so recognized (see 59 FR 5447, 2/4/94); subsequently made application for inclusion of its Pointe-Claire, Richmond, Edmonton, Moncton, and Winnipeg facilities in the recognition of its Rexdale facility as an NRTL (see 59 FR 10173, 3/3/94), and was so recognized (see 59 FR 40602, 8/9/94); made application for expansion of its recognition (see 59 FR 63383, 12/8/94, and was so recognized (see 60 FR 15595, dated 3/24/95); has made application for expansion of its recognition as a Nationally Recognized Testing Laboratory for the programs and procedures listed below.

The addresses of the laboratories covered by this application are:

Canadian Standards Association, Rexdale (Toronto) Facility, 178 Rexdale Boulevard, Rexdale, Ontario M9W1R3, Canada
Canadian Standards Association, Pointe-Claire (Montreal) Facility, 865 Ellingham Street, Pointe-Claire, Quebec H9R 5E8, Canada
Canadian Standards Association, Richmond (Vancouver) Facility, 13799 Commerce Parkway, Richmond British Columbia V6V 2N9, Canada
Canadian Standards Association, Edmonton Facility, 1707–94th Street, Edmonton, Alberta T6N 1E6, Canada
Canadian Standards Association, Moncton Facility, 40 Rooney Cresent, Moncton, New Brunswick E1E 4M3, Canada
Canadian Standards Association, Winnipeg Facility, 50 Paramount Road, Winnipeg, Manitoba R2X 2W3, Canada

Expansion of Recognition

On July 12, 1995, the Canadian Standards Association made application for expansion of its recognition as a Nationally Recognized Testing Laboratory, based upon the conditions as detailed in the Federal Register document titled, ''Nationally Recognized Testing Laboratories; Clarification of the Types of Programs and Procedures'', 60 FR 12980, 3/9/95, for the following programs and procedures:

1. Acceptance of testing data from independent organizations, other than NRTLs.
2. Acceptance of product evaluations from independent organizations, other than NRTLs.
3. Acceptance of witnessed testing data.
4. Acceptance of testing data from non-independent organizations.
5. Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).
6. Acceptance of continued certification following minor modifications by the client.
7. Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC–CB) Scheme.
8. Acceptance of services other than testing or evaluation performed by subcontractors or agents.

The NRTL Recognition Program staff made an in-depth study of the details of CSA's original application for recognition, as well as its requests for expansion, the original and renewal on-site assessments, and of all of the programs that it has utilized for many years in testing and certifying products in its Product Certification Program (under its Canadian accreditation), and determined that CSA had the staff capability and that the controls for the various programs had already been

established to enable it to test and certify products under the programs and procedures which it had requested. The NRTL staff determined that additional on-site reviews were not necessary at this time and that at the next regularly scheduled audits the auditors will assure that the controls are adequate for the scope of the activities involved in the NRTL program.

Preliminary Finding

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Canadian Standards Association can meet the requirements as prescribed by 29 CFR 1910.7 for the programs and procedures for which it has requested recognition.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for expansion of its recognition as a Nationally Recognized Testing Laboratory, as required by 29 CFR 1910.7 and Appendix A to 29 CFR 1910.7. Submission of pertinent written documents and exhibits shall be made no later than September 10, 1996, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, Room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Copies of the CSA application, the laboratory survey reports, the NRTL staff review and recommendation on this request, and all submitted comments, as received, (Docket No. NRTL–2–92), are available for inspection and duplication at the Docket Office, Room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (the Canadian Standards Association) satisfies the requirements for expansion of its recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with Appendix A to Section 1910.7.

Signed at Washington, D.C. this 8th day of July, 1996.

Joseph A. Dear,

Assistant Secretary.

[FR Doc. 96–17778 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–26–M

[Docket No. NRTL–1–93]

Wyle Laboratories

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Request for Expansion of Recognition as a Nationally Recognized Testing Laboratory, and Preliminary Finding.

SUMMARY: This notice announces the application of Wyle Laboratories for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is September 10, 1996.

ADDRESSES: Send comments to: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor—Room N3653, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: Notice is hereby given that Wyle Laboratories (WL), which previously made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory (see 59 FR 783, 1/6/94), and was so recognized (see 59 FR 37509, 7/22/94), has made application for expansion of its recognition as a Nationally Recognized Testing Laboratory, for the programs and procedures, and the equipment or materials, listed below.

The address of the laboratory covered by this application is: Wyle Laboratories, 7800 Highway 20 West, Huntsville, Alabama 35807.

Expansion of Recognition

On September 15, 1995, Wyle Laboratories made application for expansion of its recognition as a Nationally Recognized Testing Laboratory in the following areas:

Expansion of Recognition—Programs and Procedures

Based upon the conditions as detailed in the Federal Register document titled, ''Nationally Recognized Testing Laboratories; Clarification of the Types of Programs and Procedures'', 60 FR 12980, 3/9/95, WL applied for recognition for the following programs and procedures:

1. Acceptance of testing data from independent organizations, other than NRTLs.
2. Acceptance of product evaluations from independent organizations, other than NRTLs.
3. Acceptance of witnessed testing data.
4. Acceptance of testing data from non-independent organizations.
5. Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).
6. Acceptance of continued certification following minor modifications by the client.
7. Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC–CB) Scheme.
8. Acceptance of services other than testing of evaluation performed by subcontractors or agents.

Expansion of Recognition—Test Standards

WL also requested expansion of its NRTL recognition for testing and certification of products when tested for compliance with the following test standards, which are appropriate within the meaning of 29 CFR 1910.7(c):

ANSI/UL 8—Foam Fire Extinguishers
ANSI/UL 20—General—Use Snap Switches
ANSI/UL 22—Amusement and Gaming Machines
ANSI/UL 44—Rubber-Insulated Wires and Cables
ANSI/UL 45—Portable Electric Tools
ANSI/UL 48—Electric Signs
ANSI/UL 62—Flexible Cord and Fixture Wire
ANSI/UL 65—Electric Wired Cabinets
ANSI/UL 67—Electric Panelboards
ANSI/UL 73—Electric-Motor-Operated Appliances
ANSI/UL 83—Thermoplastic-Insulated Wires and Cables
ANSI/UL 92—Fire Extinguisher and Booster Hose
UL 98—Enclosed and Dead-Front Switches
ANSI/UL 154—Carbon Dioxide Fire Extinguishers
ANSI/UL 198B—Class H Fuses
ANSI/UL 198C—High-Interrupting-Capacity Fuses, Current Limiting Type
ANSI/UL 198D—High-Interrupting-Capacity Class K Fuses
ANSI/UL 198E—Class R Fuses
ANSI/UL 198F—Plug Fuses

ANSI/UL 198G—Fuse for Supplementary Overcurrent Protection
ANSI/UL 198H—Class T Fuses
ANSI/UL 198L—DC Fuses for Industrial Use
ANSI/UL 244A—Solid-State Controls for Appliances
ANSI/UL 299—Dry Chemical Fire Extinguishers
ANSI/UL 363—Knife Switches
ANSI/UL 393—Indicating Pressure Gauges for Fire Protection Service
ANSI/UL 429—Electrically Operated Valves
UL 444—Communications Cables
ANSI/UL 466—Electric Scales
ANSI/UL 467—Electrical Grounding and Bonding Equipment
ANSI/UL 486B—Wire Connectors for Use with Aluminum Conductors
ANSI/UL 486C—Splicing Wire Connectors
ANSI/UL 486D—Insulated Wire Connectors for Use With Underground Conductors
UL 497A—Secondary Protectors for Communication Circuits
ANSI/UL 498—Attachment Plugs and Receptacles
ANSI/UL 507—Electric Fans
ANSI/UL 510—Insulating Tape
ANSI/UL 512—Fuseholders
ANSI/UL 539—Single and Multiple Station Heat Detectors
ANSI/UL 541—Refrigerated Vending Machines
ANSI/UL 547—Thermal Protectors for Electric Motors
ANSI/UL 626—2½ Gallon Stored Pressure Water Type Fire Extinguishers
ANSI/UL 711—Rating and Fire Testing of Fire Extinguishers
ANSI/UL 796—Printed-Wiring Boards
ANSI/UL 813—Commercial Audio Equipment
ANSI/UL 817—Cord Sets and Power-Supply Cords
ANSI/UL 845—Electric Motor Control Centers
ANSI/UL 854—Service Entrance Cable
ANSI/UL 863—Electric Time-Indicating and -Recording Appliances
ANSI/UL 877—Circuit Breakers and Circuit-Breaker Enclosure for Use in Hazardous (Classified) Locations
ANSI/UL 894—Switches for Use in Hazardous (Classified) Locations
ANSI/UL 916—Energy Management Equipment
ANSI/UL 917—Clock-Operated Switches
ANSI/UL 924—Emergency Lighting and Power Equipment
ANSI/UL 943—Ground-Fault Circuit Interrupters
ANSI/UL 961—Hobby and Sports Equipment
ANSI/UL 9677—Fused Power-Circuit Devices
ANSI/UL 998—Humidifiers
ANSI/UL 1004—Electric Motors
ANSI/UL 1008—Automatic Transfer Switches
ANSI/UL 1018—Electric Aquarium Equipment
UL 1022—Line Isolated Monitors
ANSI/UL 1028—Electric Hair-Clipping and -Shaving Appliances
UL 1047—Isolated Power Systems Equipment
ANSI/UL 1053—Ground-Fault Sensing and Relaying Equipment
ANSI/UL 1054—Special-Use Switches
ANSI/UL 1058—Halogenated Agent Extinguishing System Units
UL 1059—Terminal Blocks
UL 1066—Low-Voltage AC and DC power Circuit Breakers Used in Enclosures
ANSI/UL 1077—Supplementary Protectors for Use in Electrical Equipment
ANSI/UL 1091—Butterfly Valves for Fire Protection Service
ANSI/UL 1093—Halogenated Agent Fire Extinguishers
ANSI/UL 1096—Electric Central Air-Heating Equipment
ANSI/UL 1097—Double Insulation Systems for Use in Electrical Equipment
UL 1254—Pre-Engineered Dry Chemical Extinguishing System Units
ANSI/UL 1283—Electromagnetic-Interference Filter
ANSI/UL 1412—Fusing Resistors and Temperature-Limited Resistors for Radio-, and Television-Type Appliances
ANSI/UL 1416—Overcurrent and Overtemperature Protectors for Radio- and Television-Type Appliances
UL 1424—Cables for Power-Limited Fire-Protective-Signaling Circuits
ANSI/UL 1429—Pullout Switches
UL 1437—Electric Analog Instruments, Panelboard Types
UL 1449—Transient Voltage Surge Suppressors
ANSI/UL 1474—Adjustable Drop Nipples for Sprinkler Systems
ANSI/UL 1481—Power Supplies for Fire Protective Signaling Systems
UL 1486—Quick Opening Devices for Dry Pipe Valves for Fire-Protection Service
ANSI/UL 1557—Electrically Isolated Semiconductor Devices
ANSI/UL 1564—Industrial Battery Chargers
ANSI/UL 1577—Optical Isolators
UL 1604—Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations
ANSI/UL 1624—Light Industrial and Fixed Electric Tools
ANSI/UL 1664—Immersion-Detection Circuit-Interrupters
UL 1673—Electric Space Heating Cables
UL 1682—Plugs, Receptacles, and Cable Connectors, of the Pin and Sleeve Type
ANSI/UL 1876—Isolating Signal and Feedback Transformers for Use in Electronic Equipment
UL 1995—Heating and Cooling Equipment
UL 2006—Halon 1211 Recovery/Recharge Equipment

The NRTL Recognition Program staff made an in-depth study of the details of WL's original application for recognition and the on-site assessment and determined that an additional on-site visit was not necessary. The programs and procedures for which Wyle Laboratories has requested accreditation are the type that have been utilized previously in their nuclear and defense area programs, and controls have already been established. With respect to the test standards for which WL has requested, all but those pertaining to fire extinguishment and protection equipment are similar to the standards for which it has already been accredited and are, therefore, within the recognized capabilities of its personnel, facilities and equipment. Regarding the fire extinguishment and equipment protection standards, Wyle has tested at least four products in each of 16 of the 18 standards requested. The general knowledge that WL has acquired in the performance of those tests, and the test equipment and personnel on the site, would indicate that it has the capability to test and certify products under these standards.

In any event, at the next scheduled audit a judgement will be made of the adequacy of the controls for the scope of activities involved in the NRTL program as well as of the status of the facility, equipment, and personnel.

Preliminary Finding

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Wyle Laboratories facility for which expansion of its recognition was requested (Huntsville, Alabama) can meet the requirements as prescribed by 29 CFR 1910.7.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for expansion of its recognition as a Nationally Recognized Testing Laboratory, as required by 29 CFR 1910.7 and

Appendix A to 29 CFR 1910.7. Submission of pertinent written documents and exhibits shall be made no later than September 10, 1996, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, Room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Copies of the WL application, the laboratory survey reports, and all submitted comments, as received, (Docket No. NRTL–1–93), are available for inspection and duplication at the Docket Office, Room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (Wyle Laboratories) satisfies the requirements for expansion of its recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with Appendix A to Section 1910.7.

Signed at Washington, D.C. this 8th day of July, 1996.

Joseph A. Dear,

Assistant Secretary.

[FR Doc. 96–17779 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–26–M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 96–50; Exemption Application No. D–10039, et al.]

Grant of Individual Exemptions; San Diego National Bank

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

San Diego National Bank Deferred Savings Plan (the Plan) Located in San Diego, California

[Prohibited Transaction Exemption 96–50; Exemption Application No. D–10039]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the past acquisition by the Plan of certain stock rights (the Rights) pursuant to a stock rights offering (the Offering) by SDNB Financial Corp., a California corporation (the Parent), which wholly-owns and is the parent company of the San Diego National Bank (the Employer), the sponsor of the Plan and a party in interest with respect to the Plan; (2) the past holding of the Rights during the subscription period of the Offering; and (3) the disposition or exercise of the Rights by the Plan; provided the following conditions are satisfied: (a) The acquisition and holding of the Rights by the Plan occurred in connection with the Offering made available to all shareholders of the common stock of the Parent; (b) all holders of the common stock of the Parent were treated in a like manner, with respect to the Offering, including the Plan; and (c) all decisions regarding holding and disposing of the Rights by the Plan were made in accordance with Plan provisions for individually-directed investment of participant accounts by the individual participant whose account in the Plan received Rights in the Offering, and if no instructions were received the Rights were sold.

EFFECTIVE DATE: The effective date of this exemption is May 30, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 219–8881. (This is a toll-free number.)

Puckett Machinery Company Profit Sharing Plan (the Plan), Located in Jackson, Mississippi

[Prohibited Transaction Exemption 96–51; Exemption Application No. D–10149]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)((A) through (E) of the Code shall not apply to the sale (the Sale) of improved real property (the Property) by the Plan to Richard H. Puckett, a party in interest with respect to the Plan provided that: (a) The Sale is a one time transaction for cash; (b) the Plan will receive the greater of $315,000 or the fair market value of the Property at the time of the Sale; (c) the Property has been appraised by an independent and qualified real estate appraiser; (d) the Plan will pay no fees or commissions associated with the Sale; and (e) the terms and conditions of the Sale are at least as favorable as those obtainable with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 4, 1996 at 61 FR 15143.

FOR FURTHER INFORMATION CONTACT: Allison Padams of the Department, telephone (202) 219–8971. (This is not a toll-free number.)

First Virginia Banks, Inc. Located in Falls Church, Virginia

[Prohibited Transaction Exemption 96–52; Application Nos. D–10175 thru D–10177]

Exemption

Section I—Transactions

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the following transactions provided that all of the conditions set forth in Section II below are met:

(a) The cash sale on December 23, 1994 of certain variable rate certificates of deposit (CDs) issued by Merrill Lynch National Bank, Salt Lake City, Utah (the Merrill Lynch CDs) by forty (40) employee benefit plans, Keogh plans and individual retirement accounts (IRAs), for which First Knoxville Bank in Knoxville, Tennessee (the Bank) serves as a fiduciary, to First Virginia Banks, Inc. (First Virginia), a party in interest or disqualified person with respect to such plans and IRAs;

(b) The cash sale on various dates during 1995 of certain fixed rate CDs issued by various unrelated financial institutions (the Fixed Rate CDs) by eighteen (18) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs; and

(c) The proposed cash sale of certain additional fixed rate CDs issued by various unrelated financial institutions (the Additional Fixed Rate CDs) by approximately twenty-one (21) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary, to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs.

Section II—Conditions

(a) Each sale is a one-time transaction for cash;

(b) Each plan or IRA (hereafter referred to as ''Plan'') receives an amount which is equal to the greater of (i) the face amount of the CDs owned by the Plan, plus accrued but unpaid interest, at the time of sale, or (ii) the fair market value of the CDs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale;

(c) The Plans do not pay any commissions or other expenses with respect to the sale of such CDs;

(d) The Bank, as trustee of the Plans, determines that the sale of the CDs is in the best interests of each Plan and its participants and beneficiaries at the time of the transaction;

(e) The Bank takes all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions;

(f) Each Plan receives a reasonable rate of interest on the CDs during the period of time such CDs are held by the Plan;

(g) The Bank or an affiliate maintains for a period of six years the records necessary to enable the persons described below in paragraph (h) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Bank or affiliate, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than the Bank or affiliate shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975 (a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (h) below; and

(h)(1) Except as provided below in paragraph (h)(2) and notwithstanding any provisions of section 504(a)(2) of the Act, the records referred to in paragraph (g) are unconditionally available at their customary location for examination during normal business hours by—

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(ii) Any fiduciary of the Client Plans who has authority to acquire or dispose of shares of the Funds owned by the Client Plans, or any duly authorized employee or representative of such fiduciary, and

(iii) Any participant or beneficiary of the Client Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraph (h)(1) (ii) and (iii) shall be authorized to examine trade secrets of the Bank, or commercial or financial information which is privileged or confidential.

EFFECTIVE DATE: This exemption is effective as of December 23, 1994, for the transactions described in Section I(a) above, and the various appropriate sale dates in 1995 for the transactions described above in Section I(b).

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 25, 1996, at 61 FR 18430.

FOR FURTHER INFORMATION CONTACT: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

AmSouth Bancorporation Thrift Plan (the Plan) Located in Birmingham, Alabama

[Prohibited Transaction Exemption 96–53; Exemption Application No. D–10185]

Exemption

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale (the Sale) of Guaranteed Investment Contract No. 62531 and Guaranteed Investment Contract No. 62651 (collectively, GICs), both issued by Confederation Life Insurance of Atlanta, Georgia, by the Plan to AmSouth Bancorporation, a Delaware corporation, the sponsor of the Plan and a party in interest with respect to the Plan; provided that (1) The Sale is a one-time transaction for cash; (2) the Plan experiences no losses nor incurs any expenses from the Sale; and (3) the Plan receives as consideration from the Sale an amount, as expressed in paragraph No. 4 of the Notice of Proposed Exemption, that is equal to the total amount expended by the Plan when acquiring the GICs plus all interest earnings occurring under the terms of the GICs until the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 6, 1996, at 61 FR 20283.

COMMENTS: The Department received two written comments, both of which were in favor of granting the proposed exemption. Accordingly, after giving full consideration to the entire record, the Department has determined to grant the exemption.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or

disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 9th day of July, 1996.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 96–17806 Filed 7–11–96; 8:45 am]

BILLING CODE 4510–29–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Meeting of the Corporation's Board of Directors

TIME AND DATES: The Legal Services Corporation Board of Directors will meet on July 20, 1996. The meeting will begin at 9:00 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336–8800.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the closed session, the Board may be briefed by management on internal operational and personnel matters and by the Corporation's Inspector General on activities of the Office of Inspector General. In addition, the General Counsel will report to the Board on litigation to which the Corporation is or may become a party and the Board may act on the matters reported. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. section 552b(c) (10)] and the corresponding regulation of the Legal Services Corporation [45 CFR section 1622.5(h)].[1] A copy of the General Counsel's Certification, that the closing is authorized by law, will be posted for public inspection at the Corporation's headquarters, located at 750 First Street NE., Washington, DC 20002, in its 11th floor reception area, and will also be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of Agenda.
2. Approval of Minutes of May 20, 1996, meeting.
3. Approval of Minutes of May 20, 1996, executive session.
4. Chairman's and Members' Reports.
5. President's Report.
6. Inspector General's Report and presentation on the Office of Inspector General's technology project.
7. Consider and act on Board's Operations and Regulations Committee Report.
   a. Internal personnel policies of the Corporation.
   b. Implementation of Pub. L. 104–134 (H.R. 3019) by the adoption of interim regulations on:
   (1) priorities in the allocation of resources.
   (2) disclosure of plaintiff identity and statement of facts.
   (3) class actions.
   (4) solicitation of clients by grantees.
   (5) use of funds from sources other than the Corporation.
   (6) redistricting activities.
   (7) legal assistance to aliens.
   (8) representation in certain eviction proceedings.
   (9) subgrants, fees and dues.
   (10) applying federal waste, fraud and abuse law to LSC funds,
   (11) grantees' participation in litigation on behalf of prisoners.
   (12) grantees' involvement in challenges to welfare reform.
   (13) lobbying and certain other activities by grantees.
   (14) fee-generating cases.
   (15) grantees' collection of attorneys' fees.
8. Consider and act on the report of the Board's Finance Committee, including the adoption of an FY '98 budget mark.

