

Federal Register



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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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Rules and Regulations

Federal Register

Vol. 61, No. 147

Tuesday, July 30, 1996

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

RIN 3150-AD63

Environmental Review for Renewal of Nuclear Power Plant Operating Licenses; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: Correction.

SUMMARY: This document corrects a final rule appearing in the Federal Register on June 5, 1996 (61 FR 28467),

that establishes new requirements for the environmental review of applications to renew the operating licenses of nuclear power plants. This action is necessary to restore text that was inadvertently omitted in the printing process and to provide a specific publication date for a related issuance.

DATES: Absent a determination by the NRC that the rule should be modified, based on comments received, the final rule should be effective on September 5, 1996. The new comment period expires August 5, 1996.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Service Branch, or hand deliver comments to the Office of the Secretary, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays. Copies of comments received and all documents cited in the supplementary information section of 61 FR 28467 may be examined at the

NRC Public Document Room, 2120 L Street NW, (Lower Level) Washington, DC, between the hours of 2:45 p.m. and 4:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Donald P. Cleary, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-6263; e-mail DPC@nrc.gov.

1. On page 28483, second paragraph, line 9, the text in parentheses (xxxx 1996) should read (May 1996).

2. On page 28484, in (B)(2), second paragraph, last line, the text in parentheses (xxxx 1996) should read (May 1996).

§ 51.95 [Corrected]

3. On page 28489, in § 51.95(c), last line, the text in parentheses (xxxx 1996) should read (May 1996).

Appendix B [Corrected]

4. On page 28492, in Table B-1 under the heading "Ground-water Use and Quality," insert the following text beneath the fourth and last issue.

GROUND-WATER USE AND QUALITY

Issue	Category ²	Findings ³
Ground-water use conflicts (Ranney wells)	2	SMALL, MODERATE, OR LARGE. Ranney wells can result in potential ground-water depression beyond the site boundary. Impacts of large ground-water withdrawal for cooling tower makeup at nuclear power plants using Ranney wells must be evaluated at the time of application for license renewal. See § 51.53(c)(3)(ii)(C).
Ground-water quality degradation (Ranney wells).	1	SMALL. Ground-water quality at river sites may be degraded by induced infiltration of poor-quality river water into an aquifer that supplies large quantities of reactor cooling water. However, the lower quality infiltrating water would not preclude the current uses of ground water and is not expected to be a problem during the license renewal term.
Ground-water quality degradation (saltwater intrusion).	1	SMALL. Nuclear power plants do not contribute significantly to saltwater intrusion.
Ground-water quality degradation (cooling ponds in salt marshes).	1	SMALL. Sites with closed-cycle cooling ponds may degrade ground-water quality. Because water in salt marshes is brackish, this is not a concern for plants located in salt marshes.
Ground-water quality degradation (cooling ponds at inland sites).	2	SMALL, MODERATE, OR LARGE. Sites with closed-cycle cooling ponds may degrade ground-water quality. For plants located inland, the quality of the ground water in the vicinity of the ponds must be shown to be adequate to allow continuation of current uses. See § 51.53(c)(3)(ii)(D).
*	*	*

Note: Footnote at end of table.

5. On page 28496, in Footnote 1, the text in parentheses (xxxx 1996) should read May 1996.

Dated at Rockville, MD, this 3rd day of July, 1996.

For the Nuclear Regulatory Commission.
Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch.

[FR Doc. 96-19321 Filed 7-29-96; 8:45 am]

BILLING CODE 7590-01-P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U, and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and a complete edition of the Foreign List.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452-3544.

SUPPLEMENTARY INFORMATION: Listed below are the deletions from and additions to the Board's OTC List, which was last published on April 26, 1996 (61 FR 18495), and became effective May 13, 1996. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks traded over-the-counter in the United States that meet the criteria in Regulations G, T and U (12 CFR Parts

207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below is a complete edition of the Foreign List. This supersedes the previous Foreign List, which was published on April 26, 1996 (61 FR 18495) and became effective May 13, 1996. Pursuant to an amendment to Regulation T that became effective July 1, 1996 (see 61 FR 20386), foreign equity securities that are deemed to have a "ready market" for purposes of the SEC's net capital rule (17 CFR 240.15c3-1) are eligible for inclusion on the Board's Foreign List. The SEC has issued a no-action letter that effectively treats all stocks on the Financial Times/Standard & Poor's Actuaries World Indices (FT/S&P List) as having a "ready market" for capital purposes and has requested comment on adopting regulatory language to this effect (see 58 FR 44310). The Board is therefore adding to this edition of the Foreign List those foreign stocks on the current FT/S&P List that were not on the previous Foreign List. The Board is also reordering the Foreign List to display the stocks by country.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5

U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2 and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the complete edition of the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed for Failing Continued Listing Requirements

ADVANCED NMR SYSTEMS, INC.

\$.01 par common
Warrants (expire 08-30-2000)

ADVANCED PROMOTION
TECHNOLOGIES, INC.

\$.01 par common
ALPHA MICROSYSTEMS

Warrants (expire 09-01-98)
ANDOVER TOGS, INC.

\$.10 par common
ARIEL CORPORATION

Warrants (expire 01-25-2000)

BIO-TECHNOLOGY GENERAL CORP.

Warrants (expire 05-07-96)

CANISCO RESOURCES, INC. \$.0025 par common	\$.0001 par common Depository Shares	ANDROS INCORPORATED \$.01 par common
COMMUNITY BANK SHARES OF INDIANA \$.01 par common	LAS VEGAS ENTERTAINMENT NETWORK, INC. \$.001 par common	APRIA HEALTHCARE GROUP, INC. \$.001 par common
CORVITA CORPORATION \$.001 par common	LASER VIDEO NETWORK, INC. \$.001 par common	ARETHUSA (OFF-SHORE) LIMITED \$.10 par common
DATAWATCH CORPORATION Warrants (expire 05-28-96)	M.G. PRODUCTS, INC. No par common	ARGOSY GAMING COMPANY \$.01 par common
DISCOVERY ZONE, INC. \$.01 par common	MEDISENSE, INC. \$.01 par common	12% convertible subordinated debentures
Liquid Yield Option Notes due 2013	MLX CORPORATION \$.01 par common	ATHENA NEUROSCIENCES, INC. \$.01 par common
DMX INC. \$.01 par common	MOBLEY ENVIRONMENTAL SERVICES, INC. Class A, \$.01 par common	BALLY GAMING INTERNATIONAL, INC. \$.01 par common
ECCS, INC. \$.01 par common	NAPTO BIOTHERAPEUTICS, INC. Warrants (expire 08-01-98)	BELL BANCORP, INC. \$.01 par common
ELECTROSOURCE, INC. \$.01 par common	NORTHSTAR HEALTH SERVICES, INC. \$.01 par common	BENSON FINANCIAL CORPORATION \$.01 par common
ENVIRONMENTAL SERVICES OF AMERICA, INC. \$.02 par common	PACKAGING RESEARCH CORPORATION \$.01 par common	BIG O TIRES, INC. \$.10 par common
EXCEL TECHNOLOGY, INC. Series 1, \$.001 par convertible preferred	PRINS RECYCLING CORPORATION \$.001 par common	BOSTON BANCORP \$1.00 par common
FIRST COMMERCE BANCSHARES, INC. (Nebraska) Class A, \$.20 par common	PURUS, INC. \$.01 par common	C.I.S. TECHNOLOGIES, INC. \$.01 par common
FIRST FINANCIAL BANCORP, INC. No par common	RADIUS INC. No par common	CADBURY SCHWEPPE'S PLC American Depositary Receipts
FLUOROSCAN IMAGING SYSTEMS, INC. Redeemable warrants (expire 07-11- 99)	RCSB FINANCIAL, INC. Series B, \$1.00 par non-cumulative convertible perpetual preferred	CALIFORNIA BANCSHARES, INC. \$2.50 par common
FRONTIER NATURAL GAS CORPORATION 12% parconvertible preferred	SAM & LIBBY, INC. \$.001 par common	COMMUNITY BANKS, INC. (Pennsylvania) \$5.00 par common
FUTUREMEDIA PUBLIC LIMITED COMPANY American Depositary Receipts Warrants (expire 08-19-96)	SANCTUARY WOODS MULTIMEDIA CORP. No par common	COMPLETE MANAGEMENT, INC. \$.001 par common
GENETICS INSTITUTE, INC. Warrants (expire 05-31-96)	SECOND BANCORP, INCORPORATED Series A, no par cumulative convertible preferred	COMPLINK, LTD. \$.01 par common
HAMILTON FINANCIAL SERVICES CORP. \$.01 par common	STACY'S BUFFET, INC. \$.01 par common	CONESTOGA BANCORP, INC. (New York) \$.01 par common
HAPPINESS EXPRESS, INC. \$.001 par common	THERAPEUTIC DISCOVERY CORPORATION ALZA CORPORATION Units (expire 12-31-99)	CSB FINANCIAL CORPORATION (Virginia) \$.01 par common
HARVEY UNIVERSAL, INC. \$.01 par common	THOMSON-CSF American Depositary Receipts	DAIG CORPORATION \$.01 par common
HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC. \$.01 par common	U.S. DIAGNOSTIC LABS, INC. Class A, warrants (expire 10-14-99)	DUAL DRILLING COMPANY \$.01 par common
INTEGRATED COMMUNICATION NETWORK, INC. \$.01 par common	VISTA 2000, INC. \$.01 par common	DURACRAFT CORPORATION No par common
INTEGRATED MICRO PRODUCTS PLC American Depositary Shares	Warrants (expire 10-24-98)	E & B MARINE, INC. \$.001 par common
INTEGRATED SYSTEMS CONSULTING GROUP, INC. Rights (expire 05-22-96)	<i>Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition</i>	EDUNETICS LTD. Ordinary Shares, NIS .06 par value
INTERLINK ELECTRONICS Warrants (expire 06-07-96)	1st WASHINGTON BANCORP, INC. (Washington, D.C.) \$.01 par common	FACELIFTERS HOME SYSTEMS, INC. \$.01 par common
INVG MORTGAGE SECURITIES CORP. \$.01 par common	ACME METALS, INC. \$1.00 par common	FAIR, ISSAC AND COMPANY, INC. \$.01 par common
JACOR COMMUNICATIONS, INC. Warrants (expire 01-14-2000)	AMERICAN RESOURCE CORPORATION, INC. \$.01 par common	FIRST HARRISBURG BANCOR, INC. \$.01 par common
JAY JACOBS, INC. \$.01 par common	AMERISOURCE HEALTH CORPORATION Class A, \$.01 par common	FIRSTMISS GOLD, INC. \$.01 par common
KENETECH CORPORATION		FORUM GROUP, INC. No par common
		GENCOR INDUSTRIES, INC. \$.10 par common
		GREAT AMERICAN MANAGEMENT AND INVESTMENT, INC. \$.01 par common
		HOME FEDERAL FINANCIAL CORPORATION

\$.01 par common	Additions to the List of Marginable OTC	AVIGEN, INC.
INFRASONICS, INC.	Stocks	\$.001 par common
No par common	4FRONT SOFTWARE	AXENT TECHNOLOGIES, INC.
INSTENT, INC.	INTERNATIONAL, INC.	\$.02 par common
\$.01 par common	No par common	BAB HOLDINGS, INC.
KEY PRODUCTION COMPANY, INC.	4HEALTH, INC.	No par common
\$.25 par common	\$.01 par common	BANK OF SOUTH CAROLINA
LAFAYETTE AMERICAN BANK &	Warrants (expire 01-15-98)	CORPORATION
TRUST COMPANY (Connecticut)	ABIGAIL ADAMS NATIONAL	No par common
\$.100 par common	BANCORP, INC.	BANK OF YORBA LINDA
LDI CORPORATION	\$.01 par common	No par common
\$.01 par common	ACC CONSUMER FINANCE	BELL TECHNOLOGY GROUP, LTD.
LFS BANCORP, INC. (Kentucky)	CORPORATION	\$.01 par common
\$.01 par common	\$.001 par common	BIG CORPORATION OF GEORGIA
MASLAND CORPORATION	AES CORPORATION, THE	\$.100 par common
\$.01 par common	Warrants expire 06-12-2001	BIOPSY MEDICAL, INC.
MEDALIST INDUSTRIES, INC.	AFFINITY TECHNOLOGY GROUP, INC.	\$.001 par common
\$.100 par common	\$.0001 par common	BIOSOURCE INTERNATIONAL, INC.
MICOM COMMUNICATIONS, INC.	AFFYMETRIX, INC.	No par common
\$.0001 par common	No par common	BIOTRANSPLANT, INC.
MID OCEAN LIMITED	AIRNET SYSTEMS, INC.	\$.01 par common
Class A, \$.20 par ordinary shares	\$.01 par common	BOLDER TECHNOLOGIES
MINNESOTA EDUCATIONAL	AKSYS, LTD.	CORPORATION
COMPUTING CORP.	\$.01 par common	\$.001 par common
\$.01 par common	ALLEGiant BANCORP, INC.	BOSTON COMMUNICATIONS GROUP,
MOXHAM BANK CORPORATION	\$.01 par common	INC.
(Pennsylvania)	ALLIANCE GAMING CORPORATION	\$.01 par common
\$.200 par common	Series B, 15% non-voting senior	BROADVISION, INC.
NOWSCO WELL SERVICE LTD.	special stock	\$.0001 par common
No par common	AMERICAN PORTABLE TELECOM,	BROOKS FIBER PROPERTIES, INC.
OWEN HEALTHCARE, INC.	INC.	\$.01 par common
No par common	\$.100 par common	BUILDERS WAREHOUSE
PHILIP ENVIRONMENTAL, INC.	ANCOR COMMUNICATIONS, INC.	ASSOCIATION, INC.
No par common	\$.01 par common	\$.008 par common
PINKERTON'S INC.	ANDRX CORPORATION	C/NET, INC.
\$.001 par common	\$.001 par common	\$.0001 par common
POLK AUDIO, INC.	ANSYS, INC.	CALNETICS CORPORATION
\$.01 par common	\$.01 par common	No par common
POSITIVE RESPONSE TELEVISION,	APACHE MEDICAL SYSTEMS, INC.	CAPITAL FACTORS HOLDING, INC.
INC.	\$.01 par common	\$.01 par common
No par common	APPLIED GRAPHICS TECHNOLOGIES,	CARBO CERAMICS, INC.
PYXIS CORPORATION	INC.	\$.01 par common
\$.01 par common	\$.01 par common	CARDIAC PATHWAYS CORPORATION
QUANTUM HEALTH RESOURCES,	ARADIGM CORPORATION	\$.001 par common
INC.	No par common	CARDIOGENESIS CORPORATION
\$.01 par common	ARISTO INTERNATIONAL	\$.001 par common
S-K-I LIMITED	CORPORATION	CARDIOTHORACIC SYSTEMS, INC.
\$.10 par common	\$.001 par common	\$.001 par common
STANDARD REGISTER COMPANY,	ARTESIAN RESOURCES	CARDIOVASCULAR DYNAMICS, INC.
INC.	CORPORATION	\$.001 par common
\$.100 par common	Class A, \$.100 par common	CASA OLE' RESTAURANTS, INC.
STRATACOM, INC.	ASAHI/AMERICA, INC.	\$.01 par common
\$.01 par common	No par common	CASS COMMERCIAL CORPORATION
SUMMIT FAMILY RESTAURANTS,	ASE TEST, LIMITED	\$.50 par common
INC.	Ordinary Shares, \$.100 par	CATSKILL FINANCIAL
\$.10 par common	ASPECT DEVELOPMENT, INC.	CORPORATION
TECHNALYSIS CORPORATION	\$.001 par common	\$.01 par common
\$.10 par common	ATC COMMUNICATIONS, INC.	CENTER BANCORP, INC. (New Jersey)
TIDE WEST OIL COMPANY	\$.01 par common	No par common
\$.01 par common	ATLANTIC BANK AND TRUST	CENTRAL FINANCIAL ACCEPTANCE
UNILAB CORPORATION	COMPANY (Massachusetts)	CORPORATION
\$.01 par common	\$.100 par common	\$.01 par common
WEDCO TECHNOLOGY, INC.	AUTOMOBILE PROTECTION	CENTURY FINANCIAL CORPORATION
\$.10 par common	CORPORATION	\$.835 par common
WEST JERSEY BANCSHARES, INC.	\$.001 par common	CERION TECHNOLOGIES, INC.
No par common	AUTONOMOUS TECHNOLOGIES	\$.01 par common
ZALE CORPORATION	CORPORATION	CFM TECHNOLOGIES, INC.
\$.01 par common	\$.01 par common	No par common
Class A, warrants (expire 07-29-98)		CHANNELL COMMERCIAL
		CORPORATION

\$.01 par common CHECK POINT SOFTWARE TECHNOLOGIES, LTD. Ordinary Shares (.01 par NIS) CHS ELECTRONICS, INC. \$.001 par common CITIZENS SECURITY GROUP, INC. \$.01 par common CLASSIC BANCSHARES, INC. (Kentucky) \$.01 par common CLEAN DIESEL TECHNOLOGIES, INC. \$.05 par common COACH USA, INC. \$.01 par common COLLABORATIVE CLINICAL RESEARCH, INC. No par common COLLAGENEX PHARMACEUTICALS, INC. \$.01 par common COMM BANCORP, INC. \$.33 par common COMMERCIAL NATIONAL FINANCIAL CORPORATION \$.20 par common COMMODORE HOLDINGS LIMITED Warrants (expire 07-15-2001) COMPUSERVE CORPORATION \$.01 par common CONTOUR MEDICAL, INC. \$.001 par common CORTEX PHARMACEUTICALS, INC. \$.001 par common CRAIG CONSUMER ELECTRONICS, INC. \$.01 par common CRW FINANCIAL, INC. \$.01 par common DASSAULT SYSTEMES SA American Depositary Receipts DEL GLOBAL TECHNOLOGIES CORPORATION \$.10 par common DIAMOND HOME SERVICES, INC. \$.001 par common DIATIDE INC. \$.001 par common DIGENE CORPORATION \$.01 par common DIGITAL VIDEO SYSTEMS, INC. \$.0001 par common Class A warrants, (expire 05-09-2001) Class B warrants, (expire 05-09-2001) DIME COMMUNITY BANCORP, INC. (New York) \$.01 par common DIVERSIFAX, INC. \$.001 par common DRILEX CORPORATION \$.01 par common DUPONT PHOTOMASKS, INC. \$.01 par common EAGLE BANGROUP, INC. (Illinois) \$.01 par common ECLIPSE SURGICAL TECHNOLOGIES, INC. No par common EDIFY CORPORATION	\$.001 par common ELBIT VISION SYSTEMS, LIMITED Ordinary Shares (1.00 par NIS) ELECTRONIC HAIR STYLING, INC. \$.001 par common ELECTROSCOPE, INC. No par common EN POINTE TECHNOLOGIES, INC. \$.001 par common ENTREMED INC. \$.01 par common EP MEDSYSTEMS, INC. No par common EXSORBET INDUSTRIES, INC. \$.001 par common FARALLON COMMUNICATIONS, INC. \$.002 par common FINE HOST CORPORATION \$.01 par common FIRST FEDERAL BANCSHARES OF ARKANSAS, INC. \$.01 par common FIRST FINANCIAL CORPORATION \$1.00 par common FIRST REPUBLIC BANCORP, INC. (Pennsylvania) \$.01 par common FLAMEL TECHNOLOGIES S.A. American Depositary Receipts FLUOROSCAN IMAGING SYSTEMS, INC. Redeemable Warrants (expire 07-11- 99) FORENSIC TECHNOLOGIES INTERNATIONAL CORPORATION \$.01 par common FORT THOMAS FINANCIAL CORPORATION \$.01 par common FORTRESS GROUP, INC., THE \$.01 par common FRONTIER AIRLINES, INC. No par common FUSION MEDICAL TECHNOLOGIES, INC. \$.001 par common GARDEN BOTANIKA, INC. \$.01 par common GENESEE & WYOMING, INC. Class A, \$.01 par common GEOSCIENCE CORPORATION \$.01 par common GETTY COMMUNICATIONS, PLC American Depositary Receipts GLASGAL COMMUNICATIONS, INC. \$.001 par common Warrants (expire 09-21-99) GLOBAL TELECOMMUNICATIONS SOLUTIONS, INC. \$.01 par common GOLDEN KNIGHT RESOURCES, INC. No par common GRAND PRIX ASSOCIATION OF LONG BEACH, INC. No par common GRAPHIX ZONE, INC. No par common GREENWICH AIR SERVICES, INC. Class B, \$.01 par common	GUMTECH INTERNATIONAL, INC. No par common HARRINGTON FINANCIAL GROUP, INC. \$.125 par common HAYES WHEELS INTERNATIONAL, INCORPORATED \$.01 par common HEARTPORT, INC. \$.001 par common HORIZON MENTAL HEALTH MANAGEMENT, INC. \$.01 par common I2 TECHNOLOGIES, INC. \$.00025 par common ICT GROUP, INC. \$.01 par common ICTS HOLLAND PRODUCTION B.V. Common shares (1 Guilder par value) IMC MORTGAGE COMPANY \$.01 par common INCSTAR CORPORATION \$.01 par common INFONAUTICS, INC. Class A, No par common INFOSEEK CORPORATION No par common INNOVASIVE DEVICES, INC. \$.0001 par common INTEG INCORPORATED \$.01 par common INTEGRATED SYSTEMS CONSULTING GROUP, INC. \$.005 par common IXC COMMUNICATIONS, INC. \$.01 par common JOACHIM BANCORP, INC. (Missouri) \$.01 par common JPM COMPANY, THE \$.000067 par common KEYSTONE AUTOMOTIVE INDUSTRIES, INC. No par common KWG RESOURCES, INC. No par common LABOR READY, INC. No par common LANVISION SYSTEMS, INC. \$.01 par common LIFE MEDICAL SCIENCES, INC. Class A, warrants (expire 09-22-97) Class B, warrants (expire 09-22-97) LION BREWERY, INC., THE \$.01 par common LIVE ENTERTAINMENT, INC. \$.01 par common LOEHMANN'S, INC. \$.01 par common MACROCHEM CORPORATION \$.01 par common MACRONIX INTERNATIONAL CO. LTD. American Depositary Receipts MARKS BROS. JEWELERS, INC. \$.001 par common MATAV-CABLE SYSTEMS MEDIA LTD. American Depositary Receipts MCI COMMUNICATIONS CORPORATION
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Series A, 8% cumulative quarterly income preferred	OPTICAL SECURITY GROUP, INC.	No par common
McLEOD INC.	\$.005 par common	REMEDYTEMP, INC.
Class A, \$.01 par common	OSICOM TECHNOLOGIES, INC.	Class A, \$.01 par common
MECHANICAL DYNAMICS, INC.	\$.10 par common	RENAISSANCE CAPITAL GROWTH & INCOME FUND, III
No par common	OUTDOOR SYSTEMS, INC.	\$1.00 par common
MECHANICS SAVINGS BANK	\$.01 par common	RUSH ENTERPRISES, INC.
(Connecticut)	OXIGENE, INC.	\$.01 par common
\$.01 par common	Warrants (expire 08-26-98)	RUTHERFORD-MORAN OIL CORPORATION
MED-DESIGN CORPORATION, THE	OZEMAIL, LIMITED	\$.01 par common
\$.01 par common	American Depositary Receipts	SABRATEK CORPORATION
MEDALLION FINANCIAL CORPORATION	P.T. PASIFIK SATELIT NUSANTARA	\$.01 par common
\$.01 par common	American Depositary Receipts	SAES GETTERS S.P.A.
MEDICORE, INC.	PACIFICAMERICA MONEY CENTER, INC.	American Depositary Receipts
\$.01 par common	\$.01 par common	SANDY SPRING BANCORP, INC.
MEDQUIST, INC.	PAGEMART WIRELESS, INC.	\$1.00 par common
No par common	Class A, \$.0001 par common	SANTA BARBARA BANCORP
METROWERKS CORPORATION	PARAVANT COMPUTER SYSTEMS, INC.	\$.67 par common
No par common	Redeemable warrants (expire 11-30-2002)	SAWAKO CORPORATION
MICROCIDE PHARMACEUTICALS, INC.	PCT HOLDINGS, INC.	American Depositary Receipts
\$.001 par common	\$.001 par common	SAWTEK INC.
MILLENNIUM PHARMACEUTICALS, INC.	Warrants (expire 07-15-2001)	\$.0005 par common
\$.001 par common	PENNICHUCK CORPORATION	SECURITY FIRST NETWORK BANK
MITCHAM INDUSTRIES, INC.	\$.100 par common	No par common
\$.01 par common	PHOENIX INTERNATIONAL LTD. INC.	SIEBEL SYSTEMS, INC.
MULTIPLE ZONES INTERNATIONAL, INC.	\$.01 par common	\$.001 par common
No par common	PHONETEL TECHNOLOGIES, INC.	SMITHWAY MOTOR XPRESS CORPORATION
NASHVILLE COUNTRY CLUB, INC.	\$.01 par common	Class A, \$.01 par common
No par common	PHOTRAN CORPORATION	SOUTHWEST BANKS, INC.
Warrants (expire 04-23-2001)	No par common	\$.10 par common
NEMARRON CORPORATION	PHYSIOMETRIX, INC.	SPECIALIZED HEALTH PRODUCTS INTERNATIONAL, INC.
No par common	\$.001 par common	\$.02 par common
NEMATRON CORPORATION	PLANET HOLLYWOOD INTERNATIONAL, INC.	SPECTRALINK CORPORATION
No par common	Class A, \$.01 par common	\$.01 par common
NEOPHARM, INC.	PLANET POLYMER TECHNOLOGIES, INC.	SPINNAKER INDUSTRIES, INC.
\$.000429 par common	No par common	No par common
NETWORK CONNECTION, INC., THE	PLANNING SCIENCES INTERNATIONAL PLC	SS&C TECHNOLOGIES, INC.
Warrants (expire 05-11-98)	American Depositary Receipts	\$.01 par common
NEUROCRINE BIOSCIENCES, INC.	POLYCOM, INC.	STANDARD FUNDING CORPORATION
\$.001 par common	\$.0005 par common	\$.001 par common
NEW HORIZON KIDS QUEST, INC.	PRECISION RESPONSE CORPORATION	STRATASYS, INC.
\$.01 par common	No par common	\$.01 par common
NORTH FACE, INC., THE	PREMIER FINANCIAL BANCORP, INC. (Kentucky)	SUBURBAN LODGES OF AMERICA, INC.
\$.0025 par common	No par common	\$.01 par common
NOVOSTE CORPORATION	PRESTIGE BANCORP, INC. (Pennsylvania)	SUIZA FOODS CORPORATION
\$.01 par common	\$.100 par common	\$.01 par common
NYER MEDICAL GROUP, INC.	PRINTRAK INTERNATIONAL INC.	SUNQUEST INFORMATION SYSTEMS, INC.
\$.00001 par common	\$.0001 par common	No par common
OACIS HEALTHCARE HOLDINGS CORPORATION	PRINTWARE, INC.	SUNRISE ASSISTED LIVING, INC.
\$.01 par common	No par common	\$.01 par common
OCEAN FINANCIAL CORPORATION	PROVIDENT FINANCIAL HOLDINGS, INC.	SUNSHINE MINING AND REFINING COMPANY
\$.01 par common	\$.01 par common	Warrants (expire 05-22-2001)
ONEWAVE, INC.	PUBLISHING COMPANY OF NORTH AMERICA, INC., THE	SUPER VISION INTERNATIONAL, INC.
\$.001 par common	No par common	\$.001 par common
ONYX PHARMACEUTICALS, INC.	QIAGEN N.V.	SWEDISH MATCH, AB
\$.001 par common	Common shares (par .03 NLG)	American Depositary Receipts
OPEN MARKET, INC.	RECYCLING INDUSTRIES, INC.	SYKES ENTERPRISES, INCORPORATED
\$.001 par common	\$.001 par common	\$.01 par common
OPEN PLAN SYSTEMS, INC.	REGISTRY, INC., THE	T. J. T., INC.
No par common		\$.001 par common
OPENVISION TECHNOLOGIES, INC.		TCI PACIFIC COMMUNICATIONS, INC.
\$.001 par common		Class A, \$100 par common
OPTEK TECHNOLOGY, INC.		
\$.01 par common		