Closed Session

9. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.
10. Inspector General's briefing of the Board on activities of LSC's Office of Inspector General.
11. Management's briefing of the Board on internal operations and personnel matters.

Open Session

12. Schedule board and committee meetings through October 1996.
13. Public comment.
14. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel, (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting should contact Barbara Asante, at (202) 336–8800.

Victor M. Fortuno,

General Counsel.

Dated: July 10, 1996.

[FR Doc. 96–17953 Filed 7–10–96; 3:21 pm]

BILLING CODE 7050–01–P

Sunshine Act Meeting; Meeting of the Board of Directors' Operations and Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation's Board of Directors will meet on July 19, 1996, at 8:00 a.m.

LOCATION: Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336–8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Report on Phase II of staff and OPM recommendations relating to internal personnel policies of the Corporation.
3. Consider and act on implementation of Pub. L. 104–134 (H.R. 3019) by the adoption of interim regulations on:
   a. priorities in the allocation of resources.
   b. disclosure of plaintiff identity and statement of facts.
   c. class actions.
   d. solicitation of clients by grantees.
   e. use of funds from sources other than the Corporation.
   f. redistricting activities.
   g. legal assistance to aliens.
   h. representation in certain eviction proceedings.
   i. subgrants, fees and dues.
   j. applying federal waste, fraud and abuse law to LSC funds,
   k. grantees' participation in litigation on behalf of prisoners.
   l. grantees' involvement in challenges to welfare reform.
   m. lobbying and certain other activities by grantees.

[1] Briefings do not constitute ''meetings,'' as defined by the Government in the Sunshine Act. Notice of briefings is here provided as a courtesy to the public.

n. fee-generating cases.
o. grantees' collection of attorneys' fees.
4. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel & Corporate Secretary, (202) 336–8813.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Barbara Asante, at (202) 336–8892.

Dated: July 10, 1996.

Victor M. Fortuno,

General Counsel and Corporate Secretary.

[FR Doc. 96–17954 Filed 7–10–96; 3:22 pm]

BILLING CODE 7050–01–P

Sunshine Act Meeting; Meeting of the Finance Committee

TIME AND DATE: The Finance Committee of the Legal Services Corporation's Board of Directors will meet on July 19, 1996. The meeting will begin at 1:30 p.m. and continue until conclusion of the committee's agenda.

LOCATION: Legal Services Corporation, 750 First Street NE, 11th Floor, Washington, DC 20002, (202) 336–8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of May 19, 1996, meeting.
3. Review of FY '96 budget and expenses.
4. Consider and act on proposed budget mark for FY '98.
5. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel, (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Barbara Asante, at (202) 336–8800.

Dated: July 10, 1996.

Victor M. Fortuno,

General Counsel.

[FR Doc. 96–17962 Filed 7–10–96; 3:20 pm]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice as least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATE: Request for copies must be received in writing on or before August 26, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Farm Service Agency (N1–258–96–1). Case files of audit compliance reviews of reinsured companies.
2. Department of Agriculture, Agricultural Research Service (N1–310–96–3). Routine and facilitative Congressional Correspondence files.
3. Department of the Air Force (N1–AFU–96–13). Summary court martial records.
4. Department of the Air Force (N1–AFU–96–14). Performance reporting and quality control records.
5. Department of the Air Force (N1–AFU–96–15). Ambulatory procedure visit (medical) records.
6. Department of the Army, U.S. Army Garrison-Panama (N1–338–96–1). Architectural drawings pertaining to minor, insignificant structures.
7. Department of State, All Foreign Service Posts (N1–84–96–2). Extradition case files.
8. Department of the Treasury, Internal Revenue Service (N1–58–96–1 and N1–58–96–2). Background and input records supporting the agency's strategic planning and organization process.
9. Defense Logistics Agency, Defense Technical Information Center (N1–361–94–4). Routine administrative records.
10. Defense Nuclear Facilities Safety Board (N1–524–96–1). Routine administrative records.
11. Federal Mine Safety and Health Review Commission (N1–470–96–1). Records maintained by the Office of General Counsel and the Docket Office.
12. General Services Administration (N1–269–96–2). Reduction in retention

periods for telecommunications engineering records.

13. General Services Administration (N1–269–96–1). Financial management projects case files and clearance records relating to proposed legislation.

14. National Archives and Records Administration (N2–326–96–1). Routine engineering construction project files in the custody of the National Archives relating to the construction and maintenance of supporting facilities at DOE and DOD test sites in the Pacific Ocean Area and Western United States.

15. United States Postal Service (N1–028–96–1). San Francisco Regional Records, 1942–63, including discontinued APO files, routine Congressional correspondence and transportation contracts.

Dated: July 3, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–17766 Filed 7–11–96; 8:45 am]

BILLING CODE 7515–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–416]

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, Mississippi Power & Light Company; Grand Gulf Nuclear Station, Unit 1, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–29, issued to Entergy Operations, Inc. (the licensee), for operation of the Grand Gulf Nuclear Station, Unit 1, (GGNS), located in Claiborne County, Mississippi.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise the operating license and the antitrust conditions of the license to account for the change in name of Mississippi Power & Light Company (MP&L) to Entergy Mississippi, Inc. The proposed action is in accordance with the licensee's application for amendment dated May 6, 1996.

The Need for the Proposed Action

The proposed action is needed because the name of Mississippi Power & Light (MP&L) will be changed to Entergy Mississippi, Inc. The licensee has stated that this is only a name change, and the corporate existence continues uninterrupted and all legal characteristics remain the same. There is no change in the state of incorporation, registered agent, registered office, directors, officers, rights or liabilities of the company. Nor is there a change in the function of the Company or the way in which it does business. MP&L's financial responsibility for GGNS and its sources of funds to support the facility will remain the same. Further, this name change does not impact the existing ownership of GGNS or the existing entitlement to power and will not alter the existing antitrust license conditions applicable to MP&L or MP&L's ability to comply with these conditions or with any of its other obligations or responsibilities under the operating license for GGNS.

The licensee also stated that the company, Entergy Mississippi, Inc., will still own all of the same assets as did MP&L, serve the same customers, and will continue all the existing obligations and commitments. There is also no change in the management or the procedures that operate GGNS. The financial responsibility for GGNS and the funds to support the facility will remain the same.

The licensee further stated that the name change is being made to improve customer identification by establishing a consistent, well recognized name, ''Entergy'', for the region that the licensee serves.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the change in company name will have no effect on the radiological and nonradiological operation of the plant.

The change will not increase the probability or consequences of any accidents, no changes are being made in the types of any effluents that may be released offsite from the plant, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure at the plant. 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 involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has 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 there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for GGNS.

Agencies and Persons Consulted

In accordance with its stated policy, on June 10, 1996, the staff consulted with the Mississippi State official, Robert Goff of the Division of Radiological Health, 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 6, 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 Judge George W. Armstrong Library, 220 S. Commerce Street, Natchez, Mississippi 39120.

Dated at Rockville, Maryland, this 2nd day of July, 1996.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–17795 Filed 7–11–96; 8:45 am]

BILLING CODE 7590–01–P

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide 1.153, ''Criteria for Safety Systems,'' describes a method acceptable to the NRC staff for complying with the Commission's regulations with respect to the design, reliability, qualification, and testability of the power, instrumentation, and control portions of safety systems of nuclear power plants. This guide endorses the Institute of Electrical and Electronics Engineers Standard Std 603–1991, ''Criteria for Safety Systems of Nuclear Power Generating Stations'' (including the correction sheet dated January 30, 1995).

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Single copies of regulatory guides may be obtained free of charge by writing the Office of Administration, Attention: Distribution and Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax at (301)415–2260. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 17th day of June 1996.

For the Nuclear Regulatory Commission.

Themis P. Speis,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 96–17796 Filed 7–11–96; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Survey of Nonparticipating Single Premium Group Annuity Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of submission for OMB review; comment request.

SUMMARY: The American Council of Life Insurance conducts a quarterly survey of insurance company prices for annuity contracts for the PBGC. Responses to the survey are voluntary. The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget extend a previously approved collection of information under the Paperwork Reduction Act for this voluntary collection of information, which is not contained in a regulation. OMB's current approval of this collection of information (OMB control number 1212–0030) expires on August 31, 1996.

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., Room 10235, Washington, DC 20503. The request for approval will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202–326–4026 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the Office of Management and Budget with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

Each month the PBGC publishes the interest rates to be used under its regulations for plans terminating or undergoing mass withdrawal during the next month. (See 29 CFR Parts 4044 and 4281). The interest rates are intended to reflect current conditions in the investment and annuity markets.

To determine these interest rates, the PBGC gathers pricing data from the insurance companies through a quarterly ''Survey of Nonparticipating Single Premium Group Annuity Rates.'' The survey is sent out by the American Council of Life Insurance, which tabulates it to assure that the PBGC receives blind data. Beginning in 1996, the September survey will request that respondents specify the mortality assumptions used in developing the pricing quotes.

The survey is directed at insurance companies that have volunteered to participate, most or all of which are members of the American Council of Life Insurance. The survey will be conducted quarterly and will be sent to approximately 14 insurance companies. Based on experience under the current approval, the PBGC estimates that 10 insurance companies will complete and return the survey each quarter and that each respondent will take 45 minutes to complete it. The annual burden of responding to the survey is therefore estimated to be 30 hours.

On April 9, 1996, the PBGC published in the Federal Register a notice of intention to request OMB approval of this collection. No comments were received in response to the notice.

Issued at Washington, D.C., this 5th day of July, 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–17801 Filed 7–11–96; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 92–22

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. RI 92–22, Annuity Supplement Earnings Report, is used annually to obtain the amount of

personal earnings from annuity supplement recipients to determine if there should be a reduction in benefits paid to the annuitant.

Approximately 2,500 RI 92–22 forms are completed annually. Each form requires approximately 15 minutes to complete. The annual estimated burden is 625 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received September 10, 1996.

ADDRESSES: Send or deliver comments to—Victor J. Roy, Chief, Eligibility Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 2342, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–17781 Filed 7–11–96; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Computer Matching and Privacy Protection Act of 1988; Notice of RRB Records Used in Computer Matching Programs

AGENCY: Railroad Retirement Board (RRB).

ACTION: Notice of records used in computer matching programs notification to individuals who are receiving or have received benefits under the Railroad Retirement Act.

SUMMARY: As required by the Computer Matching and Privacy Protection Act of 1988, the RRB is issuing a public notice of its use and intent to use, in ongoing computer matching programs, certain information obtained from the Health Care Financing Administration (HCFA).

The purpose of this notice is to advise individuals applying for or receiving benefits under the Railroad Retirement Act of the use made by the RRB of this information obtained from HCFA by means of a computer match.

DATES: Comments should be received by no later than August 12, 1996.

ADDRESSES: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Denise LeSeur-Waechter, Office of Programs, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092, telephone number (312) 751–3337.

SUPPLEMENTARY INFORMATION: Under certain circumstances, the Computer Matching and Privacy Protection Act of 1988, Pub. L. 100–503, requires a Federal agency participating in a computer matching program to publish a notice in the Federal Register regarding the establishment of that matching program. Such a notice must include information in the following first five categories:

Name of Participating Agencies: The Railroad Retirement Board and the Health Care Financing Administration (HCFA).

Purpose of the Match: To identify RRB annuitants who are age 66 or over and who have not had any Medicare utilization during the past calender year. The general purposes of the match are (1) to verify that these RRB annuitants are still alive and if alive, to determine whether the RRB should appoint a representative payee for them; (2) to identify instances when payments are being made to persons who because they are deceased are no longer entitled to receive them; (3) to recover any payments erroneously made; and (4) to identify instances of fraud, and where established and warranted, to initiate prosecution.

Authority for Conducting the Match: 45 U.S.C. Section 231f(b)(7). This section requires that the Secretary of Health and Human Services provide information pertinent to the administration of the Railroad Retirement Act. The death of an annuitant under that Act is a terminating event.

Categories of Records and Individuals Covered: All annuitants under the Railroad Retirement Act who are age 66 or over and who have had no Medicare utilization during the previous calendar year. The RRB records used in this matching program are covered under Privacy Act system of records, RRB–22, Railroad Retirement, Survivor, and Pensioner Benefit System. The HCFA records used in this matching program are covered under Privacy Act system of records HHS/HCFA/BPO 09–70–0526, Common Working File.

Inclusive Dates of the Matching Program: The life of this agreement is 18 months; the match will be conducted no more than three times during this period.

Procedure: HCFA will furnish the RRB with a computer tape of annuitants under the Railroad Retirement Act who, according to HCFA records, are age 66 or older and have had no Medicare utilization during the previous calendar year. After excluding certain categories of individuals for whom no follow-up action will be taken, the RRB will contact the remaining identified individuals to determine whether they are still alive and if so to determine whether the RRB needs to appoint a representative payee to ensure that the benefits to which they are entitled are properly expended on their behalf. If the RRB establishes that an individual so identified in the match is deceased it will terminate the annuity, and if there are any benefits that were improperly paid, it will take action to recover them. In addition, if there is any indication of fraud, the RRB will evaluate whether prosecution should be initiated against the person or persons who acted fraudulently. No action will be taken with respect to the individuals excluded from the monitoring program.

The public information collection represented by the follow-up action for the individuals identified by the matching program was previously approved by the Office of Management and Budget (OMB 3220–0178). A request for re-approval is pending.

Other information: The notice we are giving here is in addition to any individual notice.

A copy of this notice has been or will be furnished to both Houses of Congress and the Office of Management and Budget.

Dated: July 5, 1996.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–17727 Filed 7–11–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: [61 FR 26940, May 29, 1996 and 61 FR 33786, June 28, 1996].

STATUS: Open and Closed Meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: May 29, 1996 and June 28, 1996.

CHANGE IN THE MEETING: Cancellations.

The open meeting scheduled for Wednesday, May 29, 1996, at 3:00 p.m., and the closed meeting scheduled for Tuesday, July 2, 1996, at 10:00 a.m., have been cancelled.

Commissioner Wallman, as duty officer, determined that Commission

business required the above changes and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: July 9, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–17935 Filed 7–10–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37406; File No. SR–Amex–96–17]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange, Inc. Relating to the Closing of Equity Option Trading at 4:00 p.m.

July 3, 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 May 20, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Rules 1 and 918 to provide for the closing of equity option trading at 4:00 p.m.

The text of the proposed rule change is available at the Office of the Secretary, Amex, and 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

1. Purpose

Since 1978, equity options have traded until 4:10 p.m., ten minutes beyond the close of trading of the underlying securities to allow investors to trade options based upon the final closing prices of those underlying securities.[1] In 1978, frequent delays between the time of the execution of the closing transaction and the appearance of the trade on the Consolidated Tape Association's Tape A gave rise to time lags that, in some instances, were as long as seven minutes after the close of trading at 4:00 p.m. Today, due to improvements in trading and reporting systems, the dissemination of closing prices is delayed, at most, one or two minutes and only in unusual market conditions are any significant time lags encountered. Another reason cited in 1978 for extending equity options trading until 4:10 p.m. was to give options participants additional time to digest the impact of news announcements by companies and government agencies who oftentimes released such news at 4:00 p.m. or shortly thereafter.[2]

While the Exchange expressed reservations regarding the move to a later close, the Amex ultimately acceded to the industry's consensus that a 4:10 p.m. close was appropriate. Although the Exchange has made efforts to encourage companies and others to withhold significant news announcements until after the close of options trading, occasionally, such announcements are released between 4:00 and 4:10 p.m. which dramatically impact the trading of options. When such instances occur, the Exchange has observed that public customers are unable to react as quickly as professional traders and accordingly lack the ability to give their brokers instructions or take action with regard to orders that may have been previously placed on the limit order book. Further, because the principal market for the underlying stock is closed, option specialists and marketmakers have oftentimes experienced extreme difficulty making orderly options markets given their inability to hedge or otherwise offset market risk with transactions in the underlying stock.

Therefore, the Exchange now proposes that effective at 4:00 p.m. (1) all trading in equity options will cease; (2) all automated order routing and execution systems will be turned off; (3) no orders will be permitted to be entered on the trading floor; and (4) a closing rotation [3] will be held (a) immediately after the close of trading for options whose underlying stocks are traded through the facilities of the National Association of Securities Dealers Automated Quotation System (Nasdaq); or (b) for options whose underlying stocks trade on either the New York Stock Exchange or the Amex, immediately after the last sale in the security has been disseminated. No orders may be entered, modified or canceled in any option series after 4:00 p.m., except on expiration Friday [4] in expiring option series when orders may be entered, modified or canceled until the commencement of the closing rotation in such series.[5]

The Exchange believes a return to 4:00 p.m. closing time for equity options is necessary and appropriate given the improvements in dissemination of closing prices and the limited ability of public customers to react to news announcements and changing markets in the last ten minutes of trading. Such

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[1] The extension of the trading hours for options by ten minutes until 4:10 p.m. (E.S.T.) by the American Stock Exchange (''Amex''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the Midwest Stock Exchange, Incorporated (''MSE'') (now known as the Chicago Stock Exchange, Inc. (''CHX'')), Pacific Stock Exchange Incorporated (''PSE''), and the Philadelphia Stock Exchange, Inc. (''PHLX'') (collectively referred to as the ''options exchanges'') was initially approved by the Commission on a trial basis for a four month period beginning on Oct. 23, 1978 and extending through Feb. 28, 1979. Securities Exchange Release No. 15241 (Oct. 18, 1978), 43 FR 49867 (Oct. 25, 1978) (order approving File Nos. SR–Amex–78–22, SR–CBOE–78–30, SR–MSE–78–26, SR–PSE–78–17, and SR–PHLX–78–18). The Commission approved the continued use by the options exchanges of the existing 4:10 p.m. (E.S.T.) closing time for standardized options trading through Apr. 28, 1979. Securities Exchange Act Release No. 15593 (Feb. 28, 1979), 44 FR 12525 (Mar. 7, 1979) (order approving File Nos. SR–Amex–79–3, SR–CBOE–79–1, SR–MSE–79–7, SR–PSE–79–1, and SR–PHLX–79–1). The Commission has since then approved on a permanent basis the closing of options trading on the options exchanges at 4:10 p.m. (E.S.T.). Securities Exchange Act Release No. 15765 (Apr. 27, 1979), 44 FR 26819 (May 7, 1979) (order approving File Nos. SR–Amex–79–6, SR–CBOE–79–4, SR–MSE–79–11, SR–PSE–79–3, and SR–PHLX–79–4).

[2] *See* Release No. 15241, *supra* note 1.

[3] A closing rotation is a trading procedure to determine appropriate closing prices or quotes for each series of options on an underlying stock.

[4] The term ''expiration Friday'' refers to the trading day, usually the third Friday of the month, when various stock index futures, stock index options, and options on stock index futures expire or settle concurrently.

[5] The Exchange also is proposing to amend Rule 1 to provide that closing transactions may be permitted after 4:00 p.m. where the Exchange has determined to permit such transactions pursuant to Rule 117. Securities Exchange Release No. 37146 (Apr. 26, 1996), 61 FR 19650 (May 2, 1996) (notice of File No. SR–Amex–96–13).

a change in trading hours, however, should not be implemented unless all options exchanges agree to similar procedures in order to limit confusion by preserving uniformity at the options exchanges especially in those classes that are multiply traded.

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)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. 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 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. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–96–17 and should be submitted by August 2, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–17701 Filed 7–11–96; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice No. 2412]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea and Associated Bodies Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Friday, August 2, 1996, in Room 6103, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. This meeting will discuss the upcoming 40th Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on September 2–6, 1996, at the IMO Headquarters in London, England.

Items of discussion will include the following:

a. The role of human factors in marine casualties;

b. Harmonization of probabilistic damage stability provisions for all ship types;

c. Technical revisions to the 1996 Load Line Convention;

d. Safety aspects of ballast water exchange.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen or Mr. Jaideep Sirkar, U.S. Coast Guard Headquarters, Commandant (G–MMS–2), Room 1308, 2100 Second Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2988.

Dated: July 3, 1996.

Richard T. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 96–17710 Filed 7–11–96; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 2414]

State Department Consultation With American Indian Tribal Leaders; Public Notice

The Department of State will hold consultations between U.S. Government officials and American Indian tribal leaders with regard to the ongoing negotiations in the United Nations of a Draft Declaration on Indigenous Rights. These initial consultations are scheduled for Tuesday, July 23, 1996, from 9:00 a.m. to 4:00 p.m. at the Department of State in Washington, D.C.

The U.N. Draft Declaration on Indigenous Rights in being elaborated by a Working Group of the U.N. Human Rights Commission in Geneva. The goal of the Working Group (which allows direct participation by tribal governments and other indigenous organizations) is to elaborate a Declaration on Indigenous Rights for consideration and adoption by the United Nations General Assembly during the International Decade of the World's Indigenous People (1994–2004). The ''Draft United Nations Declaration on the Rights of Indigenous Peoples'' is serving as the basis for negotiations at the Working Group.