TECHDYNE, INC. \$.01 par common	WIZTEC SOLUTIONS, LIMITED Ordinary Shares	CRA LIMITED Ordinary shares, par A\$2.00
TELEPORT COMMUNICATIONS GROUP, INC. Class A, \$.01 par common	YIELDUP INTERNATIONAL \$.001 par common	CSR LIMITED Ordinary shares, par A\$1.00
THERAPEUTIC DISCOVERY CORPORATION Class A, \$.01 par common	YONKERS FINANCIAL CORPORATION \$.01 par common	DAVIDS LIMITED Ordinary shares, par A\$0.50
THERMATRIX, INC. \$.001 par common	ZILA, INC. \$.001 par common	EMAIL LIMITED Ordinary shares, par A\$0.50
THORATEC LABORATORIES CORPORATION No par common	ZOMAX OPTICAL MEDIA, INC. No par common	F.H. FAULDING & CO LIMITED Ordinary shares, par A\$0.50
TITANIUM METALS CORPORATION \$.01 par common	ZYDECO ENERGY, INC. \$.001 par common	FAIRFAX (JOHN) HOLDINGS LIMITED Ordinary shares, par A\$0.50
TOOLEX-ALPHA, N.V. Ordinary Shares	List of Foreign Margin Stocks AUSTRALIA	FOODLAND ASSOCIATED LIMITED Ordinary shares, par A\$0.50
TRANSITION SYSTEMS, INC. \$.01 par common	AAPC Limited Ordinary shares, par A\$0.50	FOSTER'S BREWING GROUP LIMITED Ordinary shares, par A\$1.00
TRANZ RAIL HOLDINGS, LIMITED American Depositary Receipts	ABERFOYLE LIMITED Ordinary shares, par A\$0.50	FRANKED INCOME FUND Units, par A\$1.00
TRAVIS BOATS & MOTORS, INC. \$.01 par common	ADVANCE BANK AUSTRALIA LIMITED Ordinary shares, par A\$1.00	GANDEL RETAIL TRUST Ordinary shares, par A\$0.50
TRICO MARINE SERVICES, INC. \$.01 par common	AMCOR LIMITED Ordinary shares, par A\$1.00	GENERAL PROPERTY TRUST Units, par A\$1.00
TURBOCHEF, INC. \$.01 par common	ARNOTTS LIMITED Ordinary shares, par A\$0.50	GIO AUSTRALIA HOLDINGS LIMITED Ordinary shares, par A\$1.00
UFP TECHNOLOGIES, INC. \$.01 par common	ASHTON MINING LIMITED Ordinary shares, par A\$0.50	GOLD MINES OF KALGOORLIE LIMITED Ordinary shares, par A\$0.05
UGLY DUCKLING CORPORATION \$.001 par common	AUSTRALIA AND NEW ZEALAND BANKING GROUP Ordinary shares, par A\$1.00	GOODMAN FIELDER LIMITED Ordinary shares, par A\$0.50
UNIFY CORPORATION \$.001 par common	AUSTRALIAN FOUNDATION INVESTMENT CO LTD Ordinary shares, par A\$0.50	HOWARD SMITH LIMITED Ordinary shares, par A\$1.00
UNITED PAYORS & UNITED PROVIDERS, INC. \$.01 par common	AUSTRALIAN GAS LIGHT COMPANY (THE) Ordinary shares, par A\$1.00	ICI AUSTRALIA LIMITED Ordinary shares, par A\$1.00
UROCOR, INC. \$.01 par common	AUSTRALIAN NATIONAL INDUSTRIES LIMITED Ordinary shares, par A\$0.30	JAMES HARDIE INDUSTRIES LIMITED Ordinary shares, par A\$1.00
USCS INTERNATIONAL, INC. \$.05 par common	BANK OF MELBOURNE LIMITED Ordinary shares, par A\$1.00	KIDSTON GOLD MINES LIMITED Ordinary shares, par A\$0.20
VECTRA BANKING CORPORATION \$.10 Series A cumulative preferred	BORAL LIMITED Ordinary shares, par A\$0.50	LEND LEASE CORPORATION LIMITED Ordinary shares, par A\$0.50
VERILINK CORPORATION \$.01 par common	BOUGAINVILLE COPPER LIMITED Ordinary shares, par 1 Papua New Guineau kina	M.I.M. HOLDINGS LIMITED Ordinary shares, par A\$0.50
VIRUS RESEARCH INSTITUTE, INC. \$.01 par common	BRAMBLES INDUSTRIES LIMITED Ordinary shares, par A\$0.50	MAYNE NICKLESS LIMITED Ordinary shares, par A\$0.50
VISIBLE GENETICS, INC. No par common	BROKEN HILL PROPRIETARY COMPANY LIMITED Ordinary shares, par A\$1.00	METAL MANUFACTURES LIMITED Ordinary shares, par A\$0.50
WALSH INTERNATIONAL, INC. \$.01 par common	BURNS, PHILP AND COMPANY LIMITED Ordinary shares, par A\$0.50	NATIONAL AUSTRALIA BANK LIMITED Ordinary shares, par A\$1.00
WAYNE BANCORP, INC. (New Jersey) \$.01 par common	CALTEX AUSTRALIA LIMITED Ordinary shares, par A\$1.00	NATIONAL FOODS LIMITED Ordinary shares, par A\$0.50
WEST COAST ENTERTAINMENT CORPORATION \$.01 par common	CAPITAL PROPERTY TRUST Units, par A\$1.00	NEWCREST MINING LIMITED Ordinary shares, par A\$0.50
WESTERN FIDELITY FUNDING, INC. \$.001 par common	COCA-COLA AMATIL LIMITED Ordinary shares, par A\$0.50	NEWS CORPORATION LIMITED (THE) Ordinary shares, par A\$0.50
WESTERN STAFF SERVICES, INC. \$.01 par common	COLES MYER LIMITED Ordinary shares, par A\$0.50	NORMANDY MINING LIMITED Ordinary shares, par A\$0.20
WESTERN WIRELESS CORPORATION Class A, No par common	COMALCO LIMITED Ordinary shares, par A\$1.00	NORTH LIMITED Ordinary shares, par A\$0.50
WHITTMAN-HART, INC. \$.001 par common	COMMONWEALTH BANK OF AUSTRALIA Ordinary shares, par A\$2.00	OPSM PROTECTOR LIMITED Ordinary shares, par A\$0.50
WIDECOM GROUP, INC., THE No par common		ORBITAL ENGINE CORPORATION LIMITED Ordinary shares, par A\$0.50
Redeemable purchase warrants		PACIFIC DUNLOP LIMITED Ordinary shares, par A\$0.50
WILLIAM GREENBERG, JR., DESSERTS AND CAFES, INC. \$.001 par common		PASMINCO LIMITED Ordinary shares, par A\$1.00
		PIONEER INTERNATIONAL LIMITED Ordinary shares, par A\$0.50

PLUTONIC RESOURCES LIMITED Ordinary shares, par A\$0.50	Ordinary shares, par 100 Austrian schillings	No par participating certificates
POSGOLD LIMITED Ordinary shares, par A\$0.10	BOEHLER UDDEHOLM AG Ordinary shares, par 100 Austrian schillings	BANQUE BRUXELLES LAMBERT Ordinary shares, no par
PUBLISHING AND BROADCASTING LIMITED Preferred, par A\$1.00	BRAU—UNION GOESS—REININGH.— OEST. BRAU AG Ordinary shares, par 100 Austrian schillings	BBL (BANQUE BRUX LAMB) Ordinary shares, no par
PUBLISHING AND BROADCASTING LIMITED Ordinary shares, par A\$1.00	CREDITANSTALT—BANKVEREIN AG Ordinary shares, par 1000 Austrian schillings	BEKAERT NV No par participating certificates
QBE INSURANCE GROUP LIMITED Ordinary shares, par A\$1.00	CREDITANSTALT—BANKVEREIN AG Preferred shares, par 100 Austrian schillings	C BELGE D'PARTI PARIBAS—VPR (COBEP)
QCT RESOURCES LIMITED Ordinary shares, par A\$0.50	CREDITANSTALT—BANKVEREIN AG Participation Certificates, par 500 Austrian schillings	Ordinary shares, no par
RGC LIMITED Ordinary shares, par A\$0.50	ENERGIE—VERSORGUNG NIEDEROESTERREICH AG Ordinary shares, par 100 Austrian schillings	CIMENTERIES CBR CEMENTBEDRIJVEN SA
ROTHMANS HOLDINGS LIMITED Ordinary shares, par A\$0.50	LENYING AG Ordinary shares, par 100 Austrian schillings	No par parts sociales
SANTOS LIMITED Ordinary shares, par A\$0.25	LEYKAM—MUERTZTALER PAPIER & ZELLSTOFF AG Ordinary shares, par 100 Austrian schillings	COMPAGNIE BENELUX PARIBAS SA No par participating certificates
SCHRODERS PROPERTY FUND Units, par A\$1.00	MAYR—MELNHOF KARTON AG Ordinary shares, par 100 Austrian schillings	ELECTRABEL SA No par participating certificates
SEVEN NETWORK LIMITED Ordinary shares, par A\$0.50	OESTERREICHISCHE ELEKTRIZITAETSWIRTSCH. Class A, par 100 Austrian schillings	ELECTRAFINA Ordinary shares, no par
SIMSMETAL LIMITED Ordinary shares, par A\$0.50	OMV AG Ordinary shares, par 100 Austrian schillings	ETABLIS. DELHAIZE FRERES & CIE LE LION No par participating certificates
SONS OF GWALIA LIMITED Ordinary shares, par A\$0.25	PERLMOOSER ZEMENTWERKE AG Ordinary shares, par 100 Austrian schillings	FORTIS AG Ordinary shares, no par
SOUTHCORP HOLDINGS LIMITED Ordinary shares, par A\$0.50	RADEX—HERAKLITH INDUSTRIEBETEILIGUNGS AG Ordinary shares, par 100 Austrian schillings	GENERALE DE BANQUE SA No par actions ordinaires
ST. GEORGE BANK LIMITED Ordinary shares, par A\$1.00	STEYR—DAIMLER—PUCH AG Ordinary shares, par 100 Austrian schillings	GEVAERT—PHOTO PRODUITS SA No par capital actions ordinaires
STOCKLAND TRUST GROUP Ordinary shares, par A\$1.10	UNIVERSALE—BAU AG Ordinary shares, par 100 Austrian schillings	GIB SA No par participating certificates
TNT LIMITED Ordinary shares, par A\$0.50	VA—TECHNOLOGIE AG Ordinary Bearer shares, par 100 Austrian schillings	GROUPE BRUXELLES LAMBERT SA No par participating certificates
WESFARMERS LIMITED Ordinary shares, par A\$0.50	VOEST—ALPINE STAHL'S STRAHAMMER Ordinary shares, par 100 Austrian schillings	KREDIETBANK NV Ordinary shares, no par
WESTFIELD HOLDINGS LIMITED Ordinary shares, par A\$1.00	WIENERBERGER BAUSTOFFINDUSTRIE AG Ordinary shares, par 100 Austrian schillings	KREDIETBANK NV VPR Shares
WESTFIELD TRUST Units, par A\$1.00	BELGIUM	PETROFINA SA Ordinary shares, no par
WESTPAC BANKING CORPORATION Ordinary shares, par A\$1.00	ALMANIJ—KREDIETBANK GROUP No par participating certificates	POWERFIN SA No par participating certificates
WMC LTD Ordinary shares, par A\$0.50	ALMANIJ—KREDIETBANK GROUP VPR Shares	ROYALE BELGE SA No par participating certificates
WOODSIDE PETROLEUM LIMITED Ordinary shares, par A\$0.50	ARBED—ACIER REUNIE DE BURBACH— EICH—DUDEL	SOCIETE GENERALE DE BELGIQUE SA No par participating certificates
WOOLWORTHS LIMITED Ordinary shares, par A\$0.25		SOLVAY SA Ordinary shares, no par
AUSTRIA		TRACTEBEL SA Ordinary shares, no par
AUSTRIAN AIRLINES Bearer shares, par 1000 Austrian schillings		UCB SA No par ordinary capital
BANK AUSTRIA AG Preferred shares, par 100 Austrian schillings		UCB SA No par capital
BANK AUSTRIA AG Ordinary shares, par 100 Austrian schillings		IL
BANK AUSTRIA AG Ordinary Participating Certificates, par 100 Austrian S		ARACRUZ CELULOSE S.A. No par non-voting, Class B Preferred
BBAG OESTERREICHISCHE BRAU BETEILIGUNGS Ordinary shares, par 100 Austrian schillings		BANCO BRADESCO S.A. No par non-voting, preferred
BEST WATER TECHNOLOGY		BANCO DO BRASIL S.A. No par non-voting, preferred

No par non-voting, convertible preferred	No par common	No par common
COMPANHIA CERVEJARIA BRAHNA	ANDERSON EXPLORATION LTD.	DONOHUE INC.
No par non-voting, preferred	No par common	No par class A Subordinate-voting common
COMPANHIA ENERGETICA DE MINAS GERAIS (CEMIG)	AVENDOR INC.	DUNDEE BANCORP INC.
Preferred, par .00364 Brazilian real	No par common	No par class A Subordinate-voting common
COMPANHIA SIDERURGICA BELGO MINEIR	BANK OF MONTREAL	ECHO BAY MINES LTD.
No par non-voting, preferred	No par common	No par common
COMPANHIA SIDERURGICA BELGO MINEIR	BANK OF NOVA SCOTIA, THE	EDPER GROUP LIMITED
No par common	No par common	No par Class A common
COMPANHIA SIDERURGICA TUBARAO	BARRICK GOLD CORPORATION	EXTENDICARE INC.
No par non-voting, Preferred B Shares	No par common	No par Class A Subordinate-voting common
COMPANHIA SUZANO DE PAPEL CELULOSE PN	BC TELECOM INC.	FAIRFAX FINANCIAL HOLDINGS LTD.
No par non-voting, preferred	No par common	No par multiple-voting
COMPANHIA VIDRARIA SANTA MARINA ON	BCE INC.	FALCONBRIDGE LIMITED
No par common	No par common	No par common
DURATEX S.A.	BCE MOBILE COMMUNICATIONS INC.	FLETCHER CHALLENGE CANADA LTD.
Share Capital, par .00105 Brazilian real	No par common	No par Class A common
IND. KLABIN PAPEL E CELULOSE	BIOCHEM PHARMA INC.	FOUR SEASONS HOTELS LTD.
No par non-voting, preferred	No par common	No par Subordinate Voting
INVESTIMENTOS ITAU S.A.	BOMBARDIER INC.	FRANCO-NEVADA MINING CORP. LTD.
No par non-voting, preferred	No par Class B common	No par common
LOJAS AMERICANAS S.A.	BRASCAN LIMITED	GENDIS INC.
No par common	No par Class A common	No par Class A Common
LOJAS AMERICANAS S.A.	BRE-X MINERALS LTD.	GENTRA INC.
No par non-voting, preferred	No par common	No par common
PETROBRAS DISTRIBUIDORA S.A.	BRUNCOR INC.	GULF CANADA RESOURCES LIMITED
Ordinary shares, no par	CAE INC.	Ordinary shares, no par
PETROBRAS DISTRIBUIDORA S.A.	CAMBRIDGE SHOPPING CENTRES LIMITED	HEES INTERNATIONAL BANCORP INC.
No par non-voting, preferred	No par common	No par common
TELECOMUNICACOES BRASILEIRAS S.A. (TELEGRAS)	CAMECO CORPORATION	HEMLO GOLD MINES INC.
No par non-voting, preferred	No par common	No par common
TELECOMUNICACOES BRASILEIRAS S.A. (TELEGRAS)	CANADIAN IMPERIAL BANK OF COMMERCE	HOLLINGER INC.
No par common	No par common	No par common
TELECOMUNICACOES DE SAO PAULO S.A. (TELSP)	CANADIAN MARCONI COMPANY	HORSHAM CORP.
No par non-voting, preferred	No par common	No par Subordinate-voting
USINAS SIDERUGICAS DE MINAS GERAIS S.A. (USIMINAS)	CANADIAN NATIONAL RAILWAY	IMASCO LIMITED
No par non-voting, preferred	No par common	No par common
VALE RIO DOCE NAVEGACAO	CANADIAN NATURAL RESOURCES LTD.	IMPERIAL OIL LIMITED
No par preferred	No par common	No par common
VALE RIO DOCE NAVEGACAO (DOCENAVE)	CANADIAN OCCIDENTAL PETROLEUM LTD.	INCO LIMITED
No par common	No par common	No par common
WHITE MARTINS S.A.	CANADIAN PACIFIC LIMITED	INVESTORS GROUP INC.
No par common	Ordinary shares, no par	No par common
CANADA	CANADIAN TIRE CORPORATION LIMITED	IPL ENERGY INC.
ABITIBI-PRICE INC.	No par Class A common	No par common
No par common	CANADIAN UTILITIES LTD.	JANNOCK LIMITED
AFMS VIRIDIAN INC.	No par Class A common	No par common
No par common	CANFOR CORPORATION	KINROSS GOLD CORP.
AGNICO-EAGLE MINES LIMITED	No par common	No par common
No par common	COCA-COLA BEVERAGES LTD.	LADLAW INC.
AIR CANADA	COGNOS INC.	No par Class B common
No par common	No par common	LOBLAW COMPANIES
ALBERTA ENERGY COMPANY LTD.	COMINCO LTD.	No par common
No par common	No par common	LOEWEN GROUP INC. THE
ALCAN ALUMINIUM LIMITED	DIAMOND FIELDS RESOURCES INC.	No par common
	No par common	LONDON INSURANCE GROUP INC.
	DOFASCO INC.	No par common
	No par common	MACMILLAN BLOEDEL LIMITED
	DOMINION TEXTILE INC.	No par common
	No par common	MAGNA INTERNATIONAL INC.
	DOMTAR INC.	No par Subordinate-voting Class A
		MARITIME TELEGRAPH & TELEPHONE CO., LTD.

METHANEX CORP. No par common	STELCO INC. No par Class A convertible common	GN STORE NORD A/S (GN GREAT NORDIC LTD.) Share Capital, par Danish krone
MITEL CORPORATION No par common	STONE-CONSOLIDATED CORP. No par common	ICOPAL A/S Share Capital, par 100 Danish krone
MOLSON COMPANIES LIMITED (THE) No par Class A common	SUNCOR INC. No par common	ISS-INTERNATIONAL SERVICE SYSTEM A/S B shares, par 20 Danish krone
MOORE CORPORATION LIMITED No par common	TALISMAN ENERGY INC. No par common	J. LAURITZEN HOLDING A/S B shares, par 20 Danish krone
NATIONAL BANK OF CANADA No par common	TECK CORPORATION No par Class B common	JYSKE BANK A/S Registered shares par 100 Danish krone
NATIONAL TRUSTCO INC No par common	TELUS CORP. No par common	KOBENHAVNS LUFTHAVNE A/S B shares, par 100 Danish krone
NEWBRIDGE NETWORKS CORP. No par common	THOMSON CORPORATION No par common	NKT HOLDING A/S Share Capital, par 100 Danish krone
NORANDA FOREST INC. No par common	TORONTO DOMINION BANK, THE No par common	NOVO NORDISK A/S B shares, par 20 Danish krone
NORANDA INC. No par common	TORONTO SUN PUBLISHING CORPORATION No par common	RADIOMETER A/S B shares, par 20 Danish krone
NORCEN ENERGY RESOURCES LIMITED No par Subordinate-voting	TOTAL PETROLEUM (NORTH AMERICA) LTD. No par common	SAS DANMARK A/S Free Shares, par 10 Danish krone
NORTHERN TELECOM LIMITED No par common	TRANSALTA CORPORATION No par common	SOPHUS BERENDSEN A/S B shares, par 20 Danish krone
NOVA CORPORATION No par common	TRANSCANADA PIPELINES LIMITED No par common	SOPHUS BERENDSEN A/S A Shares, par 20 Danish krone
OSHAWA GROUP LIMITED, THE No par Class A Common	TRILON FINANCIAL CORPORATION No par Class A common	SUPERFOS A/S Share Capital, par 100 Danish krone
PETRO-CANADA No par common	TRIMAC LIMITED No par common	TELE DANMARK A/S B shares, par 10 Danish krone
PLACER DOME, INC. No par common	TVX GOLD INC. No par common	TOPDANMARK A/S Registered shares par 100 Danish krone
POCO PETROLEUMS LTD. No par common	UNITED DOMINION INDUSTRIES LTD. No par common	UNIDANMARK A/S Registered A shares par 100 Danish krone
POTAS CORPORATION OF SASKATCHEWAN INC. No par common	WESTCOAST ENERGY INC No par common	FINLAND
POWER CORPORATION OF CANADA No par common	WESTON (GEORGE) LIMITED No par common	CULTOR OY Series 2, par 12 Finnish markka
POWER FINANCIAL CORPORATION No par common	DENMARK	CULTOR OY Series 1, par 12 Finnish markka
PROVIGO INC. \$1.00 par common	A/S DET OSTASIATISKE KOMPAGNI Share Capital, par 100 Danish krone	ENSO OY Registered Shares par 10 Finnish markka
RANGER OIL LIMITED No par common	A/S TH. WESSEL & VETT, MAGASIN DU NORD C Shares, par 100 Danish krone	HUHTAMAKI OY I Shares, par 20 Finnish markka
RENAISSANCE ENERGY LTD. No par common	AARHUS OLIEFABRIK A/S A Shares, par 100 Danish krone	HUHTAMAKI OY K Shares, par 20 Finnish markka
RIO ALGOM LIMITED No par common	BIKUBEN GIROBANK A/S Registered shares par 100 Danish krone	KESKO OY Ordinary Convertible par 10 Finnish markka
ROGERS COMMUNICATIONS INC. No par Class B common	CARLSBERG A/S B shares, par 20 Danish krone	KONE OY B Shares, par 50 Finnish markka
ROYAL BANK OF CANADA No par common	CARLSBERG A/S A Shares par 20 Danish krone	MERITA LTD A Shares, par 5 Finnish markka
RUSSEL METALS INC. No par Class A common	CHRISTIAN HANSEN HOLDING A/S B shares, par 20 Danish krone	MERITA LTD B Shares, par 5 Finnish markka
SCOTT'S HOSPITALITY INC. No par common subordinate-voting	COLOPLAST A/S B shares, par 20 Danish krone	METRA OY B Shares, par 20 Finnish markka
SEAGRAM COMPANY LTD., THE No par common	DAMPKIBSSELSKABET AF 1912 A/S B shares, par 1000 Danish krone	METRA OY A Shares, par 20 Finnish markka
SEARS CANADA INC. No par common	DAMPKIBSSELSKABET SVENDBORG A/S B shares, par 1000 Danish krone	METSA-SERLA OY B Ordinary Shares, par 10 Finnish markka
SHELL CANADA LTD. No par Class A common	DANISCO A/S Share Capital, par 20 Danish krone	METSA-SERLA OY A Ordinary Shares, par 10 Finnish markka
SOUTHAM INC. No par common	DEN DANSKE BANK A/S Share Capital, par 100 Danish krone	
SPAR AEROSPACE LIMITED No par common	FLS INDUSTRIES A/S B shares, par 100 Danish krone	
ST. LAWRENCE CEMENT INC. No par Class A common		

OUTOKUMPU OY A Ordinary Shares, par 10 Finnish markka	CIE GENERALE DES ETABLISSEMENTS MICHELIN B Ordinary Registered shares, par 12 French francs	Ordinary shares, par 50 French francs
OY NOKIA AB K Shares, par 5 Finnish markka	CLUB MEDITERRANEE SA Ordinary shares, par 25 French francs	GROUPE DANONE SA Ordinary shares, par 10 French francs
OY NOKIA AB Preferred A Shares, par 5 Finnish markka	COMPAGNIE BANCAIRE SA Ordinary shares, par 100 French francs	GROUPE SEB SA Ordinary shares, par 20 French francs
OY STOCKMANN AB A Ordinary Shares, par 20 Finnish markka	COMPAGNIE DE SAINT-GOBAIN SA Ordinary shares, par 100 French francs	GTM-ENTREPOSE SA Ordinary shares, par 50 French francs
POHJOLA OY A Shares, par 5 Finnish markka	COMPAGNIE DE SUEZ SA Ordinary shares, par 75 French francs	HAVAS ADVERTISING SA Ordinary shares, par 50 French francs
POHJOLA OY B Shares, par 5 Finnish markka	COMPAGNIE FINANCIERE DE PARIBAS A Ordinary shares, par 50 French francs	HAVAS SA Ordinary shares, par 15 French francs
RAUMA OY A Shares, par 10 Finnish markka	COMPAGNIE GENERALE DE GEOPHYSIQUE SA Ordinary shares, par 10 French francs	IMETAL SA Ordinary shares, par 50 French francs
RAUTARUUKKI OY K Series, par 10 Finnish markka	COMPAGNIE GENERALE DES EAUX SA Ordinary shares, par 100 French francs	L'AIR LIQUIDE SA Ordinary shares, par 70 French francs
REPOLA OY Ordinary shares, par 10 Finnish markka	COMPAGNIE UAP SA Ordinary shares, par 10 French francs	L'OREAL SA Ordinary shares, par 10 French francs
VALMET OY CORP Share Capital par 10 Finnish markka	COMPTOIRS MODERNES SA Ordinary shares, par 100 French francs	LABINAL SA Ordinary shares, par 100 French francs
FRANCE	CREDIT COMMERCIAL DE FRANCE SA Ordinary shares, par 25 French francs	LAFARGE SA Ordinary shares, par 25 French francs
ACCOR SA Ordinary shares, par 100 French francs	CREDIT FONCIER DE FRANCE SA Ordinary shares, par 100 French francs	LAGARDERE GROUPE SCA Registered shares, par 40 French francs
ALCATEL ALSTHOM CIE GENERALE D'ELEC. SA Ordinary shares, par 40 French francs	CREDIT LOCAL DE FRANCE SA Ordinary shares, par 100 French francs	LEGRAND SA Ordinary shares, par 10 French francs
ASSURANCES GENERALES DE FRANCE SA Ordinary Bearer shares, par 30 French francs	CREDIT NATIONAL SA Ordinary shares, par 100 French francs	LEGRIS INDUSTRIES SA Ordinary shares, par 20 French francs
AXA SA Ordinary shares, par 60 French francs	DAMART SA Ordinary shares, par 50 French francs	LVMH MOET-HENNESSY LOUIS VUITTON SA Ordinary shares, par 10 French francs
BANQUE NATIONALE DE PARIS SA Ordinary shares, par 25 French francs	DMC-DOLLFUS-MIEG & CIE SA Ordinary shares, par 75 French francs	LYONNAISE DES EAUX SA Ordinary shares, par 60 French francs
BERTRAND FAURE SA Ordinary shares, par 5 French francs	DOCKS DE FRANCE SA Ordinary shares, par 10 French francs	MOULINEX SA Ordinary shares, par 10 French francs
BONGRAIN SA Ordinary shares, par 50 French francs	ECCO SA Ordinary shares, par 25 French francs	NORD EST SA Ordinary shares, par 50 French francs
BOUYGUES SA Ordinary shares, par 50 French francs	ELF AQUITAINE SA Ordinary shares, par 50 French francs	PECHINEY A Common, par 100 French francs
C.P.R. CIE PARISIENNE DE REESCOMPTE Ordinary shares, par 50 French francs	ERIDANIA BEGHIN-SAY SA Ordinary shares, par 65 French francs	PERNOD RICARD SA Ordinary shares, par 20 French francs
CANAL PLUS Ordinary shares, par 20 French francs	ESSILOR INTERNATIONAL SA Ordinary shares, par 20 French francs	PEUGEOT SA Ordinary shares, par 35 French francs
CARREFOUR SA Ordinary shares, par 100 French francs	EURAFRANCE SA Ordinary shares, par 200 French francs	PINAULT-PRINTEMPS REDOUTE SA Ordinary shares, par 100 French francs
CASINO GUICHARD PERRACHON SA Ordinary shares, par 10 French francs	EURO DISNEY SCA Ordinary shares, par 5 French francs	POLIET SA Ordinary shares, par 50 French francs
CASINO GUICHARD PERRACHON SA Priority shares par 10 French francs	EUROTUNNEL ESA EPLC Ordinary shares, no par	PROMODES SA Ordinary shares, par 20 French francs
CASTORAMA DUBOIS INVESTISSEMENTS SCA Ordinary shares, par 25 French francs	FINANCIERE INDUSTRIELLE GAZ ET EAUX SA Ordinary shares, par 50 French francs	RENAULT SA (REGIE NATIONALE DES USINES) Ordinary shares, par 25 French francs
CGIP-CIE GENERALE D'INDUSTRIE ET DE PART Ordinary shares, par 100 French francs	FINEXTEL SA Ordinary shares, par 100 French francs	RHONE-POULENC SA A Ordinary shares, par 25 French francs
CGS (FRANCE) Ordinary shares, par 40 French francs	FROMAGERIES BEL SA	ROUSSEL UCLAF SA Ordinary shares, par 20 French francs
CHRISTIAN DIOR SA Ordinary shares, par 52 French francs		SAGEM SA Ordinary shares, par 50 French francs
		SAINT LOUIS SA Ordinary shares, par 100 French francs
		SALOMON SA Ordinary shares, par 25 French francs
		SANOFI SA Ordinary shares, par 25 French francs
		SCHNEIDER SA

Ordinary shares, par 50 French francs	AGIV AG FUER INDUSTRIE UND VERKEHRSWESEN	KAUFHOF HOLDING AG
SEFIMEG-STE FRAN INVEST IMMOB ET DE GEST	Common shares par DM 5	Non-Voting Preferred, par DM 50
Registered shares, par 100 value	ALLIANZ AG HOLDING	LINDE AG
French francs	Registered shares par DM 50	Bearer shares, par DM 50
SIDEL SA	ALTANA INDUSTRIE-AKTIEN UND ANLAGEN AG	MAN AG
Ordinary shares, par 60 French francs	Bearer shares par DM 50	Bearer shares, par DM 50
SILIC-STE IMMOB LOC POUR	ASKO DEUTSCHE KAUFHAUS AG	MAN AG
L'INDUS & COMM	Bearer shares par DM 50	Non-Voting preferred, par DM 50
Ordinary shares, par 100 French francs	AXEL SPRINGER VERLAG AG	MANNESMANN AG
SIMCO SA	Bearer shares par DM 50	Bearer shares, par DM 50
Registered shares, par 100 French francs	BASF AG	METALLGESELLSCHAFT AG
SOCIETE BIC SA	Bearer shares, par DM 50	Bearer shares, par DM 5
Ordinary shares, par 50 French francs	BAYER AG	MUENCHENER
SOCIETE DES IMMEUBLES DE FRANCE SA	Bearer shares, par DM 5	RUECKVERSICHERUNGS-GES. AG
Ordinary shares, par 50 French francs	BAYERISCHE HYPOTHEKEN-UND WECHSEL-BANK	Bearer shares, par DM 50
SOCIETE FINANCIERE INTERBAIL SA	Bearer shares, par DM 5	MUENCHENER
Ordinary shares, par 100 French francs	BAYERISCHE MOTOREN WERKE AG	RUECKVERSICHERUNGS-GES. AG
SOCIETE FONCIERE LYONNAISE SA	Bearer shares, par DM 50	Registered Shares, par 100
Ordinary shares, par 50 French francs	BAYERISCHE MOTOREN WERKE AG	PHILIPP HOLZMANN AG
SOCIETE GENERALE DE FRANCE SA	Non-Voting Preferred, par DM 50	Bearer shares, par DM 50
Ordinary shares, par 30 French francs	BAYERISCHE VEREINSBANK AG	PREUSSAG AG
SOMMER-ALLIBERT SA	Bearer shares, par DM 5	Bearer shares, par DM 50
Ordinary shares, par 50 French francs	BEIERSDORF AG	PWA PAPIERWERKE WALDHOF-ASCHAFFENBURG AG
SYNTHELABO SA	Series A, B, C, par DM 50	Bearer shares, par DM 50
Ordinary shares, par 10 French francs	BERLINER KRAFT-UND LICHT (BEWAG)-AG	RHEINELEKTRA AG
TAITTINGER SA	Series A, par DM 50	Bearer shares, par DM 50
Ordinary shares, par 150 French francs	BHF BANK AG	RWE AKTIENGESELLSCHAFT
THOMSON-CSF SA	Bearer shares, par DM 5	Bearer shares, par DM 5
Ordinary shares, par 20 French francs	BILFINGER + BERGER BAU-AG	RWE AKTIENGESELLSCHAFT
TOTAL SA	Bearer shares, par DM 50	Non-Voting Preferred, par DM 5
B Ordinary shares, par 50 French francs	CKAG COLONIA KONZERN AG	SAP AG
UIF-UNION IMMOBILIERE DE FRANCE SA	Registered shares par DM 50	Non-Voting Preferred, par DM 5
Ordinary shares, par 100 French francs	COMMERZBANK AG	SCHERING AG
UNIBAIL SA	Registered shares par DM 50	Bearer shares, par DM 5
Registered shares, par 100 French francs	CONTINENTAL AG	SIEMENS AG
UNION FRANCAISE DE BANQUES LOCABAIL SA	Bearer shares, par DM 5	Bearer shares, par DM 5
Ordinary shares, par 100 French francs	DAIMLER-BENZ AG	Bearer shares, par DM 5
USINOR SACILOR	Bearer shares, par DM 50	THYSSEN AG VORM. AUGUST THYSSEN-HUETTE
Common shares par 40 French francs	DEGUSSA AG	Bearer shares, par DM 50
VALEO SA	Bearer shares, par DM 50	VEBA AG
Ordinary shares, par 20 French francs	DEUTSCHE BABCOCK AG	Bearer shares, par DM 5
VALLOUREC SA	Bearer shares, par DM 50	VEW AG
Ordinary shares, par 100 French francs	DEUTSCHE BANK AG	Bearer shares, par DM 50
WORMS ET COMPAGNIE SCA	Bearer shares, par DM 5	VIAG AG
Registered shares, par 12 French francs	DEUTSCHE LUFTHANSA AG	Bearer shares, par DM 50
GERMANY	Bearer shares, par DM 50	VICTORIA HOLDING AG
AACHENER UND MUENCHENER BETEILIGUNGS-AG	DOUGLAS HOLDING AG	Registered Shares, par DM 50
Registered shares, par DM 50	Bearer shares, par DM 5	VOLKSWAGEN AG
AACHENER UND MUENCHENER BETEILIGUNGS-AG	DRESDNER BANK AG	Bearer shares, par DM 50
Bearer shares par DM 50	Bearer shares, par DM 5	VOLKSWAGEN AG
ADIDAS AG	GEHE AG	Non-Voting Preferred, par DM 50
Bearer shares par DM 50	Bearer shares, par DM 50	HONG KONG
	HEIDELBERGER ZEMENT AG	AMOY PROPERTIES LIMITED
	Bearer shares, par DM 50	HK\$1.00 par ordinary shares
	HENKEL KGAA	BANK OF EAST ASIA, LIMITED
	Non-voting Preferred, par DM 50	HK\$2.50 par ordinary shares
	HOCHTIEF AG VORM. GEBR. HELFMANN	CATHAY PACIFIC AIRWAYS LIMITED
	Bearer shares, par DM 50	HK\$0.20 par ordinary shares
	HOECHST AKTIENGESELLSCHAFT	CDL HOTELS INTERNATIONAL LTD
	Bearer shares, par DM 5	HK\$1.00 par ordinary shares
	KARSTADT AG	CHEN HSONG HOLDINGS LTD
	Bearer shares, par DM 50	HK\$0.10 par ordinary shares
	KAUFHOF HOLDING AG	CHEUNG KONG (HOLDINGS) LIMITED
	Bearer shares, par DM 50	HK\$0.50 par ordinary shares
		CHINA LIGHT & POWER COMPANY, LIMITED
		HK\$5.00 par ordinary shares

CHINA MOTOR BUS CO., LTD. HK\$2.00 par ordinary shares	JOHNSON ELECTRIC HOLDINGS LIMITED HK\$0.10 par ordinary shares	Share capital, par 1000 Indonesian rupiah
CHINESE ESTATES HOLDINGS LTD HK\$0.10 par ordinary shares	KOWLOON MOTOR BUS COMPANY (1933) LTD HK\$1.00 par ordinary shares	PT BANK DANAMON Share capital, par 1000 Indonesian rupiah
CITIC PACIFIC LTD. HK\$0.40 par ordinary shares	MANDARIN ORIENTAL INTERNATIONAL LIMITED Ordinary shares, \$.05 par	PT BANK INTERNATIONAL INDONESIA Share capital, par 1000 Indonesian rupiah
CROSS-HARBOUR TUNNEL COMPANY, LTD HK\$1.00 par ordinary shares	MIRAMAR HOTEL & INVESTMENT CO., LTD. HK\$0.70 par ordinary shares	PT BANK TIARA ASIA Share capital, par 1000 Indonesian rupiah
DAIRY FARM INTERNATIONAL HOLDINGS LTD. Ordinary shares, HK\$1.00 par	NATIONAL MUTUAL ASIA LTD. HK\$0.05 par ordinary shares	PT BIMANTARA CITRA Share capital, par 1000 Indonesian rupiah
DAO HENG BANK LTD HK\$1.00 par ordinary shares	NEW ASIA REALTY AND TRUST CO. LTD. HK\$1.00 par A Ordinary shares	PT CIPUTRA DEVELOPMENT Share capital, par 1000 Indonesian rupiah
DICKSON CONCEPTS (INTERNATIONAL) LIMITED HK\$0.10 par ordinary shares	NEW WORLD DEVELOPMENT CO LIMITED HK\$1.00 par ordinary shares	PT CITRA MARGA NUSAPHALA Share capital, par 1000 Indonesian rupiah
FIRST PACIFIC HOLDINGS LTD Ordinary shares, \$.01 par	PEREGRINE INVESTMENT HOLDINGS LTD. Ordinary, par HK \$0.60	PT GAJAH TUNGGAL Common par 1000 Indonesian rupiah
GREAT EAGLE HOLDINGS LIMITED HK\$0.50 par ordinary shares	REALTY DEVELOPMENT CORP. HK\$1.00 par A Ordinary shares	PT GUDANG GARAM Share capital, par 1000 Indonesian rupiah
GUOCO GROUP LTD Ordinary shares, \$.50 par	SEMI-TECH (GLOBAL) CO., LTD. HK\$1.00 par ordinary shares	PT HANDAJA MANDALA SAM POERNA Share capital, par 1000 Indonesian rupiah
HANG LUNG DEVELOPMENT COMPANY LIMITED HK\$1.00 par ordinary shares	SHANGRI-LA ASIA LTD. HK\$1.00 par ordinary shares	PT INDOMENT TUNGGAL PRAKARSA Share capital, par 1000 Indonesian rupiah
HANG SENG BANK LIMITED HK\$5.00 par ordinary shares	SHAW BROTHERS (HONG KONG) LIMITED HK\$0.25 par ordinary shares	PT INDONESIA SATELLITE Share capital, par 1000 Indonesian rupiah
HARBOUR CENTRE DEVELOPMENT LIMITED HK\$0.50 par ordinary shares	SHUN TAK HOLDINGS LIMITED HK\$0.25 par ordinary shares	PT INDORAMA SYNTHETICS Share capital, par 1000 Indonesian rupiah
HENDERSON INVESTMENT LIMITED HK\$0.20 par ordinary shares	SIME DARBY HONG KONG LIMITED HK\$0.50 par ordinary shares	PT JAKARTA INTERNATIONAL HOTEL & DEVELOPMENT Share capital, par 1000 Indonesian rupiah
HENDERSON LAND DEVELOPMENT CO LTD HK\$2.00 par ordinary shares	SINO LAND COMPANY LIMITED HK\$1.00 par ordinary shares	PT KALBE FARMA Share capital, par 1000 Indonesian rupiah
HONG KONG AIRCRAFT ENGINEERING COMPANY HK\$1.00 par ordinary shares	SOUTH CHINA MORNING POST (HOLDINGS) LTD. HK\$0.10 par ordinary shares	PT KAWASAN INDUSTRIAL JABABEKA Share capital, par 1000 Indonesian rupiah
HONG KONG AND CHINA GAS COMPANY LIMITED HK\$0.25 par ordinary shares	SUN HUNG KAI & CO. LIMITED HK\$1.00 par ordinary shares	PT LIPPO BANK Share capital, par 1000 Indonesian rupiah
HONG KONG ELECTRIC HOLDINGS LIMITED HK\$1.00 par ordinary shares	SUN HUNG KAI PROPERTIES LIMITED HK\$0.50 par ordinary shares	PT LIPPO LAND DEVELOPMENT Share capital, par 1000 Indonesian rupiah
HONG KONG TELECOMMUNICATIONS LTD. HK\$0.50 par ordinary shares	SWIRE PACIFIC LIMITED HK\$0.60 par A Ordinary shares	PT MAYORA INDAH Share capital, par 1000 Indonesian rupiah
HONGKONG AND SHANGHAI HOTELS, LIMITED HK\$0.50 par ordinary shares	SWIRE PACIFIC LIMITED HK\$0.12 par B Ordinary shares	PT MODERN PHOTO FILM COMPANY Share capital, par 1000 Indonesian rupiah
HONGKONG LAND HOLDINGS LTD Ordinary shares, \$.01 par	TELEVISION BROADCASTS LIMITED HK\$0.05 par ordinary shares	PT PABRIK KER TAS TJIWI KIMIA Share capital, par 1000 Indonesian rupiah
HOPEWELL HOLDINGS LIMITED HK\$0.50 par ordinary shares	VARITRONIX INTERNATIONAL LTD. HK\$0.25 par ordinary shares	PT PANIN BANK Share capital, par 1000 Indonesian rupiah
HUTCHISON WHAMPOA LIMITED HK\$0.25 par ordinary shares	WHARF (HOLDINGS) LIMITED HK\$1.00 par ordinary shares	PT SEMEN GRESIK
HYSAN DEVELOPMENT COMPANY LIMITED HK\$5.00 par ordinary shares	WHEELOCK AND COMPANY LTD. HK\$0.50 par ordinary shares	
JARDINE INTERNATIONAL MOTOR HOLDINGS LTD Ordinary shares, \$.025 par	WING ON COMPANY INTERNATIONAL LIMITED HK\$0.10 par ordinary shares	
JARDINE MATHESON HOLDINGS LIMITED Ordinary shares, \$.25 par	WINSOR INDUSTRIAL CORPORATION LTD. HK\$0.50 par ordinary shares	
JARDINE STRATEGIC HOLDINGS LIMITED Ordinary shares, \$.05 par	INDONESIA PT ASTRA INTERNATIONAL INC. Share capital, par 1000 Indonesian rupiah	
	PT BANK DAGANG NASIONAL INDONESIA	

Share capital, par 1000 Indonesian rupiah	Ordinary shares, par 5000 lira	OLIVETTI SPA
PT SINAR MAS MULTIARTHA	CIR-COMPAGNIE INDUSTRIALI RIUNITE SPA	Ordinary shares, par 1000 lira
Share capital, par 1000 Indonesian rupiah	Ordinary shares, par 1000 lira	PIRELLI SPA
PT TELEKOMUNIKASI INDONESIA	CIR-COMPAGNIE INDUSTRIALI RIUNITE SPA	Ordinary shares, par 1000 lira
Series B Common Shares, par 1000 Indonesian rupiah	Non-convertible savings shares, par 1000 lira	RINASCENTE LA SPA
PT UNITED TRACTORS	COMPAGNIA DI ASSICURAZIONI DI MILANO SPA	Ordinary shares, par 1000 lira
Common par 1000 Indonesian rupiah	Ordinary shares, par 1000 lira	RIUNIONE ADRIATICA DI SICURTA SPA
IRELAND	CREDITO ITALIANO SPA	Ordinary shares, par 1000 lira
ALLIED IRISH BANKS PLC	Ordinary shares, par 500 lira	RIUNIONE ADRIATICA DI SICURTA SPA
Ordinary shares, par .25 Irish pound	CREDITO ITALIANO SPA	Non-convertible savings shares, par 1000 lira
BANK OF IRELAND	Non-convertible savings shares, par 500 lira	SAIPEM SPA
Capital Stock par 1 Irish pound	EDITORIALE L'ESPRESSO SPA	Ordinary shares, par 1000 lira
BARLO GROUP PLC	Ordinary shares, par 1000 lira	SAN PAOLO BANK HOLDING SPA
Ordinary shares, par .10 Irish pound	ENI S.P.A.	Ordinary shares, par 1000 lira
CLONDALKIN GROUP PLC	Ordinary shares, par 1000 lira	SASIB SPA
A Ordinary shares, par .25 p	FIAT SPA	Ordinary shares, par 1000 lira
CRH PLC	Ordinary shares, par 1000 lira	SASIB SPA
Ordinary shares, par .25 Irish pound	FIAT SPA	Non-convertible savings shares, par 1000 lira
DCC PLC	Preferred Shares, par 1000 lira	SIRTI SPA
Ordinary shares, par .20 Irish pound	FIAT SPA	Ordinary shares, par 1000 lira
FYFFES PLC	Non-convertible savings shares, par 1000 lira	SME SOCIETA MERIDIONALE FINANZIARIA
Ordinary shares, par .05 Irish pound	FIDIS FINANZIARIA DI SVILUPPO SPA	Ordinary shares, par 1000 lira
GREENCORE GROUP PLC	Ordinary shares, par 1000 lira	SNIA BPD SPA
Ordinary shares, par .50 Irish pound	GEMINA GEN MOBIL INTER AZIONARIE SPA	Ordinary shares, par 1000 lira
INDEPENDENT NEWSPAPERS PLC	Ordinary shares, par 500 lira	SOCIETA ASSICURATRICE INDUSTRIALE SPA
Ordinary shares, par .25 Irish pound	IFIL-FINANZIARIA DI PARTECIPAZIONI	Ordinary shares, par 1000 lira
IRISH LIFE PLC	Ordinary shares, par 1000 lira	SOCIETA ASSICURATRICE INDUSTRIALE SPA
Ordinary shares, par .10 Irish pound	IFIL-FINANZIARIA DI PARTECIPAZIONI	Non-convertible savings shares, par 1000 lira
IWP INTERNATIONAL PLC	Non-convertible savings shares, par 1000 lira	STET SOC. FINANZIARIA TELEFONICA PA
A Ordinary shares, par .25 Irish pound	ISTITUTO FINANZIARIO INDUSTRIALE SPA	Ordinary shares, par 1000 lira
JAMES CREAN PLC	Preferred Shares, par 1000 lira	STET SOC. FINANZIARIA TELEFONICA PA
Ordinary shares, no par	ISTITUTO MOBILIARE ITALIANO SPA	Non-convertible savings shares, par 1000 lira
JEFFERSON SMURFIT GROUP PLC	Ordinary shares, par 5000 lira	TELECOM ITALIA MOBILE S.P.A.
Ordinary shares, par .25 Irish pound	ISTITUTO NAZIONALE DELLE ASSICURAZIONI	Savings Shares, par 1000 lira
KERRY GROUP PLC	Ordinary shares, par 1000 lira	TELECOM ITALIA MOBILE S.P.A.
A Ordinary shares, par .10 Irish pound	ITALCEMENTI SPA	Ordinary shares, par 1000 lira
WATERFORD WEDGWOOD PLC	Ordinary shares, par 2000 lira	TELECOM ITALIA SPA
Ordinary shares, par .05 Irish pound	Savings Shares, par 2000 lira	Ordinary shares, par 1000 lira
WOODCHESTER INVESTMENTS PLC	ITALGAS SOCIETA ITALIANA PER IL GAS PA	Savings Shares, par 1000 lira
A Ordinary shares, par .20 Irish pound	Ordinary shares, par 1000 lira	TORO ASSICURAZIONI CIA ANOMIA D'ASSICU.
ITALY	LA FONDIARIA ASSICURAZIONI SPA	Preferred Shares, par 1000 lira
ALLEANZA ASSICURAZIONI SPA	Ordinary shares, par 1000 lira	TORO ASSICURAZIONI CIA ANOMIA D'ASSICU.
Ordinary shares, par 500 lira	MAGNETI MARELLI SPA	Ordinary shares, par 1000 lira
ALLEANZA ASSICURAZIONI SPA	Ordinary shares, par 1000 lira	TORO ASSICURAZIONI CIA ANOMIA D'ASSICU.
Non-convertible savings shares, par 500 lira	MANIFATTURA LANE G. MARZOTTO & FIGLI SPA	Non-convertible savings shares, par 1000 lira
ASSICURAZIONI GENERALI SPA	Ordinary shares, par 1000 lira	UNICEM SPA
Ordinary shares, par 2000 lira	MEDIOBANCA-BANCA DI CREDITO FINANZIARIO	Ordinary shares, par 1000 lira
BANCA COMMERCIALE ITALIANA SPA	Ordinary shares, par 1000 lira	UNICEM SPA
Ordinary shares, par 1000 lira	MONTEDISON SPA	Non-convertible savings shares, par 1000 lira
BANCA COMMERCIALE ITALIANA SPA	Ordinary shares, par 1000 lira	
Non-convertible savings shares, par 1000 lira	Non-convertible savings shares, par 1000 lira	
BANCO AMBROSIANO VENETO SPA		
Ordinary shares, par 1000 lira		
BANCO AMBROSIANO VENETO SPA		
Non-convertible savings shares, par 1000 lira		
CARTIERE BURGO SPA		