The consultation with tribal leaders on July 23 is in preparation for the next session of the Working Group which is scheduled to take place in Geneva later this year. The consultations will be held in the Loy Henderson Auditorium, Department of State, 2201 C Street, N.W., Washington, D.C. Registration begins at 8:30 a.m. at the main entrance (C Street) of the State Department. The public is invited to attend the meetings.

Those interested in attending or seeking additional information should contact Tom Hushek (202–647–1042) or Alex Arriaga (202–647–1696) in the Bureau of Democracy, Human Rights, and Labor, at the State Department.

Dated: July 10, 1996.

John Shattuck,

Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, Department of State.

[FR Doc. 96–17903 Filed 7–11–96; 8:45 am]

BILLING CODE 4710–18–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Reports, Forms and Recordkeeping Requirements, Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collections and their expected cost and burden. Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1995, requires that agencies prepare a notice for publication in the Federal Register, requesting emergency processing for 90 days effective July 23, 1996, in accordance with criteria set forth in that Act, for Oshkosh Video Survey, 2120–####. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

DATES: Comments must be submitted on or before September 5, 1996.

ADDRESSES: Written comments on the DOT/FAA information collection request should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, SW.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION: Each year the system Safety Office produces a videotape entitled ''VFR Arrival Procedures: Oshkosh 96'' for the Oshkosh Fly-In in August. To better serve our customers need for this information and our distribution procedures, we will be asking pilots who fly into Oshkosh a few short questions on the availability and usefulness of the videotape. This is a one day, one time survey.

Title: Oshkosh Video Survey.

OMB Control Number: 2120-New.

Abstract: The System Safety Office will use this information to serve the needs of its customers better. Per their suggestions, the System Safety Office may be able to add information to the video or add distribution points.

Respondents: An estimated 100 pilots who flew into Oshkosh for the annual fly-in.

Frequency: One time oral survey.

Burden: One minute, 13 seconds per respondent for a total of 2 hours and 2 minutes.

Issued in Washington, DC on July 5, 1996.

Phillip A. Leach,

Information Clearance Officer, United States Department of Transportation.

[FR Doc. 96–17712 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement; Benton County, AR and McDonald County, MO

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Benton County, Arkansas and McDonald County, Missouri.

FOR FURTHER INFORMATION CONTACT: Wendall L. Meyer, Environment/Design Specialist, Federal Highway Administration, 3128 Federal Office Building, Little Rock, Arkansas 72201–3298, Telephone: (501) 324–6430; Don Neumann, District Engineer, Federal Highway Administration, P.O. Box 1787, 209 Adams Street, Jefferson City, Missouri 65102, Telephone: (573) 636–7104; Reid Beckel, Consultant Coordinator, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, Arkansas 72203–2261, Telephone: (501) 569–2163; or Richard Walter, District Engineer, Missouri Highway and Transportation Department, 3901 East 32nd Street, P.O. Box 1445, Joplin, Missouri, 64802, Telephone: (417) 629–3300.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arkansas State Highway and Transportation Department and the Missouri Highway and Transportation Department, will prepare an environmental impact statement (EIS) for a proposed improvement to U.S. 71 in Benton County, Arkansas and McDonald County, Missouri. The proposed improvement may involve the reconstruction or relocation on new alignment of U.S. 71 from Bella Vista, Arkansas to Pineville, Missouri, a total distance of approximately 26 kilometers (16 miles). Information contained in the Final EIS for U.S. 71 improvements beginning at I–44 in Jasper County, Missouri and passing through Newton and McDonald Counties to existing U.S. 71 at the Missouri/Arkansas state line, approved by the FHWA on August 3, 1992, will be utilized for this EIS.

Improvements to the corridor include improving U.S. 71 to a four-lane, fully controlled access facility with Interstate standards to meet anticipated traffic demands and to improve roadway safety. Alternatives under consideration include relocation of U.S. 71 on new alignment, improving the existing facility and the no-action alternative.

The proposed improvements would improve the capacity of the existing route and increase regional mobility along a proposed ultimate route extending from Kansas City, Missouri to Shreveport, Louisiana. This project is one of several projects identified as ''high priority corridors'' on the National Highway System that would provide a transportation corridor of national significance from Kansas City to Shreveport. This proposed improvement will draw new traffic through northwest Arkansas and southwest Missouri and serve as both a short-term and long-term economic stimulus, promoting development in this currently rural area. Major metropolitan areas lying along this ''high priority corridor'' include Kansas City, Kansas-Missouri; Joplin, Missouri; Fayetteville, Arkansas; Fort Smith, Arkansas; Texarkana, Arkansas-Texas; and Shreveport, Louisiana.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited form all interested parties. Comments or questions concerning this proposed action and EIS should be directed to any of the individuals at the appropriate address provided above. A formal scoping meeting is scheduled for July 30, 1996 at Bella Vista, Arkansas. Invitation letters providing details of the scoping meeting and describing the proposed action will be sent to appropriate Federal, State and local agencies. Several public meetings, including a public hearing, will be held during the preparation of the EIS. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: July 3, 1996.

Wendall L. Meyer,

Environment/Design Specialist, FHWA, Little Rock, Arkansas.

[FR Doc. 96–17700 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 96–073; No. 1]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collections of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes four collections of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before September 10, 1996.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to Docket Section, Room 5109, NHTSA, 400 Seventh St. S.W., Washington, D.C. 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number. It is requested, but not required, that 1 original plus 2 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Mr. Ed Kosek, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, S.W., Room 6123, Washington, D.C. 20590. Mr. Kosek's telephone number is (202) 366–2589. Please identify the relevant collection of information by referring to its OMB Clearance Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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) 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) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following four proposed collections of information:

Production System for Mandatory Installation of Air Bags In All Passenger Cars and Light Trucks

Type of Request—Reinstatement of clearance.

OMB Clearance Number—2127–0535.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—September 1, 1998.

Summary of the Collection of Information—NHTSA must ensure that motor vehicle manufacturers comply with a new provision in the 1991 Intermodal Surface Transportation Efficiency Act requiring that 95 percent of all new passenger cars manufactured on or after September 1, 1996 but before September 1, 1997 shall be equipped with inflatable restraints accompanied by lap/shoulder safety belts for both front outboard seating positions, and 100 percent thereafter. Similarly, 80 percent of all new light trucks, small buses, and multipurpose passenger vehicles manufactured on or after September 1, 1997 but before September 1, 1998 shall be so equipped, and 100 percent thereafter.

Description of the need for the information and proposed use of the information—In order to ensure manufacturers are complying with the 1991 statute, NHTSA needs reports from manufacturers of new passenger cars and new light trucks, small buses, and multipurpose passenger vehicles. For each report, the manufacturer will provide (in addition to administrative necessities such as identity, address) numerical information from which NHTSA will be able to determine whether a manufacturer complies with the percentage phase-in requirements. The required numerical information will include the total number of each vehicle type manufactured during the production year that are equipped with air bags, and the total number of each vehicle type produced.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information—NHTSA anticipates that no more than 23 vehicle manufacturers will be affected by the reporting requirements. NHTSA does not believe any of these 23 manufacturers is a small business (i.e., one that employs less than 500 persons) since each manufacturer employs more than 500 persons. Manufacturers of passenger cars must file one report. Similarly, manufacturers of light trucks, small buses, and multipurpose passenger vehicles must file one report.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—NHTSA estimates that each manufacturer will need 24 hours to prepare a report, at a cost of $30.00 per hour. Thus, the number of estimated reporting burden hours a year on manufacturers (23 manufacturers multiplied by 1 report multiplied by 24 hours for each report) is 552, at a cost of $16,560 for each report that they must submit.

NHTSA estimates that each manufacturer will incur 12 burden hours a year in recording and keeping the information. Thus, the total recordkeeping burden on the manufacturers (23 manufacturers multiplied by 1 report multiplied by 12 hours) is 276 hours. Assuming a cost of $30.00 an hour, the total recordkeeping cost per manufacturer per year is $8,280.00 for each report that they must submit.

49 CFR Section 551.45—Designation of Agent

Type of Request—Reinstatement of clearance.

OMB Control Number—2127–0040.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years from date of approval.

Summary of the Collection of Information—This collection of information applies to motor vehicle and motor vehicle equipment manufacturers located outside of the United States (foreign manufacturers). Every manufacturer offering a motor vehicle or item of motor vehicle equipment for importation into the United States is statutorily required to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions and requirements may be made for and on behalf of the manufacturer. (49 U.S.C. 30164) These designations are required to be filed with NHTSA.

Description of the Need for the Information and Proposed Use of the Information—NHTSA needs this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—NHTSA estimates that the number of respondents per year is 70. Each respondent provides the information once. NHTSA estimates it takes one hour to write the letter to NHTSA providing the information. The estimated total burden on all respondents for this standard is 70 hours per year.

Based on an assumed clerical cost of $20.00 per hour, it costs each manufacturer $20.00 to write the letter, and postage (on the average from a foreign country) of approximately $1.00 per letter. Thus, each response costs the manufacturer a total of $21.00. Since NHTSA estimates the number of respondents per year is 70, the total cost on all respondents per year is approximately $1,470.00.

There are no recordkeeping costs to the manufacturers.

49 CFR Parts 591 and 592—Motor Vehicle Importation

Type of Request—Reinstatement of clearance.

OMB Clearance Number—2127–0002.

Form Number—Form HS–7 and Form HS–474.

Requested Expiration Date of Approval—Three years from date of clearance.

Summary of the Collection of Information—A motor vehicle which does not conform to applicable Federal Motor Vehicle Safety Standards (FMVSSs) is statutorily required to be refused admission into the United States, except under certain circumstances. (49 U.S.C. 30141 *et seq.*) NHTSA may authorize importation of nonconforming vehicles upon specified terms and conditions (include the furnishing of bond) to ensure that any such vehicle will be brought into conformity with all applicable FMVSSs or will be exported out of or abandoned to the United States at no cost.

Before importing a nonconforming vehicle, a Registered Importer must fill out Form HS–7 *Declaration* and Form HS–474 *Bond Conformance* that requires posting bond to ensure the vehicle will be brought into conformance with all applicable FMVSSs.

Description of the Need for the Information and Proposed Use of the Information—If NHTSA could not collect the information needed for the import program, it could not fulfill its statutory obligation to monitor importation of nonconforming motor vehicles and motor vehicle equipment into the United States. NHTSA has used and uses the information to monitor noncomplying vehicles presented for importation into the United States, to ascertain whether the vehicles are actually brought into conformance with the FMVSSs, and to determine the validity of the statements under which the vehicles were entered into the United States.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information—The likely respondents are Registered Importers of vehicles or parties with contracts with Registered Importers. The collection of information burden on each Registered Importer depends on how often the Importer imports noncomplying vehicles.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—NHTSA estimates that the total information collection burden on Registered Importers is 16,600 hours. Based on an assumed cost of $20.00 per hour for clerical/professional personnel to collect the information, the yearly information collection cost to industry is 16,600 hours multiplied by $20.00, or $332,000.

The cost per Importer for record keeping is minimal. NHTSA estimates that the aggregate cost to industry of storing the Form HS–474 information is approximately $160.00 per year, and the cost of storing the Form HS–7 information is approximately $160.00 per year.

49 CFR Part 571.213—Child Restraint Systems

Type of Request—Extension of a currently approved clearance.

OMB Clearance Number—2127–0511.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years from date of clearance.

Summary of the Collection of Information—NHTSA has issued Federal Motor Vehicle Safety Standard No. 213, *Child Restraint Systems,* which specifies requirements for restraint systems used to protect infants and young children in motor vehicle and aircraft accidents. Standard No. 213 requires that manufacturers provide labels and other printed information to ensure correct use of the restraint systems. Manufacturers of child restraint systems must also provide registration cards for completion and return by purchasers of child restraints, and keep names and addresses of child restraint system owners. These actions are necessary to facilitate contacting the owners in the event of a safety recall campaign.

Description of the Need for the Information and Proposed Use of the Information—NHTSA requires labeling information to ensure that child seat owners have important safety information. The information currently provided on or with the restraint includes instructions on correct use of the restraint, and recommendations as to which children are suitable for the restraint. Without this information, the effectiveness of child restraints could be greatly diminished.

The child restraint registration information enables manufacturers to directly contact child restraint owners to notify them of safety recalls. This better ensures that owners will hear about a recall and will remedy the safety problem with their restraints.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—NHTSA estimates that 15 manufacturers of child safety seats and restraints offer their products for sale in the United States. The frequency of response to the collection of information depends on

the number of child seats or restraints that each manufacturer sells.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—Currently, 15 manufacturers produce, on the average, a total of approximately 4,500,000 child restraints a year. NHTSA estimates that the total annual information collection burden on all manufacturers is 153,000 hours. NHTSA estimates that annualized costs on all manufacturers is $1,071,000.00.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued: July 5, 1996.

Patricia Breslin,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 96–17749 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–054, Notice 1]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collections of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

At NHTSA's request, the Office of Management and Budget (OMB) authorized emergency processing of this information collection. OMB approved the information collection for a90-day extension, under OMB control no. 2127–0021.

DATES: Comments must be received on or before September 10, 1996.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to Docket Section, Room 5109, NHTSA, 400 Seventh St. S.W., Washington, D.C. 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number. It is requested, but not required, that 1 original plus 2 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Mr. Edward Kosek, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, S.W., Room 6123, Washington, D.C. 20590. Mr. Kosek's telephone number is (202) 366–2590. Please identify the relevant collection of information by referring to its OMB Clearance Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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) 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) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

National Accident Sampling System (NASS)

Type of Request—Reinstatement of clearance.

OMB Clearance Number—2127–0021.

Form Numbers—HS–433A, HS–433B, HS–435H, HS–435I, and HS–435F.

Requested Expiration Date of Approval—June 30, 1999.

Summary of the Collection of Information—NASS investigates high severity crashes. Once a crash has been selected for investigation, several activities are initiated by the NASS Crashworthiness Data System (CDS) team. Researchers locate, visit, measure, and photograph the crash scene; locate, inspect, and photograph all involved vehicles; conduct a telephone or personal interview with each involved person or surrogate; and obtain and record injury information from hospitals or emergency rooms for all injured victims. During each activity the researchers record information on the NASS vehicle, and occupant/pedestrian forms as appropriate.

Description of the Need for the Information and Proposed Use of the Information—NASS CDS data are used to describe and analyze circumstances, mechanisms, and consequences of high severity motor vehicle crashes in the United States. These descriptions and analyses in turn will help to describe the magnitude of vehicle damage and injury severity as related to traffic safety problems. It will give motor vehicle researchers an opportunity to specify areas in which improvements may be possible, design countermeasure programs, and evaluate the effects of existing and proposed safety measures. Users include virtually every program area in NHTSA, other federal agencies such as the Federal Highway Administration, state and local governments, domestic and foreign motor vehicle manufacturers, insurance and consumer organizations, safety research organizations, universities, foreign government agencies, and individual citizens.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—Participation is voluntary for all respondents. NHTSA contractor employers begin by going to the police to get copies of accident reports. They select certain accidents, usually the more serious, to investigate. They interview occupants and witnesses, acquire medical records, and inspect the crash scene and vehicles. Data is coded on standard forms and entered into a computerized database.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—Each year, 6,000 crashes will be researched. A total of 13,500 occupants and witnesses will be interviewed. The average interview takes .33 hours or a total of 4,455 burden hours. Police and hospital records clerks will simply make existing files available to us. This will take a police/hospital total of 1,224 burden hours. Tow facility personnel will provide access to our researchers to inspect crash vehicles. This will take a total of 128 burden hours. The yearly total from the above groups is 5,807

burden hours. NHTSA will require no Recordkeeping outside of NHTSA employees and contractors.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued: July 9, 1996.

William Boehly,

Associate Administrator, Research and Development.

[FR Doc. 96–17752 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 94–20; Notice 4]

Light Truck Capabilities, Utility Requirements and Uses

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

ACTION: Notice of publication of report, Light Truck Capabilities, Utility Requirements and Uses: Implications for Fuel Economy.

SUMMARY: NHTSA has published a report of a study conducted by the Volpe National Transportation Systems Center regarding the unique capabilities, utility requirements, and uses of light trucks and the implications of these factors on the ability to improve the fuel economy of light trucks. This report was prepared in response to a provision of the Department of Transportation Appropriations Act for Fiscal Year 1995.

FOR FURTHER INFORMATION AND COPIES OF THE REPORT CONTACT: Orron Kee, Office of Planning and Consumer Programs, Safety Performance Standards, NHTSA, Washington, DC 20590, telephone 202 366–0846. The report is also available as report number DOT HS 808 378 from the NHTSA Technical Reference Section, telephone 202 366–2768, and through the National Technical Information Service, Springfield, VA 22161.

Issued on: July 9, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–17748 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN''), invites the general public and other government agencies to comment on its proposal to continue to collect information on its Request for Research Form from government officials who use FinCEN's services.

DATES: Written comments should be received on or before September 10, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Hedda Verinder, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182, Telephone number 703–905–3736.

FOR FURTHER INFORMATION CONTACT: Hedda Verinder, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182, Telephone number 703–905–3736.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), FinCEN is soliciting comments on the collection of information described below.

Title: Request for Research Form.

OMB Number: 1505–0139.

Form Number: TDF90–22.44.

Abstract: FinCEN provides investigative support for federal, state, and local law enforcement. FinCEN supports law enforcement investigations by conducting searches of federal law enforcement, regulatory, and financial databases, and commercial databases for relevant information which, when analyzed, provides enforcement officials with useful and expanded knowledge of the subjects of the inquiry. Requests for assistance are received from individual law enforcement agents in writing.

In order for FinCEN to undertake a thorough search and analysis, requests to FinCEN must include a minimum amount of information about the nature of the request for assistance. The information supplied in the Request for Research Form is used by agents and analysts at FinCEN in order to perform financial analysis in support of ongoing investigations conducted by the respondents' employing agency. The information on the form provides FinCEN personnel with sufficient information to be able to determine (i) which systems of records/databases may be searched lawfully in response to the query (i.e., whether the purpose of the search is compatible with the routine use(s) for a particular system or systems of records to which FinCEN has access), (ii) which systems of records would likely yield useful data related to the investigation in question, and (iii) a record for FinCEN to monitor the number and nature of inquiries received. In addition, requests for some databases legally require a written request and this form ensures a consistent format for the requests.

Current Actions: Revisions to this existing form are in format only; there are no substantive or material changes.

Type of Review: Extension.

Affected Public: Federal Government/ State and Local Government.

Estimated Number of Respondents: 7500.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 3,750.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: July 8, 1996.

William F. Baity,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 96–17758 Filed 7–11–96; 8:45 am]

BILLING CODE 4820–03–U

Proposed Collection; Comment Request

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Crimes Enforcement Network (''FinCEN''), invites the general public and other government agencies to comment on its proposal to continue to collect information on its Access Identification Form from government officials who use FinCEN's services.

DATES: Written comments should be received on or before September 10, 1996.

ADDRESSES: Direct all written comments to Hedda Verinder, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182, Telephone number 703–905–3736.

FOR FURTHER INFORMATION CONTACT: Hedda Verinder, Financial Crimes

Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22182, Telephone number 703–905–3736.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), FinCEN is soliciting comments on the collection of information described below.

Title: Access Identification Form.

OMB Number: 1505–0137.

Form Number: TDF90–22.45.

Abstract: FinCEN provides investigative support for federal, state and local law enforcement. The Access Identification Form is the vehicle used to verify the identity of authorized personnel, and to enter information about such personnel into FinCEN's automated database. It provides FinCEN with the means to ensure that law enforcement and other sensitive information is disclosed only to authorized personnel in accordance with FinCEN security requirements.

Current Actions: There are no substantive or material changes to the form.

Type of Review: Extension.

Affected Public: Federal Government/ State and Local Government.

Estimated Number of Respondents: 250.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 45.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: July 8, 1996.

William F. Baity,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 96–17759 Filed 7–11–96; 8:45 am]

BILLING CODE 4820–03–U

Submission for OMB Review; Comment Request

July 1, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Customs Service (CUS)

OMB Number: 1515–0026.
Form Number: CF 3078.
Type of Review: Extension.
Title: Application for Identification Card.
Description: Customs Form 3078 is used by licensed Cartmen, Lightermen, Warehousemen, brokerage firms, foreign trade zones, container station operators, their employees, and employees requiring access to Customs secure areas to apply for an identification card so that they may legally handle merchandise which is in Customs custody.
Respondents: Individuals or households.
Estimated Number of Respondents: 1,000.
Estimated Burden Hours Per Respondents: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 5,250 hours.

OMB Number: 1515–0055.
Form Number: CF 3229.
Type of Review: Extension.
Title: Certificate of Origin.
Description: This certification is required to determine whether an importer is entitled to duty-free entry for goods which are: (1) The growth or product of a U.S. insular possession, or (2) Caribbean Basin initiative imports.
Respondents: Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 10.
Estimated Burden Hours Per Respondent: 20 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 113 hours.

OMB Number: 1515–0065.
Form Number: CF 7501 and CF 7501A.
Type of Review: Extension.
Title: Entry Summary and Continuation Sheet.
Description: Customs Form 7501 is used by Customs as a record of the import transaction, to collect proper duty, taxes, exactions, certifications and enforcement endorsements, and to provide copies of Census for statistical purposes.
Respondents: Not-for-profit institutions, Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 38,193.
Estimated Burden Hours Per Respondent/Recordkeepers: 20 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 4,970,470 hours.