¥ 50 par common AISIN SEIKI CO., LTD.	BANK OF NAGOYA, LTD. ¥ 50 par common	DAI-TOKYO FIRE & MARINE INSURANCE CO. ¥ 50 par common
¥ 50 par common AIWA CO., LTD.	BANK OF TOKYO-MITSUBISHI LTD. ¥ 50 par common	DAICEL CHEMICAL INDUSTRIES, LTD. ¥ 50 par common
¥ 50 par common AJINOMOTO CO., INC.	BANK OF YOKOHAMA, LTD. ¥ 50 par common	DAIDO STEEL CO., LTD. ¥ 50 par common
¥ 50 par common AKITA BANK, LTD.	BANYU PHARMACEUTICAL CO., LTD. ¥ 50 par common	DAIEI, INC. (THE) ¥ 50 par common
¥ 50 par common ALL NIPPON AIRWAYS CO., LTD.	BEST DENKI CO., LTD. ¥ 50 par common	DAIFUKU CO., LTD. ¥ 50 par common
¥ 50 par common ALPS ELECTRIC CO., LTD.	BRIDGESTONE CORPORATION ¥ 50 par common	DAIHATSU MOTOR CO., LTD. ¥ 50 par common
¥ 50 par common AMADA CO., LTD.	BROTHER INDUSTRIES, LTD. ¥ 50 par common	DAIICHI CORP. ¥ 50 par common
¥ 50 par common AMADA METRECS CO., LTD.	CALPIS FOOD INDUSTRY CO., LTD. ¥ 50 par common	DAIICHI PHARMACEUTICAL CO., LTD. ¥ 50 par common
¥ 50 par common AMANO CORPORATION	CALSONIC CORPORATION ¥ 50 par common	DAIKEN CORP. ¥ 50 par common
¥ 50 par common ANRITSU CORPORATION	CANON INC. ¥ 50 par common	DAIKIN INDUSTRIES, LTD. ¥ 50 par common
¥ 50 par common AOKI CORPORATION	CANON SALES CO., INC. ¥ 50 par common	DAIKYO INCORPORATED ¥ 50 par common
¥ 50 par common AOKI INTERNATIONAL CO., LTD.	CASIO COMPUTER CO., LTD. ¥ 50 par common	DAIMARU, INC. ¥ 50 par common
¥ 50 par common AOMORI BANK, LTD.	CENTRAL FINANCE CO., LTD. ¥ 50 par common	DAINIPPON INK & CHEMICALS, INCORPORATED ¥ 50 par common
¥ 50 par common AOYAMA TRADING CO., LTD.	CENTRAL GLASS CO., LTD. ¥ 50 par common	DAINIPPON PHARMACEUTICAL CO., LTD. ¥ 50 par common
¥ 50 par common ARABIAN OIL COMPANY, LTD.	CHIBA BANK, LTD. ¥ 50 par common	DAINIPPON SCREEN MFG. CO., LTD. ¥ 50 par common
¥ 50 par common ASAHI BANK, LTD.	CHICHIBU ONODA CEMENT CORPORATION ¥ 50 par common	DAISHOWA PAPER MANUFACTURING CO., LTD. ¥ 50 par common
¥ 50 par common ASAHI BREWERIES, LTD.	CHIYODA CORPORATION ¥ 50 par common	DAITO TRUST CONSTRUCTION CO., LTD. ¥ 50 par common
¥ 50 par common ASAHI CHEMICAL INDUSTRY CO., LTD.	CHIYODA FIRE & MARINE INSURANCE CO., LTD. ¥ 50 par common	DAIWA BANK, LTD. ¥ 50 par common
¥ 50 par common ASAHI DIAMOND INDUSTRIAL CO., LTD.	CHUBU ELECTRIC POWER COMPANY, INC. ¥ 50 par common	DAIWA HOUSE INDUSTRY CO., LTD. ¥ 50 par common
¥ 50 par common ASAHI GLASS COMPANY, LIMITED	CHUDENKO CORP. ¥ 50 par common	DAIWA KOSHO LEASE CO., LTD. ¥ 50 par common
¥ 50 par common ASAHI OPTICAL CO., LTD.	CHUGAI PHARMECEUTICAL CO., LTD. ¥ 50 par common	DAIWA SECURITIES CO., LTD. ¥ 50 par common
¥ 50 par common ASATSU INC.	CHUGOKU BANK, LTD. ¥ 50 par common	DENKI KAGAKU KOGYO ¥ 50 par common
¥ 50 par common ASHIKAGA BANK, LTD. (THE)	CHUGOKU ELECTRIC POWER COMPANY, INC. ¥ 50 par common	DENNY'S JAPAN CO., LTD. ¥ 50 par common
¥ 50 par common ASICS CORPORATION	CHUO TRUST & BANKING COMPANY, LIMITED ¥ 50 par common	DOWA FIRE & MARINE INSURANCE CO., LTD. ¥ 50 par common
¥ 50 par common AT & T GLOBAL INFORMATION SOLUTIONS JAPAN, LTD.	CITIZEN WATCH CO., LTD. ¥ 50 par common	DOWA MINING CO., LTD. ¥ 50 par common
¥ 50 par common ATSUGI NYLON INDUSTRIAL CO., LTD.	CLARION CO., LTD. ¥ 50 par common	EAST JAPAN RAILWAY COMPANY ¥ 50000 par common
¥ 50 par common AUTOBACS SEVEN CO., LTD.	COSMO OIL COMPANY, LIMITED ¥ 50 par common	EBARA CORPORATION ¥ 50 par common
¥ 50 par common BANDAI CO., LTD.	COSMO SECURITIES CO., LTD. ¥ 50 par common	EIGHTEENTH BANK, LTD. ¥ 50 par common
¥ 50 par common BANK OF FUKUOKA, LTD.	CREDIT SAISON CO., LTD. ¥ 50 par common	EISAI CO., LTD. ¥ 50 par common
¥ 50 par common BANK OF HIROSHIMA	CSK CORPORATION ¥ 50 par common	EZAKI GLICO CO., LTD. ¥ 50 par common
¥ 50 par common BANK OF KINKI, LTD.	DAI NIPPON PRINTING CO., LTD. ¥ 50 par common	FAMILYMART CO., LTD. ¥ 50 par common
¥ 50 par common BANK OF KYOTO, LTD.	DAI-ICHI KANGYO BANK, LTD. ¥ 50 par common	
¥ 50 par common		

FANUC LTD. ¥ 50 par common	¥ 50 par common HEIWA CORPORATION	ISEKI & CO., LTD. ¥ 50 common
FUDO CONSTRUCTION CO., LTD. ¥ 50 par common	No par 50 common HEIWA REAL ESTATE CO., LTD.	ISETAN COMPANY LIMITED ¥ 50 common
FUJI BANK, LIMITED ¥ 50 par common	¥ 50 common HEIWADO CO., LTD.	ISHIHARA SANGYO KAISHA, LTD. ¥ 50 common
FUJI ELECTRIC CO., LTD. ¥ 50 par common	¥ 50 common HIGO BANK, LTD.	ISHIKAWAJIMA-HARIMA HEAVY INDUSTRIES CO. ¥ 50 common
FUJI FIRE & MARINE INSURANCE CO., LTD. ¥ 50 par common	¥ 50 common HINO MOTORS, LTD.	ISUZU MOTORS LIMITED ¥ 50 common
FUJI HEAVY INDUSTRIES, LTD. ¥ 50 par common	¥ 50 common HIROSE ELECTRIC CO., LTD.	ITO-YOKADO CO., LTD. ¥ 50 common
FUJI PHOTO FILM CO., LTD. ¥ 50 par common	¥ 50 common HIROSHIMA BANK, LTD. (THE)	ITOCHU CORPORATION ¥ 50 common
FUJIKURA LTD. ¥ 50 par common	¥ 50 common HITACHI CABLE, LTD.	ITOHAM FOODS INC. ¥ 50 common
FUJISAWA PHARMACEUTICAL COMPANY LIMITED ¥ 50 par common	¥ 50 common HITACHI CHEMICAL CO., LTD.	IWATANI INTERNATIONAL CORPORATION ¥ 50 common
FUJITA CORPORATION ¥ 50 par common	¥ 50 common HITACHI CONSTRUCTION MACHINERY CO., LTD.	IWATSU ELECTRIC CO., LTD. ¥ 50 common
FUJITA KANKO INC. ¥ 50 par common	¥ 50 common HITACHI CREDIT CORPORATION	IYO BANK, LTD. ¥ 50 common
FUJITSU LIMITED ¥ 50 par common	¥ 50 common HITACHI KOKI CO., LTD.	IZUMI CO., LTD. ¥ 50 common
FUJIYA CO., LTD. ¥ 50 par common	¥ 50 common HITACHI MAXELL, LTD.	IZUMIYA CO., LTD. ¥ 50 common
FUKUYAMA TRANSPORTING CO., LTD. ¥ 50 par common	¥ 50 common HITACHI METALS, LTD.	JACCS CO., LTD. ¥ 50 common
FURUKAWA CO., LTD. ¥ 50 par common	¥ 50 common HITACHI SOFTWARE ENGINEERING CO. LTD.	JAPAN AIRLINES COMPANY, LTD. ¥ 50 common
FURUKAWA ELECTRIC CO., LTD. ¥ 50 par common	¥ 50 common HITACHI TRANSPORT SYSTEM LTD.	JAPAN AIRPORT TERMINAL CO., LTD. ¥ 50 common
FUTABA CORP. ¥ 50 par common	¥ 50 common HITACHI ZOSEN CORPORATION	JAPAN DIGITAL LABORATORY CO., LTD. ¥ 50 common
FUTABA INDUSTRIAL CO., LTD. ¥ 50 par common	¥ 50 common HITACHI, LTD.	JAPAN ENERGY CORPORATION ¥ 50 common
GAKKEN CO., LTD. ¥ 50 par common	¥ 50 common HOKKAIDO BANK, LTD.	JAPAN METALS & CHEMICALS CO., LTD. ¥ 50 common
GENERAL SEKIYU K.K. ¥ 50 par common	¥ 50 common HOKKAIDO ELECTRIC POWER COMPANY, INC.	JAPAN RADIO CO., LTD. ¥ 50 common
GODO STEEL, LTD. ¥ 50 par common	¥ 500 par 50 common HOKKAIDO TAKUSHOKU BANK, LIMITED	JAPAN SECURITIES FINANCE CO., LTD. ¥ 50 common
GREEN CROSS CORPORATION ¥ 50 par common	¥ 50 common HOKKOKU BANK, LTD.	JAPAN STEEL WORKS, LTD., THE ¥ 50 common
GUN EI CHEMICAL INDUSTRY CO., LTD. ¥ 50 par common	¥ 50 common HOKUETSU BANK, LTD.	JAPAN STORAGE BATTERY CO., LTD. ¥ 50 common
GUNMA BANK, LTD. ¥ 50 par common	¥ 50 common HOKUETSU PAPER MILLS, LTD.	JAPAN SYNTHETIC RUBBER CO., LTD. ¥ 50 common
GUNZE LIMITED ¥ 50 par common	¥ 50 common HOKURIKU BANK, LTD., THE	JAPAN TELECOM CO., LTD ¥ 50000 par 50 common
HACHIJUNI BANK, LTD. ¥ 50 par common	¥ 50 common HOKURIKU ELECTRIC POWER COMPANY 500 par 50 common	JAPAN TOBACCO INC. ¥ 50000 par 50 common
HANKYU CORPORATION ¥ 50 par common	¥ 50 common HONDA MOTOR CO., LTD.	JAPAN WOOL TEXTILE CO., LTD. ¥ 50 common
HANKYU DEPARTMENT STORES, INC. ¥ 50 par common	¥ 50 common HONSHU PAPER CO., LTD.	JGC CORPORATION ¥ 50 common
HANSHIN ELECTRIC RAILWAY CO., LTD. ¥ 50 par common	¥ 50 common HOUSE FOODS CORPORATION	JOYO BANK, LTD. ¥ 50 common
HANWA CO., LTD. ¥ 50 par common	¥ 50 common HOYA CORPORATION	JUROKU BANK, LTD ¥ 50 common
HASEKO CORPORATION ¥ 50 par common	¥ 50 common INAX CORPORATION	JUSCO CO., LTD. ¥ 50 common
HAZAMA CORPORATION ¥ 50 par common	¥ 50 common INDUSTRIAL BANK OF JAPAN, LTD.	KAGOME CO., LTD. ¥ 50 common

KAGOSHIMA BANK, LTD. ¥ 50 common	KOBE STEEL, LTD. ¥ 50 par common	¥ 50 par common
KAJIMA CORPORATION ¥ 50 common	KOITO MANUFACTURING CO., LTD. ¥ 50 par common	MARUBENI CORPORATION ¥ 50 par common
KAKEN PHARMACEUTICAL CO., LTD. ¥ 50 common	KOKUSAI DENSHIN DENWA CO., LTD. ¥ 500 par common	MARUDAI FOOD CO., LTD. ¥ 50 par common
KAMIGUMI CO., LTD. ¥ 50 common	KOKUSAI ELECTRIC CO., LTD. ¥ 50 par common	MARUETSU INC. ¥ 50 par common
KANDENKO CO., LTD. ¥ 50 par common	KOKUSAI SECURITIES CO., LTD. ¥ 50 par common	MARUHA CORPORATION ¥ 50 par common
KANEBO, LTD. ¥ 50 par common	KOKUYO CO., LTD. ¥ 50 par common	MARUI CO., LTD. ¥ 50 par common
KANEKA CORPORATION ¥ 50 par common	KOMATSU LTD. ¥ 50 par common	MARUICHI STEEL TUBE LTD. ¥ 50 par common
KANEMATSU CORPORATION ¥ 50 par common	KOMORI CORP. ¥ 50 par common	MATSUSHITA COMMUNICATION INDUSTRIAL CO. ¥ 50 par common
KANKAKU SECURITIES CO., LTD. ¥ 50 par common	KONAMI CO., LTD. ¥ 50 par common	MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. ¥ 50 par common
KANSAI ELECTRIC POWER CO., INC., THE ¥ 500 par common	KONICA CORPORATION ¥ 50 par common	MATSUSHITA ELECTRIC WORKS, LTD. ¥ 50 par common
KANSAI PAINT CO., LTD. ¥ 50 par common	KOYO SEIKO CO., LTD. ¥ 50 par common	MATSUSHITA REFRIGERATION COMPANY ¥ 50 par common
KAO CORPORATION ¥ 50 par common	KUBOTA CORPORATION ¥ 50 par common	MATSUSHITA SEIKO CO., LTD. ¥ 50 par common
KATOKICHI CO., LTD. ¥ 50 par common	KUMAGAI GUMI CO., LTD. ¥ 50 par common	MATSUSHITA-KOTOBUKI ELECTRONICS INDS. ¥ 50 par common
KAWASAKI HEAVY INDUSTRIES, LTD. ¥ 50 par common	KURABO INDUSTRIES, LTD. ¥ 50 par common	MATSUZAKAYA CO., LTD. ¥ 50 par common
KAWASAKI KISEN KAISHA, LTD. ¥ 50 par common	KURARAY CO., LTD. ¥ 50 par common	MAX CO., LTD. ¥ 50 par common
KAWASAKI STEEL CORPORATION ¥ 50 par common	KUREHA CHEMICAL INDUSTRY CO., LTD. ¥ 50 par common	MAZDA MOTOR CORPORATION ¥ 50 par common
KAYABA INDUSTRY CO., LTD. ¥ 50 par common	KURIMOTO, LTD. ¥ 50 par common	MEIDENSHA CORP. ¥ 50 par common
KEIHIN ELECTRIC EXPRESS RAILWAY CO., LTD ¥ 50 par common	KURITA WATER INDUSTRIES LTD. ¥ 50 par common	MEIJI MILK PRODUCTS CO., LTD. ¥ 50 par common
KEIO TEITO ELECTRIC RAILWAY CO., LTD. ¥ 50 par common	KYOCERA CORPORATION ¥ 50 par common	MEIJI SEIKA KAISHA, LTD. ¥ 50 par common
KEISEI ELECTRIC RAILWAY CO., LTD. ¥ 50 par common	KYODO PRINTING CO., LTD. ¥ 50 par common	MERCIAN CORPORATION ¥ 50 par common
KEIYO BANK, LTD. ¥ 50 par common	KYOWA EXEO CORP. ¥ 50 par common	MICHINOKU BANK, LTD. ¥ 50 par common
KEIYO CO., LTD. ¥ 50 par common	KYOWA HAKKO KOGYO CO., LTD. ¥ 50 par common	MIKUNI COCA-COLA BOTTLING CO., LTD. ¥ 50 par common
KENWOOD CORP. ¥ 50 par common	KYUDENKO CORP. ¥ 50 par common	MINEBEA CO., LTD. ¥ 50 par common
KEYENCE CORPORATION ¥ 50 par common	KYUSHU ELECTRIC POWER COMPANY INC. ¥ 500 par common	MINOLTA CO., LTD. ¥ 50 par common
KIKKOMAN CORPORATION ¥ 50 par common	KYUSHU MATSUSHITA ELECTRIC CO., LTD. ¥ 50 par common	MISAWA HOMES CO., LTD. ¥ 50 par common
KINDEN CORPORATION ¥ 50 par common	LION CORPORATION ¥ 50 par common	MITSUBISHI CABLE INDUSTRIES, LTD. ¥ 50 par common
KINKI NIPPON RAILWAY CO., LTD. ¥ 50 par common	LONG-TERM CREDIT BANK OF JAPAN, LTD. ¥ 50 par common	MITSUBISHI CHEMICAL CORPORATION ¥ 50 par common
KIRIN BREWERY COMPANY, LIMITED ¥ 50 par common	MABUCHI MOTOR CO., LTD. ¥ 50 par common	MITSUBISHI CORPORATION ¥ 50 par common
KISSEI PHARMACEUTICAL CO., LTD. ¥ 50 par common	MAEDA CORPORATION ¥ 50 par common	MITSUBISHI ELECTRIC CORPORATION ¥ 50 par common
KIYO BANK, LTD. ¥ 50 par common	MAEDA ROAD CONSTRUCTION CO., LTD. ¥ 50 par common	MITSUBISHI ESTATE COMPANY, LIMITED ¥ 50 par common
KOA FIRE & MARINE INSURANCE CO., LTD. ¥ 50 par common	MAKINO MILLING MACHINE CO., LTD. ¥ 50 par common	
KOA OIL CO., LTD. ¥ 50 par common	MAKITA CORPORATION	

MITSUBISHI GAS CHEMICAL COMPANY, INC.	¥ 50 par common	MORI SEIKI CO., LTD.	¥ 50 par common	NIKKO KYODO CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI HEAVY INDUSTRIES, LTD.	¥ 50 par common	MORINAGA AND COMPANY, LTD.	¥ 50 par common	NIKKO SECURITIES CO., LTD., THE	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI LOGISTICS CORP	¥ 50 par common	MORINAGA MILK INDUSTRY CO., LTD.	¥ 50 par common	NIKON CORPORATION	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI MATERIALS CORPORATION	¥ 50 par common	MURATA MANUFACTURING COMPANY, LTD.	¥ 50 par common	NINTENDO CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI MOTORS CORPORATION	¥ 50 par common	MUSASHINO BANK, LTD.	¥ 500 par common	NIPPON BEET SUGAR MANUFACTURING CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 500 par common		¥ 50 par common	
MITSUBISHI OIL COMPANY, LIMITED	¥ 50 par common	MYCAL CORP	¥ 50 par common	NIPPON COMSYS CORP.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI PAPER MILLS LIMITED	¥ 50 par common	NACHI-FUJIKOSHI CORP.	¥ 50 par common	NIPPON CREDIT BANK, LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI PLASTICS INC.	¥ 50 par common	NAGASAKIYA CO., LTD.	¥ 50 par common	NIPPON DENSETSU KOGYO CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI RAYON COMPANY, LIMITED	¥ 50 par common	NAGASE & COMPANY, LTD.	¥ 50 par common	NIPPON ELECTRIC GLASS CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI STEEL MFG. CO., LTD.	¥ 50 par common	NAGOYA RAILROAD CO., LTD.	¥ 50 par common	NIPPON EXPRESS CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI TRUST & BANKING CORPORATION	¥ 50 par common	NAMCO, LTD.	¥ 50 par common	NIPPON FIRE & MARINE INSURANCE CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBISHI WAREHOUSE & TRANSPORTATION CO., LTD.	¥ 50 par common	NANKAI ELECTRIC RAILWAY CO., LTD.	¥ 50 par common	NIPPON FLOUR MILLS CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUBOSHI BELTING LTD.	¥ 50 par common	NATIONAL HOUSE INDUSTRIAL CO., LTD.	¥ 50 par common	NIPPON HODO CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI & CO., LTD.	¥ 50 par common	NAVIX LINE, LTD.	¥ 50 par common	NIPPON KAYAKU CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI CONSTRUCTION CO., LTD.	¥ 50 par common	NCR JAPAN LTD.	¥ 50 par common	NIPPON LIGHT METAL COMPANY, LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI ENGINEERING & SHIPBUILDING CO., LTD	¥ 50 par common	NEC CORPORATION	¥ 50 par common	NIPPON MEAT PACKERS, INC.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI FUDOSAN CO., LTD.	¥ 50 par common	NEW JAPAN SECURITIES CO., LTD.	¥ 50 par common	NIPPON OIL CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI MARINE & FIRE INSURANCE CO., LTD.	¥ 50 par common	NEW OJI PAPER CO., LTD.	¥ 50 par common	NIPPON PAINT CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI MINING & SMELTING CO., LTD.	¥ 50 par common	NGK INSULATORS, LTD.	¥ 50 par common	NIPPON PAPER INDUSTRIES CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI O.S.K. LINES, LTD.	¥ 50 par common	NGK SPARK PLUG CO., LTD.	¥ 50 par common	NIPPON ROAD CO., LTD., THE	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI PETROCHEMICAL INDUSTRIES, LTD.	¥ 50 par common	NHK SPRING CO., LTD.	¥ 50 par common	NIPPON SANSO CORPORATION	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI REAL ESTATE SALES CO., LTD.	¥ 50 par common	NICHICON CORP.	¥ 50 par common	NIPPON SHARYO, LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI TOATSU CHEMICALS, INC.	¥ 50 par common	NICHIDO FIRE & MARINE INSURANCE CO., LTD.	¥ 50 par common	NIPPON SHEET GLASS COMPANY, LIMITED	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI TRUST & BANKING COMPANY, LIMITED	¥ 50 par common	NICHIEI CONSTRUCTION CO., LTD.	¥ 50 par common	NIPPON SHINPAN CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUI-SOKO CO., LTD.	¥ 50 par common	NICHII CO., LTD.	¥ 50 par common	NIPPON SHOKUBAI CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUKOSHI, LTD.	¥ 50 par common	NICHIMEN CORP.	¥ 50 par common	NIPPON SIGNAL CO., LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MITSUMI ELECTRIC CO., LTD.	¥ 50 par common	NICHIREI CORPORATION	¥ 50 par common	NIPPON STEEL CORPORATION	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MIZUNO CORPORATION	¥ 50 par common	NICHIRO CORPORATION	¥ 50 par common	NIPPON SUISAN KAISHA, LTD.	¥ 50 par common
¥ 50 par common		¥ 50 par common		¥ 50 par common	
MOCHIDA PHARMACEUTICAL CO., LTD.	¥ 50 par common	NIHON CEMENT CO., LTD.	¥ 50000 par common	NIPPON TELEGRAPH & TELEPHONE CORPORATION	¥ 50000 par common
		¥ 50 par common		¥ 50000 par common	
		NIHON NOSAN KOGYO K.K.	¥ 50 par common	NIPPON TELEVISION NETWORK CORP.	¥ 500 par common
		¥ 50 par common		¥ 500 par common	
		NIHON UNISYS, LTD.	¥ 50 par common	NIPPON TRUST BANK, LTD.	¥ 50 par common
		¥ 50 par common		¥ 50 par common	
		NIIGATA ENGINEERING CO., LTD.			

NIPPON YAKIN KOGYO CO., LTD. ¥ 50 par common	¥ 50 par common OGAKI KYORITSU BANK, LTD.	¥ 50 par common SANKYO COMPANY, LIMITED
NIPPON YUSEN KABUSHIKI KAISHA ¥ 50 par common	¥ 50 par common OKAMOTO INDUSTRIES, INC.	¥ 50 par common SANKYU INC.
NIPPON ZEON CO., LTD. ¥ 50 par common	¥ 50 par common OKASAN SECURITIES CO., LTD.	¥ 50 par common SANRIO COMPANY, LTD.
NIPPONDENSO CO., LTD. ¥ 50 par common	¥ 50 par common OKI ELECTRIC INDUSTRY COMPANY, LIMITED	¥ 50 par common SANTEN PHARMACEUTICAL CO., LTD.
NISHI-NIPPON BANK, LTD. ¥ 50 par common	¥ 50 par common OKUMA CORPORATION	¥ 50 par common SANWA BANK, LIMITED
NISHI-NIPPON RAILROAD CO., LTD. ¥ 50 par common	¥ 50 par common OKUMURA CORPORATION	¥ 50 par common SANWA SHUTTER CORPORATION
NISHIMATSU CONSTRUCTION CO., LTD. ¥ 50 par common	¥ 50 par common OLYMPUS OPTICAL CO., LTD.	¥ 50 par common SANYO CHEMICAL INDUSTRIES, LTD.
NISSAN CHEMICAL INDUSTRIES, LTD. ¥ 50 par common	¥ 50 par common OMRON CORPORATION	¥ 50 par common SANYO ELECTRIC CO., LTD.
NISSAN DIESEL MOTOR CO., LTD. ¥ 50 par common	¥ 50 par common ONO PHARMACEUTICAL CO., LTD.	¥ 50 par common SANYO SECURITIES CO., LTD.
NISSAN FIRE & MARINE INSURANCE CO., LTD. ¥ 50 par common	¥ 50 par common ONWARD KASHIYAMA CO., LTD.	¥ 50 par common SAPPORO BREWERIES LIMITED
NISSAN MOTOR CO., LTD. ¥ 50 par common	¥ 50 par common ORIENT CORPORATION	¥ 50 par common SATO KOGYO CO., LTD.
NISSAI SANGYO CO., LTD. ¥ 50 par common	¥ 50 par common ORIX CORPORATION	¥ 50 par common SECOM CO., LTD.
NISSHA PRINTING CO., LTD. ¥ 50 par common	¥ 50 par common OSAKA GAS CO., LTD.	¥ 50 par common SEGA ENTERPRISES, LTD.
NISSHIN FLOUR MILLING CO., LTD. ¥ 50 par common	¥ 50 par common PENTA-OCEAN CONSTRUCTION CO., LTD.	¥ 50 par common SEIBU RAILWAY COMPANY, LTD.
NISSHIN OIL MILLS, LTD., THE ¥ 50 par common	¥ 50 par common PIONEER ELECTRONIC CORP.	¥ 50 par common SEIKO CORPORATION
NISSHIN STEEL CO., LTD. ¥ 50 par common	¥ 50 par common PRIMA MEAT PACKERS, LTD.	¥ 50 par common SEINO TRANSPORTATION CO., LTD.
NISSHINBO INDUSTRIES, INC. ¥ 50 par common	¥ 50 par common Q.P. CORP.	¥ 50 par common SEIYO FOOD SYSTEMS INC.
NISSHO IWAI CORPORATION ¥ 50 par common	¥ 50 par common RAITO KOGYO CO., LTD.	¥ 50 par common SEIYU, LTD.
NISSIN ELECTRIC CO., LTD. ¥ 50 par common	¥ 50 par common RENGO CO., LTD.	¥ 50 par common SEKISUI CHEMICAL CO., LTD.
NISSIN FOOD PRODUCTS CO., LTD. ¥ 50 par common	¥ 50 par common RENOWN INCORPORATED	¥ 50 par common SEKISUI HOUSE, LTD.
NITSUKO CORPORATION ¥ 50 par common	¥ 50 par common RICOH COMPANY, LTD.	¥ 50 par common SENSHUKAI CO., LTD.
NITTO BOSEKI CO., LTD. ¥ 50 par common	¥ 50 par common ROHM COMPANY LIMITED	¥ 50 par common SETTSU CORPORATION
NITTO DENKO CORPORATION ¥ 50 par common	¥ 50 par common ROYAL CO., LTD.	¥ 50 par common SEVEN-ELEVEN JAPAN CO., LTD.
NKK CORPORATION ¥ 50 par common	¥ 50 par common RYOBI LIMITED	No par common SEVENTY-SEVEN BANK LTD.
NOF CORPORATION ¥ 50 par common	¥ 50 par common RYOSAN CO., LTD.	¥ 50 par common SHARP CORPORATION
NOK CORPORATION ¥ 50 par common	¥ 50 par common S X L CORP.	¥ 50 par common SHIKOKU ELECTRIC POWER COMPANY, INC.
NOMURA SECURITIES CO., LTD., THE ¥ 50 par common	¥ 50 par common SAGAMI RAILWAY CO., LTD.	¥ 500 par common SHIMA SEIKI MFG., LTD.
NORITAKE CO., LIMITED ¥ 50 par common	¥ 50 par common SAIBU GAS CO., LTD.	¥ 50 par common SHIMACHU CO., LTD.
NORITZ CORP. ¥ 50 par common	¥ 50 par common SAKATA SEED CORP.	¥ 50 par common SHIMADZU CORP.
NSK LTD. ¥ 50 par common	¥ 50 par common SAKURA BANK LIMITED	¥ 50 par common SHIMAMURA CO., LTD.
NTN CORPORATION ¥ 50 par common	¥ 50 par common SANDEN CORPORATION	¥ 50 par common SHIMANO INC.
OBAYASHI CORPORATION ¥ 50 par common	¥ 50 par common SANKI ENGINEERING CO., LTD.	¥ 50 par common SHIMIZU CORPORATION
ODAKYU ELECTRIC RAILWAY CO., LTD.	¥ 50 par common SANKYO ALUMINIUM INDUSTRY CO., LTD.	¥ 50 par common SHIN-ETSU CHEMICAL CO., LTD.