OMB Number: 1515–0078.
Form Number: CF 1302 and 1302A.
Type of Review: Extension.
Title: Cargo Declaration and Cargo Declaration (Outward with Commercial Forms).
Description: Customs Forms 1302 and 1302A are used by the master of a vessel to list all inward cargo onboard and for the clearance of all cargo onboard with commercial forms.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 5,600.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 11,662 hours.

OMB Number: 1515–0128.
Form Number: None.
Type of Review: Extension.
Title: Request for Temporary Identification Card.
Description: Cartmen, Lightermen and airport employees may request temporary identification to be issued to their employees if they can show that a hardship to their business would result, pending the issuance of a permanent identification card.
Respondents: Business or other for-profit, Individuals or households.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Respondent: 30 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 100 hours.

Clearance Officer: J. Edgar Nichols (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue, N.W., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New

Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17691 Filed 7–11–96; 8:45 am]

BILLING CODE 4820–02–P

Submission for OMB Review; Comment Request

July 1, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0156.

Form Number: ATF F 2987 (5120).

Type of Review: Extension.

Title: Computation of Tax and Agreement to Pay Tax on Puerto Rican Cigars and Cigarettes.

Description: ATF F 2987 (5210.8) is used to calculate the tax due on cigars and cigarettes manufactured in Puerto Rico and shipped to the United States. The form identifies the taxpayer, cigars or cigarettes by tax class and a certification by a U.S. Customs official as to the amount of shipment, and that the shipment has been released to the United States.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 30.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 30 hours.

OMB Number: 1512–0199.

Form Number: ATF F 5110.30.

Type of Review: Extension.

Title: Drawback on Distilled Spirits Exported.

Description: ATF F 5110.30 is used by persons who export distilled spirits and wish to claim a drawback of taxes already paid in the United States. The form describes the claimant spirits for tax purposes, amount of tax to be refunded, and a certification by the U.S. Government agency attesting to exportation.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent: 2 hours

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 10,000 hours.

OMB Number: 1512–0214.

Form Number: ATF F 5110.74.

Type of Review: Extension.

Title: Application and Permit Under 26 U.S.C. 5181—Alcohol Fuel Producer.

Description: This form is used by persons who wish to produce alcohol for fuel use. This form describes the person(s) applying for the permit, location of the proposed operation, type of material used for production, and the amount of spirits to be produced.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,364.

Estimated Burden Hours Per Respondent: 1 hour, 48 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,455 hours.

OMB Number: 1512–0220.

Form Number: ATF F 5170.4.

Type of Review: Revision.

Title: Application for Federal Alcohol Administration Act Basic Permit to Wholesale or Import.

Description: Persons intending to engage in the business of importing wholesaling alcoholic-beverages apply for a permit on ATF Form 5170.4. The information provided allows ATF to identify the applicant and location of the business and to determine the applicant's qualifications.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,300.

Estimated Burden Hours Per Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,600 hours.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17692 Filed 7–11–96; 8:45 am]

BILLING CODE 4810–31–P

Submission to OMB for Review; Comment Request

July 1, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0065.

Form Number: IRS Forms 4070, 4070A, 4070PR, and 4070A–PR.

Type of Review: Revision.

Title: Employee's Report of Tips to Employer (4070A); Employee's Daily Record of Tips (4070A); Informe al Patrono de Propinas Recibidas por el Employeado (4070PR); and Registro Diario de Propinas del Empleado (4070A–PR).

Description: Employees who receive at least $20 per month in tips must report the tips to their employers monthly for purposes of withholding of employment taxes. Forms 4070 and 4070PR (Puerto Rico only) are used for this purpose. Employees must keep a daily record of tips they receive. Forms 4070A and 4070A–PR are used for this purpose.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 540,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	4070	4070A	4070PR	4070A–PR-
Recordkeeping	7 min	3 hr., 23 min	0 min	0 min.
Learning about the law or the form	2 min	2 min	2 min	2 min.
Preparing the form	13 min	55 min	0 min	0 min.

	4070	4070A	4070PR	4070A–PR-
Copying and providing	10 min	28 min	0 min	0 min.

Frequency of Response: Monthly.
Estimated Total Reporting/ Recordkeeping Burden: 34,415,520 hours.

OMB Number: 1545–0067.
Form Number: IRS Form 2555.
Type of Review: Extension.
Title: Foreign Earned Income.
Description: This form is used by U.S. citizens and resident aliens to qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. This information is used by the Service to determine if a taxpayer qualifies for exclusion(s) or deduction.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 181,626.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hr., 11 min.
Learning about the law or the form—27 min.
Preparing the form—1 hr., 40 min.
Copying, assembling, and sending the form to the IRS—49 min.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 926,293 hours.

OMB Number: 1545–0203.
Form Number: IRS Form 5329.
Type of Review: Extension.
Title: Additional Taxes Attributable to Qualified Retirement Plans (including IRAs), Annuities, and Modified Endowment Contracts.
Description: This form is used to compute and collect taxes related to distributions from individual retirement arrangements (IRAs) and other qualified plans. These taxes are for excess contributions to an IRA, premature distributions from an IRA and other qualified retirement plans, excess accumulations in an IRA and excess accumulations in an IRA and excess distributions from qualified retirement plans. The data is used to help verify that the correct amount of tax has been paid.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 1,000,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hr., 24 min.
Learning about the law or the form—33 min.
Preparing the form—1 hr., 19 min.
Copying, assembling, and send the form to the IRS—35 min.
Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 4,840,000 hours.

OMB Number: 1545–0227.
Form Number: IRS Form 6251.
Type of Review: Extension.
Title: Alternative Minimum Tax—Individuals.
Description: Form 6251 is used by individuals with adjustments, tax preference items, taxable income above certain exemption amounts, or certain credits. Form 6251 computes the alternative minimum tax which is added to regular tax. The information is needed to ensure the taxpayer is complying with the law.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 273,396
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hr., 17 min.
Learning about the law or the form—1hr., 12 min.
Preparing the form—1 hr., 47 min.
Copying, assembling, and sending the form to the IRS—20 min.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 1,533,752 hours.

OMB Number: 1545–1032.
Form Number: IRS Form 8689.
Type of Review: Extension.
Title: Allocation of Individual Income Tax to the Virgin Islands.
Description: Form 8689 is used by U.S. citizens or residents as an attachment to form 1040 when they have Virgin Island source income. The data is used by IRS to verify the amount claimed on Form 1040 for taxes paid to the Virgin Islands.
Respondents: Individuals or households, Business or other for-profit.
Estimated Number of Respondents/ Recordkeepers: 800.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—33 min.
Learning about the law or the form—18 min.
Preparing the form—59 min.
Copying, assembling, and sending the form to the IRS—20 min.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 1,744 hours.

OMB Number: 1545–1079.
Form Number: IRS Form 9041.
Type of Review: Revision.
Title: Application for Electronic/ Magnetic Media Filing of Business and Employee Benefit Plan Returns.
Description: Form 9041 is filed by fiduciaries, partnerships, and plan sponsors/administrators as an application to file their returns electronically or on magnetic media; and by software firms, service bureaus, and electronic transmitters to develop auxiliary services.
Respondents: Business or other for-profit.
Estimated Number of Respondents/ Recordkeepers: 3,000.
Estimated Burden Hours Per Respondent/Recordkeeper: 18 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 900 hours.

OMB Number: 1545–1128.
Form Number: IRS Form 8814.
Type of Review: Extension.
Title: Parents' Election to Report Child's Interest and Dividends.
Description: Form 8814 is used by parents who elect to report the interest and dividend income of their child under age 14 on their own tax return. If this election is made, the child is not required to file a return.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 1,100,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—20 min.
Learning about the law or the form—10 min.
Preparing the form—16 min.
Copying, assembling, and sending the form to the IRS—35 min.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 1,463,000 hours.

OMB Number: 1545–1139.
Regulation ID Number: PS–264–82 Final.
Type of Review: Extension.
Title: Adjustments to Basis of Stock and Indebtedness to Shareholders of S Corporations and Treatment of Distributions by S Corporations to Shareholders.
Description: The regulations provide the procedures and the statements to be filed by S corporations for making the election provided under section 1368, and by shareholders who choose to reorder items that decrease their basis. Statements required to be filed will be used to verify that taxpayers are complying with the requirements imposed by Congress.
Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 200 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17693 Filed 7–11–96; 8:45 am]

BILLING CODE 4830–01–M

Submission for OMB Review; Comment Request

July 2, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Special Request: In order to conduct the focus group interviews described below in the late-July/early-August 1996 time frame, the Department of the Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by July 12, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Intermal Revenue Service (IRS)

OMB Number: 1545–1349.

Project Number: SOI–21.

Type of Review: Revision.

Title: 1997 TeleFile Tax Package Focus Groups.

Description: The purpose of these focus group interviews is to obtain taxpayer feedback on the new TeleFile tax package and the interactive telephone system.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 80.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 92 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17694 Filed 7–11–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

July 2, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below in the late-July/early-August 1996 time frame, the Department of Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by July 12, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: M:SP:V 96–017G.

Type of Review: Revision.

Title: Your Business Tax Kit (YBKT) Survey of Business Owners.

Description: In an effort to enhance customer service to the small business community, a task force was formed to thoroughly analyze the YBKT. The task has modified which forms and publications are available in the YBKT. The plan to test the modified YBKT by distributing 2,500 kits to business owners. In order to obtain feedback from recipients of the modified YBKT, a questionnaire will be included in these kits.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Respondent: 10 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 292 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17695 Filed 7–11–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

July 5, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below in the early-August 1996 time frame, the Department of Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by July 17, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: M:SP:V 96–018G.

Type of Review: Revision.

Title: Toll-free/ICP Survey Focus Groups with Taxpayers Calling IRS in 1995–96.

Description: The survey will focus on improving the quality of its toll-free telephone service and assessing the impact of its Integrated Case Processing (ICP) system. ICP, once fully implemented will allow employees to better serve its customers by resolving most cases on one telephone contact.

Respondents: Individuals, Business or other for-profit.

Estimated Number of Respondents: 600.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 170 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–17696 Filed 7–11–96; 8:45 am]

BILLING CODE 4830–01–P

Departmental Offices; Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. section 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, DC, on July 30 and 31, 1996, of the following debt management advisory committee:

Public Securities Association Treasury Borrowing Advisory Committee

The agenda for the meeting provides for a technical background briefing by Treasury staff on July 30, followed by a charge by the Secretary of the Treasury or his designate that the committee discuss particular issues, and a working session. On July 31, the committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 11:30 a.m. Eastern time on July 30 and will be open to the public. The remaining sessions on July 30 and the committee's reporting session on July 31 will be closed to the public, pursuant to 5 U.S.C. App. section 10(d).

This notice shall constitute my determination, pursuant to the authority placed in heads of departments by 5 U.S.C. App. section 10(d) and vested in me by Treasury Department Order No. 101–05, that the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. section 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. section 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the advisory committee, premature disclosure of the committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of Domestic Finance is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: July 8, 1996.

John D. Hawke, Jr.,

Under Secretary of the Treasury for Domestic Finance.

[FR Doc. 96–17742 Filed 7–11–96; 8:45 am]

BILLING CODE 4810–25–M

Customs Service

Entry of Certain Goods Assembled Abroad From Components Cut to Shape in the U.S. From Foreign Fabric

AGENCY: U.S. Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This document sets forth instructions for the proper entry under the Harmonized Tariff Schedule of the United States of certain goods assembled abroad from components cut to shape in the U.S. from foreign fabric.

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

SUPPLEMENTARY INFORMATION:

Background

1. Entry of Section 334(b)(4)(A) Goods Under 9802.00.8065

Section 10.25, Customs Regulations (19 CFR 10.25) implements section 334(b)(4)(A) of the Uruguay Round Agreements Act (''the Act'') (codified at 19 U.S.C. 3592), which provides that where components are cut to shape in the U.S. from foreign fabric and exported to another country for assembly into an article that is returned to the U.S. and entered, or withdrawn from warehouse, for consumption on or after July 1, 1996, the dutiable value of the article shall not include the value of such components. In the final rule document implementing the provisions of section 334 of the Act, published in the Federal Register on September 5, 1995 (60 FR 46188), Customs stated the following regarding 19 CFR 10.25:

> Under section 334(b)(4), where goods are assembled abroad from components cut in the United States from foreign fabric (even though under section 334 the cut components are not products of the United States and the assembling country is the country of origin), the assembled goods, when imported into the United States, will continue to receive the same duty treatment presently accorded to such goods under subheading 9802.00.80, HTSUS * * * section 334(b)(4) serves to preserve a tariff treatment that otherwise would no longer be available under the section 334 origin rules * * *.

Section 10.25 incorporates by reference the same operational, valuation, and documentation requirements applicable to goods entered under subheading 9802.00.80, HTSUS. Accordingly, in promulgating 19 CFR 10.25, Customs expressed its intent to continue to allow entry of these goods under subheading 9802.00.80, on and after July 1, 1996. Thus, imported goods entitled to a duty allowance under 19 CFR 10.25 are to be entered under subheading 9802.00.8065, HTSUS, and, solely for purposes of calculating the duty allowance under this subheading, Customs will treat these textile components as if they were ''U.S. fabricated components''.

It is important to note, however, that permitting the entry of section 10.25 goods under subheading 9802.00.8065, in order to implement the duty allowance provided under section 334(b)(4)(A) of the Act, should not be interpreted as a determination of the country of origin of these cut components. The determination of the country of origin of textile components cut in the U.S. from foreign fabric will be made under a general application of the section 334 rules of origin, as implemented by section 102.21, Customs Regulations (19 CFR 102.21).

Thus, it is possible that a shipment of assembled goods will be eligible for a partial duty allowance under subheading 9802.00.8065 pursuant to 10.25, but the country of origin of those goods, for quota, marking and other general origin purposes, will be neither the country of assembly nor the U.S.

because the origin of the assembled goods is determined by the origin of the fabric comprising the goods. For example, if Indian-origin fabric is dyed, printed and cut to shape in the U.S. into components for a tent, and those components are assembled in Mexico into a tent, the country of origin of that tent, pursuant to section 334(b)(1) or (2) of the Act, is the origin of the fabric—India. Upon importation into the U.S., the tent may receive a duty allowance under 19 CFR 10.25 for the value of the fabric components, but it will be a product of India for purposes of marking (and quota if applicable).

2. Entry of Section 334(b)(4)(B) Goods Under 9802.00.8040

U.S. Note 2(b), subchapter II, Chapter 98, HTSUS (''Note 2(b)'') (commonly referred to as ''CBI II''), provides for the duty-free treatment of articles (except textile and apparel products, petroleum and petroleum products) assembled or processed in a designated CBI beneficiary country in whole of U.S.-origin components or ingredients (other than water).

Headquarters telex No. 9264071 to Customs field offices dated September 28, 1990, set forth instructions regarding the proper entry of goods entitled to duty-free treatment under Note 2(b). Specifically, the telex advised that two statistical breakouts had been created for Note 2(b) articles: subheading 9802.00.5010, HTSUS—for articles processed in whole of U.S. ingredients (other than water); and subheading 9802.00.8040, HTSUS—for articles assembled in whole of U.S. fabricated components.

Section 10.26(b), Customs Regulations (19 CFR 10.26(b)), implements section 334(b)(4)(B) of the Act, which provides that, effective for goods entered, or withdrawn from warehouse, for consumption on or after July 1, 1996, no article (except a textile or apparel product) assembled in whole of components cut to shape in the U.S. from foreign fabric, or of such components and components of U.S. origin, in a designated CBI beneficiary country shall be treated as a foreign article or as subject to duty. Thus, through the promulgation of 19 CFR 10.26(b), Customs has fulfilled Congressional intent to continue the duty-free treatment accorded such articles under Note 2(b) prior to July 1, 1996.

In keeping with the overall statutory intent, as expressed in 19 CFR 10.26(b), Customs has determined that imported goods entitled to duty-free treatment under 19 CFR 10.26(b) should continue to be entered under subheading 9802.00.8040, HTSUS. All other instructions and documentation requirements set forth in telex No. 9264071 shall also continue to apply to such articles.

Dated: July 8, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96–17689 Filed 7–11–96; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register
Vol. 61, No. 135
Friday, July 12, 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

Forest Service

Transfer of Administrative Jurisdiction; Sam Rayburn Dam and Reservoir Project

Correction

In notice document 96–15867, beginning on page 31915, in the issue of Friday, June 21, 1996, make the following corrections:

1. On page 31915, in the second column, under SUPPLEMENTARY INFORMATION:, in the fifth line, ''transfer or'' should read ''transfer of''.

2. On the same page, in the second column, after Valdis E. Mezainis' signature and title, the double rule should be removed and the first three headings should read as follows:

Department of the Army

Department of Agriculture

Sam Rayburn Reservoir, Texas

3. On the same page, in the 3rd column, in the 12th line from the top, ''A+1'' should read ''A-1''.

4. On page 31916, in the first column, ''Dated: October 10, 1996'' should read ''Dated: October 10, 1995''.

5. On the same page, in the third column, in the first full paragraph, in the fourth entry, ''South 64° West, 349.4 feet'' should read ''South 64° West, 349.48 feet''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110, 116, 117, 157, and 181

[CGD 96-026]

RIN 2115-AF33

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

Correction

In rule document 96–16488, beginning on page 33660, in the issue of Friday, June 28, 1996, make the following corrections:

1. On page 33663, in the second column, in the Authority citation for Part 110, in the last line, ''33 U.S.C. 1233'' should read ''33 U.S.C. 1223''.

2. On the same page, in the third column, in the Authority citation for Part 116, ''49 U.S.C. CFR'' should read ''49 U.S.C. 1655(g); 49 CFR''.

Appendix A to Part 117 [Corrected]

3. On page 33664, in Appendix A to Part 117 table, in the Pacheco Creek entry, in the last column, ''6'' should read ''9''.

4. On page 33665, in Appendix A to Part 117 table, in the first column, in the first entry, ''Steamboad Slough'' should read ''Steamboat Slough''.

§ 157.03 [Corrected]

5. On page 33666, in the third column, in § 157.03, in the third and last definitions from the bottom, *Existing vessel* and *From the nearest land* respectively, in the first line of each remove ''means'' the second time it appears.

6. On page 33667, in the third column, in § 157.03, the first definition, ''*Oil Mixture*'' should read ''*Oily Mixture*''.

7. On the same page, in the same column, in § 157.03, under *Tank vessel* (3), in the last line insert ''the'' after ''in''.

§ 181.3 [Corrected]

8. On page 33669, in the second column, in § 181.3, in the definition for *Associated equipment*, in paragraph (3), in the last line ''or'' should read ''on''.

BILLING CODE 1505–01–D

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

Correction

In rule document 96–13416, beginning on page 28260, in the issue of Tuesday, June 4, 1996, make the following corrections:

1. On the cover sheet, in the subject line, ''Final Rule'' should read ''Interim Rule.''

2. On page 28260, in the first column, in the document heading, the missing RIN number should read as is cited above.

3. On page 28263, in the second column, ''*§111.05-07*'' should read ''*§111.05-7*.''

4. On page 28266, in the first column, under *§111.75-17* (1), ''paragraphs (e)(e)'' should read ''paragraphs (e)(3)''.

5. On the same page, under *§111.81-1*, in the third column, in paragraph (2), ''§111.8-1'' should read ''§111.81-1.''

6. On page 28267, in the first column, under *§111.105-15* (3), ''removing paragraph (b0'' should read ''removing paragraph (b)''.

7. On the same page, in the second column, under *§111.105-31* (2), ''paragraphs (1)(3) and (1)(4)'' should read ''paragraphs (l)(3) and (l)(4).''

8. On the same page, in the second column, under *§111.105-31* (2), in the second paragraph, ''ABS Rule 4/5.151.lb'' should read ''ABS Rule 4/5.151.1b.''

9. On page 28268, in the first column, under *§113.25-6*, in the second paragraph, ''11-1/43'' should read ''II-1/43''.

10. On page 28269, in the first column, under *§113.50-10* (2), ''removing the replacement'' should read ''removing the requirement''.

11. On page 28272, on the IEC 92-3 line, in the second column, ''111.105-7'' should read ''111.05-7''.

12. On the same page, in the first column, in the IEC 92-101 entry, ''Installation'' should read ''Installations''.

13. On the same page, the same column, in the IEC 92-201 entry, ''Installation'' should read ''Installations''.

14. On the same page, the same column, in the IEC 92-202 entry, ''Installation'' should read ''Installations''.

15. On the same page, the same columm, in the IEC 92-352 entry, ''Equipment--Choice and Installation'' should read ''Choice and Installation''.

16. On page 28273, in the first column, in the *National Fire Protection Association (NFPA)* entry, ''see NFPA 70..'' should read ''see NFPA 70.''

17. On page 28274, in the first column, in the UL 1573 entry, ''Stage ad Studio'' should read ''Stage and Studio''.

§ 111.10-4 [Corrected]

18. On page 28277, in the first column, under § 111.10-4(a), ''electric's'' should read ''electric''.

§111.15-5 [Corrected]

19. On page 28278, in the first column, under § 111.15-5(a), ''requirements in support'' should read ''requirements in subpart''.

§111.15-30 [Corrected]

20. On the same, in the second column, under § 111.15-30, fifth line, ''Chargers incorporating ground'' should read ''Chargers incorporating grounded''.

§ § 111.30-21 and 111.30-23 [Corrected]

21. On page 28279, in the first column, ''§ § 111-30-21 and 111.30-23 [Removed]'' should read ''§ § 111.30-21 and 111.30-23 [Removed].''

§ 111.75-20 [Corrected]

22. On page 28283, in the first column, under § 111.75-20(e), third line from the bottom ''fluorescent tubes longer than 103 cm'' should read ''fluorescent tubes longer than 102 cm''.

§ 111.105-29 [Corrected]

23. On page 28285, in the first column, under § 111.105-29(c), fifth line, ''§ 111.10531(1)'' should read ''§ 111.10531(l).''

§ 112.05-1 [Corrected]

24. On page 28286, in the second column, under § 112.05-1(a), second line, ''dependable independent,'' should read ''dependable, independent,''.

§ 112.15-5 [Corrected]

25. On page 28287, in the first column, under § 112.15-5(i), second line, ''distress and safety system (GMDSs)'' should read ''distress and safety system (GMDSS)''.

§ 113.30-25 [Corrected]

26. On page 28289, in the third column, under § 113.30-25(d), first line, ''In a noise location'' should read ''In a noisy location''.

§ 113.50-15 [Corrected]

27. On page 28291, in the first column, under § 113.50-15(a), third line, ''which would degrade communications'' should read ''which would degrade communication.''

§ 161.002-1 [Corrected]

28. On the same page, in the second column, under § 161.002-1(a), twelfth line, ''Register.800'' should read ''Register, 800''.

BILLING CODE 1505–01–D

Federal Register

Friday
July 12, 1996

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Explosives at Metal and Nonmetal Mines; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219–AA84

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This final rule revises certain provisions of the Mine Safety and Health Administration's (MSHA) safety standards for explosives at metal and nonmetal mines. The final rule revises existing standards for separation of detonators from other explosives or blasting agents during storage in powder chests and during transportation. Additionally, it revises existing provisions related to loading and blasting of explosive materials. The final rule also expands the application of existing provisions concerning the protection of explosive materials from impact and exposure to high temperatures, and it revises and clarifies the existing provisions addressing static electricity dissipation during loading. The rule revises the existing preamble discussion for vehicles containing explosive material, and incorporates existing blast site security provisions into the loading and blasting standards. For the convenience of the mining community, MSHA has published the full text of the explosives standards for metal and nonmetal mines in this Federal Register document.

EFFECTIVE DATES: This final rule is effective September 10, 1996. The incorporation by reference listed in the regulations is effective September 10, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

Under final §§ 56/57.6306(a), operators must either attend; barricade and post the blast site with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out;'' or flag the blast site against unauthorized entry. These final requirements for use of warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out,'' are not considered information collection under the Paperwork Reduction Act of 1995 (PRA 95) and are not subject to approval by the Office of Management and Budget (OMB).

Final §§ 56/57.6306(d) requires that operators conduct loading and blasting in a manner to facilitate a continuous process so that the blast is fired as soon as possible. The final standard does not retain the concept of ''undue delay'', but retains the existing requirement to notify MSHA of blasting delays beyond 72 hours. MSHA estimates that these provisions affect fewer than 10 respondents annually, all large mines. Although notification is considered an information collection burden under PRA 95, this provision is not subject to OMB approval because it affects fewer than 10 respondents annually.

II. Rulemaking Background

MSHA published comprehensive revisions to its explosives safety standards for metal and nonmetal mines in January 1991 (56 FR 2070). Prior to the effective date of the rule, MSHA stayed several provisions due to compliance issues raised by the mining community and explosives manufacturers. The provisions involved were subsequently reproposed on October 16, 1992 (57 FR 47524) for revision and clarification. On December 30, 1993, MSHA published the existing final rule which became effective on January 31, 1994 (58 FR 69596).

In February 1994, the American Mining Congress (AMC) and the Institute of Makers of Explosives (IME) each filed a petition for review of the final rule with the United States Court of Appeals for the District of Columbia Circuit, in *American Mining Congress* v. *MSHA*, Docket No. 91–1124 and 91–1568, consolidated cases, and in *IME* v. *MSHA*, Docket No. 94–1144. AMC requested that MSHA reconsider evidence in the rulemaking record regarding the continuous loading requirements of §§ 56/57.6306(c), *Loading and blasting.* In addition, AMC requested that the Agency clarify the preamble discussion to §§ 56/57.6202(a)(1), concerning vehicles containing explosive materials.

IME suggested revision of §§ 56/57.6000, the definition of ''laminated partition,'' and corresponding changes in §§ 56/57.6133(b), *Powder chests*, and §§ 56/57.6201(a)(2) and (b)(2), *Separation of transported explosive material.* Also, IME requested that MSHA reconsider information in the rulemaking record regarding the requirements of §§ 56/57.6602, *Static electricity dissipation during loading.*

In response to the issues raised by the mining industry and explosive manufacturers, MSHA issued Program Policy Letter No. P94–IV–3 on September 30, 1994. This Program Policy Letter provided information to the mining community regarding the proper usage of the IME–22 Container as a ''laminated partition'' under §§ 56/57.6000, §§ 56/57.6133, and §§ 56/57.6201. The Agency also interpreted the ''continuous loading'' requirements of §§ 56/57.6306; clarified the meaning of the term ''good condition'' as it applies to vehicles used in §§ 56/57.6202; clarified the application of §§ 56/57.6501 regarding double trunklines or loop systems when using low energy detonating cord with inhole delays; and interpreted §§ 56/57.6602(e) on static electricity dissipation during loading as it applies to the use of plastic hole liners. This final regulation addresses these regulatory issues except for §§ 56/57.6501 regarding double trunklines or loop systems. Therefore, Program Policy Letter No. P94–IV–3 will expire on the effective date of this final regulation.

On January 5, 1995, MSHA published a proposed rule in the Federal Register (60 FR 1866) which would have revised the provisions discussed above. Public hearings were held in Cleveland, Ohio, and Elko, Nevada in July 1995. The rulemaking record closed on August 18, 1995. MSHA received and reviewed written and oral statements on the proposed rule from all segments of the mining community. These final standards for explosives at metal and nonmetal mines are based on consideration of the entire rulemaking record, including all written comments and exhibits received related to the January 1991 and the December 1993 final regulations, as well as the January 5, 1995, proposal and the public hearing record.

To serve the interests of the mining community, MSHA has republished the full text of subpart E of 30 CFR parts 56 and 57 as they will read effective September 10, 1996. This final rule, however, addresses revisions only to the following sections. Sections republished here and not on the list below are unchanged.

Parts 56 and 57

§§ 56/57.6000 Definitions.

§§ 56/57.6133 owder chests.

§§ 56/57.6201 Separation of transported explosive material.

§§ 56/57.6202 Vehicles.

§§ 56/57.6302 Separation of explosive material.

§§ 56/57.6306 Loading, blasting, and security.

§§ 56/57.6313 Blast site security.

§§ 56/57.6602 Static electricity dissipation during loading.

§§ 56/57.6905 Protection of explosive material.

III. Discussion and Summary of the Final Rule

A. General Discussion

Historically, hazards associated with the storage, transportation, and use of explosive materials have caused or contributed to serious injuries and fatalities in metal and nonmetal mines. Precautions to safeguard against these hazards are an essential part of any effective mine safety program. The standards in 30 CFR parts 56 and 57, subpart E, focus on hazards associated with using or working near explosive materials at metal and nonmetal mines. The standards in this final rule clarify and address certain precautions necessary to prevent the hazards common to storing, transporting, and handling explosive materials. These standards also address the issues raised in the rule challenges noted above.

B. Organizational Changes

Paragraph (b) of existing §§ 56/57.6302 is moved to §§ 56/57.6905 of this subpart. Paragraph (a) of existing §§ 56/57.6302 requires that explosives and blasting agents be kept separate from detonators until loading begins. This provision remains unchanged. The section heading of §§ 56/57.6302 is revised in the final rule to read ''*Separation of explosive material.*''

Paragraph (b) of existing §§ 56/57.6302 requires that explosive material be protected from impact and temperatures in excess of 150 degrees Fahrenheit when taken to the blast site.

In 1993, MSHA promulgated §§ 56/57.6302 under the ''*Use*'' portion of the explosives regulation, thereby inadvertently creating confusion as to whether explosives also must be protected from impact during transportation and storage. MSHA's intent was to require protection of explosive material from impact and high temperatures generally, not just during use. This final rule moves existing paragraph (b) of §§ 56/57.6302 to ''*General Requirements*'' and ''*General Requirements-Surface and Underground.*'' The provision is codified as §§ 56/57.6905, with the section heading ''*Protection of explosive material.*''

C. Deletions

Existing §§ 56/57.6313, which require that areas where loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted, or flagged against unauthorized entry are deleted, and these requirements are incorporated into final §§ 56/57.6306(a) for loading and blasting.

D. Incorporations by Reference

Existing §§ 56/57.6000, §§ 56/57.6133, and §§ 56/57.6201 incorporate by reference the definition of ''laminated partition'' and recommendations found in the IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and ''The Generic Loading Guide for the IME–22 Container,'' (October 1993). Whenever a laminated partition is used under the final rule, IME's recommendations contained in these two publications must be followed. As discussed below, MSHA will make these IME publications available to the mining community.

E. Section-by-Section Analysis

The following section-by-section analysis explains the final rule and its effect on existing standards. The standards in part 56 apply to all surface metal and nonmetal mines; those in part 57 apply to underground and surface areas of underground metal and nonmetal mines.

§§ 56/57.6000 Definitions.
§§ 56/57.6133 Powder chests.
§§ 56/57.6201 Separation of transported explosive material.

Sections 56/57.6133 and 56/57.6201 address the hazards of unplanned detonation of explosives when stored and transported. The separation requirements are intended to impede propagation should detonators be initiated.

The existing definition of ''laminated partition'' in 30 CFR §§ 56/57.6000 includes the combinations of materials which must be used in a partition if operators choose to store or transport certain detonators with explosives or blasting agents. These dimensions are based on IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). The term ''laminated partition'' appears in existing §§ 56/57.6133, *Powder chests,* and in §§ 56/57.6201, *Separation of transported explosive material.*

Existing standards §§ 56/57.6133 require that detonators stored at surface operations and at surface areas of underground operations must be kept in chests separate from other explosives or blasting agents, unless the detonators and explosives or blasting agents are separated by 4 inches of hardwood or equivalent, or a laminated partition. Similarly, existing §§ 56/57.6201(a)(2) require detonators and other explosives or blasting agents to be transported on separate vehicles or conveyances, except detonators in quantities of more than 1,000 may be transported on the same vehicle or conveyance if maintained in the manufacturer's original packaging, and if separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The 4 inches of hardwood or equivalent must be fastened to the vehicle or conveyance. Paragraph (b)(2) of §§ 56/57.6201 allows detonators in quantities of 1,000 or fewer to be transported with explosives or blasting agents when kept in closed containers and separated by 4 inches of hardwood or equivalent, or a laminated partition. The 4 inches of hardwood or equivalent must be fastened to the vehicle or conveyance.

The Institute of Makers of Explosives (IME) raised objections to these existing regulations since the IME safety guidelines warn against hazards associated with use of the IME–22 container when transporting detonators with other explosives and blasting agents on the same vehicle.

Proposed §§ 56/57.6000 included language similar to that of the existing regulation. Proposed §§ 56/57.6133(b) would have allowed operators the flexibility to continue storing detonators with other explosives and blasting agents in a powder chest (day box) when separated by 4 inches of hardwood or equivalent. Likewise, proposed §§ 56/57.6201 (a)(2) and (b)(2) would have allowed operators to continue transporting detonators with explosives and blasting agents on the same vehicle or conveyance if they are separated by 4 inches of hardwood or equivalent. In response to IME's comments, both proposed standards also would have allowed use of a laminated partition to separate detonators from explosive materials, provided operators followed guidelines included in the IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container'' (October 1993) when using a laminated partition.

Final regulations for §§ 56/57.6000 are the same as the proposed rule. The final regulations for both §§ 56/57.6133(b) and §§ 56/57.6201 (a)(2) and (b)(2) parallel the proposed rules in that they permit the longstanding practice of using 4 inches of hardwood or

equivalent, or a laminated partition (which includes the IME–22 Container or box) to separate detonators from other explosives or blasting agents, provided that the provisions of the IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container'' (October 1993) are followed. Copies of these IME publications are available to the mining industry at MSHA headquarters in Arlington, VA, and at all Metal and Nonmetal Mine Safety and Health district offices.

MSHA did not receive any comments relative to the Agency's definition of the term ''laminated partition'' as described in the proposed rule.

One commenter objected to MSHA incorporating by reference IME publications stating that such incorporation would interfere with the opportunity to comment on the content of these publications. MSHA has historically relied upon manufacturers' design specifications and recommendations for the proper use of specific mining equipment and machinery where unintended use of such equipment and machinery poses a serious safety hazard to miners. Therefore, if operators use a laminated partition for compliance with standards §§ 56/57.6133 and §§ 56/57.6201, they must follow the guidelines prescribed in IME's accompanying documentation, including updated revisions where applicable. MSHA expects that the IME will periodically update this documentation, and MSHA intends to give mine operators adequate notice should compliance changes become necessary.

Some commenters sought clarification of the phrase ''4 inches of hardwood, or equivalent,'' as used in proposed §§ 56/57.6133 and §§ 56/57.6201, while other commenters requested that MSHA define the term ''equivalent'' in the final regulation to specify the types of or combinations of materials that would be accepted. ''Equivalent'' under the final rule refers to any barrier, other than a laminated partition, that provides at least the same degree of protection for explosives or blasting agents as 4 inches of hardwood should detonators be initiated by outside forces. Presently, MSHA has no equivalency data to convert the degree of protection provided by hardwood to another material. However, the final standard preserves the flexibility to recognize such future developments.

One commenter requested that MSHA clarify whether ''4 inches of hardwood'' refers to a partition separating two containers or to the construction of the detonator box itself. The 4 inches of hardwood or its equivalent refers to the partition used to separate explosives and blasting agents from detonators. The purpose of separation is to impede propagation should detonators be initiated by outside forces. The 4 inches of hardwood or equivalent separator must be fastened inside the cargo area of the vehicle or conveyance containing explosive materials.

At commenters' suggestions, mine operators are reminded that MSHA standards are applicable only to mining property, including transporting of explosive materials. Any transportation of explosive material over public highways is subject to the requirements of the United States Department of Transportation in Title 49 of the Code of Federal Regulations.

Sections 56/57.6202 Vehicles

Sections 56/57.6202 address the hazard of an unplanned detonation of explosive material during transportation. Detonation can result from vehicle fires, vehicle accidents or construction of an explosive container with inappropriate material.

The existing regulations at §§ 56/57.6202(a)(1) require that vehicles used to transport explosives be maintained in ''good condition.'' MSHA indicated in the preamble discussion to this regulation that for compliance purposes, vehicles must be road-worthy and capable of passing Federal, state, and local licensing requirements for over-the-road use.

MSHA received a number of objections to this interpretation of ''good condition.'' In response to these commenters, MSHA clarifies in this final regulation preamble that for vehicles to be in ''good condition'' that they comply with the applicable MSHA standards contained in subpart M-Machinery and Equipment, which address requirements for all self-propelled mobile equipment used on mine property. Commenters agreed with this interpretation and MSHA adopts this approach in the final rule.

''USE''

Sections 56/57.6302 Separation of Explosive Material and Sections 56/57.6905 Protection of Explosive Material

Sections 56/57.6302 address the hazard of unplanned detonation of explosive material and protection for explosive material during use, transportation, and prior to loading.

Existing paragraph (a) of §§ 56/57.6302 requires that explosives and blasting agents be kept separate from detonators until loading begins. Existing paragraph (b) requires that explosive material be protected from impact and temperatures in excess of 150 degrees Fahrenheit when taken to the blast site.

When MSHA promulgated existing §§ 56/57.6302, the standards appeared in the ''*USE*'' portion of the explosives regulations, although the same hazards also exist during the transportation and storage processes. Therefore, the final rule revises and expands application of existing paragraph (b) of §§ 56/57.6302 to ''*GENERAL REQUIREMENTS*'' for both surface and underground, and moves this existing paragraph to newly numbered standards §§ 56/57.6905. Like the proposed regulation, final paragraph (a) requires that operators protect explosive materials against temperatures in excess of 150 degrees Fahrenheit. This temperature threshold is based upon the 1992 Bureau of Mines Information Circular No. 9335, *Blasting Hazards of Gold Mining in Sulfide-Bearing Ore Bodies*; MSHA's Investigation Report No. D7431–S949, *Investigation of Premature Detonations, Paradise Peak Mine,* (December 10, 1991); and the IME Safety Library Publication No. 4, ''*Warnings and Instructions for Consumers in Transporting, Storing, Handling and Using Explosive Materials,*'' (March 1992), all of which suggest a hazardous change in stability of explosives once temperatures reach this level.

Final paragraph (b) of §§ 56/57.6905, as proposed, requires that explosive material be protected from impact except for tamping and dropping during loading, so long as operators comply with existing requirements of §§ 56/57.6304 for primer protection. For example, large equipment used during the loading process may be capable of exerting forcible impact onto detonating or initiating systems. Also, the proximity of other mining activity may allow equipment to come in contact with explosive loading equipment and explosive containers, thereby exerting impact.

In the proposal, MSHA would have added a new requirement for underground mines to address the hazard of freeing hang-ups in raises, chutes and ore passes. To allow for this type of blasting, the proposal would have permitted only detonating cord to initiate explosives placed in raises, chutes, and ore passes to free hang-ups.

Commenters objected to the proposal as being too restrictive in that it would limit commonly accepted methods of blasting and prohibit application of new technological developments. These commenters stated that the use of

detonating cord as proposed by MSHA may introduce inherent hazards such as fire from the ignition of timber, loosening timber, or other supports, contributing to flyrock, and loosening rib and back. Although MSHA's experience with detonating cord has not resulted in these hazards, the rulemaking record does not contain sufficient support to finalize the proposal. Therefore, the final rule does not adopt the proposal and will continue to permit current conventional practices for freeing hang-ups, provided applicable MSHA safety standards for explosives are followed. These standards, including the requirements of the final rule, provide reasonable protection against unplanned detonation of explosives during hang-up blasting.

Sections 56/57.6313 Blast Site Security and Sections 56/57.6306 Loading, Blasting, and Security

The final regulations address the hazard of unplanned detonation of explosives and the presence of unauthorized persons within the blast site, as well as moving vehicles or electrically-powered equipment which could contact and detonate explosive material. The final rule also protects persons working in the blast site from other mining activities unrelated to loading explosives, which can interfere with the loading process and increase the likelihood of an accident.

Existing paragraph (a) of §§ 56/57.6306 prohibits vehicles and other equipment from being driven over explosive material or initiating systems. Existing paragraph (b) allows haulage activity near the base of the highwall being loaded, if no other haulage access exists. MSHA has incorporated existing requirements of §§ 56/57.6313 on blast site security into final §§ 56/57.6306(a). Existing §§ 56/57.6313 require that areas in which loading is suspended or loaded holes are awaiting firing must be attended, barricaded and posted, or flagged against unauthorized entry. The proposal would have revised and expanded application of existing §§ 56/57.6313 by requiring that when explosive materials or initiating systems are brought to the blast site, operators must either barricade and post, or flag the blast site so that unauthorized or inadvertent entry is prevented. Most commenters agreed with the proposal. One commenter objected, however, suggesting that MSHA require identification of the blast site only when the blast site is not attended.

Final §§ 56/57.6306(a) adopts the proposal and includes one revision consistent with existing §§ 56/57.6313 regarding attending the blast site. Under the final standard, operators must either attend; barricade and post the blast site with warning signs; or flag the blast site against unauthorized entry. MSHA has included in the final standard some common examples of the content of warning signs used in the mining industry. In no way does the Agency intend for these examples to be an exclusive list. Operators may use other warning signs for compliance with this provision provided these signs adequately convey to persons that they are entering a hazardous area. MSHA's experience is that these warning signs are universally accepted and are consistent with DOT placards for explosive materials. Once explosives or initiating systems are brought to the blast site, good safety practices dictate that precautions be taken to prevent accidental damage to explosive materials, which can lead to a misfire or accidental detonation. Key among these precautions is delineating the blast site to warn unauthorized persons of the presence of explosives. The provisions of §§ 56/57.6313 were intended to require mine operators to alert other persons working at the mine during loading and blasting operations of the blast site parameters to prevent unauthorized or inadvertent entry onto the blast site. Particularly on a large blast site, persons performing blast-related tasks, such as loading explosives, would not be readily able to warn persons to keep out of the blast site.