SHINMAYWA INDUSTRIES, LTD. ¥ 50 par common	¥ 50 par common SUMITOMO METAL MINING CO., LTD.	¥ 50 par common TOBU RAILWAY CO., LTD.
SHIONOGI & CO., LTD. ¥ 50 par common	¥ 50 par common SUMITOMO OSAKA CEMENT CO., LTD.	¥ 50 par common TODA CONSTRUCTION CO., LTD.
SHISEIDO COMPANY, LIMITED ¥ 50 par common	¥ 50 par common SUMITOMO REALTY & DEVELOPMENT CO., LTD.	¥ 50 par common TODA CORPORATION
SHIZUOKA BANK, LTD., THE ¥ 50 par common	¥ 50 par common SUMITOMO TRUST & BANKING CO., LTD.	¥ 50 par common TOEI COMPANY, LTD.
SHOCHIKU CO., LTD. ¥ 50 par common	¥ 50 par common SUMITOMO RUBBER INDUSTRIES, LTD.	¥ 50 par common TOENEC CORP.
SHOKUSAN JUTAKU SOGO CO., LTD. ¥ 50 par common	¥ 50 par common SUMITOMO WAREHOUSE CO., LTD., THE	¥ 50 par common TOHO BANK, LTD.
SHOWA ALUMINUM CORPORATION ¥ 50 par common	¥ 50 par common SURUGA BANK, LTD.	¥ 50 par common TOHO CO., LTD.
SHOWA DENKO K.K. ¥ 50 par common	¥ 50 par common SUZUKI MOTOR CORPORATION	¥ 500 par common TOHO GAS CO., LTD.
SHOWA ELECTRIC WIRE & CABLE CO., LTD. ¥ 50 par common	¥ 50 par common TADANO, LTD.	¥ 50 par common TOHOKU ELECTRIC POWER COMPANY, INC.
SHOWA LINE, LTD. ¥ 50 par common	¥ 50 par common TAIHEI DENGYO KAISHA, LTD.	¥ 500 par common TOKAI BANK, LIMITED
SHOWA SANGYO CO., LTD. ¥ 50 par common	¥ 50 par common TAISEI CORPORATION	¥ 50 par common TOKAI CARBON CO., LTD.
SHOWA SHELL SEKIYU K.K. ¥ 50 par common	¥ 50 par common TAISHO PHARMACEUTICAL CO., LTD.	¥ 50 par common TOKICO, LTD.
SKYLARK CO., LTD. ¥ 50 par common	¥ 50 par common TAIYO YUDEN CO., LTD.	¥ 50 par common TOKIO MARINE & FIRE INSURANCE CO
SMC CORP. ¥ 50 par common	¥ 50 par common TAKAOKA ELECTRIC MFG. CO., LTD.	¥ 50 par common TOKUYAMA CORPORATION
SNOW BRAND MILK PRODUCTS CO., LTD. ¥ 50 par common	¥ 50 par common TAKARA SHUZO CO., LTD.	¥ 50 par common TOKUYAMA SODA CO., LTD.
SONY CORPORATION ¥ 50 par common	¥ 50 par common TAKARA STANDARD CO., LTD.	¥ 50 par common TOKYO BROADCASTING SYSTEM, INC.
SONY MUSIC ENTERTAINMENT (JAPAN) INC. ¥ 50 par common	¥ 50 par common TAKASAGO THERMAL ENGINEERING CO.	¥ 50 par common TOKYO DOME CORPORATION
SS PHARMACEUTICAL CO., LTD. ¥ 50 par common	¥ 50 par common TAKASHIMAYA COMPANY, LIMITED	¥ 50 par common TOKYO ELECTRIC POWER CO., INC., THE
STANLEY ELECTRIC CO., LTD. ¥ 50 par common	¥ 50 par common TAKEDA CHEMICAL INDUSTRIES, LTD.	¥ 500 par common TOKYO ELECTRON LIMITED
SUMITOMO BAKELITE COMPANY, LIMITED ¥ 50 par common	¥ 50 par common TAKUMA CO., LTD.	¥ 50 par common TOKYO GAS CO., LTD.
SUMITOMO BANK, LIMITED ¥ 50 par common	¥ 50 par common TANABE SEIYAKU CO., LTD.	¥ 50 par common TOKYO OHKA KOGYO CO., LTD.
SUMITOMO CHEMICAL COMPANY, LIMITED ¥ 50 par common	¥ 50 par common TDK CORPORATION	¥ 50 par common TOKYO ROPE MFG. CO., LTD.
SUMITOMO CONSTRUCTION CO., LTD. ¥ 50 par common	¥ 50 par common TEIJIN LIMITED	¥ 50 par common TOKYO SOWA BANK, LTD.
SUMITOMO CORPORATION ¥ 50 par common	¥ 50 par common TEIKOKU OIL CO., LTD.	¥ 50 par common TOKYO STEEL MANUFACTURING CO., LTD.
SUMITOMO ELECTRIC INDUSTRIES, LTD. ¥ 50 par common	¥ 50 par common TEKKEN CORPORATION	¥ 50 par common TOKYO STYLE CO., LTD.
SUMITOMO FORESTRY CO., LTD. ¥ 50 par common	¥ 50 par common TERUMO CORPORATION	¥ 50 par common TOKYO TATEMONO CO., LTD.
SUMITOMO HEAVY INDUSTRIES, LTD. ¥ 50 par common	¥ 50 par common TOA CORPORATION	¥ 50 par common TOKYO TOMIN BANK, LTD.
SUMITOMO LIGHT METAL INDUSTRIES, LTD. ¥ 50 par common	¥ 50 par common TOA STEEL CO., LTD.	¥ 500 par common TOKYOTOKEIBA CO., LTD.
SUMITOMO MARINE & FIRE INSURANCE CO, LTD ¥ 50 par common	¥ 50 par common TOAGOSEI CO. LTD.	¥ 20 par common TOKYU CAR CORPORATION
SUMITOMO METAL INDUSTRIES, LTD.	¥ 50 par common TOBISHIMA CORPORATION	¥ 50 par common TOKYU CONSTRUCTION CO., LTD.
		¥ 50 par common TOKYU CORPORATION
		¥ 50 par common TOKYU DEPARTMENT STORE CO. LTD.

¥ 50 par common	¥ 50 par common	¥ 50 par common
TOKYU LAND CORPORATION	UNITIKA, LTD.	ZEXEL CORPORATION
¥ 50 par common	¥ 50 par common	¥ 50 par common
TOMEN CORPORATION	UNY CO., LTD.	MALAYSIA
¥ 50 par common	¥ 50 par common	ADVANCE SYNERGY BERHAD
TONEN CORPORATION	USHIO, INC.	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	¥ 50 par common	AFFIN HOLDINGS BERHAD
TOPPAN PRINTING CO., LTD.	VICTOR COMPANY OF JAPAN,	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	LIMITED	AMMB HOLDINGS BERHAD
TORAY INDUSTRIES, INC.	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	WACOAL CORP.	AMSTEEL CORPORATION BERHAD
TOSHIBA CERAMICS CO., LTD.	¥ 50 par common	Ordinary shares, par .50 Malaysian
¥ 50 par common	WAKO SECURITIES CO., LTD.	ringgit
TOSHIBA CORPORATION	¥ 50 par common	AOKAM PERDANA BERHAD
¥ 50 par common	YAKULT HONSHA CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOSHIBA MACHINE CO., LTD.	¥ 50 par common	ARAB MALAYSIAN DEVELOPMENT
¥ 50 par common	YAMAGUCHI BANK LTD.	BERHAD
TOSHIBA PLANT KENSETSU CO. LTD.	¥ 50 par common	Ordinary shares, par .50 Malaysian
¥ 50 par common	YAMAHA CORPORATION	ringgit
TOSHOKU LTD.	¥ 50 par common	ARAB MALAYSIN CORP BERHAD
¥ 50 par common	YAMAHA MOTOR CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOSOH CORPORATION	¥ 50 par common	ASIA PACIFIC LAND BHD
¥ 50 par common	YAMAICHI SECURITIES CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOSTEM CORPORATION	¥ 50 par common	BANDAR RAYA DEVELOPMENTS
¥ 50 par common	YAMAMURA GLASS CO., LTD.	BERHAD
TOTO LTD.	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	YAMANASHI CHUO BANK, LTD.	BERJAYA GROUP BERHAD
TOYO COMMUNICATION	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
EQUIPMENT CO., LTD.	YAMANOUCHI PHARMACEUTICAL	BERJAYA INDUSTRIAL BERHAD
¥ 50 par common	CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOYO CONSTRUCTION CO., LTD.	¥ 50 par common	BERJAYA SINGER BERHAD
¥ 50 par common	YAMATAKE-HONEYWELL CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOYO ENGINEERING CORP.	¥ 50 par common	BERJAYA SPORTS TOTO BERHAD
¥ 50 par common	YAMATO KOGYO CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TOYO EXTERIOR CO., LTD.	¥ 50 par common	CEMENT INDUSTRIES OF MALAYSIA
¥ 50 par common	YAMATO TRANSPORT CO., LTD.	BERHAD
TOYO INK MFG. CO., LTD.	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	YAMAZAKI BAKING CO., LTD.	COMMERCE ASSET HOLDING
TOYO KANETSU K.K.	¥ 50 par common	BERHAD
¥ 50 par common	YAOHAN JAPAN CORP.	Ordinary shares, par 1 Malaysian ringgit
TOYO SEIKAN KAISHA, LTD.	¥ 50 par common	DATUK KERAMAT HOLDINGS
¥ 50 par common	YASKAWA ELECTRIC CORPORATION	BERHAD
TOYO SUISAN KAISHA, LTD.	¥ 50 par common	Ordinary shares, par .50 Malaysian
¥ 50 par common	YASUDA FIRE & MARINE INSURANCE	ringgit
TOYO TIRE & RUBBER CO., LTD.	CO.	DCB HOLDINGS BERHAD
¥ 50 par common	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
TOYO TRUST & BANKING COMPANY,	YASUDA TRUST & BANKING	DIVERSIFIED RESOURCES BERHAD
LIMITED	COMPANY, LIMITED	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	¥ 50 par common	DMIB BERHAD (MALAYSIA)
TOYOBO CO., LTD.	YODOGAWA STEEL WORKS, LTD.	Ordinary shares, par .50 Malaysian
¥ 50 par common	¥ 50 par common	ringgit
TOYODA AUTOMATIC LOOM	YOKOGAWA ELECTRIC	EDARAN OTOMOBIL NASIONAL
WORKS, LTD.	CORPORATION	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	¥ 50 par common	EKRAN BERHAD
TOYOTA AUTO BODY CO., LTD.	YOKOHAMA RUBBER COMPANY,	Ordinary shares, par 1 Malaysian ringgit
¥ 50 par common	LIMITED	ESSO MALAYSIA BERHAD
TOYOTA MOTOR CORPORATION	¥ 50 par common	Ordinary shares, par .50 Malaysian
¥ 50 par common	YOMIURI LAND CO., LTD.	ringgit
TOYOTA TSUSHO CORPORATION	¥ 50 par common	FABER GROUP BERHAD
¥ 50 par common	YORK-BENIMARU CO., LTD.	Ordinary shares, par 1 Malaysian ringgit
TSUBAKIMOTO CHAIN CO.	¥ 50 par common	GENTING BERHAD
¥ 50 par common	YOSHITOMI PHARMACEUTICAL	Ordinary shares, par .50 Malaysian
TSUMURA & CO.	INDUSTRIES, LTD	ringgit
¥ 50 par common	¥ 50 par common	GOLDEN HOPE PLANTATIONS
UBE INDUSTRIES, LTD.	YUASA CORPORATION	BERHAD
¥ 50 par common	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
UNI-CHARM CORP.	YUASA TRADING CO., LTD.	GOLDEN PLUS HOLDINGS BERHAD
¥ 50 par common	¥ 50 par common	Ordinary shares, par 1 Malaysian ringgit
UNIDEN CORP.	YURTEC CORP.	

GOPENG BERHAD Ordinary shares, par .50 Malaysian ringgit	LINGUI DEVELOPMENTS BERHAD Ordinary shares, par .50 Malaysian ringgit	Ordinary shares, par 1 Malaysian ringgit
GUINNESS ANCHOR BERHAD Ordinary shares, par .50 Malaysian ringgit	LION LAND BERHAD Ordinary shares, par 1 Malaysian ringgit	ORIENTAL HOLDINGS BERHAD Ordinary shares, par 1 Malaysian ringgit
HIGHLANDS & LOWLANDS BERHAD Ordinary shares, par .50 Malaysian ringgit	MAGNUM CORPORATION BERHAD Ordinary shares, par .50 Malaysian ringgit	Pacific Chemical Berhad Ordinary shares, par 1 Malaysian ringgit
HONG LEONG BANK BERHAD Ordinary shares, par 1 Malaysian ringgit	MALAYAN BANKING BERHAD Ordinary shares, par 1 Malaysian ringgit	PALMCO HOLDINGS BERHAD Ordinary shares, par 1 Malaysian ringgit
HONG LEONG CREDIT BERHAD Ordinary shares, par 1 Malaysian ringgit	MALAYAN CEMENT BERHAD Ordinary shares, par .50 Malaysian ringgit	PAN MALAYSIA CEMENT WORKS BERHAD Ordinary shares, par .50 Malaysian ringgit
HONG LEONG INDUSTRIES BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYAN UNITED INDUSTRIES BERHAD Ordinary shares, par 1 Malaysian ringgit	PAN MALAYSIA CEMENT WORKS BERHAD Ordinary shares, par .50 Malaysian ringgit
HONG LEONG PROPERTIES BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYAWATA STEEL BERHAD Ordinary shares, par 1 Malaysian ringgit	PELANGI BERHAD Ordinary shares, par .50 Malaysian ringgit
HUME INDUSTRIES (MALAYSIA) BERHAD Ordinary shares, par 1 Malaysian ringgit	MALAYSIA INTERNATIONAL SHIPPING CORP Ordinary shares, par 1 Malaysian ringgit	PERLIS PLANTATIONS BERHAD Ordinary shares, par 1 Malaysian ringgit
IDRIS HYDRAULIC (MALAYSIA) BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYSIA MINING CORPORATION BERHAD Ordinary shares, par .10 Malaysian ringgit	PERUSAHAAN OTOMOBIL NASIONAL (PROTON) Ordinary shares, par 1 Malaysian ringgit
IGB CORPORATION BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYSIAN AIRLINE SYSTEM BERHAD Ordinary shares, par 1 Malaysian ringgit	PERUSAHAAN SADUR TIMAH MALAYSIA (PERSTIM) Ordinary shares, par 1 Malaysian ringgit
IJM CORPORATION BERHAD Ordinary shares, par 1 Malaysian ringgit	MALAYSIAN HELICOPTER SERVICES BERHAD Ordinary shares, par 1 Malaysian ringgit	PETALING GARDEN BERHAD Ordinary shares, par .50 Malaysian ringgit
IOI CORPORATION BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYSIAN OXYGEN BERHAD Ordinary shares, par .50 Malaysian ringgit	PETRONAS GAS BERAD Ordinary shares, par 1 Malaysian ringgit
ISLAND & PENINSULAR BERHAD Ordinary shares, par 1 Malaysian ringgit	MALAYSIAN PACIFIC INDUSTRIES BERHAD Ordinary shares, par .50 Malaysian ringgit	PILECON ENGINEERING BERHAD Ordinary shares, par .50 Malaysian ringgit
KAMUNTING CORP BERHAD Ordinary shares, par .50 Malaysian ringgit	MALAYSIAN RESOURCES CORPORATION BERHAD Ordinary shares, par 1 Malaysian ringgit	PROMET BERHAD Ordinary shares, par 1 Malaysian ringgit
KEDAH CEMENT HOLDINGS BERHAD Ordinary shares, par 1 Malaysian ringgit	MBF CAPITAL BERHAD Ordinary shares, par 1 Malaysian ringgit	PUBLIC BANK BERHAD Foreign registered shares, par .50 Malaysian ringgit
KELANAMAS INDUSTRIES BHD Ordinary shares, par 1 Malaysian ringgit	METROPLEX BERHAD Ordinary shares, par .50 Malaysian ringgit	RASHID HUSSAIN BERHAD Ordinary shares, par 1 Malaysian ringgit
KEMAYAN CORPORATION BHD Ordinary shares, par .50 Malaysian ringgit	MULPHA INTERNATIONAL BHD Ordinary shares, par .50 Malaysian ringgit	RENONG BERHAD Ordinary shares, par .50 Malaysian ringgit
KIM HIN INDUSTRY BERHAD Ordinary shares, par 1 Malaysian ringgit	MULTI-PURPOSE HOLDINGS BERHAD Ordinary shares, par 1 Malaysian ringgit	RESORTS WORLD BERHAD Common shares, par .50 Malaysian ringgit
KUALA LUMPUR KEPONG BERHAD Ordinary shares, par 1 Malaysian ringgit	MYCOM BERHAD Ordinary shares, par 1 Malaysian ringgit	ROTHMANS OF PALL MALL (MALAYSIA) BERHAD Ordinary shares, par .50 Malaysian ringgit
LAND & GENERAL BERHAD Ordinary shares, par 1 Malaysian ringgit	NESTLE (MALAYSIA) BERHAD Ordinary shares, par 1 Malaysian ringgit	SCB DEVELOPMENTS BERHAD Ordinary shares, par 1 Malaysian ringgit
LANDMARKS BERHAD Ordinary shares, par 1 Malaysian ringgit	NEW STRAITS TIMES PRESS (MALAYSIA)	SELANGOR PROPERTIES BERHAD Ordinary shares, par 1 Malaysian ringgit
LEADER UNIVERSAL HOLDINGS BHD Ordinary shares, par 1 Malaysian ringgit		SHELL REFINING COMPANY BERHAD Ordinary shares, par 1 Malaysian ringgit
LIEN HOE CORPORATION BERHAD Ordinary shares, par 1 Malaysian ringgit		

ringgit	Series I, par .20 Mexican new pesos	KONINKLIJKE PTT NEDERLAND NV
SIME DARBY BERHAD	EMPRESAS ICA SOCIEDAD	Registered Shares, par 10 Netherlands
Ordinary shares, par .50 Malaysian	CONTROLADORA S.A.	guilder
ringgit	No par common shares	NV KONINKLIJKE KNP BT
SUNGEI WAY HOLDINGS BERHAD	FOMENTO ECO	Registered Shares, par 2.50
Ordinary shares, par 1 Malaysian	NOMICO MEXICA	Netherlands guilder
ringgit	No, S.A. DE C.V.	PHILIPS ELECTRONICS N.V.
TA ENTERPRISE BERHAD	Series B, no par common	Bearer shares, par 10 Netherlands
Ordinary shares, par 1 Malaysian	GRUPO CARSO S.A. DE C.V.	guilder
ringgit	Series A1, no par common	POLYGRAM N.V.
TAN CHONG MOTOR HOLDINGS	GRUPO FINANCIERO BANAMMEX	Bearer shares, par 0.50 Netherlands
BERHAD	ACCIVAL S.A. BANACCI	guilder
Ordinary shares, par .50 Malaysian	Series B, no par common	STORK N.V.
ringgit	GRUPO FINANCIERO BANCOMER S.A.	Registered Shares, par 10 Netherlands
TANJONG PUBLIC LTD. COMPANY	Series A, no par common	guilder
Ordinary shares, par 7.50 p	GRUPO INDUSTRIAL BIMBO S.A. DE	UNILEVER N.V.
TASEK CEMENT BERHAD	C.V.	Certificate par 4 Netherlands guilder
Ordinary shares, par 1 Malaysian	Series A, no par common	WOLTERS KLUWER N.V.
ringgit	GRUPO TELEVISA S.A. DE C.V.	Registered Shares, par 1 Netherlands
TECHNOLOGY RESOURCES	Participating Certificates	guilder
INDUSTRIES BERHAD	KIMBERLY CLARK DE MEXICO S.A.	
Ordinary shares, par 1 Malaysian	DE C.V.	NEW ZEALAND
ringgit	Series A, no par common	BRIERLEY INVESTMENTS LIMITED
TELEKOM MALAYSIA BHD	TELEFONOS DE MEXICO S.A. DE C.V.	Ordinary shares, par NZ\$0.50
Ordinary shares, par 1 Malaysian	Series A, no par common	CARTER HOLT HARVEY LTD.
ringgit	TELEFONOS DE MEXICO S.A. DE C.V.	Ordinary shares, par NZ\$0.50
TENAGA NASIONAL BERHAD	Series L, no par common	CERAMCO CORPORATION LIMITED
Ordinary shares, par 1 Malaysian	VITRO SOCIEDAD A	Ordinary shares, par NZ\$0.50
ringgit	NOMINA	FERNZ CORPORATION LIMITED
TIME ENGINEERING BERHAD	Common, par 1 Mexican new pesos	Ordinary shares, par NZ\$0.50
Ordinary shares, par 1 Malaysian		FISHER & PAYKEL INDUSTRIES
ringgit	NETHERLANDS	LIMITED
TRACTORS MALAYSIA HOLDINGS	ABN AMRO HOLDING N.V.	Ordinary shares, par NZ\$0.50
BERHAD	Registered Shares, par 5 Netherlands	FLETCHER BUILDING LTD.
Ordinary shares, par .50 Malaysian	guilder	Ordinary shares, par NZ\$0.50
ringgit	AEGON N.V.	FLETCHER CHALLENGE FORESTS
UMW HOLDINGS BERHAD	Bearer shares, par 1 Netherlands	DIVISION
Ordinary shares, par 1 Malaysian	guilder	Ordinary shares, par NZ\$0.4
ringgit	AKZO NOBEL N.V.	FLETCHER ENERGY LTD.
UNITED ENGINEERS (MALAYSIA)	Bearer shares, par 20 Netherlands	Ordinary shares, par NZ\$0.50
BERHAD	guilder	FLETCHER PAPER LTD.
Ordinary shares, par .50 Malaysian	DSM N.V.	Ordinary shares, par NZ\$0.50
ringgit	Registered Shares, par 20 Netherlands	INDEPENDENT NEWSPAPERS
UNITED PLANTATIONS BERHAD	guilder	LIMITED
Ordinary shares, par 1 Malaysian	ELSEVIER N.V.	Ordinary shares, par NZ\$0.50
ringgit	Bearer shares, par 0.10 Netherlands	LION NATHAN LIMITED
WESTMONT INDUSTRIES BERHAD	guilder	Ordinary shares, par NZ\$0.25
Ordinary shares, par 1 Malaysian	HEINEKEN N.V.	PROGRESSIVE ENTERPRISES LTD.
ringgit	Bearer shares, par 25 Netherlands	Ordinary shares, par NZ\$0.50
YTL CORP BERHAD	guilder	SANFORD LIMITED
Ordinary shares, par .50 Malaysian	HUNTER DOUGLAS N.V.	Ordinary shares, par NZ\$0.50
ringgit	Bearer shares, par 1 Netherlands	TELECOM CORPORATION OF NEW
MEXICO	guilder	ZEALAND
ALFA S.A. DE C.V.	ING GROEP N.V.	Ordinary shares, par NZ\$1.00
Series A, no par common	Registered Shares, par 1 Netherlands	WILSON & HORTON LIMITED
CEMEX S.A.	guilder	Ordinary shares, par NZ\$1.00
Series A, No par common	KLM KONINKLIJKE LUCHTVAART	
CEMEX S.A.	MAATSCHAPPIJ	NORWAY
Series B, No par common	Bearer shares, par 20 Netherlands	AKER ASA
CIFRA, S.A. DE C.V.	guilder	A Free Shares, par 20 Norwegian
Series A Common, par .30 Mexican	KON NEDERLANDSCHE PETROLEUM	kroner
new peso	MAATSCHAPPIJ	AKER ASA
CIFRA, S.A. DE C.V.	Bearer shares, par 5 Netherlands	B Free Shares, par 20 Norwegian
Series B Common, par .30 Mexican	guilder	kroner
new peso	KONINKLIJKE AHOLD NV	AWILCO ASA
CIFRA, S.A. DE C.V.	Bearer shares, par 1.25 Netherlands	A Common Shares, par 12.50
Series C, no par common	guilder	Norwegian kroner
EL PUERTO DE LIVERPOOL S.A. DE	KONINKLIJKE BOLS WESSANEN N.V.	AWILCO ASA
C.V.	Certificate par 2 Netherlands guilder	B Common Shares, par 12.50