One commenter stated that the proposal would result in additional costs to purchase warning signs to barricade, post or flag the blast site. MSHA anticipates that the final rule will result in only nominal cost increases to the mining industry because the posting requirement of final paragraph (a) is an incorporation of existing §§ 56/57.6313, as explained above. Moreover, the final regulation gives operators compliance flexibility by providing alternative methods on how to demarcate the blast site. Under this final regulation, once initiation systems are brought to the blast site, mine operators must either: (1) attend the blast site; (2) barricade and post the blast site with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out;''; or (3) flag the blast site, to be in compliance with paragraph (a).

In the final rule, existing paragraph (a) of §§ 56/57.6306 becomes paragraph (b) with no substantive change.

Paragraph (c) of final §§ 56/57.6306 restates the existing rule and restricts persons from entering the blast site except those engaged in surveying, stemming, sampling of geology, and reopening of holes. The final rule, like the proposal, clarifies that haulage activity is permitted near the base of surface highwalls or underground bench faces being loaded or awaiting firing, where no other haulage access exists.

Final paragraph (d) of §§ 56/57.6306 protects against the hazard of periods in which the process of loading and firing explosives is interrupted. In the proposal, MSHA would have added new requirements for all mines to address the potential hazards posed by unauthorized personnel entering a blast site where explosive materials are present. The preamble discussion to the proposed rule stated that persons unfamiliar with the blast site may throw lighted smoking materials into a blast hole, disturb the initiation system, or kick material into a hole—any one of which could contribute to a premature detonation.

Existing paragraph (c) requires that loading be continuous except where adverse circumstances beyond the operator's control necessitate an interruption in loading. Existing paragraph (e) requires that when loading is completed and circuits are connected, operators must blast without undue delay, unless adverse circumstances exist which are beyond the operator's control. The existing standard also requires that operators notify MSHA if such delay could exceed 72-hours. Existing paragraphs (c) and (e) of §§ 56/57.6306 are deleted by the final rule. Hazards addressed under these existing provisions are covered under the final rule in paragraph (d).

Proposed paragraph (d)(1) would have required mine operators to continue the loading and firing process without interruption or undue delay. MSHA gave examples of ''undue delay'' in the preamble discussion to the proposed standard which included emergencies, unfavorable atmospheric conditions, shift changes and large equipment failures. Also, the proposal would have required operators to attend the mine to prevent unauthorized entry into the blast site.

Commenters indicated that the proposed ''attended'' requirement was confusing because it could be read to suggest that the physical presence of an individual at the blast site is necessary, contrary to MSHA's definition of the term ''attended.'' Commenters also requested that MSHA clarify the meaning of ''undue delay'' with a list of circumstances. Other commenters suggested that MSHA clarify that examples listed in the preamble to the proposed standard are not the only justifications for an interruption in the

loading process. In addition, commenters objected to the proposal and to the preamble discussion by stating that past practices in the mining industry have successfully provided protection when loading was interrupted or blasting was delayed, and that no injuries or deaths have been attributed to unattended explosives.

MSHA agrees that there have been no known deaths caused by loaded explosives awaiting blasting. However, explosives technology literature and experience confirm that caution, including reasonable security measures, are appropriate. The final rule therefore adopts an updated version of a previous explosives safety regulation, and continues to permit longstanding practices at larger mining operations which take several days to complete the loading and blasting process.

Final paragraph (d) requires that operators conduct loading and blasting in a manner to facilitate a continuous process so that the blast is fired as soon as possible. The final standard does not retain the concept of ''undue delay,'' but retains the existing requirement to notify MSHA of blasting delays beyond 72 hours. The final standard does not include the proposed requirement that the mine be attended when loading is interrupted or blasting is delayed. MSHA believes that requiring mine operators to load and blast as soon as practicable provides the measure of protection needed for miners by minimizing the loading and blasting exposure time.

Paragraph (d)(2) of §§ 56/57.6306 of the proposed standard would have required that persons securing a blast site at a surface mine or at the surface area of an underground mine withdraw from the blast site during the approach and progress of an electrical storm. The proposal also would have required that persons securing an underground blast site using an electrical blasting system that is capable of being initiated by lightning be withdrawn to a safe location.

Commenters objected to this proposal by stating that it was duplicative of existing §§ 56/57.6604, which provides for the suspension of blasting operations and the withdrawal of persons from the blast area to a safe location during the approach and progress of an electrical storm. MSHA agrees that §§ 56/57.6604 sufficiently addresses the precautions necessary to protect miners from the danger of accidental detonation caused by an electrical storm. Therefore, the final rule does not adopt proposed §§ 56/57.6306.

Paragraphs (f) and (g) of the final rule are unchanged from the existing regulations. These final rules continue to require that operators institute specific safety measures immediately prior to and after the blasting process. Final paragraph (f) requires, among other things, ample warning, clear escape routes from the blast area, and all access to the blast area to be guarded or barricaded to prevent the passage of persons or vehicles. Numerous accidents have occurred from the failure to clear or prevent unauthorized entry to the blast area. Final paragraph (g) requires post-blast examinations to minimize hazards to persons who will perform subsequent work in the area.

''EXTRANEOUS ELECTRICITY''

Sections 56/57.6602 Static Electricity Dissipation During Loading

This standard addresses the hazard resulting from a buildup of static electricity generated by pneumatic loading, which could cause premature detonation of explosives.

Existing §§ 56/57.6602 require that when explosive material is loaded pneumatically or dropped into a blasthole in a manner that could generate static electricity, an evaluation must be made of potential static electricity hazards and the hazard must be eliminated before loading begins. The standard prohibits the use of wire-countered hoses and plastic tube hole liners where their use could generate static electricity in an amount sufficient to initiate a detonator.

Following publication of the existing rule, MSHA received technical information from commenters suggesting that the scope of the standard is too broad. The term ''dropping'' encompasses dropping, pouring, or augering explosive materials into blastholes, activities which are performed at a low velocity. As a result, insufficient static electricity is generated to initiate a detonator, and therefore, does not pose a serious hazard. In the proposal, MSHA narrowed the application of this standard by deleting the term ''dropping'' from the text of existing §§ 56/57.6602.

In response to the proposed revision, a number of commenters indicated that the rule would still include activities which would not generate sufficient static electricity to initiate a detonator. These commenters indicated that the amount of energy required to initiate a detonator should be well-known by the blaster in charge and that blaster is in the best position to make the determination as to when precautions are necessary.

The final rule adopts this approach and requires that certain precautions be taken only when there is a static electricity hazard.

IV. Executive Order 12866 and the Regulatory Flexibility Act

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations. MSHA has determined that this rulemaking is not a significant regulatory action and, therefore, has not prepared a separate analysis of costs and benefits. The Regulatory Flexibility Act requires regulatory agencies to consider a rule's impact on small entities. For the purpose of the Regulatory Flexibility Analysis, MSHA defines a small entity as an operation employing fewer than 20 employees. This final rule would not have a significant economic impact on a substantial number of small entities. The analysis contained in this preamble meets MSHA's responsibilities under Executive Order 12866 and the Regulatory Flexibility Act.

Under the January 5, 1995, proposed rule (60 FR 1866), MSHA estimated that the total annual recurring cost impact would have been about $70,000. All of these costs were attributable to proposed §§ 56/57.6306(d)(1) which would have required the blast site to be attended if loading was interrupted or firing of the blast was delayed for any reason. MSHA recognizes that it is a safe practice to continuously load explosives and fire them promptly; however, interruptions in loading and delays in firing do occur, particularly in large mining operations. This final rule, therefore, will retain the existing requirements that permit reasonable interruptions in the loading process and require notification to MSHA if blasting of a loaded round will be delayed for more than 72 hours. MSHA estimates that this provision affects fewer than 10 mines annually, but that the mining industry will not incur any additional costs resulting from MSHA's retention of the existing requirements.

The final rule eliminates existing §§ 56/57.6313 and incorporates these requirements for blast site security as §§ 56/57.6306(a) which require that the blast site be attended; barricaded and posted with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out;'' or flagged against unauthorized entry, when explosives or initiating systems are present. MSHA estimates that final §§ 56/57.6306(a) would affect about 15 small and 60 large mines annually. MSHA anticipates that these provisions primarily would affect quarries; open pit mines, except for certain operations which do not use explosives, such as clay mines and phosphate mines; and large underground mines. MSHA does

not expect small underground mines to be affected as these operations would rarely, if ever, experience the need to leave the blast site unattended when explosive materials or initiating systems are present. Sand and gravel operations and mills rarely blast, and then the blast site is likely to be a single charge, such as that needed to break a large boulder.

Although the scope of this requirement is expanded from when loading is suspended or firing is delayed to apply whenever explosive materials or initiating systems are present at the blast site, MSHA experience is that it is common industry practice to have the blast site attended when explosive materials or initiating systems are delivered and while loading is in progress. Final §§ 56/57.6306(a) address blast site security when explosives are being used. When explosive materials or initiating systems are not being used, other MSHA standards require that they be secured in magazines or other appropriate explosive materials storage facilities. On occasion, however, circumstances, such as delays in loading or firing, may require the blast site to be left unattended when explosive materials are present. In such situations, MSHA expects that mine operators would choose to barricade and post with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out,'' or flag the blast site against unauthorized entry, rather than attend the blast site. One commenter stated that the proposal would result in additional costs to purchase warning signs to barricade, post, or flag the blast site. As this is required under existing §§ 56/57.6313, no new costs are required for compliance with the final rule. MSHA, therefore, has not included an additional cost for this provision in the Regulatory Flexibility Analysis.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, requires each Federal agency to assess the effects of Federal regulatory actions on state, local, and tribal governments and the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. The Agency has determined that this final rule does not impose an unfunded mandate on state and local governments or tribal entities.

List of Subjects in 30 CFR Parts 56 and 57

Explosives, Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements.

Dated: June 26, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Parts 56 and 57, subchapter N, chapter I, title 30 of the Code of Federal Regulations are amended as follows:

PART 56—[AMENDED]

1. The authority citation for part 56 is revised to read as follows:

Authority: 30 U.S.C. 811.

2. Effective September 10, 1996, subpart E of part 56 is revised to read as follows:

Subpart E—Explosives

Sec.

56.6000 Definitions.

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56.6100 Separation of stored explosive material.
56.6101 Areas around explosive material storage facilities.
56.6102 Explosive material storage practices.
56.6130 Explosive material storage facilities.
56.6131 Location of explosive material storage facilities.
56.6132 Magazine requirements.
56.6133 Powder chests.

TRANSPORTATION

56.6200 Delivery to storage or blast site areas.
56.6201 Separation of transported explosive material.
56.6202 Vehicles.
56.6203 Locomotives.
56.6204 Hoists.
56.6205 Conveying explosives by hand.

USE

56.6300 Control of blasting operations.
56.6301 Blasthole obstruction check.
56.6302 Separation of explosive material.
56.6303 Initiation preparation.
56.6304 Primer protection.
56.6305 Unused explosive material.
56.6306 Loading, blasting, and security.
56.6307 Drill stem loading.
56.6308 Initiation systems.
56.6309 Fuel oil requirements for ANFO.
56.6310 Misfire waiting period.
56.6311 Handling of misfires.
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ELECTRIC BLASTING

56.6400 Compatibility of electric detonators.
56.6401 Shunting.
56.6402 Deenergized circuits near detonators.
56.6403 Branch circuits.
56.6404 Separation of blasting circuits from power source.
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56.6500 Damaged initiating material.
56.6501 Nonelectric initiation systems.
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EXTRANEOUS ELECTRICITY

56.6600 Loading practices.
56.6601 Grounding.
56.6602 Static electricity dissipation during loading.
56.6603 Air gap.
56.6604 Precautions during storms.
56.6605 Isolation of blasting circuits.

EQUIPMENT/TOOLS

56.6700 Nonsparking tools.
56.6701 Tamping and loading pole requirements.

MAINTENANCE

56.6800 Storage facilities.
56.6801 Vehicle repair.
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GENERAL REQUIREMENTS

56.6900 Damaged or deteriorated explosive material.
56.6901 Black powder.
56.6902 Excessive temperatures.
56.6903 Burning explosive material.
56.6904 Smoking and open flames.
57.6905 Protection of explosive material.

Subpart E—Explosives

§ 56.6000 Definitions.

The following definitions apply in this subpart.

Attended. Presence of an individual or continuous monitoring to prevent unauthorized entry or access.

Barrier. A material object, or objects that separates, keeps apart, or demarcates in a conspicuous manner such as cones, a warning sign, or tape.

Blast area. The area in which concussion (shock wave), flying material, or gases from an explosion may cause injury to persons. In determining the blast area, the following factors shall be considered:

(1) Geology or material to be blasted.

(2) Blast pattern.

(3) Burden, depth, diameter, and angle of the holes.

(4) Blasting experience of the mine.

(5) Delay system, powder factor, and pounds per delay.

(6) Type and amount of explosive material.

(7) Type and amount of stemming.

Blast site. The area where explosive material is handled during loading, including the perimeter formed by the loaded blastholes and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50-foot (15.2-meter) requirement if the perimeter of loaded holes is demarcated with a barrier. The 50-foot (15.2-meter) and alternative 30-foot (9.1-meter)

requirements also apply in all directions along the full depth of the hole.

Blasting agent. Any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114a(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Detonating cord. A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

Detonator. Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps and delay connectors. The term ''detonator'' does not include detonating cord. Detonators may be either ''Class A'' detonators or ''Class C'' detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Emulsion. An explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

Explosive. Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Explosive material. Explosives, blasting agents, and detonators.

Flash point. The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

Igniter cord. A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

Laminated partition. A partition composed of the following material and minimum nominal dimensions: ½-inch-thick plywood, ½-inch-thick gypsum wallboard, ⅛-inch-thick low carbon steel, and ¼-inch-thick plywood, bonded together in that order (IME–22 Box). A laminated partition also includes alternative construction materials described in the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

Loading. Placing explosive material either in a blasthole or against the material to be blasted.

Magazine. A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the storage of explosives and detonators (BATF Type 1 or Type 2 facility).

Misfire. The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

Multipurpose dry-chemical fire extinguisher. An extinguisher having a rating of at least 2–A:10–B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

Primer. A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

Safety switch. A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to the blasting circuit.

Slurry. An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

Storage facility. The entire class of structures used to store explosive materials. A ''storage facility'' used to store blasting agents corresponds to a BATF Type 4 or 5 storage facility.

Water gel. An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

STORAGE

§ 56.6100 Separation of stored explosive material.

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

§ 56.6101 Areas around explosive material storage facilities.

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

§ 56.6102 Explosive material storage practices.

(a) Explosive material shall be—

(1) Stored in a manner to facilitate use of oldest stocks first;

(2) Stored according to brand and grade in such a manner as to facilitate identification; and

(3) Stacked in a stable manner but not more than 8 feet high.

(b) Explosives and detonators shall be stored in closed nonconductive containers except that nonelectric detonating devices may be stored on nonconductive racks provided the case-insert instructions and the date-plant-shift code are maintained with the product.

§ 56.6130 Explosive material storage facilities.

(a) Detonators and explosives shall be stored in magazines.

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Drop trailers do not have to be ventilated if they are currently licensed by the Federal, State, or local authorities for over-the-road use. Facilities other than magazines used to store blasting agents shall contain only blasting agents.

(c) Bulk blasting agents shall be stored in weather-resistant bins or tanks which are locked, attended, or otherwise inaccessible to unauthorized entry.

(d) Facilities, bins or tanks shall be posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach.

§ 56.6131 Location of explosive material storage facilities.

(a) Storage facilities for any explosive material shall be—

(1) Located so that the forces generated by a storage facility explosion will not create a hazard to occupants in mine buildings and will not damage dams or electric substations; and

(2) Detached structures located outside the blast area and a sufficient distance from powerlines so that the powerlines, if damaged, would not contact the magazines.

(b) Operators should also be aware of regulations affecting storage facilities in 27 CFR part 55, in particular, 27 CFR 55.218 and 55.220. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

§ 56.6132 Magazine requirements.

(a) Magazines shall be—

(1) Structurally sound;

(2) Noncombustible or the exterior covered with fire-resistant material;

(3) Bullet resistant;

(4) Made of nonsparking material on the inside;

(5) Ventilated to control dampness and excessive heating within the magazine;

(6) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach, so located that a bullet passing through any of the signs will not strike the magazine;

(7) Kept clean and dry inside;

(8) Unlighted or lighted by devices that are specifically designed for use in magazines and which do not create a fire or explosion hazard;

(9) Unheated or heated only with devices that do not create a fire or explosion hazard;

(10) Locked when unattended; and

(11) Used exclusively for the storage of explosive material except for essential nonsparking equipment used for the operation of the magazine.

(b) Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined. Conductive portions of nonmetal magazines shall be grounded.

(c) Electrical switches and outlets shall be located on the outside of the magazine.

§ 56.6133 Powder chests.

(a) Powder chests (day boxes) shall be—

(1) Structurally sound, weather-resistant, equipped with a lid or cover, and with only nonsparking material on the inside;

(2) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach;

(3) Located out of the blast area once loading has been completed;

(4) Locked or attended when containing explosive material; and

(5) Emptied at the end of each shift with the contents returned to a magazine or other storage facility, or attended.

(b) Detonators shall be kept in chests separate from explosives or blasting agents, unless separated by 4-inches of hardwood or equivalent, or a laminated partition. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

TRANSPORTATION

§ 56.6200 Delivery to storage or blast site areas.

Explosive material shall be transported without undue delay to the storage area or blast site.

§ 56.6201 Separation of transported explosive material.

Detonators shall not be transported on the same vehicle or conveyance with other explosives except as follows:

(a) Detonators in quantities of more than 1000 may be transported in a vehicle or conveyance with explosives or blasting agents provided the detonators are—

(1) Maintained in the original packaging as shipped from the manufacturer; and

(2) Separated from explosives or blasting agents by 4-inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No.22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(b) Detonators in quantities of 1000 or fewer may be transported with explosives or blasting agents provided the detonators are—

(1) Kept in closed containers; and

(2) Separated from explosives or blasting agents by 4-inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

§ 56.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Maintained in good condition and shall comply with the requirements of subpart M of this part;

(2) Equipped with sides and enclosures higher than the explosive material being transported or have the explosive material secured to a nonconductive pallet;

(3) Equipped with a cargo space that shall contain the explosive material (passenger areas shall not be considered cargo space);

(4) Equipped with at least two multipurpose dry-chemical fire extinguishers or one such extinguisher and an automatic fire suppression system;

(5) Posted with warning signs that indicate the contents and are visible from each approach;

(6) Occupied only by persons necessary for handling the explosive material;

(7) Attended or the cargo compartment locked, except when parked at the blast site and loading is in progress; and

(8) Secured while parked by having—

(i) The brakes set;

(ii) The wheels chocked if movement could occur; and

(iii) The engine shut off unless powering a device being used in the loading operation.

(b) Vehicles containing explosives shall have—

(1) No sparking material exposed in the cargo space; and

(2) Only properly secured nonsparking equipment in the cargo space with the explosives.

(c) Vehicles used for dispensing bulk explosive material shall—

(1) Have no zinc or copper exposed in the cargo space; and

(2) Provide any enclosed screw-type conveyors with protection against internal pressure and frictional heat.

§ 56.6203 Locomotives.

Explosive material shall not be transported on a locomotive. When explosive material is hauled by trolley locomotive, covered, electrically insulated cars shall be used.

§ 56.6204 Hoists.

(a) Before explosive material is transported in hoist conveyances, the hoist operator shall be notified.

(b) Explosive material transported in hoist conveyances shall be placed within a container which prevents shifting of the cargo that could cause detonation of the container by impact or by sparks. The manufacturer's container may be used if secured to a nonconductive pallet. When explosives are transported, they shall be secured so as not to contact any sparking material.

(c) No explosive material shall be transported during a mantrip.

§ 56.6205 Conveying explosives by hand.

Closed, nonconductive containers shall be used to carry explosives and detonators to and from blast sites. Separate containers shall be used for explosives and detonators.

USE

§ 56.6300 Control of blasting operations.

(a) Only persons trained and experienced in the handling and use of explosive material shall direct blasting operations and related activities.

(b) Trainees and inexperienced persons shall work only in the immediate presence of persons trained and experienced in the handling and use of explosive material.

§ 56.6301 Blasthole obstruction check.

Before loading, blastholes shall be checked and, wherever possible, cleared of obstructions.

§ 56.6302 Separation of explosive material.

Explosives and blasting agents shall be kept separated from detonators until loading begins.

§ 56.6303 Initiation preparation.

(a) Primers shall be made up only at the time of use and as close to the blast site as conditions allow.

(b) Primers shall be prepared with the detonator contained securely and completely within the explosive or contained securely and appropriately for its design in the tunnel or cap well.

(c) When using detonating cord to initiate another explosive, a connection shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in contact with the explosive.

§ 56.6304 Primer protection.

(a) Tamping shall not be done directly on a primer.

(b) Rigid cartridges of explosives or blasting agents that are 4 inches (100 millimeters) in diameter or larger shall not be dropped on the primer except where the blasthole contains sufficient depth of water to protect the primer from impact. Slit packages of prill, water gel, or emulsions are not considered rigid cartridges and may be drop loaded.

§ 56.6305 Unused explosive material.

Unused explosive material shall be moved to a protected location as soon as practical after loading operations are completed.