Norwegian krone	krone	Class B Common Shares, par 100
BERGESEN D.Y. ASA	STORLI ASA	Philippine pesos
B Common Shares, par 2.50	A Ordinary Common, par 10	PILIPIÑO TELEPHONE
Norwegian krone	Norwegian krone	CORPORATION
BERGESEN D.Y. ASA	STORLI ASA	Common, par 1 Philippine peso
A Common Shares, par 2.50	B Ordinary Common, par 10	RFM CORPORATION
Norwegian krone	Norwegian krone	Common, par 1 Philippine peso
CHRISTIANA BANK OG	TRANSOCEAN ASA	SAN MIGEUEL CORPORATIÓN
KREDITKASSE	Common Shares, par 5 Norwegian	Class B Common Shares, par 10
Ordinary Free Shares, par 7	krone	Philippine pesos
Norwegian krone	UNI STOREBRAND A/S	SM PRIME HOLDINGS INC.
DEN NORSKE BANK ASA	A Ordinary Common, par 5	Common, par 10 Philippine pesos
A Common Shares, par 10 Norwegian	Norwegian krone	SOUTHEAST ASIA CEMENT HOLDING
krone	UNI STOREBRAND ASA	Common, par 10 Philippine pesos
DYNO INDUSTRIER ASA	Convertible Preferred A Shares, par 5	UNIVERSAL ROBINA CORPORATION
Common Shares, par 20 Norwegian	Norwegian krone	Common, par 10 Philippine pesos
krone	UNITOR ASA	ABOITIZ EQUITY VENTURES INC.
ELKEM A/S	Common Shares, par 12.50 Norwegian	Common, par 10 Philippine Pesos
Common Shares, par 20 Norwegian	krone	SINGAPORE
krone	WILH. WILHELMSSEN LIMITED AS	ACMA LIMITED
HAFSLUND ASA	Common Shares, par 5 Norwegian	Ordinary shares, par S\$0.50
A Ordinary Common, par 1	krone	AMCOL HOLDINGS LTD.
Norwegian krone	WILH. WILHELMSSEN LIMITED AS	Ordinary shares, par S\$0.25
HAFSLUND ASA	B Common Shares, par Norwegian	AURIC PACIFIC GROUP
B Ordinary Common, par 1	krone	Ordinary shares, par S\$0.50
Norwegian krone	PHILIPPINES	CITY DEVELOPMENTS LIMITED
KVAERNER ASA	AYALA CORPORATION	Ordinary shares, par S\$0.50
A Free Shares, par 12.50 Norwegian	Class B common shares, par 1	CYCLE & CARRIAGE LTD.
krone	Philippine peso	Ordinary shares, par S\$1.00
KVAERNER ASA	AYALA LAND INC.	DBS LAND LTD
B Common Shares, par 12.50	Class B Common Shares, par 1	Ordinary shares, par S\$1.00
Norwegian krone	Philippine peso	DEVELOPMENT BANK OF
LEIF HOEGH & CO ASA	BACNOTAN CONSD. INC.	SINGAPORE LTD.
Common Shares, par 2 Norwegian	Class B Common Shares, par 1	Foreign Registered Shares, par S\$1.00
krone	Philippine peso	FAR EAST LEVINGSTONE
MYCOMED ASA	C & P HOMES INC.	SHIPBUILDING LTD.
B Ordinary Common, par 4	Common, par 1 Philippine peso	Ordinary shares, par S\$0.50
Norwegian krone	FILINVEST LAND INC.	FRASER & NEAVE LIMITED
NORSK HYDRO A.S	Common, par 1 Philippine peso	Stock Units, S\$1.00
Common Shares, par 20 Norwegian	FIRST PHILIPPINES HOLDING	GOLDTRON LIMITED
krone	CORPORATION	Ordinary shares, par S\$0.20
NORSKE SKOGINDUSTRIER ASA	Class B Common Shares, par 10	HAW PAR BROTHERS
A Ordinary Shares, par 20 Norwegian	Philippine pesos	INTERNATIONAL LTD.
krone	INTERNATIONAL CONTAINER	Ordinary shares, par S\$1.00
NORSKE SKOGINDUSTRIER ASA	TERMINAL SERVICES INC.	HITACHI ZOSEN SINGAPORE LTD
B Common Shares, par 20 Norwegian	Common, par 1 Philippine peso	Ordinary shares, par S\$0.20
krone	JG SUMMIT HOLDINGS INC.	HOTEL PROPERTIES LIMITED
NYCOMED ASA	Class B Common Shares, par 1	Ordinary shares, par S\$1.00
A Ordinary Common, par 4	Philippine peso	INCHCAPE BERHAD
Norwegian krone	MANILA ELECTRIC COMPANY	Ordinary shares, par S\$0.50
ORKLA ASA	Preferred Series B Shares, par 10	JURONG SHIPYARD LIMITED
A Free Shares, par 25 Norwegian	Philippine pesos	Ordinary shares, par S\$0.50
krone	MEGAWORLD PROPERTIES &	KEPPEL CORPORATION LIMITED
ORKLA ASA	HOLDINGS	Ordinary shares, par S\$1.00
B Common Shares, par 25 Norwegian	Common, par 1 Philippine peso	LUM CHANG HOLDINGS LIMITED
krone	METRO PACIFIC CORPORATION	Ordinary shares, par S\$0.50
PETROLEUM GEO-SERVICES ASA	Class A Common, par 1 Philippine	MARCO POLO DEVELOPMENTS
Free Shares, par 5 Norwegian krone	peso	LIMITED
SAGA PETROLEUM ASA	METROPOLITAN BANK & TRUST	Ordinary shares, par S\$1.00
B Common Shares, par 15 Norwegian	COMPANY	METRO HOLDING
krone	Common, par 100 Philippine pesos	Ordinary shares, par S\$1.00
SAGA PETROLEUM ASA	PHILIPPINE COMMERCE	NATSTEEL LIMITED
A Free Shares, par 15 Norwegian	INTERNATIONAL BANK (PCI)	Ordinary shares, par S\$0.50
krone	Common, par 100 Philippine pesos	NEPTUNE ORIENT LINES LTD.
SCHIBSTED ASA	PHILIPPINE LONG DISTANCE	Ordinary shares, par S\$1.00
Common Shares, par 1 Norwegian	TELEPHONE COMPANY	OVERSEAS CHINESE BANKING
krone	Common, par 5 Philippine pesos	CORP.LTD.
SMEDVIG ASA	PHILIPPINE NATIONAL BANK	Foreign Registered Shares, par S\$1.00
Common Shares, par 3 Norwegian		

OVERSEAS UNION BANK LTD. Foreign Registered Shares, par S\$1.00	ANGLOVAAL LIMITED Ordinary shares, par 0.0001 South African rand	Ordinary shares, par 0.05 South African rand
OVERSEAS UNION ENTERPRISE LTD. Ordinary shares, par S\$1.00	BARLOW LIMITED Ordinary shares, par 0.05 South African rand	NEDCOR LIMITED Ordinary shares, par 1 South African rand
PACIFIC CARRIERS LIMITED Ordinary shares, par S\$0.50	C.G. SMITH LIMITED Ordinary shares, par 0.10 South African rand	PREMIER GROUP LIMITED Ordinary shares, par 0.05 South African rand
PARKWAY HOLDINGS LIMITED Ordinary shares, par S\$0.50	DE BEERS CONSOLIDATED MINES LIMITED Ordinary shares, par Link Units	REMBRANDT CONTROLLING INVESTMENT LIMITED Ordinary shares, par 0.01 South African rand
ROTHMANS INDUSTRIES LIMITED Ordinary shares, par S\$0.50	DRIEFONTEIN CONSOLIDATED LIMITED Ordinary shares, par 0.50 South African rand	REMBRANDT GROUP LIMITED Ordinary shares, par 0.01 South African rand
SEMBAWANG CORPORATION LIMITED Ordinary shares, par S\$1.00	FIRST NATIONAL BANK HOLDINGS LIMITED Ordinary shares, par 0.20 South African rand	REUNERT LIMITED Ordinary shares, par 0.10 South African rand
SHANGRI-LA HOTEL LIMITED Ordinary shares, par S\$1.00	FREE STATE CONSOLIDATED GOLD MINES LTD. Ordinary shares, par 0.50 South African rand	RUSTENBURG PLATINUM HOLDINGS LIMITED Ordinary shares, par 0.10 South African rand
SIME SINGAPORE LIMITED Ordinary shares, par S\$0.25	GENCOR LIMITED Ordinary shares, par 0.04 South African rand	SAFMARINE & RENNIES HOLDINGS LIMITED Ordinary shares, par 0.50 South African rand
SINGAPORE AIRLINES LIMITED Foreign Registered Shares, par S\$1.00	GOLD FIELDS OF SOUTH AFRICA LIMITED Ordinary shares, par 0.05 South African rand	SAMANCOR LIMITED Ordinary shares, par 0.04 South African rand
SINGAPORE LAND LTD. Ordinary shares, par S\$1.00	HIGHVELD STEEL & VANADIUM CORP. LIMITED Ordinary shares, par 1 South African rand	SAPPI LIMITED Ordinary shares, par 1 South African rand
SINGAPORE PRESS HOLDINGS LIMITED Foreign Registered Shares, par S\$1.00	IMPALA PLATINUM HOLDINGS LIMITED Ordinary shares, par 0.20 South African rand	SASOL LIMITED Ordinary shares, no par
SINGAPORE TELECOMMUNICATIONS LTD Ordinary shares, par S\$0.15	ISCOR LIMITED Ordinary shares, par 1 South African rand	SOUTH AFRICAN BREWERIES LIMITED Ordinary shares, par 0.20 South African rand
STRAITS STEAMSHIP LAND LTD Ordinary shares, par S\$0.50	JCI Company Limited Ordinary shares, par 1 South African rand	SOUTHERN LIFE ASSOCIATION LIMITED (THE) Ordinary shares, par 0.50 South African rand
STRAITS TRADING COMPANY LIMITED Ordinary shares, par S\$1.00	JOHNNIES INDUSTRIAL CORPORATION LIMITED Ordinary shares, par 0.10 South African rand	STANDARD BANK INVESTMENT CORP. LTD. Ordinary shares, par 1 South African rand
TAT LEE BANK LTD. Ordinary shares, par S\$1.00	KLOOF GOLD MINING COMPANY LIMITED Ordinary shares, par 0.25 South African rand	THE TONGAAT-HULETT GROUP LIMITED Ordinary shares, par 1 South African rand
TIMES PUBLISHING LIMITED Ordinary shares, par S\$1.00	LIBERTY HOLDINGS LIMITED Ordinary shares, par 0.25 South African rand	TIGER OATS LIMITED Ordinary shares, par 0.10 South African rand
UNITED ENGINEERS LTD. Ordinary shares, par S\$1.00	LIBERTY LIFE ASSOCIATION OF AFRICA LTD Ordinary shares, par 0.10 South African rand	VAAL REEFS EXPLORATION & MINING CO LTD Ordinary shares, par 0.50 South African rand
UNITED INDUSTRIAL CORPORATION LTD. Ordinary shares, par S\$1.00	MIDDLE WITWATERSRAND (WESTERN AREAS) LTD Ordinary shares, par 0.01 South African rand	WESTERN DEEP LEVELS LIMITED Ordinary shares, par 2 South African rand
UNITED OVERSEAS BANK LIMITED Foreign Registered Shares, par S\$1.00	MURRAY & ROBERTS HOLDING LIMITED Ordinary shares, par 0.10 South African rand	WOOLTRU LIMITED Ordinary shares, par 0.05 South African rand
UNITED OVERSEAS LAND LIMITED Ordinary shares, par S\$1.00	NAMPAAK LIMITED	WOOLTRU LIMITED Class A Ordinary shares, par 0.05 South African rand
WBL CORPORATION LTD. Ordinary shares, par S\$1.00		SPAIN
WING TAI HOLDINGS LTD Ordinary shares, par S\$0.25		ACERINOX S.A.
SOUTH AFRICA		
AMPLATS LTD. Ordinary shares, par 1 South African rand		
ANGLO AMERICAN CORPORATION/ SOUTH AFRICA Ordinary shares, par 0.10 South African rand		
ANGLO AMERICAN GOLD INVESTMENT CO LTD Ordinary shares, par 1 South African rand		
ANGLO AMERICAN INDUSTRIAL CORPORATION Ordinary shares, par 1 South African rand		
ANGLOVAAL INDUSTRIES LIMITED Ordinary shares, par 0.05 South African rand		

Registered Shares, par 1000 pesetas AUTOPISTAS CONCESIONARIA ESPANOLA S.A.	Bearer shares, par 1000 pesetas PORTLAND VALDERRIVAS, S.A.	NORDBANKEN AB
Bearer shares, par 500 pesetas AUTOPISTAS DEL MARE NOSTRUM S.A.	Bearer shares, par 500 pesetas REPSOL S.A.	Restricted shares, par 12.50 Swedish krona
Registered Shares, par 1000 pesetas BANCO BILBAO VIZCAYA, S.A.	Bearer shares, par 500 pesetas SARRIO S.A.	SANDVIK AB
Registered Shares, par 600 pesetas BANCO CENTRAL HISPANOAMERICANO S.A.	Bearer shares, par 500 pesetas SOCIEDAD ESPANOLA DE CARBUROS METALICOS	Free shares, par 5 Swedish krona
Registered Shares, par 500 pesetas BANCO ESPANOL DE CREDITO, S.A.	Bearer shares, par 1000 pesetas TABACALERA, S.A.	SANDVIK AB
Registered Shares, par 400 pesetas BANCO POPULAR ESPANOL	Series A Registered shares, par 500 pesetas	A Free shares, par 5 Swedish krona
Registered Shares, par 500 pesetas BANCO SANTANDER, S.A.	TELEFONICA DE ESPANA, S.A.	SCANIA AG
Registered Shares, par 750 pesetas BANKINTER S.A.	Bearer shares, par 500 pesetas UNION ELECTRICA-FENOSA, S.A.	A Free shares, par 10 Swedish krona
Registered Shares, par 1500 pesetas COMPANIA ESPANOLA DE PETROLEOS, S.A.	Bearer shares, par 500 pesetas URALITA, S.A.	SCANIA AG
Bearer shares, par 500 pesetas COMPANIA SEVILLANA DE ELECTRICIDAD, S.A.	Bearer shares, par 440 pesetas VALLEHERMOSO S.A.	B Free shares, par 10 Swedish krona
Bearer shares, par 500 pesetas CORP BANCARIA DE ESPANA, (ARGENTARIA)	Bearer shares, par 500 pesetas VISCOFAN, S.A.	SECURITAS AB
Registered Shares, par 500 pesetas CORPORACION FINANCIERA ALBA S.A.	Bearer shares, par 100 pesetas SWEDEN	B Free shares, par 2 Swedish krona
Bearer shares, par 1000 pesetas CORPORACION MAPFRE, CIA INTL/ REASEGUROS	ABB AB	SKANDINAVISKA ENSKILDA BANKEN
Bearer shares, par 500 pesetas CRISTALERIA ESPANOLA, S.A.	B Free shares, par 50 Swedish krona	A Free shares, par 10 Swedish krona
Bearer shares, par 1000 pesetas CUBIERTAS Y MZOV S.A., COMPANIA GENERAL	ABB AB	SKANSKA AB
Bearer shares, par 1000 pesetas DRAGADOS Y CONSTRUCCIONES, S.A.	A Free shares, par 50 Swedish krona	B Free shares, par 10 Swedish krona
Bearer shares, par 500 pesetas EBRO AGRICOLAS, CIA DE ALIMENTACION SA	AGA AB	SKF AB
Bearer shares, par 100 pesetas EL AGUILA S.A.	B Free shares, par 5 Swedish krona	B Free shares, par 12.50 Swedish krona
Bearer shares, par 500 pesetas EMPRESA NACIONAL DE ELECTRICIDAD S.A.	AGA AB	SKF AB
Bearer shares, par 800 pesetas FOMENTO DE CONSTRUCCIONES Y CONTRATAS	A Free shares, par 5 Swedish krona	A Free shares, par 12.50 Swedish krona
Bearer shares, par 1000 pesetas FUERZAS ELECTRICAS DE CATALUNA, S.A.	ASTRA AB	SSAB SVENSKT STAL AB
Series A Bearer shares, par 1000 pesetas	A Free shares, par 2.50 Swedish krona	A Free shares, par 25 Swedish krona
GAS NATURAL SDG S.A.	ASTRA AB	SSAB SVENSKT STAL AB
Registered Shares, par 600 pesetas HIDROELECTRICA DEL CANTABRICO, S.A.	B Free shares, par 2.50 Swedish krona	B Free shares, par 25 Swedish krona
Bearer shares, par 1000 pesetas IBERDROLA SA	ATLAS COPCO AB	STORA KOPPARBERGS BERGSLAGS AB
Bearer shares, par 500 pesetas INMOBILIARIA METROPOLITANA VASCO CENTRAL	A Free shares, par 5 Swedish krona	A Free shares, par 5 Swedish krona
Bearer shares, par 500 pesetas KOIPE, S.A.	ATLAS COPCO AB	STORA KOPPARBERGS BERGSLAGS AB
	B Free shares, par 5 Swedish krona	B Free shares, par 5 Swedish krona
	ELECTROLUX AB	SVENSKA CELLULOSA
	B Free shares, par 25 Swedish krona	AKTIEBOLAGET SCA
	FASTIGHETS AB HUFVUDSTADEN	B Free shares, par 10 Swedish krona
	A Free shares, par 5 Swedish krona	SVENSKA CELLULOSA
	FORSAKRINGS AB SKANDIA	AKTIEBOLAGET SCA
	Free shares, par 5 Swedish krona	A Free shares, par 10 Swedish krona
	H & M HENNES & MAURITZ AB	SVENSKA HANDELSBANKEN AB
	B Fri Aktie, par 5 Swedish krona	A Free shares, par 10 Swedish krona
	INCENTIVE AB	SVENSKA HANDELSBANKEN AB
	B Free shares, par 10 Swedish krona	B Free shares, par 10 Swedish krona
	INCENTIVE AB	SYDKRAFT AB
	A Free shares, par 10 Swedish krona	A Free shares, par 10 Swedish krona
	INDUSTRIVARDEN AB	SYDKRAFT AB
	A Free shares, par 20 Swedish krona	C Free shares, par 10 Swedish krona
	INDUSTRIVARDEN AB	TELEFONAKTIEBOLAGET LM
	C Free shares, par 20 Swedish krona	ERICSSON
	INVESTOR AB	B Free shares, par 2.50 Swedish krona
	A Free shares, par 25 Swedish krona	TELEFONAKTIEBOLAGET LM
	INVESTOR AB	ERICSSON
	B Free shares, par 25 Swedish krona	A Free shares, par 2.50 Swedish krona
	MO OCH DOMSJO AB	TIDNINGS AB MARIEBERG
	A Free shares, par 50 Swedish krona	A Free shares, par 10 Swedish krona
	MO OCH DOMSJO AB	TRELLEBORG AB
	B Free shares, par 50 Swedish krona	B Free shares, par 25 Swedish krona
	NCC AB	VOLVO AB
	A Free shares, par 25 Swedish krona	A Free shares, par 5 Swedish krona
	NCC AB	VOLVO AB
	B Free shares, par 25 Swedish krona	B Free shares, par 5 Swedish krona
		Switzerland
		ABB AG
		Bearer shares, par 100 Swiss francs
		ABB AG
		Registered shares, par 20 Swiss francs
		ADIA INTERNATIONAL AG

Bearer shares, par 10 Swiss francs ALUSUISSE-LONZA HOLDING AG	SOCIETE INTERNATIONALE PIRELLI SA	Ordinary shares, par 10 Thai baht INTERNATIONAL COSMETICS PUBLIC CO. LTD.
Bearer shares, par 125 Swiss francs ALUSUISSE-LONZA HOLDING AG	Bearer shares, par 100 Swiss francs SULZER AG	Ordinary shares, par 10 Thai baht KRISDA MAHANAKORN PUBLIC CO. LTD.
Registered shares, par 125 Swiss francs BALOISE-HOLDING	Participation Certificates, par 100 Swiss francs SULZER AG	Ordinary shares, par 10 Thai baht KRUNG THAI BANK PUBLIC CO. LTD.
Registered shares, par 100 Swiss francs CIBA-GEIGY AG	Registered shares, par 100 Swiss francs SWISSAIR SCHWEIZERISCHE LUFTVERKEHR AG	Common, par 10 Thai baht LAND & HOUSES PUBLIC CO. LTD.
Bearer shares, par 20 Swiss francs CIBA-GEIGY AG	Registered shares, par 350 Swiss francs WINTERTHUR SCHWEIZER. VERSICHERUNGS GES.	Ordinary shares, par 10 Thai baht MDX PUBLIC CO. LTD.
Registered shares, par 20 Swiss francs COMPAGNIE FINANCIERE RICHEMONT AG	Bearer shares, par 20 Swiss francs WINTERTHUR SCHWEIZER. VERSICHERUNGS GES.	Ordinary shares, par 10 Thai baht NATURAL PARK PUBLIC CO. LTD.
Bearer shares, par 100 Swiss francs CS HOLDING	Registered shares, par 20 Swiss francs ZUERICH VERSICHERUNGS- GESELLSCHAFT	Ordinary shares, par 10 Thai baht NAVA FINANCE & SECURITIES PUBLIC CO. LTD.
Bearer shares, par 20 Swiss francs ELEKTROWATT AG	Registered shares, par 10 Swiss francs Thailand	Ordinary shares, par 10 Thai baht NTS STEEL GROUP PUBLIC CO. LTD.
Bearer shares, par 50 Swiss francs FORBO HOLDING AG	ADVANCED INFORMATION SERVICES PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht PHATRA THANAKIT PUBLIC CO. LTD.
Registered shares, par 50 Swiss francs GEORG FISCHER AG	Ordinary shares, par 10 Thai baht ASIA SECURITIES TRADING CO. LTD.	Ordinary shares, par 10 Thai baht PROPERTY PERFECT PUBLIC CO. LTD.
Bearer shares, par 500 Swiss francs HOLDERBANK FINANCIERE GLARUS AG	Ordinary shares, par 10 Thai baht BANGKOK BANK PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht QUALITY HOUSES PUBLIC CO. LTD.
Bearer shares, par 50 Swiss francs MOTOR-COLUMBUS AG	Ordinary shares, par 10 Thai baht BANGKOK LAND PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht REGIONAL CONTAINER LINES PUBLIC CO. LTD.
Bearer shares, par 500 Swiss francs NESTLE SA	Ordinary shares, par 10 Thai baht BANGKOK METROPOLITAN BANK PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SAMART CORP PUBLIC CO. LTD.
Registered shares, par 10 Swiss francs OERLIKON-BUEHRLE HOLDING LTD.	Common, par 10 Thai baht BANK OF ASIA PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SECURITIES ONE PUBLIC CO. LTD.
Registered shares, par 20 Swiss francs PARGESA HOLDING SA	Ordinary shares, par 10 Thai baht BANK OF AYUDHYA PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SHINAWATRA COMPUTER & COMMUNICATIONS PUBLIC CO. LTD.
Bearer shares, par 1000 Swiss francs ROCHE HOLDING AG	Ordinary shares, par 10 Thai baht BANPU PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SIAM CEMENT PUBLIC CO. LTD.
Bearer shares, par 100 Swiss francs ROCHE HOLDING AG	Ordinary shares, par 10 Thai baht CHAROEN POKPHAND FEEDMILL PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SIAM CITY BANK PUBLIC CO. LTD.
Genussschein No par S.M.H. (SOCIETE SUISE POUR LA MICROELECTRONIQUE) A	Common, par 10 Thai baht CHRISTIAN & NIELSEN (THAILAND) PUBLIC CO. LTD.	Ordinary shares, par 5 Thai baht SIAM CITY CEMENT PUBLIC CO. LTD. (THE)
Registered shares, par 10 Swiss francs S.M.H. (SOCIETE SUISE POUR LA MICROELECTRONIQUE) A	Ordinary shares, par 10 Thai baht CMIC FINANCE & SECURITIES PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht SIAM COMMERCIAL BANK PUBLIC CO. LTD.
Bearer shares, par 50 Swiss francs SANDOZ AG	Ordinary shares, par 10 Thai baht DHANA SIAM FINANCE & SECURITIES PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht TELECOM ASIA PUBLIC CO. LTD.
Bearer shares, par 20 Swiss francs SANDOZ AG	Ordinary shares, par 10 Thai baht FINANCE ONE PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht THAI FARMERS BANK PUBLIC CO. LTD.
Registered shares, par 20 Swiss francs SCHINDLER HOLDING AG	Ordinary shares, par 10 Thai baht FIRST BANGKOK CITY BANK PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht THAI GERMAN CERAMIC PUBLIC CO. LTD.
Participation Certificate, par 100 Swiss francs SCHINDLER HOLDING AG	Ordinary shares, par 15 Thai baht GENERAL FINANCE & SECURITIES PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht THAI MILITARY BANK PUBLIC CO. LTD.
Registered shares, par 100 Swiss francs SCHWEIZERISCHE BANKGESELLSCHAFT	Ordinary shares, par 10 Thai baht HEMARAJ LAND & DEVELOPMENT PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht TPI POLENE CO. PUBLIC CO. LTD.
Bearer shares, par 100 Swiss francs SCHWEIZERISCHE RUECKVERSICHERUNGS-GES.	Ordinary shares, par 10 Thai baht INDUSTRIAL FINANCE CORP OF THAILAND PUBLIC CO. LTD.	Ordinary shares, par 10 Thai baht UNION ASIA FINANCE PUBLIC CO. LTD.
Registered shares, par 10 Swiss francs SCHWEIZERISCHER BANKVEREIN	Common, par 10 Thai baht INTERNATIONAL BROADCASTING PUBLIC CO. LTD.	Common shares, par 10 Thai baht UNIVEST LAND PUBLIC CO. LTD.
Registered shares, par 50 Swiss francs SOC. GENERALE DE SURVEILLANCE HOLDING SA		Common shares, par 10 Thai baht WATTACHAK CO. LTD.
Registered shares, par 20 Swiss francs SOC. GENERALE DE SURVEILLANCE HOLDING SA		Ordinary shares, par 10 Thai baht UNITED KINGDOM ABBEY NATIONAL PLC
Bearer shares, par 100 Swiss francs		