§ 56.6306 Loading, blasting, and security.

(a) When explosive materials or initiating systems are brought to the blast site, the blast site shall be attended; barricaded and posted with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out;'' or flagged against unauthorized entry.

(b) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or systems, or create other hazards.

(c) Once loading begins, the only activities permitted within the blast site shall be those activities directly related to the blasting operation and the activities of surveying, stemming, sampling of geology, and reopening of holes, provided that reasonable care is exercised. Haulage activity is permitted near the base of a highwall being loaded or awaiting firing, provided no other haulage access exists.

(d) Loading and blasting shall be conducted in a manner designed to facilitate a continuous process, with the blast fired as soon as possible following the completion of loading. If blasting a loaded round may be delayed for more than 72 hours, the operator shall notify the appropriate MSHA district office.

(e) In electric blasting prior to connecting to the power source, and in nonelectric blasting prior to attaching an initiating device, all persons shall leave the blast area except persons in a blasting shelter or other location that protects them from concussion (shock wave), flying material, and gases.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.

(g) Work shall not resume in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person with the ability and experience to perform the examination.

§ 56.6307 Drill stem loading.

Explosive material shall not be loaded into blastholes with drill stem equipment or other devices that could be extracted while containing explosive material. The use of loading hose, collar sleeves, or collar pipes is permitted.

§ 56.6308 Initiation systems.

Initiation systems shall be used in accordance with the manufacturer's instructions.

§ 56.6309 Fuel oil requirements for ANFO.

(a) Liquid hydrocarbon fuels with flash points lower than that of No. 2 diesel oil (125 °F) shall not be used to prepare ammonium nitrate-fuel oil, except that diesel fuels with flash points no lower than 100 °F may be used at ambient air temperatures below 45 °F.

(b) Waste oil, including crankcase oil, shall not be used to prepare ammonium nitrate-fuel oil.

§ 56.6310 Misfire waiting period.

When a misfire is suspected, persons shall not enter the blast area—

(a) For 30 minutes if safety fuse and blasting caps are used; or

(b) For 15 minutes if any other type detonators are used.

§ 56.6311 Handling of misfires.

(a) Faces and muck piles shall be examined for misfires after each blasting operation.

(b) Only work necessary to remove a misfire and protect the safety of miners engaged in the removal shall be permitted in the affected area until the misfire is disposed of in a safe manner.

(c) When a misfire cannot be disposed of safely, each approach to the area affected by the misfire shall be posted with a warning sign at a conspicuous location to prohibit entry, and the condition shall be reported immediately to mine management.

(d) Misfires occurring during the shift shall be reported to mine management not later than the end of the shift.

§ 56.6312 Secondary blasting.

Secondary blasts fired at the same time in the same work area shall be initiated from one source.

ELECTRIC BLASTING

§ 56.6400 Compatibility of electric detonators.

All electric detonators to be fired in a round shall be from the same manufacturer and shall have similar electrical firing characteristics.

§ 56.6401 Shunting.

Except during testing—

(a) Electric detonators shall be kept shunted until connected to the blasting line or wired into a blasting round;

(b) Wired rounds shall be kept shunted until connected to the blasting line; and

(c) Blasting lines shall be kept shunted until immediately before blasting.

§ 56.6402 Deenergized circuits near detonators.

Electrical distribution circuits within 50 feet of electric detonators at the blast site shall be deenergized. Such circuits need not be deenergized between 25 to 50 feet of the electric detonators if stray current tests, conducted as frequently as necessary, indicate a maximum stray current of less than 0.05 amperes through a 1-ohm resistor as measured at the blast site.

§ 56.6403 Branch circuits.

(a) If electric blasting includes the use of branch circuits, each branch shall be equipped with a safety switch or equivalent method to isolate the circuits to be used.

(b) At least one safety switch or equivalent method of protection shall be located outside the blast area and shall be in the open position until persons are withdrawn.

§ 56.6404 Separation of blasting circuits from power source.

(a) Switches used to connect the power source to a blasting circuit shall be locked in the open position except when closed to fire the blast.

(b) Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

§ 56.6405 Firing devices.

(a) Power sources shall be capable of delivering sufficient current to energize all electric detonators to be fired with the type of circuits used. Storage or dry cell batteries are not permitted as power sources.

(b) Blasting machines shall be tested, repaired, and maintained in accordance with manufacturer's instructions.

(c) Only the blaster shall have the key or other control to an electrical firing device.

§ 56.6406 Duration of current flow.

If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds. This can be accomplished by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive device attached to one or both lead lines and initiated by a 25-millisecond delay electric detonator.

§ 56.6407 Circuit testing.

A blasting galvanometer or other instrument designed for testing blasting circuits shall be used to test each of the following:

(a) Continuity of each electric detonator in the blasthole prior to stemming and connection to the blasting line.

(b) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line.

(c) Continuity of blasting lines prior to the connection of electric detonator series.

(d) Total blasting circuit resistance prior to connection to the power source.

NONELECTRIC BLASTING

§ 56.6500 Damaged initiating material.

A visual check of the completed circuit shall be made to ensure that the components are properly aligned and connected. Safety fuse, igniter cord, detonating cord, shock or gas tubing, and similar material which is kinked, bent sharply, or damaged shall not be used.

§ 56.6501 Nonelectric initiation systems.

(a) When the nonelectric initiation system uses shock tube—

(1) Connections with other initiation devices shall be secured in a manner which provides for uninterrupted propagation;

(2) Factory-made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions; and

(3) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used.

(b) When the nonelectric initiation system uses detonating cord—

(1) The line of detonating cord extending out of a blasthole shall be cut from the supply spool immediately after the attached explosive is correctly positioned in the hole;

(2) In multiple row blasts, the trunkline layout shall be designed so that the detonation can reach each blasthole from at least two directions;

(3) Connections shall be tight and kept at right angles to the trunkline;

(4) Detonators shall be attached securely to the side of the detonating cord and pointed in the direction in which detonation is to proceed;

(5) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used; and

(6) Lead-in lines shall be manually unreeled if connected to the trunklines at the blast site.

(c) When the nonelectric initiation system uses gas tube, continuity of the circuit shall be tested prior to blasting.

§ 56.6502 Safety fuse.

(a) The burning rate of each spool of safety fuse to be used shall be measured, posted in locations which will be conspicuous to safety fuse users, and brought to the attention of all persons involved with the blasting operation.

(b) When firing with safety fuse ignited individually using handheld lighters, the safety fuse shall be of lengths which provide at least the minimum burning time for a particular size round, as specified in the following table:

TABLE E–1.—SAFETY FUSE—MINIMUM BURNING TIME

Number of holes in a round	Minimum burning time
1	2 min.[1]
2–5	2 min. 40 sec.
6–10	3 min. 20 sec.
11 to 15	5 min.

[1] For example, at least a 36-inch length of 40-second-per-foot safety fuse or at least a 48-inch length of 30-second-per-foot safety fuse would have to be used to allow sufficient time to evacuate the area.

(c) Where flyrock might damage exposed safety fuse, the blast shall be timed so that all safety fuses are burning within the blastholes before any blasthole detonates.

(d) Fuse shall be cut and capped in dry locations.

(e) Blasting caps shall be crimped to fuse only with implements designed for that purpose.

(f) Safety fuse shall be ignited only after the primer and the explosive material are securely in place.

(g) Safety fuse shall be ignited only with devices designed for that purpose. Carbide lights, liquefied petroleum gas torches, and cigarette lighters shall not be used to light safety fuse.

(h) At least two persons shall be present when lighting safety fuse, and no one shall light more than 15 individual fuses. If more than 15 holes per person are to be fired, electric initiation systems, igniter cord and connectors, or other nonelectric initiation systems shall be used.

EXTRANEOUS ELECTRICITY

§ 56.6600 Loading practices.

If extraneous electricity is suspected in an area where electric detonators are used, loading shall be suspended until tests determine that stray current does not exceed 0.05 amperes through a 1-ohm resister when measured at the location of the electric detonators. If greater levels of extraneous electricity are found, the source shall be determined and no loading shall take place until the condition is corrected.

§ 56.6601 Grounding.

Electric blasting circuits, including powerline sources when used, shall not be grounded.

§ 56.6602 Static electricity dissipation during loading.

When explosive material is loaded pneumatically into a blasthole in a manner that generates a static electricity hazard—

(a) An evaluation of the potential static electricity hazard shall be made and any hazard shall be eliminated before loading begins;

(b) The loading hose shall be of a semiconductive type, have a total of not more than 2 megohms of resistance over its entire length and not less than 1000 ohms of resistance per foot;

(c) Wire-countered hoses shall not be used;

(d) Conductive parts of the loading equipment shall be bonded and grounded and grounds shall not be made to other potential sources of extraneous electricity; and

(e) Plastic tubes shall not be used as hole liners if the hole contains an electric detonator.

§ 56.6603 Air gap.

At least a 15-foot air gap shall be provided between the blasting circuit and the electric power source.

§ 56.6604 Precautions during storms.

During the approach and progress of an electrical storm, blasting operations shall be suspended and persons withdrawn from the blast area or to a safe location.

§ 56.6605 Isolation of blasting circuits.

Lead wires and blasting lines shall be isolated and insulated from power conductors, pipelines, and railroad tracks, and shall be protected from sources of stray or static electricity. Blasting circuits shall be protected from any contact between firing lines and overhead powerlines which could result from the force of a blast.

EQUIPMENT/TOOLS

§ 56.6700 Nonsparking tools.

Only nonsparking tools shall be used to open containers of explosive material or to punch holes in explosive cartridges.

§ 56.6701 Tamping and loading pole requirements.

Tamping and loading poles shall be of wood or other nonconductive, nonsparking material. Couplings for poles shall be nonsparking.

MAINTENANCE

§ 56.6800 Storage facilities.

When repair work which could produce a spark or flame is to be performed on a storage facility—

(a) The explosive material shall be moved to another facility, or moved at least 50 feet from the repair activity and monitored; and

(b) The facility shall be cleaned to prevent accidental detonation.

§ 56.6801 Vehicle repair.

Vehicles containing explosive material and oxidizers shall not be taken into a repair garage or shop.

§ 56.6802 Bulk delivery vehicles.

No welding or cutting shall be performed on a bulk delivery vehicle until the vehicle has been washed down and all explosive material has been removed. Before welding or cutting on a hollow shaft, the shaft shall be thoroughly cleaned inside and out and vented with a minimum ½-inch diameter opening to allow for sufficient ventilation.

§ 56.6803 Blasting lines.

Permanent blasting lines shall be properly supported. All blasting lines shall be insulated and kept in good repair.

GENERAL REQUIREMENTS

§ 56.6900 Damaged or deteriorated explosive material.

Damaged or deteriorated explosive material shall be disposed of in a safe manner in accordance with the instructions of the manufacturer.

§ 56.6901 Black powder.

(a) Black powder shall be used for blasting only when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(b) Containers of black powder shall be—

(1) Nonsparking;

(2) Kept in a totally enclosed cargo space while being transported by a vehicle;

(3) Securely closed at all times when—

(i) Within 50 feet of any magazine or open flame;

(ii) Within any building in which a fuel-fired or exposed-element electric heater is operating; or

(iii) In an area where electrical or incandescent-particle sparks could result in powder ignition; and

(4) Opened only when the powder is being transferred to a blasthole or another container and only in locations not listed in paragraph (b)(3) of this section.

(c) Black powder shall be transferred from containers only by pouring.

(d) Spills shall be cleaned up promptly with nonsparking equipment. Contaminated powder shall be put into a container of water and shall be disposed of promptly after the granules have disintegrated, or the spill area shall be flushed promptly with water until the granules have disintegrated completely.

(e) Misfires shall be disposed of by washing the stemming and powder charge from the blasthole, and removing and disposing of the initiator in accordance with the requirement for damaged explosives.

(f) Holes shall not be reloaded for at least 12 hours when the blastholes have failed to break as planned.

§ 56.6902 Excessive temperatures.

(a) Where heat could cause premature detonation, explosive material shall not be loaded into hot areas, such as kilns or sprung holes.

(b) When blasting sulfide ores where hot holes occur that may react with

explosive material in blastholes, operators shall—

(1) Measure an appropriate number of blasthole temperatures in order to assess the specific mine conditions prior to the introduction of explosive material;

(2) Limit the time between the completion of loading and the initiation of the blast to no more than 12 hours; and

(3) Take other special precautions to address the specific conditions at the mine to prevent premature detonation.

§ 56.6903 Burning explosive material.

If explosive material is suspected of burning at the blast site, persons shall be evacuated from the endangered area and shall not return for at least one hour after the burning or suspected burning has stopped.

§ 56.6904 Smoking and open flames.

Smoking and use of open flames shall not be permitted within 50 feet of explosive material except when separated by permanent noncombustible barriers. This standard does not apply to devices designed to ignite safety fuse or to heating devices which do not create a fire or explosion hazard.

§ 56.6905 Protection of explosive material.

(a) Explosive material shall be protected from temperatures in excess of 150 degrees Fahrenheit.

(b) Explosive material shall be protected from impact, except for tamping and dropping during loading.

PART 57—[AMENDED]

1. The authority citation for part 57 is revised to read as follows:

Authority: 30 U.S.C. 811.

2. Effective September 10, 1996, subpart E of part 57 is revised to read as follows:

Subpart E—Explosives

Sec.

57.6000 Definitions.

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57.6100 Separation of stored explosive material.
57.6101 Areas around explosive material storage facilities.
57.6102 Explosive material storage practices.

STORAGE—SURFACE ONLY

57.6130 Explosive material storage facilities.
57.6131 Location of explosive material storage facilities.
57.6132 Magazine requirements.
57.6133 Powder chests.

STORAGE—UNDERGROUND ONLY

57.6160 Main facilities.
57.6161 Auxiliary facilities.

TRANSPORTATION—SURFACE AND UNDERGROUND

57.6200 Delivery to storage or blast site areas.
57.6201 Separation of transported explosive material.
57.6202 Vehicles.
57.6203 Locomotives.
57.6204 Hoists.
57.6205 Conveying explosives by hand.

USE—SURFACE AND UNDERGROUND

57.6300 Control of blasting operations.
57.6301 Blasthole obstruction check.
57.6302 Separation of explosive material.
57.6303 Initiation preparation.
57.6304 Primer protection.
57.6305 Unused explosive material.
57.6306 Loading, blasting, and security.
57.6307 Drill stem loading.
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ELECTRIC BLASTING—SURFACE AND UNDERGROUND

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EQUIPMENT/TOOLS—SURFACE AND UNDERGROUND

57.6700 Nonsparking tools.
57.6701 Tamping and loading pole requirements.

MAINTENANCE—SURFACE AND UNDERGROUND

57.6800 Storage facilities.
57.6801 Vehicle repair.
57.6802 Bulk delivery vehicles.
57.6803 Blasting lines.

GENERAL REQUIREMENTS—SURFACE AND UNDERGROUND

57.6900 Damaged or deteriorated explosive material.
57.6901 Black powder.
57.6902 Excessive temperatures.
57.6903 Burning explosive material.
57.6904 Smoking and open flames.
57.6905 Protection of explosive material.

GENERAL REQUIREMENTS—UNDERGROUND ONLY

57.6960 Mixing of explosive material.

Subpart E—Explosives

§ 57.6000 Definitions.

The following definitions apply in this subpart.

Attended. Presence of an individual or continuous monitoring to prevent unauthorized entry or access. In addition, areas containing explosive material at underground areas of a mine can be considered attended when all access to the underground areas of the mine is secured from unauthorized entry. Vertical shafts shall be considered secure. Inclined shafts or adits shall be considered secure when locked at the surface.

Barrier. A material object, or objects that separates, keeps apart, or demarcates in a conspicuous manner such as cones, a warning sign, or tape.

Blast area. The area in which concussion (shock wave), flying material, or gases from an explosion may cause injury to persons. In determining the blast area, the following factors shall be considered:

(1) Geology or material to be blasted.

(2) Blast pattern.

(3) Burden, depth, diameter, and angle of the holes.

(4) Blasting experience of the mine.

(5) Delay system, powder factor, and pounds per delay.

(6) Type and amount of explosive material.

(7) Type and amount of stemming.

Blast site. The area where explosive material is handled during loading, including the perimeter formed by the loaded blastholes and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50-foot (15.2-meter) requirement if the perimeter of loaded holes is demarcated with a barrier. The 50-foot (15.2-meter) and alternative 30-foot (9.1-meter) requirements also apply in all directions along the full depth of the hole. In underground mines, at least 15 feet (4.6 meters) of solid rib, pillar, or broken rock can be substituted for the 50-foot (15.2-meter) distance. In underground mines utilizing a block-caving system or similar system, at least 6 feet (1.8 meters) of solid rib or pillar, including concrete reinforcement of at least 10 inches (254 millimeters), with overall dimensions of not less than 6 feet (1.8 meters), may be substituted for the 50-foot (15.2-meter) distance requirement.

Blasting agent. Any substance classified as a blasting agent by the Department of Transportation in 49 CFR

173.114a(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Detonating cord. A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

Detonator. Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps, and delay connectors. The term ''detonator'' does not include detonating cord. Detonators may be either ''Class A'' detonators or ''Class C'' detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Emulsion. An explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

Explosive. Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Explosive material. Explosives, blasting agents, and detonators.

Flash point. The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

Igniter cord. A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

Laminated partition. A partition composed of the following material and minimum nominal dimensions: ½-inch-thick plywood, ½-inch-thick gypsum wallboard, ⅛-inch-thick low carbon steel, and ¼-inch-thick plywood, bonded together in that order (IME–22 Box). A laminated partition also includes alternative construction materials described in the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials.'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., 7th Floor, suite 700, Washington, DC.

Loading. Placing explosive material either in a blasthole or against the material to be blasted.

Magazine. A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the storage of explosives and detonators (BATF Type 1 or Type 2 facility).

Misfire. The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

Multipurpose dry-chemical fire extinguisher. An extinguisher having a rating of at least 2–A:10–B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

Primer. A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

Safety switch. A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to the blasting circuit.

Slurry. An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

Storage facility. The entire class of structures used to store explosive materials. A ''storage facility'' used to store blasting agents corresponds to a BATF Type 4 or 5 storage facility.

Water gel. An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

STORAGE—SURFACE AND UNDERGROUND

§ 57.6100 Separation of stored explosive material.

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

§ 57.6101 Areas around explosive material storage facilities.

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

§ 57.6102 Explosive material storage practices.

(a) Explosive material shall be—

(1) Stored in a manner to facilitate use of oldest stocks first;

(2) Stored according to brand and grade in such a manner as to facilitate identification; and

(3) Stacked in a stable manner but not more than 8 feet high.

(b) Explosives and detonators shall be stored in closed nonconductive containers except that nonelectric detonating devices may be stored on nonconductive racks provided the case-insert instructions and the date-plant-shift code are maintained with the product.

STORAGE—SURFACE ONLY

§ 57.6130 Explosive material storage facilities.

(a) Detonators and explosives shall be stored in magazines.

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Drop trailers do not have to be ventilated if they are currently licensed by the Federal, State, or local authorities for over-the-road use. Facilities other than magazines used to store blasting agents shall contain only blasting agents.

(c) Bulk blasting agents shall be stored in weather-resistant bins or tanks which are locked, attended, or otherwise inaccessible to unauthorized entry.

(d) Facilities, bins or tanks shall be posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach.

§ 57.6131 Location of explosive material storage facilities.

(a) Storage facilities for any explosive material shall be—

(1) Located so that the forces generated by a storage facility explosion will not create a hazard to occupants in mine buildings and will not damage dams or electric substations; and

(2) Detached structures located outside the blast area and a sufficient distance from powerlines so that the powerlines, if damaged, would not contact the magazines.

(b) Operators should also be aware of regulations affecting storage facilities in 27 CFR part 55, in particular, 27 CFR

55.218 and 55.220. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

§ 57.6132 Magazine requirements.

(a) Magazines shall be—

(1) Structurally sound;

(2) Noncombustible or the exterior covered with fire-resistant material;

(3) Bullet resistant;

(4) Made of nonsparking material on the inside;

(5) Ventilated to control dampness and excessive heating within the magazine;

(6) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach, so located that a bullet passing through any of the signs will not strike the magazine;

(7) Kept clean and dry inside;

(8) Unlighted or lighted by devices that are specifically designed for use in magazines and which do not create a fire or explosion hazard;

(9) Unheated or heated only with devices that do not create a fire or explosion hazard;

(10) Locked when unattended; and

(11) Used exclusively for the storage of explosive material except for essential nonsparking equipment used for the operation of the magazine.

(b) Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined. Conductive portions of nonmetal magazines shall be grounded.

(c) Electrical switches and outlets shall be located on the outside of the magazine.

§ 57.6133 Powder chests.

(a) Powder chests (day boxes) shall be—

(1) Structurally sound, weather-resistant, equipped with a lid or cover, and with only nonsparking material on the inside;

(2) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach;

(3) Located out of the blast area once loading has been completed;

(4) Locked or attended when containing explosive material; and

(5) Emptied at the end of each shift with the contents returned to a magazine or other storage facility, or attended.