Ordinary shares, par 10 p	BRITISH PETROLEUM COMPANY PLC,	Ordinary shares, par 10 p
ALBERT FISHER GROUP PLC	THE	ENGLISH CHINA CLAYS PLC
Ordinary shares, par 5 p	Ordinary shares, par 25 p	Ordinary shares, par 25 p
ALLIED COLLOIDS GROUP PLC	BRITISH SKY BROADCASTING GROUP	ENTERPRISE OIL PLC
Ordinary shares, par 10 p	PLC	Ordinary shares, par 25 p
ALLIED DOMECQ PLC	Ordinary shares, par 25 p	EUROTUNNEL EPLC ESA
Ordinary shares, par 25 p	BRITISH STEEL PLC	No par Ordinary Units
AMSTRAD PLC	Ordinary shares, par 50 p	FIRST LEISURE CORPORATION PLC
Ordinary shares, par 25 p	BRITISH TELECOMMUNICATIONS	Ordinary shares, par 25 p
ANGLIAN WATER PLC	PLC	FISONS PLC
Ordinary shares, par £1	Ordinary shares, par 25 p	Ordinary shares, par value 25 p
APV PLC	BRIXTON ESTATE PLC	FKI PLC
Ordinary shares, par 10 p	Ordinary shares, par 25 p	Ordinary shares, par 10 p
ARGOS PLC	BRYANT GROUP PLC	FLEMING MERCANTILE INVESTMENT
Ordinary shares, par 10 p	Ordinary shares, par 25 p	TRUST PLC
ARGYLL GROUP PLC	BTR PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	FOREIGN & COLONIAL INVESTMENT
ARJO WIGGINS APPLETON PLC	BUNZL PLC	TRUST PLC
Ordinary shares, par 25 p	Ordinary shares, par 25 p	Ordinary shares, par 25 p
ASDA GROUP PLC	BURMAH CASTROL PLC	FORTE PLC
Ordinary shares, par 25 p	Ordinary shares, par 1	Ordinary shares, par value 25 p
ASSOCIATED BRITISH FOODS PLC	BURMAH OIL PLC, THE	GENERAL ACCIDENT PLC
Ordinary shares, par 5 p	Ordinary shares, par value 100 p	Ordinary shares, par 25 p
ASSOCIATED BRITISH PORTS	BURTON GROUP PLC, THE	GENERAL ELECTRIC COMPANY PLC
HOLDINGS PLC	Ordinary shares, par 10 p	Ordinary shares, par 5 p
Ordinary shares, par 25 p	CABLE AND WIRELESS PLC	GEORGE WIMPEY PLC
B.A.T. INDUSTRIES PLC	Ordinary shares, par 5 p	Ordinary shares, par 25 p
Ordinary shares, par 25 p	CADBURY SCHWEPPE'S PLC	GKN PLC
BAA PLC	Ordinary shares, par 25 p	Ordinary shares, par £1
Ordinary shares, par £1	CARADON PLC	GLAXO HOLDINGS PLC
BANK OF SCOTLAND (GOVERNOR &	Ordinary shares, par 25 p	Ordinary shares, par value 50 p
COMPANY)	CARLTON COMMUNICATIONS PLC	GLAXO WELLCOME PLC
Ordinary shares, par 25 p	Ordinary shares, par 5 p	Ordinary shares, par 25 p
BARCLAYS PLC	CHARTER PLC	GLYNWED INTERNATIONAL PLC
Ordinary shares, par 1	Ordinary Registered 2 p	Ordinary shares, par 25 p
BARRATT DEVELOPMENTS PLC	CHRISTIES INTERNATIONAL PLC	GRANADA GROUP PLC
Ordinary shares, par 10 p	Ordinary shares, par 5 p	Ordinary shares, par 25 p
BASS PLC	CMIC FINANCE & SECURITIES PLC	GRAND METROPOLITAN PLC
Ordinary shares, par 25 p	Foreign Registered 50 p	Ordinary shares, par 25 p
BBA GROUP PLC	COATS VIYELLA PLC	GREAT PORTLAND ESTATES PLC
Ordinary shares, par 25 p	Ordinary shares, par 25 p	Ordinary shares, par 50 p
BET PLC	COMMERCIAL UNION PLC	GREAT UNIVERSAL STORES PLC
Ordinary shares, par value 25 p	Ordinary shares, par 25 p	Ordinary shares, par 25 p
BICC PLC	COOKSON GROUP PLC	GREENALLS GROUP PLC
Ordinary shares, par 50 p	Ordinary shares, par 50 p	Limited voting ordinary shares, par 25
BILTON PLC	COURTAULDS PLC	p
Ordinary shares, par .125 p	Ordinary shares, par 25 p	GUARDIAN ROYAL EXCHANGE PLC
BLUE CIRCLE INDUSTRIES PLC	COURTAULDS TEXTILES PLC	Ordinary shares, par 5 p
Ordinary shares, par 50 p	Ordinary shares, par 25 p	GUINNESS PLC
BOC GROUP PLC, THE	DALGETY PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par £1	HALMA PLC
BOOKER PLC	DAWSON INTERNATIONAL PLC	Ordinary shares, par 10 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	HAMBROS PLC
BOOTS COMPANY PLC	DE LA RUE PLC	Ordinary shares, par 20 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	HAMMERSON PLC
BOWTHORPE PLC	DIPLOMA PLC	Ordinary shares, par 25 p
Ordinary shares, par 10 p	Ordinary shares, par 5 p	HANSON PLC
BPB INDUSTRIES PLC	DIXONS GROUP PLC	Ordinary shares, par 25 p
Ordinary shares, par 50 p	Ordinary shares, par 10 p	HARRISONS & CROSFIELD PLC
BRADFORD PROPERTY TRUST PLC	EAST MIDLANDS ELECTRICITY PLC	Ordinary shares, par 25 p
Ordinary shares, par 5 p	Ordinary shares, par 50 p	HEPWORTH PLC
BRITISH AEROSPACE PLC	EASTERN GROUP PLC	Ordinary shares, par 25 p
Ordinary shares, par 10 p	Ordinary shares, par value 50 p	HIGHLAND DISTILLERIES COMPANY
BRITISH AIRWAYS PLC	EDINBURGH INVESTMENT TRUST	PLC
Ordinary shares, par 25 p	PLC, THE	Ordinary shares, par 20 p
BRITISH GAS PLC	Ordinary shares, par 25 p	HILLSDOWN HOLDINGS PLC
Ordinary shares, par 25 p	ELECTRA INVESTMENT TRUST PLC	Ordinary shares, par 10 p
BRITISH LAND COMPANY PLC	Ordinary shares, par 25	HSBC HOLDINGS PLC
Ordinary shares, par 25 p	ELECTROCOMPONENTS PLC	HK\$10.00 par ordinary shares

HSBC HOLDINGS PLC	NEXT PLC	Ordinary Registered 25 p
Ordinary shares, par 75 p	Ordinary shares, par 10 p	SIEBE PLC
IMI PLC	NFC PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 5 p	SLOUGH ESTATES PLC
IMPERIAL CHEMICAL INDUSTRIES PLC	NORTHERN FOODS PLC	Ordinary shares, par 25 p
Ordinary shares, par £1	Ordinary shares, par 25 p	SMITH & NEPHEW PLC
INCHCAPE PLC	PEARSON PLC	Ordinary shares, par 10 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	SMITH (W.H.) GROUP PLC
INVESCO PLC	PENINSULAR & ORIENTAL STEAM NAVIGATION	A Ordinary, par 50 p
Ordinary shares, par 25 p	Defer Unit £1	SMITHKLINE BEECHAM PLC
J SAINSBURY PLC	PILKINGTON PLC	A Ordinary, par 12.5 p
Ordinary shares, par 25 p	Ordinary shares, par 50 p	SMITHS INDUSTRIES PLC
JOHNSON MATTHEY PLC	POWERGEN PLC	Ordinary shares, par 25 p
Ordinary shares, par £1	Ordinary shares, par 50 p	SOUTHERN ELECTRIC PLC
KINGFISHER PLC	PREMIER FARNELL PLC	Ordinary shares, par 53 p
Ordinary shares, par 25 p	Ordinary shares, par 5 p	SPIRAX-SARCO ENGINEERING PLC
KWIK SAVE GROUP PLC	PROVIDENT FINANCIAL PLC	Ordinary shares, par 25 p
Ordinary shares, par 10 p	Ordinary shares, par 10 p	STANDARD CHARTERED PLC
LADBROKE GROUP PLC	PRUDENTIAL CORPORATION PLC	Ordinary shares, par 25 p
Ordinary shares, par 10 p	Ordinary shares, par 5 p	STOREHOUSE PLC
LAING (JOHN) PLC	RACAL ELECTRONICS PLC	Ordinary shares, par 10 p
Ordinary shares, par 25 p	Ordinary shares, par value 25 p	SUN ALLIANCE GROUP PLC
LAING (JOHN) PLC	RANK ORGANISATION PLC	Ordinary shares, par 25 p
A Ordinary Non-voting 25 p	Ordinary shares, par 10 p	T & N PLC
LAND SECURITIES PLC	RECKITT & COLMAN PLC	Ordinary shares, par 1
Ordinary shares, par £1	Ordinary shares, par 10 p	T.I. GROUP PLC
LAPORTE PLC	REDLAND PLC	Ordinary shares, par 25 p
Ordinary shares, par 50 p	Ordinary shares, par 25 p	TARMAC PLC
LASMO PLC	REED INTERNATIONAL PLC	Ordinary shares, par 50 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	TATE & LYLE PLC
LEGAL & GENERAL GROUP PLC	RENTOKIL GROUP PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 2 p	TAYLOR WOODROW PLC
LLOYDS ABBEY LIFE PLC	REUTERS HOLDINGS PLC	Ordinary shares, par 25 p
Ordinary shares, par 5 p	B Ordinary, par 2.5 p	TELEWEST COMMUNICATIONS PLC
LLOYDS BANK PLC	REXAM PLC	Ordinary shares, par 10 p
Ordinary shares, par 25 p	Ordinary shares, par 50 p	TESCO PLC
LONDON ELECTRICITY PLC	RMC GROUP PLC	Ordinary shares, par 5 p
Ordinary shares, par 50 p	Ordinary shares, par 25 p	THAMES WATER PLC
LONRHO PLC	ROLLS-ROYCE PLC	Ordinary shares, par 1
Ordinary shares, par 25 p	Ordinary shares, par 20 p	THORN EMI PLC
LUCAS INDUSTRIES PLC	ROYAL BANK OF SCOTLAND GROUP PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	TOMKINS PLC
M & G GROUP PLC	ROYAL INSURANCE HOLDINGS PLC	Ordinary shares, par 5 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	TR CITY OF LONDON TRUST PLC
MARKS AND SPENCER PLC	RTZ CORPORATION PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 10 p	TR SMALLER COMPANIES INVESTMENT TRUST
MARLEY PLC	RUGBY GROUP PLC, THE	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	TSB GROUP PLC
MCKECHNIE PLC	SCAPA GROUP PLC	Ordinary shares, par value 25 p
Ordinary shares, par 25 p	Ordinary shares, par 25 p	UNIGATE PLC
MEPC PLC	SCHRODERS PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par £1	UNILEVER PLC
MERCHANTS TRUST PLC, THE	SCHRODERS PLC	Ordinary shares, par 5 p
Ordinary shares, par 25 p	Non-voting Ordinary shares, par £1	UNITED BISCUITS (HOLDINGS) PLC
MERCURY ASSET MANAGEMENT GROUP PLC	SCOTTISH & NEWCASTLE PLC	Ordinary shares, par 25 p
Ordinary shares, par 5 p	Ordinary shares, par 20 p	UNITED NEWS & MEDIA PLC
MEYER INTERNATIONAL PLC	SCOTTISH HYDRO-ELECTRIC PLC	Ordinary shares, par 25 p
Ordinary shares, par 25 p	Ordinary shares, par 50 p	UNITED UTILITIES PLC
MORGAN CRUCIBLE COMPANY PLC, THE	SCOTTISH POWER PLC	Ordinary shares, par 1
Ordinary shares, par 25 p	Ordinary shares, par 50 p	VAUX GROUP PLC
NATIONAL GRID GROUP PLC	SEARS PLC	Ordinary shares, par 10 p
Ordinary shares, par 50 p	Ordinary shares, par 25 p	VENDOME LUXURY GROUP PLC
NATIONAL POWER PLC	SEDGWICK GROUP PLC	Ordinary shares, par 10 p
Ordinary shares, par 50 p	Ordinary shares, par 10 p	VICKERS PLC
NATIONAL WESTMINSTER BANK PLC	SEVERN TRENT PLC	Ordinary shares, par 50 p
Ordinary shares, par £1	Ordinary shares, par £1	VODAFONE GROUP PLC
	SHELL TRANSPORT & TRADING COMPANY, THE	Ordinary shares, par 5 p
		WHITBREAD PLC

A Ordinary, par 25 p
 WILLIAM BAIRD PLC
 Ordinary shares, par 50 p
 WILLIAMS HOLDINGS PLC
 Ordinary shares, par 25 p
 WILLIS CORROON GROUP PLC
 Ordinary shares, par 12.5 p
 WILSON (CONNOLLY) HOLDINGS PLC
 Ordinary shares, par 25 p
 WITAN INVESTMENT COMPANY PLC
 Ordinary shares, par 25 p
 WOLSELEY PLC
 Ordinary shares, par 25 p
 YORKSHIRE ELECTRICITY GROUP
 PLC
 Ordinary shares, par .5682 p
 ZENECA GROUP PLC
 Ordinary shares, par 25 p
 By order of the Board of Governors of
 the Federal Reserve System, acting by
 its Director of the Division of Banking
 Supervision and Regulation pursuant to
 delegated authority (12 CFR
 265.7(f)(10)), July 23, 1996.
 William W. Wiles,
Secretary of the Board.
 [FR Doc. 96-19163 Filed 7-29-96; 8:45 am]
 BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-CE-60-AD; Amendment 39-9654; AD 96-12-12]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Models PA31, PA31-300, PA31-325, and PA31-350 Airplanes; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This action makes a correction to Airworthiness Directive (AD) 96-12-12, which was published in the Federal Register on June 6, 1996 (61 FR 28733), and concerns The New Piper Aircraft, Inc. Models PA31, PA31-300, PA31-325, and PA31-350 airplanes. That publication incorrectly references the date for the instructions to Piper Kit 763-917 as "revised June 18, 1980" instead of "revised June 18, 1990." The AD currently requires repetitively inspecting the upper section of the Fuselage Station (FS) 317.75 bulkhead for cracks, and incorporating one of two reinforcement kits depending on whether cracks are found in the FS 317.75 bulkhead area. This action corrects the AD to reflect the correct

date of the instructions to Piper Kit 763-917.

EFFECTIVE DATE: July 16, 1996.

FOR FURTHER INFORMATION CONTACT:

Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7362; facsimile (404) 305-7348.

SUPPLEMENTARY INFORMATION: On May 30, 1996, the Federal Aviation Administration (FAA) issued AD 96-12-12, Amendment 39-9654 (61 FR 28733, June 6, 1996), which applies to Piper Models PA31, PA31-300, PA31-325, and PA31-350 airplanes. This AD requires repetitively inspecting the upper section of the Fuselage Station (FS) 317.75 bulkhead for cracks, and incorporating one of two reinforcement kits depending on whether cracks are found in the FS 317.75 bulkhead area.

Need for the Correction

Paragraph (a)(2) of the AD incorrectly references the date for the instructions to Piper Kit 763-917 as "revised June 18, 1980" instead of "revised June 18, 1990." Affected individuals who try to obtain these instructions as currently referenced would not be able to because (as referenced as June 18, 1980) the instructions do not exist.

Correction of Publication

Accordingly, the publication of June 6, 1996 (61 FR 28732), of Amendment 39-9654; AD 96-12-12, which was the subject of FR Doc. 96-14174, is corrected as follows:

Section 39.13 [Corrected]

On page 28733, in the third column, section 39.13, paragraph (a) (2) of the AD, the 13th line from the top of the column, correct "revised June 18, 1980" to "revised June 18, 1990."

Action is taken herein to correct this reference in AD 96-12-12 and to add this AD correction to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13). The effective date remains July 16, 1996.

Issued in Kansas City, Missouri on July 22, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-19277 Filed 7-29-96; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF STATE

22 CFR Part 131

[Public Notice 2413]

Bureau of Administration; Certificates of Authentication

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends Department of State regulations on issuance of certificates of authentication to provide for Assistant Authentication Officers, in addition to the Authentication Officer and Acting Authentication Officer, to authenticate documents on behalf of the Secretary of State.

EFFECTIVE DATES: July 31, 1996.

FOR FURTHER INFORMATION CONTACT: K.E. Malmberg, Attorney Adviser, Officer of the Legal Adviser, Department of State, 22d and C Street N.W., Washington D.C. 20520, Telephone (202) 647-5154.

SUPPLEMENTARY INFORMATION: 22 CFR part 131 was issued in 1957. At that time, the volume of authentications of legal documents for use outside the United States and of foreign legal documents for use within the United States was such that the Department of State Authentication Officer, or Acting Authentication Officer, could perform the authentication function. The volume of such authentications is now such that, even with the entry into force for the United States of the Convention abolishing the requirement of legalisation for foreign public documents of October 5, 1961 (33 UST 883), it is no longer practical for a single officer to perform this function. In order to enable the Department to respond more effectively to the needs of the public, this rule provides for additional officers to exercise authority to authenticate documents.

This rule relates to internal agency management. Therefore, pursuant to 5 USC 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30-days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule is not a major rule and will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 USC 601 *et seq.*, do not apply. Nor does the rule impose unfunded mandates requiring analysis under the Unfunded Mandates Reform Act. Because this is a rule of

agency organization, it is not required to be submitted to the Congress and the General Accounting Officer under the Small Business Regulatory Enforcement Fairness Act of 1996; however, it is anticipated that having additional authentication officers will expedite the processing of authentication requests by small entities.

List of Subjects in 22 CFR Part 131

Seals and insignia.

Accordingly, under the authority of 5 USC 301 and 553 and 22 USC 2651a, § 131.1 is revised to read as follows:

The Authentication Officer, Acting Authentication Officer, or any Assistant Authentication Officer designated by either of the former officers may, and is hereby authorized to, sign and issue certificates of authentication under the seal of the Department of State for and in the name of the Secretary of State or the Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, _____, Secretary of State have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer, Acting Authentication Officer, or an Assistant Authentication Officer, of the said Department, at _____ in _____, this _____ day of _____ 19_____

(Secretary of State)

By _____ Authentication Officer, Department of State) (22 U.S.C. 2651a)

Dated: July 12, 1996.

Patrick F. Kennedy, Assistant Secretary for Administration. [FR Doc. 96-18988 Filed 7-29-96; 8:45 am]

BILLING CODE 4710-24-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Final rule.

SUMMARY: To facilitate use of the short-term scholar category for the purpose of participation in the Exchange Visitor Program, the Agency is extending the permitted period of program participation as a short-term scholar from four months to six months.

EFFECTIVE DATE: This rule is effective July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Assistant General Counsel, United States Information

Agency, 301 4th Street, SW., Washington, DC 20547; Telephone, (202) 619-4979.

SUPPLEMENTARY INFORMATION: On June 10, 1996 the Agency adopted a final rule governing eligibility for Exchange Visitor Program participation as a professor or research scholar. This final rule, which amended § 514.20 of the Exchange Visitor Program regulations, limits program participation as a professor or research scholar to nonimmigrant aliens who have not been physically present in the United States, in J visa status, for all or part of the twelve month period preceding their entry into the United States as a professor or research scholar participant.

An exception to this rule was provided to nonimmigrant aliens present in the United States for less than six months or whose presence in the United States was pursuant to program participation as a short-term scholar. Accordingly, both to facilitate use of the short-term scholar category and to conform the period of program duration of the short-term scholar category to the exception permitted by § 514.20(d), the Agency hereby extends the period of program duration for this category from four months to six months.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: July 24, 1996.

Les Jin, General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1258; 22 U.S.C. 1431-1442, 2451-2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p. 200; E.O. 12048, 43 FR 13361, 3 CFR 1978 Comp. p. 168; USIA Delegation Order No. 85-5 (50 FR 27393.)

2. Section 514.21 is amended by revising paragraph (g) to read as follows:

§ 514.21 Short-term scholars.

* * * * *

(g) Duration of participation. The short-term scholar shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete the program, which time shall not exceed six months. Programs under this section are exempted from § 514.8(b) governing the minimum duration of a program. Extensions

beyond the duration of participation are not permitted under this category.

[FR Doc. 96-19271 Filed 7-29-96; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 960417113-6186-02]

RIN 0651-AA82

Revision of Patent Fees for Fiscal Year 1997

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of final rulemaking.

SUMMARY: The Patent and Trademark Office (PTO) is amending the rules of practice in patent cases to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI) and to recover costs of operation.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Harris by telephone at (703) 305-8510, fax at (703) 305-8525, e-mail at rharris@uspto.gov, or by mail marked to his attention and addressed to the U.S. Patent and Trademark Office, Office of Planning and Evaluation, Crystal Park 1, Suite 1107, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: This rule change is designed to adjust PTO fees in accordance with the applicable provisions of title 35, United States Code; and section 10101 of the Omnibus Budget Reconciliation Act of 1990 (as amended by section 8001 of Public Law 103-66), all as amended by the Patent and Trademark Office Authorization Act of 1991 (Public Law 102-204).

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376, A fifty percent reduction in the fees paid under 35 U.S.C. 41(a) and (b) by independent inventors, small business concerns, and nonprofit organizations who meet prescribed definitions is required by 35 U.S.C. 41(h).

Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the Consumer Price Index (CPI) over the previous 12 months.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by

section 8001 of Public Law 103-66) provides that there shall be a surcharge on all fees established under 35 U.S.C. 41(a) and (b) to collect \$115 million in fiscal year 1997.

Subsection 41(d) of title 35, United States Code, authorizes the Commissioner to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, and for each black and white copy of a patent.

Section 376 of title 35, United States Code, authorizes the Commissioner to set fees for patent applications filed under the patent Cooperation Treaty (PCT).

Subsection 41(g) of title 35, United States Code, provides that new fee amounts established by the Commissioner under section 41 may take effect thirty days after notice in the Federal Register and the Official Gazette of the Patent and Trademark Office.

Recovery Level Determinations

This rule adjusts patent fees for a planned recovery of \$716,723,000 in fiscal year 1997, as proposed in the Administration's budget request to the Congress.

The patent statutory fees established by 35 U.S.C. 41(a) and (b) will be adjusted on October 1, 1996, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index for all urban consumers (CPI-U). In calculating these fluctuations, the Office of Management and Budget (OMB) has determined that the PTO should use CPI-U data as determined by the Secretary of Labor. However, the Department of Labor does not make public the CPI-U until approximately 21 days after the end of the month being calculated. Therefore, the latest CPI-U information available is for the month of June 1996. In accordance with previous rulemaking methodology, the PTO uses the Administration's projected CPI-U for the 12-month period ending September 30, 1996, which is 3.1 percent. Based on this projection, patent statutory fees will be adjusted by 3.1 percent. Before the final fee schedule is published, the fees may be adjusted slightly based on updated available from the Department of Labor.

Certain non-statutory patent processing fees established under 35 U.S.C. 41(d) and PCT processing fees established under 35 U.S.C. 376 will be adjusted to recover their estimated average costs in fiscal year 1996. Three

patent service fees that are set by statute will not be adjusted. The three fees that are not being adjusted are assignment recording fees, printed patent copy fees and photocopy charge fees.

The final fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded would be convenient to the user. Fees of \$100 or more were rounded to the nearest \$10. Fees between \$2 and \$99 were rounded to an even number so that any comparable small entity fee would be a whole number.

Workload Projections

Determination of workloads varies by fee. Principal workload projection techniques are as follows:

Patent application workloads are projected from statistical regression models using recent application filing trends. Patent issues are projected from an in-house patent production model and reflect examiner production achievements and goals. Patent maintenance fee workloads utilize patents issued 3.5, 7.5 and 11.5 years prior to payment and assume payment rates of 79 percent, 55 percent and 32 percent, respectively. Service fee workloads follow linear trends from prior years' activities.

General Procedures

Any fee amount that is paid on or after the effective date of the fee increase would be subject to the new fees then in effect. For purposes of determining the amount of the fee to be paid, the date of mailing indicated on a proper Certificate of Mailing or Transmission, where authorized under 37 CFR 1.8, will be considered to be the date of receipt in the PTO. A Certificate of Mailing or Transmission under Section 1.8 is not proper for items which are specifically excluded from the provisions of Section 1.8 Section 1.8 should be consulted for those items for which a Certificate of Mailing or Transmission is not proper. Such items include, inter alia, the filing of national and international applications for patents and the filing of trademark applications. However, the provisions of 37 CFR 1.10 relating to filing papers and fees with an "Express Mail" certificate do apply to any paper or fee (including patent and trademark applications) to be filed in the PTO. If an application or fee is filed by "Express Mail" with a proper certificate dated on or after the effective date of the rules, as amended, the amount of the fee to be paid would be the fee established by the amended rules.

In order to ensure clarity in the implementation of the new fees, a

discussion of specific sections is set forth below.

Discussion of Specific Rules

37 CFR 1.16 National Application Filing Fees

Section 1.16, paragraphs (a), (b), (d), and (f) through (i), is revised to adjust fees established therein to reflect fluctuations in the CPI. Further, section 1.16, is revised to remove the undesignated text following paragraph (d), and add a new paragraph (k) including the provisions of such deleted undesignated text. In addition, § 1.16(k) is also applicable to any additional fees required by §§ 1.16 (i) and (j).

37 CFR 1.17 Patent Application Processing Fees

Section 1.17, paragraphs (b) through (g), (m), (r) and (s), is revised to adjust fees established therein to reflect fluctuations in the CPI.

Section 1.17, paragraphs (j) and (n) through (p), is revised to adjust fees established therein to recover costs.

37 CFR 1.18 Patent Issue Fees

Section 1.18, paragraphs (a) through (c), is revised to adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post-Issuance Fees

Section 1.20, paragraphs (c), (i), and (j), is revised to adjust fees established therein to recover costs.

Section 1.20, paragraphs (e) through (g), is revised to adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.21 Miscellaneous Fees and Charges

Section 1.21, paragraph (a)(1), is revised to establish a non-refundable applications fee which reflects the costs of processing an application for the registration examination. Currently, the PTO evaluates and processes the applications of individuals who do not qualify for admission or those who withdraw from the examination, but generally refunds the examination fee to such applicants. Thus, other fee payers bear the costs of this evaluation and processing. This amendment will shift the expense of evaluating applications to all applicants. In order to offset the application fee, the examination fee will be slightly decreased.

Section 1.21, paragraph (a)(3) and (a)(6), is revised to adjust fees established therein to recover costs.

37 CFR 1.445 International Application Filing, Processing, and Search Fees

Section 1.445, paragraph (a), is revised to adjust the fees authorized by

35 U.S.C. 376 to recover costs and reflect current business practices.

37 CFR 1.482 International Preliminary Examination Fees

Section 1.482, paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(ii), is revised to adjust the fees authorized by 35 U.S.C. 376 to recover costs.

37 CFR 1.492 National Stage Fees

Section 1.492, paragraphs (a), (b) and (d), is revised to adjust fees established therein to reflect fluctuations in the CPI.

Response to Comments on the Rules

A notice of proposed rulemaking to adjust patent fee amounts was published in the Federal Register on May 1, 1996, at 61 FR 19224 and the Office Gazette of the United States Patent and Trademark Office on May 7, 1996, at 1186 OG 14.

A public hearing was held on June 5, 1996. Two comments were received and considered in adopting the rules set forth herein. No oral testimony was presented.

Comment: One respondent stated that the PTO should not adjust patent fee amounts using the U.S. Department of Labor's Consumer Price Index (CPI). The respondent stated that the CPI does not reflect a true or accurate index of increasing consumer prices.

Response: The PTO is required by law to base its inflationary fee increases on fluctuations in the CPI over the 12 months prior to the effective date of the fee increase. However, if the Department of Labor modifies the definition or changes the method of calculating the Consumer Price Index for all urban consumers (CPI-U), which is the version of the CPI that OMB has determined the PTO should use, future PTO inflationary fee increases could be based on the revised index.

Comment: One respondent stated that the patent extension fees set in 37 CFR 1.17 (a) through (d) should be reduced by at least 50 percent for patent applications filed on or after June 8, 1995.

Response: Patent extension fees were set in statute by Congress in 1982 with the enactment of Public Law 97-247. The PTO does not have the authority to offer a 50 percent discount for all patent applications filed on or after June 8, 1995.

Other Considerations

This rulemaking contains no information collection within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. This rule has been determined to be not significant for purposes of Executive

Order 12866. The PTO has determined that this rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule change will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The rule change increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Further, the principal impact of the major patent fees has already been taken into account in 35 U.S.C. 41(h), which provides small entities with a 50-percent reduction in the major patent fees.

A comparison of existing and new fee amounts is included as an Appendix to this notice of final rulemaking.