(b) Detonators shall be kept in chests separate from explosives or blasting agents, unless separated by 4-inches of hardwood or equivalent, or a laminated partition. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, (May 1993), ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., 7th Floor, suite 700, Washington, DC.

STORAGE—UNDERGROUND ONLY

§ 57.6160 Main facilities.

(a) Main facilities used to store explosive material underground shall be located—

(1) In stable or supported ground;

(2) So that a fire or explosion in the storage facilities will not prevent escape from the mine, or cause detonation of the contents of another storage facility;

(3) Out of the line of blasts, and protected from vehicular traffic, except that accessing the facility;

(4) At least 200 feet from work places or shafts;

(5) At least 50 feet from electric substations;

(6) A safe distance from trolley wires; and

(7) At least 25 feet from detonator storage facilities.

(b) Main facilities used to store explosive material underground shall be—

(1) Posted with warning signs that indicate the contents and are visible from any approach;

(2) Used exclusively for the storage of explosive material and necessary equipment associated with explosive material storage and delivery:

(i) Portions of the facility used for the storage of explosives shall only contain nonsparking material or equipment.

(ii) The blasting agent portion of the facility may be used for the storage of other necessary equipment;

(3) Kept clean, suitably dry, and orderly;

(4) Provided with unobstructed ventilation openings;

(5) Kept securely locked unless all access to the mine is either locked or attended; and

(6) Unlighted or lighted only with devices that do not create a fire or explosion hazard and which are specifically designed for use in magazines.

(c) Electrical switches and outlets shall be located outside the facility.

§ 57.6161 Auxiliary facilities.

(a) Auxiliary facilities used to store explosive material near work places shall be wooden, box-type containers equipped with covers or doors, or facilities constructed or mined-out to provide equivalent impact resistance and confinement.

(b) The auxiliary facilities shall be—

(1) Constructed of nonsparking material on the inside when used for the storage of explosives;

(2) Kept clean, suitably dry, and orderly;

(3) Kept in repair;

(4) Located out of the line of blasts so they will not be subjected to damaging shock or flyrock;

(5) Identified with warning signs or coded to indicate the contents with markings visible from any approach;

(6) Located at least 15 feet from all haulageways and electrical equipment, or placed entirely within a mined-out recess in the rib used exclusively for explosive material;

(7) Filled with no more than a one-week supply of explosive material;

(8) Separated by at least 25 feet from other facilities used to store detonators; and

(9) Kept securely locked unless all access to the mine is either locked or attended.

TRANSPORTATION—SURFACE AND UNDERGROUND

§ 57.6200 Delivery to storage or blast site areas.

Explosive material shall be transported without undue delay to the storage area or blast site.

§ 57.6201 Separation of transported explosive material.

Detonators shall not be transported on the same vehicle or conveyance with other explosives except as follows:

(a) Detonators in quantities of more than 1,000 may be transported in a vehicle or conveyance with explosives or blasting agents provided the detonators are—

(1) Maintained in the original packaging as shipped from the manufacturer; and

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for examination at the Office of the Federal Register, 800 North Capitol Street NW., 7th Floor, suite 700, Washington, DC.

(b) Detonators in quantities of 1,000 or fewer may be transported with explosives or blasting agents provided the detonators are—

(1) Kept in closed containers; and

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials'' (May 1993), and the ''Generic Loading Guide for the IME–22 Container'' (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 4015 Wilson Boulevard, Room 728, Arlington, VA 22203, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for examination at the Office of the Federal Register, 800 North Capitol Street NW., 7th Floor, suite 700, Washington, DC.

§ 57.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Maintained in good condition and shall comply with the requirements of subpart M of this part;

(2) Equipped with sides and enclosures higher than the explosive material being transported or have the explosive material secured to a nonconductive pallet;

(3) Equipped with a cargo space that shall contain the explosive material (passenger areas shall not be considered cargo space);

(4) Equipped with at least two multipurpose dry-chemical fire extinguishers or one such extinguisher and an automatic fire suppression system;

(5) Posted with warning signs that indicate the contents and are visible from each approach;

(6) Occupied only by persons necessary for handling the explosive material;

(7) Attended or the cargo compartment locked at surface areas of underground mines, except when parked at the blast site and loading is in progress; and

(8) Secured while parked by having—

(i) The brakes set;

(ii) The wheels chocked if movement could occur; and

(iii) The engine shut off unless powering a device being used in the loading operation.

(b) Vehicles containing explosives shall have—

(1) No sparking material exposed in the cargo space; and

(2) Only properly secured nonsparking equipment in the cargo space with the explosives.

(c) Vehicles used for dispensing bulk explosive material shall—

(1) Have no zinc or copper exposed in the cargo space; and

(2) Provide any enclosed screw-type conveyors with protection against internal pressure and frictional heat.

§ 57.6203 Locomotives.

Explosive material shall not be transported on a locomotive. When explosive material is hauled by trolley locomotive, covered, electrically insulated cars shall be used.

§ 57.6204 Hoists.

(a) Before explosive material is transported in hoist conveyances—

(1) The hoist operator shall be notified; and

(2) Hoisting in adjacent shaft compartments, except for empty conveyances or counterweights, shall be stopped until transportation of the explosive material is completed.

(b) Explosive material transported in hoist conveyances shall be placed within a container which prevents shifting of the cargo that could cause detonation of the container by impact or by sparks. The manufacturer's container may be used if secured to a nonconductive pallet. When explosives are transported, they shall be secured so as not to contact any sparking material.

(c) No explosive material shall be transported during a mantrip.

§ 57.6205 Conveying explosives by hand.

Closed, nonconductive containers shall be used to carry explosives and detonators to and from blast sites. Separate containers shall be used for explosives and detonators.

USE—SURFACE AND UNDERGROUND

§ 57.6300 Control of blasting operations.

(a) Only persons trained and experienced in the handling and use of explosive material shall direct blasting operations and related activities.

(b) Trainees and inexperienced persons shall work only in the immediate presence of persons trained and experienced in the handling and use of explosive material.

§ 57.6301 Blasthole obstruction check.

Before loading, blastholes shall be checked and, wherever possible, cleared of obstructions.

§ 57.6302 Separation of explosive material.

Explosives and blasting agents shall be kept separated from detonators until loading begins.

§ 57.6303 Initiation preparation.

(a) Primers shall be made up only at the time of use and as close to the blast site as conditions allow.

(b) Primers shall be prepared with the detonator contained securely and completely within the explosive or contained securely and appropriately for its design in the tunnel or cap well.

(c) When using detonating cord to initiate another explosive, a connection shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in contact with the explosive.

§ 57.6304 Primer protection.

(a) Tamping shall not be done directly on a primer.

(b) Rigid cartridges of explosives or blasting agents that are 4 inches (100 millimeters) in diameter or larger shall not be dropped on the primer except where the blasthole contains sufficient depth of water to protect the primer from impact. Slit packages of prill, water gel, or emulsions are not considered rigid cartridges and may be drop loaded.

§ 57.6305 Unused explosive material.

Unused explosive material shall be moved to a protected location as soon as practical after loading operations are completed.

§ 57.6306 Loading, blasting, and security.

(a) When explosive materials or initiating systems are brought to the blast site, the blast site shall be attended; barricaded and posted with warning signs, such as ''Danger,'' ''Explosives,'' or ''Keep Out;'' or flagged against unauthorized entry.

(b) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or create other hazards.

(c) Once loading begins, the only activities permitted within the blast site shall be those activities directly related to the blasting operation and the activities of surveying, stemming, sampling of geology, and reopening of holes, provided that reasonable care is exercised. Haulage activity is permitted near the base of bench faces being loaded or awaiting firing, provided no other haulage access exists.

(d) Loading and blasting shall be conducted in a manner designed to facilitate a continuous process, with the blast fired as soon as possible following the completion of loading. If blasting a loaded round may be delayed for more than 72 hours, the operator shall notify the appropriate MSHA district office.

(e) In electric blasting prior to connecting to the power source, and in nonelectric blasting prior to attaching an initiating device, all persons shall leave the blast area except persons in a blasting shelter or other location that protects them from concussion (shock wave), flying material, and gases.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.

(g) Work shall not be resumed in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person with the ability and experience to perform the examination.

§ 57.6307 Drill stem loading.

Explosive material shall not be loaded into blastholes with drill stem equipment or other devices that could be extracted while containing explosive material. The use of loading hose, collar sleeves, or collar pipes is permitted.

§ 57.6308 Initiation systems.

Initiation systems shall be used in accordance with the manufacturer's instructions.

§ 57.6309 Fuel oil requirements for ANFO.

(a) Liquid hydrocarbon fuels with flash points lower than that of No. 2 diesel oil (125 °F) shall not be used to prepare ammonium nitrate-fuel oil, except that diesel fuels with flash points no lower than 100 °F may be used at ambient air temperatures below 45 °F.

(b) Waste oil, including crankcase oil, shall not be used to prepare ammonium nitrate-fuel oil.

§ 57.6310 Misfire waiting period.

When a misfire is suspected, persons shall not enter the blast area—

(a) For 30 minutes if safety fuse and blasting caps are used; or

(b) For 15 minutes if any other type detonators are used.

§ 57.6311 Handling of misfires.

(a) Faces and muck piles shall be examined for misfires after each blasting operation.

(b) Only work necessary to remove a misfire and protect the safety of miners engaged in the removal shall be permitted in the affected area until the misfire is disposed of in a safe manner.

(c) When a misfire cannot be disposed of safely, each approach to the area affected by the misfire shall be posted with a warning sign at a conspicuous location to prohibit entry, and the condition shall be reported immediately to mine management.

(d) Misfires occurring during the shift shall be reported to mine management not later than the end of the shift.

§ 57.6312 Secondary blasting.

Secondary blasts fired at the same time in the same work area shall be initiated from one source.

ELECTRIC BLASTING—SURFACE AND UNDERGROUND

§ 57.6400 Compatibility of electric detonators.

All electric detonators to be fired in a round shall be from the same manufacturer and shall have similar electrical firing characteristics.

§ 57.6401 Shunting.

Except during testing—

(a) Electric detonators shall be kept shunted until connected to the blasting line or wired into a blasting round;

(b) Wired rounds shall be kept shunted until connected to the blasting line; and

(c) Blasting lines shall be kept shunted until immediately before blasting.

§ 57.6402 Deenergized circuits near detonators.

Electrical distribution circuits within 50 feet of electric detonators at the blast site shall be deenergized. Such circuits need not be deenergized between 25 to 50 feet of the electric detonators if stray current tests, conducted as frequently as necessary, indicate a maximum stray current of less than 0.05 ampere through a 1-ohm resistor as measured at the blast site.

§ 57.6403 Branch circuits.

(a) If electric blasting includes the use of branch circuits, each branch shall be equipped with a safety switch or equivalent method to isolate the circuits to be used.

(b) At least one safety switch or equivalent method of protection shall be located outside the blast area and shall be in the open position until persons are withdrawn.

§ 57.6404 Separation of blasting circuits from power source.

(a) Switches used to connect the power source to a blasting circuit shall be locked in the open position except when closed to fire the blast.

(b) Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

§ 57.6405 Firing devices.

(a) Power sources shall be capable of delivering sufficient current to energize all electric detonators to be fired with the type of circuits used. Storage or dry cell batteries are not permitted as power sources.

(b) Blasting machines shall be tested, repaired, and maintained in accordance with manufacturer's instructions.

(c) Only the blaster shall have the key or other control to an electrical firing device.

§ 57.6406 Duration of current flow.

If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds. This can be accomplished by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive device attached to one or both lead lines and initiated by a 25-millisecond delay electric detonator.

§ 57.6407 Circuit testing.

A blasting galvanometer or other instrument designed for testing blasting circuits shall be used to test the following:

(a) In surface operations—

(1) Continuity of each electric detonator in the blasthole prior to stemming and connection to the blasting line;

(2) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line;

(3) Continuity of blasting lines prior to the connection of electric detonator series; and

(4) Total blasting circuit resistance prior to connection to the power source.

(b) In underground operations—

(1) Continuity of each electric detonator series; and

(2) Continuity of blasting lines prior to the connection of electric detonators.

NONELECTRIC BLASTING—SURFACE AND UNDERGROUND

§ 57.6500 Damaged initiating material.

A visual check of the completed circuit shall be made to ensure that the components are properly aligned and connected. Safety fuse, igniter cord, detonating cord, shock or gas tubing, and similar material which is kinked, bent sharply, or damaged shall not be used.

§ 57.6501 Nonelectric initiation systems.

(a) When the nonelectric initiation system uses shock tube—

(1) Connections with other initiation devices shall be secured in a manner which provides for uninterrupted propagation;

(2) Factory-made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions; and

(3) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used.

(b) When the nonelectric initiation system uses detonating cord—

(1) The line of detonating cord extending out of a blasthole shall be cut from the supply spool immediately after the attached explosive is correctly positioned in the hole;

(2) In multiple row blasts, the trunkline layout shall be designed so that the detonation can reach each blasthole from at least two directions;

(3) Connections shall be tight and kept at right angles to the trunkline;

(4) Detonators shall be attached securely to the side of the detonating cord and pointed in the direction in which detonation is to proceed;

(5) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used; and

(6) Lead-in lines shall be manually unreeled if connected to the trunklines at the blast site.

(c) When nonelectric initiation systems use gas tube, continuity of the circuit shall be tested prior to blasting.

§ 57.6502 Safety fuse.

(a) The burning rate of each spool of safety fuse to be used shall be measured, posted in locations which will be conspicuous to safety fuse users, and brought to the attention of all persons involved with the blasting operation.

(b) When firing with safety fuse ignited individually using handheld lighters, the safety fuse shall be of lengths which provide at least the minimum burning time for a particular size round, as specified in the following table:

TABLE E–1.—SAFETY FUSE—MINIMUM BURNING TIME

Number of holes in a round	Minimum burning time
1	2 min.[1]
2–5	2 min. 40 sec.
6–10	3 min. 20 sec.
11 to 15	5 min.

[1] For example, at least a 36-inch length of 40-second-per-foot safety fuse or at least a 48-inch length of 30-second-per-foot safety fuse would have to be used to allow sufficient time to evacuate the area.

(c) Where flyrock might damage exposed safety fuse, the blast shall be timed so that all safety fuses are burning within the blastholes before any blasthole detonates.

(d) Fuse shall be cut and capped in dry locations.

(e) Blasting caps shall be crimped to fuse only with implements designed for that purpose.

(f) Safety fuse shall be ignited only after the primer and the explosive material are securely in place.

(g) Safety fuse shall be ignited only with devices designed for that purpose. Carbide lights, liquefied petroleum gas torches, and cigarette lighters shall not be used to light safety fuse.

(h) At least two persons shall be present when lighting safety fuse, and no one shall light more than 15 individual fuses. If more than 15 holes per person are to be fired, electric initiation systems, igniter cord and connectors, or other nonelectric initiation systems shall be used.

EXTRANEOUS ELECTRICITY—SURFACE AND UNDERGROUND

§ 57.6600 Loading practices.

If extraneous electricity is suspected in an area where electric detonators are used, loading shall be suspended until tests determine that stray current does not exceed 0.05 amperes through a 1-ohm resister when measured at the location of the electric detonators. If greater levels of extraneous electricity are found, the source shall be determined and no loading shall take place until the condition is corrected.

§ 57.6601 Grounding.

Electric blasting circuits, including powerline sources when used, shall not be grounded.

§ 57.6602 Static electricity dissipation during loading.

When explosive material is loaded pneumatically into a blasthole in a manner that generates a static electricity hazard—

(a) An evaluation of the potential static electricity hazard shall be made and any hazard shall be eliminated before loading begins;

(b) The loading hose shall be of a semiconductive type, have a total of not more than 2 megohms of resistance over its entire length and not less than 1000 ohms of resistance per foot;

(c) Wire-countered hoses shall not be used;

(d) Conductive parts of the loading equipment shall be bonded and grounded and grounds shall not be made to other potential sources of extraneous electricity; and

(e) Plastic tubes shall not be used as hole liners if the hole contains an electric detonator.

§ 57.6603 Air gap.

At least a 15-foot air gap shall be provided between the blasting circuit and the electric power source.

§ 57.6604 Precautions during storms.

During the approach and progress of an electrical storm—

(a) Surface blasting operations shall be suspended and persons withdrawn from the blast area or to a safe location; or

(b) Underground electrical blasting operations that are capable of being initiated by lightning shall be suspended and all persons withdrawn from the blast area or to a safe location.

§ 57.6605 Isolation of blasting circuits.

Lead wires and blasting lines shall be isolated and insulated from power conductors, pipelines, and railroad tracks, and shall be protected from sources of stray or static electricity. Blasting circuits shall be protected from any contact between firing lines and overhead powerlines which could result from the force of a blast.

EQUIPMENT/TOOLS—SURFACE AND UNDERGROUND

§ 57.6700 Nonsparking tools.

Only nonsparking tools shall be used to open containers of explosive material or to punch holes in explosive cartridges.

§ 57.6701 Tamping and loading pole requirements.

Tamping and loading poles shall be of wood or other nonconductive, nonsparking material. Couplings for poles shall be nonsparking.

MAINTENANCE—SURFACE AND UNDERGROUND

§ 57.6800 Storage facilities.

When repair work which could produce a spark or flame is to be performed on a storage facility—

(a) The explosive material shall be moved to another facility, or moved at least 50 feet from the repair activity and monitored; and

(b) The facility shall be cleaned to prevent accidental detonation.

§ 57.6801 Vehicle repair.

Vehicles containing explosive material and oxidizers shall not be taken into a repair garage or shop.

§ 57.6802 Bulk delivery vehicles.

No welding or cutting shall be performed on a bulk delivery vehicle until the vehicle has been washed down and all explosive material has been removed. Before welding or cutting on a hollow shaft, the shaft shall be thoroughly cleaned inside and out and vented with a minimum ½-inch diameter opening to allow for sufficient ventilation.

§ 57.6803 Blasting lines.

Permanent blasting lines shall be properly supported. All blasting lines shall be insulated and kept in good repair.

GENERAL REQUIREMENTS—SURFACE AND UNDERGROUND

§ 57.6900 Damaged or deteriorated explosive material.

Damaged or deteriorated explosive material shall be disposed of in a safe manner in accordance with the instructions of the manufacturer.

§ 57.6901 Black powder.

(a) Black powder shall be used for blasting only when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(b) Containers of black powder shall be—

(1) Nonsparking;

(2) Kept in a totally enclosed cargo space while being transported by a vehicle;

(3) Securely closed at all times when—

(i) Within 50 feet of any magazine or open flame;

(ii) Within any building in which a fuel-fired or exposed-element electric heater is operating; or

(iii) In an area where electrical or incandescent-particle sparks could result in powder ignition; and

(4) Opened only when the powder is being transferred to a blasthole or another container and only in locations not listed in paragraph (b)(3) of this section.

(c) Black powder shall be transferred from containers only by pouring.

(d) Spills shall be cleaned up promptly with nonsparking equipment. Contaminated powder shall be put into a container of water and shall be disposed of promptly after the granules have disintegrated, or the spill area shall be flushed promptly with water until the granules have disintegrated completely.

(e) Misfires shall be disposed of by washing the stemming and powder charge from the blasthole, and removing and disposing of the initiator in accordance with the requirement for damaged explosives.

(f) Holes shall not be reloaded for at least 12 hours when the blastholes have failed to break as planned.

§ 57.6902 Excessive temperatures.

(a) Where heat could cause premature detonation, explosive material shall not be loaded into hot areas, such as kilns or sprung holes.

(b) When blasting sulfide ores where hot holes occur that may react with explosive material in blastholes, operators shall—

(1) Measure an appropriate number of blasthole temperatures in order to assess the specific mine conditions prior to the introduction of explosive material;

(2) Limit the time between the completion of loading and the initiation of the blast to no more than 12 hours; and

(3) Take other special precautions to address the specific conditions at the mine to prevent premature detonation.

§ 57.6903 Burning explosive material.

If explosive material is suspected of burning at the blast site, persons shall be evacuated from the endangered area and shall not return for at least one hour after the burning or suspected burning has stopped.

§ 57.6904 Smoking and open flames.

Smoking and use of open flames shall not be permitted within 50 feet of explosive material except when separated by permanent noncombustible barriers. This standard does not apply to devices designed to ignite safety fuse or to heating devices which do not create a fire or explosion hazard.

§ 57.6905 Protection of explosive material.

(a) Explosive material shall be protected from temperatures in excess of 150 degrees Fahrenheit.

(b) Explosive material shall be protected from impact, except for tamping and dropping during loading.

GENERAL REQUIREMENTS—UNDERGROUND ONLY

§ 57.6960 Mixing of explosive material.

(a) The mixing of ingredients to produce explosive material shall not be conducted underground unless prior approval of the MSHA district manager is obtained. In granting or withholding approval, the district manager shall consider the potential hazards created by—

(1) The location of the stored material and the storage practices used;

(2) The transportation and use of the explosive material;

(3) The nature of the explosive material, including its sensitivity;

(4) Any other factor deemed relevant to the safety of miners potentially exposed to the hazards associated with the mixing of the bulk explosive material underground.

(b) Storage facilities for the ingredients to be mixed shall provide drainage away from the facilities for leaks and spills.

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