Lists of Subjects in 37 CFR Part 1

Administrative practice and procedure, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, the PTO is amending title 37 of the Code of Federal Regulations, part 1, as set forth below.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.16 is amended by revising paragraphs (a), (b), (d), (f) through (i), and adding a new paragraph (m) before the note to read as follows:

§ 1.16 National application filing fees.

- (a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:
By a small entity (§ 1.9(f))—\$385.00
By other than a small entity—\$770.00
- (b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:
By a small entity (§ 1.9(f))—\$40.00
By other than a small entity—\$80.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended

to contain, a multiple dependent claim(s), per application:
By a small entity (§ 1.9(f))—\$130.00
By other than a small entity—\$260.00

- * * * * *
- (f) Basic fee for filing each design application
By a small entity (§ 1.9(f))—\$160.00
By other than a small entity—\$320.00
- (g) Basic fee for filing each plant application, except provisional applications:
By a small entity (§ 1.9(f))—\$265.00
By other than a small entity—\$530.00
- (h) Basic fee for filing each reissue application:
By a small entity (§ 1.9(f))—\$385.00
By other than a small entity—\$770.00
- (i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:
By a small entity (§ 1.9(f))—\$40.00
By other than a small entity—\$80.00

* * * * *

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

* * * * *

3. Section 1.17 is amended by revising paragraphs (b) through (g), (j), (m) through (p), (r), and (s) to read as follows:

§ 1.17 Patent application processing fees.

- * * * * *
- (b) Extension fee for response within second month pursuant to § 1.136(a):
By a small entity (§ 1.9(f))—\$195.00
By other than a small entity—\$390.00
- (c) Extension fee for response within third month pursuant to § 1.136(a):
By a small entity (§ 1.9(f))—\$465.00
By other than a small entity—\$930.00
- (d) Extension fee for response within fourth month pursuant to § 1.136(a):
By a small entity (§ 1.9(f))—\$735.00
By other than a small entity—\$1,470.00
- (e) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:
By a small entity (§ 1.9(f))—\$150.00
By other than a small entity—\$300.00
- (f) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.9(f))—\$150.00
 By other than a small entity—\$300.00
 (g) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:
 By a small entity (§ 1.9(f))—\$130.00
 By other than a small entity—\$260.00
 * * * * *

(j) For filing a petition to institute a public use proceeding under § 1.292—\$1,470.00
 * * * * *

(m) For filing a petition:
 (1) For revival of an unintentionally abandoned application, or
 (2) For the unintentionally delayed payment of the fee for issuing a patent:
 By a small entity (§ 1.9(f))—\$645.00
 By other than a small entity—\$1,290.00

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—\$900.00 reduced by the amount of the application basic filing fee paid.

(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—\$1,790.00 reduced by the amount of the application basic filing fee paid.

(p) For submission of an information disclosure statement under § 1.97(c)—\$230.00
 * * * * *

(r) For entry of a submission after final rejection under § 1.129(a):
 By a small entity (§ 1.9(f))—\$385.00
 By other than a small entity—\$770.00

(s) For each additional invention requested to be examined under § 1.129(b):
 By a small entity (§ 1.9(f))—\$385.00
 By other than a small entity—\$770.00

4. Section 1.18 is revised to read as follows:

§ 1.18 Patent issue fees.

- (a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
 By a small entity (§ 1.9(f))—\$645.00
 By other than a small entity—\$1,290.00
- (b) Issue fee for issuing a design patent:
 By a small entity (§ 1.9(f))—\$220.00
 By other than a small entity—\$440.00
- (c) Issue fee for issuing a plant patent:
 By a small entity (§ 1.9(f))—\$325.00
 By other than a small entity—\$650.00

5. Section 1.20 is amended by revising paragraphs (c), (e) through (g), (i)(1), (i)(2), and (j)(1) through (j)(3) to read as follows:

§ 1.20 Post issuance fees.

- * * * * *
- (c) For filing a request for reexamination (§ 1.510(a))—\$2,460.00
 * * * * *
- (e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:
 By a small entity (§ 1.9(f))—\$510.00
 By other than a small entity—\$1,020.00
- (f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:
 By a small entity (§ 1.9(f))—\$1,025.00
 By other than a small entity—\$2,050.00
- (g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:
 By a small entity (§ 1.9(f))—\$1,540.00
 By other than a small entity—\$3,080.00
 * * * * *
- (i) * * *
- (1) Unavoidable—\$680.00
 (2) Unintentional—\$1,600.00
- (j) * * *
- (1) Application for extension under § 1.740—\$1,090.00
 (2) Initial application for interim extension under § 1.790—\$410.00
 (3) Subsequent application for interim extension under § 1.790—\$210.00

6. Section 1.21 is amended by revising paragraphs (a)(1), (a)(3), and (a)(6) to read as follows:

§ 1.21 Miscellaneous fees and charges.

- * * * * *
- (a) * * *
- (1) For administration to examination for registration to practice:
 (i) Application Fee (non-refundable)—\$40.00
 (ii) Registration examination fee—\$300.00
 * * * * *
- (3) For reinstatement to practice—\$40.00
 * * * * *
- (6) For requesting regrading of an examination under § 10.7(c):
 (i) Regrading of morning section (PTO

Practice and Procedure)—\$225.00
 (ii) Regrading of afternoon section (Claim Drafting)—\$530.00
 * * * * *

7. Section 1.445 is amended by revising paragraph (a) to read as follows:

§ 1.445 International application filing, processing and search fees.

- (a) The following fees and charges for international applications are established by the Commissioner under the authority of 35 U.S.C. 376:
 (1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14)—\$230.00
 (2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16):
 (i) Where a corresponding prior United States National application filed under 35 U.S.C. 111(a) with the filing fee under 37 CFR 1.16(a) has been filed—\$440.00
 (ii) For all situations not provided for in (a)(2)(i) of this section—\$680.00
 (3) A supplemental search fee when required, per additional invention—\$200.00
 * * * * *

8. Section 1.482 is amended by revising paragraph (a)(1)(i), (a)(1)(ii), and (a)(2)(ii) to read as follows:

§ 1.482 International preliminary examination fees.

- (a) * * *
- (1) * * *
- (i) Where an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority, a preliminary examination fee of—\$480.00
- (ii) Where the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office, a preliminary examination fee of—\$730.00
- (2) * * *
- (ii) Where an International Search Authority for the international application was an authority other than the United States Patent and Trademark Office—\$260.00
 * * * * *

9. Section 1.492 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.492 National stage fees.

- * * * * *
- (a) The basic national fee:
 (1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the

- | | | |
|---|---|---|
| <p>United States Patent and Trademark Office:
 By a small entity (§ 1.9(f))—\$350.00
 By other than a small entity—\$700.00</p> <p>(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:
 By a small entity (§ 1.9(f))—\$385.00
 But other than a small entity—\$770.00</p> <p>(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the</p> | <p>United States Patent and Trademark Office:
 By a small entity (§ 1.9(f))—\$520.00
 But other than a small entity—\$1,040.00</p> <p>(4) Where an international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)):
 By a small entity (§ 1.9(f))—\$48.00
 But other than a small entity—\$96.00</p> <p>(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:</p> | <p>By a small entity (§ 1.9(f))—\$455.00
 But other than a small entity—\$910.00</p> <p>(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:
 By a small entity (§ 1.9(f))—\$40.00
 But other than a small entity—\$80.00
 * * * * *</p> <p>(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:
 By a small entity (§ 1.9(f))—\$130.00
 By other than a small entity—\$260.00
 * * * * *</p> <p>Dated: July 24, 1996.
 Bruce A. Lehman,
 <i>Assistant Secretary of Commerce and
 Commissioner of Patents and Trademarks.</i>
 Note: The following appendix will not appear in the Code of Federal Regulations.</p> |
|---|---|---|

Appendix A—Comparison of Existing and Revised Fee Amounts

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.16(a)	Basic Filing Fee	\$750	\$770
1.16(a)	Basic Filing Fee (Small Entity)	375	385
1.16(b)	Independent Claims	78	80
1.16(b)	Independent Claims (Small Entity)	39	40
1.16(c)	Claims in Excess of 20	22	—
1.16(c)	Claims in Excess of 20 (Small Entity)	11	—
1.16(d)	Multiple Dependent Claims	250	260
1.16(d)	Multiple Dependent Claims (Small Entity)	125	130
1.16(e)	Surcharge—Late Filing Fee	130	—
1.16(e)	Surcharge—Late Filing Fee (Small Entity)	65	—
1.16(f)	Design Filing Fee	310	320
1.16(f)	Design Filing Fee (Small Entity)	155	160
1.16(g)	Plant Filing Fee	510	530
1.16(g)	Plant Filing Fee (Small Entity)	255	265
1.16(h)	Reissue Filing Fee	750	770
1.16(h)	Reissue Filing Fee (Small Entity)	375	385
1.16(i)	Reissue Independent Claims	78	80
1.16(i)	Reissue Independent Claims (Small Entity)	39	40
1.16(j)	Reissue Claims In Excess of 20	22	—
1.16(j)	Reissue Claims in Excess of 20 (Small Entity)	11	—
1.16(k)	Provisional Application Filing Fee	150	—
1.16(k)	Provisional Application Filing Fee (Small Entity)	75	—
1.16(l)	Surcharge—Incomplete Provisional App. Filed	50	—
1.16(l)	Surcharge—Incomplete Provisional App. Filed (Small Entity)	25	—
1.17(a)	Extension—First Month	110	—
1.17(a)	Extension—First Month (Small Entity)	55	—
1.17(b)	Extension—Second Month	380	390
1.17(b)	Extension—Second Month (Small Entity)	190	195
1.17(c)	Extension—Third Month	900	930
1.17(c)	Extension—Third Month (Small Entity)	450	465
1.17(d)	Extension—Fourth Month	1,400	1,470
1.17(d)	Extension—Fourth Month (Small Entity)	700	735
1.17(e)	Notice of Appeal	290	300
1.17(e)	Notice of Appeal (Small Entity)	145	150
1.17(f)	Filing a Brief	290	300
1.17(f)	Filing a Brief (Small Entity)	145	150
1.17(g)	Request for Oral Hearing	250	260
1.17(g)	Request for Oral Hearing (Small Entity)	125	130
1.17(h)	Petition—Not All Inventors	130	—
1.17(h)	Petition—Correction of Inventorship	130	—
1.17(h)	Petition—Decision on Questions	130	—
1.17(h)	Petition—Suspend Rules	130	—
1.17(h)	Petition—Expedited License	130	—
1.17(h)	Petition—Scope of License	130	—

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.17(h)	Petition—Retroactive License	130	—
1.17(h)	Petition—Refusing Maintenance Fee	130	—
1.17(h)	Petition—Refusing Maintenance Fee—Expired Patent	130	—
1.17(h)	Petition—Interference	130	—
1.17(h)	Petition—Reconsider Interference	130	—
1.17(h)	Petition—Late Filing of Interference	130	—
1.20(b)	Petition—Correction of Inventorship	130	—
1.17(h)	Petition—Refusal to Publish SIR	130	—
1.17(i)	Petition—For Assignment	130	—
1.17(i)	Petition—For Application	130	—
1.17(i)	Petition—Late Priority Papers	130	—
1.17(i)	Petition—Suspend Action	130	—
1.17(i)	Petition—Divisional Reissues to Issue Separately	130	—
1.17(i)	Petition—For Interference Agreement	130	—
1.17(i)	Petition—Amendment After Issue	130	—
1.17(i)	Petition—Withdrawal After Issue	130	—
1.17(i)	Petition—Defer Issue	130	—
1.17(i)	Petition—Issue to Assignee	130	—
1.17(i)	Petition—Accord a Filing Date Under § 1.53	130	—
1.17(i)	Petition—Accord a Filing Date Under § 1.62	130	—
1.17(i)	Petition—Make Application Special	130	—
1.17(j)	Petition—Public Use Proceeding	1,430	1,470
1.17(k)	Non-English Specification	130	—
1.17(l)	Petition—Revive Abandoned Appl	110	—
1.17(l)	Petition—Revive Abandoned Appl. (Small Entity)	55	—
1.17(m)	Petition—Revive Unintentionally Abandoned Appl	1,250	1,290
1.17(m)	Petition—Revive Unintent Abandoned Appl. (Small Entity)	625	645
1.17(n)	SIR—Prior to Examiner's Action	870	900
1.17(o)	SIR—After Examiner's Action	1,740	1,790
1.17(p)	Submission of an Information Disclosure Statement (§ 1.97)	220	230
1.17(q)	Petition—Correction of Inventorship (Prov. App.)	50	—
1.17(q)	Petition—Accord a filing date (Prov. App.)	50	—
1.17(q)	Petition—Entry of submission after final rejection (Prov. App.)	50	—
1.17(r)	Filing a submission after final rejection (1.129(a))	750	770
1.17(r)	Filing a submission after final rejection (1.129(a)) (Small Entity)	375	385
1.17(s)	Per add'l invention to be examined (1.129(b))	730	770
1.17(s)	Per add'l invention to be examined (1.129(b)) (Small Entity)	375	385
1.18(a)	Issue Fee	1,250	1,290
1.18(a)	Issue Fee (Small Entity)	625	645
1.18(b)	Design Issue Fee	430	440
1.18(b)	Design Issue Fee (Small Entity)	215	220
1.18(c)	Plant Issue Fee	630	650
1.18(c)	Plant Issue Fee (Small Entity)	315	325
1.19(a)(1)(i)	Copy of Patent	3	—
1.19(a)(1)(ii)	Patent Copy—Overnight delivery to PTO Box or overnight fax	6	—
1.19(a)(1)(iii)	Patent Copy Ordered by Expedited Mail or Fax—Exp. service	25	—
1.19(a)(2)	Plant Patent Copy	12	—
1.19(a)(3)(i)	Copy of Utility Patent or SIR in Color	24	—
1.19(b)(1)(i)	Certified Copy of Patent Application as Filed	15	—
1.19(b)(1)(ii)	Certified Copy of Patent Application as Filed, Expedited	30	—
1.19(b)(2)	Cert or Uncert Copy of Patent-Related File Wrapper/Contents	150	—
1.19(b)(3)	Cert. or Uncert. Copies of Office Records, per Document	25	—
1.19(b)(4)	For Assignment Records, Abstract of Title and Certification	25	—
1.19(c)	Library Service	50	—
1.19(d)	List of Patents in Subclass	3	—
1.19(e)	Uncertified Statement-Status of Maintenance Fee Payment	10	—
1.19(f)	Copy of Non-U.S. Patent Document	25	—
1.19(g)	Comparing and Certifying Copies, Per Document, Per Copy	25	—
1.19(h)	Duplicate or Corrected Filing Receipt	25	—
1.20(a)	Certificate of Correction	100	—
1.20(c)	Reexamination	2,390	2,460
1.20(d)	Statutory Disclaimer	110	—
1.20(d)	Statutory Disclaimer (Small Entity)	55	—
1.20(e)	Maintenance Fee—3.5 Years	990	1,020
1.20(e)	Maintenance Fee—3.5 Years (Small Entity)	495	510
1.20(f)	Maintenance Fee—7.5 Years	1,990	2,050
1.20(f)	Maintenance Fee—7.5 Years (Small Entity)	995	1,025
1.20(g)	Maintenance Fee—11.5 Years	2,990	3,080
1.20(g)	Maintenance Fee—11.5 Years (Small (Entity)	1,495	1,540
1.20(h)	Surcharge—Maintenance Fee—6 Months	130	—
1.20(h)	Surcharge—Maintenance Fee—6 Months (Small Entity)	65	—
1.20(i)(1)	Surcharge—Maintenance After Expiration—Unavoidable	660	680
1.20(i)(2)	Surcharge—Maintenance After Expiration—Unintentional	1,550	1,600

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
1.20(j)(1)	Extension of Term of Patent Under 1.740	1,060	1,090
1.20(j)(2)	Initial Application for Interim Extension Under 1.790	400	410
1.20(j)(3)	Subsequent Application for Interim Extension Under 1.790	200	210
1.21(a)(1)(i)	Application Fee (non-refundable)	—	40
1.21(a)(1)(ii)	Registration examination fee	310	300
1.21(a)(2)	Registration to Practice	100	—
1.21(a)(3)	Reinstatement to Practice	15	40
1.21(a)(4)	Certificate of Good Standing	10	—
1.21(a)(4)	Certificate of Good Standing, Suitable Framing	20	—
1.21(a)(5)	Review of Decision of Director, OED	130	—
1.21(a)(6)(i)	Regrading of P.M. section (Claim Drafting)	130	225
1.21(a)(6)(ii)	Regarding of A.M. section (PTO Practice and Procedure)	130	530
1.21(b)(1)	Establish Deposit Account	10	—
1.21(b)(2)	Service Charge Below Minimum Balance	25	—
1.21(b)(3)	Service Charge Below Minimum Balance	25	—
1.21(c)	Filing a Disclosure Document	10	—
1.21(d)	Box Rental	50	—
1.21(e)	International Type Search Report	40	—
1.21(g)	Self-Service Copy Charge	.25	—
1.21(h)	Recording Patent Property	40	—
1.21(i)	Publication in the OG	25	—
1.21(j)	Labor Charges for Services	30	—
1.21(k)	Unspecified Other Services	Actual	—
		Cost	
1.21(k)	Terminal Use APS—CSIR (per hour)	50	—
1.21(l)	Retaining abandoned application	130	—
1.21(m)	Processing Returned Checks	50	—
1.21(n)	Handling Fee—Incomplete Application	130	—
1.21(o)	Terminal Use APS—TEXT	40	—
1.24	Coupons for Patent and Trademark Copies	3	—
1.296	Handling Fee—Withdrawal SIR	130	—
1.445(a)(1)	Transmittal Fee	220	230
1.445(a)(2)(i)	PCT Search Fee—Prior U.S. Application	430	440
1.445(a)(2)(ii)	PCT Search Fee—No U.S. Application	660	680
1.445(a)(3)	Supplemental Search	190	200
1.482(a)(1)(i)	Preliminary Exam Fee	470	480
1.482(a)(1)(ii)	Preliminary Exam Fee	710	730
1.482(a)(2)(i)	Additional Invention	140	—
1.482(a)(2)(ii)	Additional Invention	250	260
1.492(a)(1)	Preliminary Examining Authority	680	700
1.492(a)(1)	Preliminary Examining Authority (Small Entity)	340	350
1.492(a)(2)	Searching Authority	750	770
1.492(a)(2)	Searching Authority (Small Entity)	375	385
1.492(a)(3)	PTO Not ISA nor IPEA	1,010	1,040
1.492(a)(3)	PTO Not ISA nor IPEA (Small Entity)	505	520
1.492(a)(4)	Claims—IPEA	94	96
1.492(a)(4)	Claims—IPEA (Small Entity)	47	48
1.492(a)(5)	Filing with EPO/JPO Search Report	880	910
1.492(a)(5)	Filing with EPO/JPO Search Report (Small Entity)	440	455
1.492(b)	Claims—Extra Individual (Over 3)	78	80
1.492(b)	Claims—Extra Individual (Over 3) (Small Entity)	39	40
1.492(c)	Claims—Extra Total (Over 20)	22	—
1.492(c)	Claims—Extra Total (Over 20) (Small Entity)	11	—
1.492(d)	Claims—Multiple Dependents	250	260
1.492(d)	Claims—Multiple Dependents (Small Entity)	125	130
1.492(e)	Surcharge	130	—
1.492(e)	Surcharge (Small Entity)	65	—
1.492(f)	English Translation—After 20 Months	130	—
2.6(a)(1)	Application for Registration, Per Class	245	—
2.6(a)(2)	Amendment to Allege Use, Per Class	100	—
2.6(a)(3)	Statement of use, Per Class	100	—
2.6(a)(4)	Extension for Filing Statement of Use, Per Class	100	—
2.6(a)(5)	Application for Renewal, Per Class	300	—
2.6(a)(6)	Surcharge for Late Renewal, Per Class	100	—
2.6(a)(7)	Publication of Mark Under § 12(c), Per Class	100	—
2.6(a)(8)	Issuing New Certificate of Registration	100	—
2.6(a)(9)	Certificate of Correction of Registrant's Error	100	—
2.6(a)(10)	Filing Disclaimer to Registration	100	—
2.6(a)(11)	Filing Amendment to Registration	100	—
2.6(a)(12)	Filing Affidavit Under Section 8, Per Class	100	—
2.6(a)(13)	Filing Affidavit Under Section 15, Per Class	100	—
2.6(a)(14)	Filing Affidavit Under Sections 8 & 15, Per Class	200	—
2.6(a)(15)	Petitions to the Commissioner	100	—

37 CFR Sec.	Description	Pre-Oct 1996	Oct 1996
2.6(a)(16)	Petition to Cancel, Per Class	200	—
2.6(a)(17)	Notice of Opposition, Per Class	200	—
2.6(a)(18)	Ex Parte Appeal to the TTAB, Per Class	100	—
2.6(a)(19)	Dividing an Application, Per New Application Created	100	—
2.6(b)(1)(i)	Copy of Registered Mark	3	—
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax	6	—
2.6(b)(1)(iii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc.	25	—
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	15	—
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	30	—
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents	50	—
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	10	—
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited	20	—
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	—
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	—
2.6(b)(6)	For Second and Subsequent Marks in Same Document	25	—
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert.	25	—
2.6(b)(8)	Terminal Use X—SEARCH	40	—
2.6(b)(9)	Self-Service Copy Charge	0.25	—
2.6(b)(10)	Labor Charges for Services	30	—
2.6(b)(11)	Unspecified Other Services	Actual Cost	—

— These fees are not affected by this rulemaking.

[FR Doc. 96-19309 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-16-M

POSTAL SERVICE

39 CFR Part 20

Amendment to International Package Consignment Service to Japan, Canada, and the U.K.

AGENCY: Postal Service.

ACTION: Amendment to interim rule with request for comments.

SUMMARY: The Postal Service is amending the interim rule on International Package Consignment Service (IPCS) to add additional IPCS processing facilities and to limit availability of customer processing.

DATES: The interim regulations take effect at 12:01 a.m. on July 1, 1996. Comments must be received on or before August 30, 1996.

ADDRESSES: Written comments should be mailed or delivered to International Business Unit, U.S. Postal Service, 475 L'Enfant Plaza SW, Room EB-4400, Washington, DC 20260-6500. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank Richards, (202) 268-5743.

SUPPLEMENTARY INFORMATION: International Package Consignment Service is a service that assists mail order companies and other customers that send merchandise to Japan, Canada, and the United Kingdom (U.K.). Presently, the Postal Service has one IPCS processing facility at John F.

Kennedy Airport in New York. Customers within 500 miles of that facility have their packages picked up by the Postal Service for transport to the JFK facility for processing. Customers more than 500 miles from the JFK facility have been required to transport their packages to the JFK facility or perform some of the processing of the packages themselves. In order to further meet the needs of customers more than 500 miles from the JFK facility, the Postal Service is opening additional processing sites near the Dallas-Fort Worth International Airport, and in Chicago, Miami, San Francisco, and Seattle. The Dallas International Service Center will open on July 1, 1996. Within the next three months, the Postal Service will open the additional facilities in Chicago, Miami, San Francisco, and Seattle. The actual opening dates will be published in the Postal Bulletin.

Accordingly, the Postal Service hereby adopts this amendment to the interim rule for IPCS to Japan, Canada, and the U.K. Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning the interim rule.

The Postal Service adopts the following amendments to the International Mail Manual, which is

incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Effective July 1, 1996, subchapter 620 of the International Mail Manual, Issue 16, is amended as follows:

6 SPECIAL PROGRAMS
* * * * *

620 International Package Consignment Service
* * * * *

626 IPCS to Japan
* * * * *

626.12 IPCS Processing

All IPCS packages processed by the Postal Service are processed at a designated IPCS processing facility.

626.13 Delivery Options
* * * * *

626.132 Standard Air Service

Packages sent as Standard Air Service are transported by air to Japan, where they enter Japan Post's domestic airmail system for delivery. The mailer can

track Standard Air Service packages through dispatch from the designated IPCS processing facility or the appropriate International Exchange Office facility.

626.133 Economy Air Service

Packages sent as Economy Air Service are transported by air to Japan, where they enter Japan Post's domestic surface system for delivery. The mailer can track Economy Air Service packages through dispatch from the designated IPCS Processing Facility.

626.2 Acceptance

626.21 Within 500 Miles of an IPCS Processing Facility

If the plant at which the mailer's packages originate is located within 500 miles of an IPCS processing facility, the Postal Service will verify and accept the packages at the plant and transport them to the processing facility according to a schedule agreed upon by the Postal Service and the mailer.

626.22 More than 500 Miles from an IPCS Processing Facility

626.221 Drop Shipment to an IPCS Processing Facility

If the mailer's plant from which the IPCS packages will originate is located more than 500 miles from an IPCS processing facility, the mailer may present the packages to the Postal Service for verification at the plant and transport them as a drop shipment to an IPCS Processing Facility according to a schedule agreed upon by the Postal Service and the mailer.

626.222 Customer Processing

If the plant at which the mailer's IPCS packages originate is more than 500 miles from an IPCS processing facility the mailer may process the packages using Postal Service-provided workstations and sort and prepare the packages as required by the Postal Service. The Postal Service verifies and accepts the packages at the mailer's plant according to a schedule agreed upon by the Postal Service and the mailer, and transports the packages to a designated IPCS Processing Facility for dispatch.

* * * * *

626.7 [Formerly 627] Customs Forms Required

The mailer is not normally required to affix customs forms to IPCS packages sent to Japan if the packages are processed at an IPCS Processing Facility. In such cases, the Postal Service prints the necessary customs forms, based on the package-specific

information transmitted by the mailer, and affixes the forms to the packages. If the packages are processed at the mailer's plant on Postal Service-provided workstations, those workstations print the necessary forms that the mailer normally affixes to the packages. During the interim period (maximum 60 days) in which the Postal Service and the mailer are establishing the information system linkages to enable the Postal Service to accomplish this, the mailer must affix the appropriate customs forms to the packages, as follows:

a. Express Service

Form 2976-A, Customs Declaration and Dispatch Note.

b. Standard Air Service

Form 2976-A, Customs Declaration and Dispatch Note with Form 2976-E (envelope).

c. Economy Air Service

Under \$400—Form 2976, Customs Labels; \$400 and over—2976-A, Customs Declaration and Dispatch Note.

626.8 [Formerly 628] Preparation Requirements

626.81 Express Service

626.811 Processing at an IPCS Processing Facility

Every package sent through Express Service must bear a label identifying it as an Express Service package. The mailer is not normally required to affix this label when such packages are processed at an IPCS Processing Facility. In this case, the Postal Service prints the necessary label and affixes it to the Express Service package. During the interim period in which the Postal Service and the mailer are establishing the information systems linkages to enable the Postal Service to accomplish this, the mailer is required to affix to every Express Service package Label 11-B, Express Mail Post Office to Addressee, or an alternative label as directed by the Postal Service.

* * * * *

3. Effective July 1, 1996, the Individual Country Listing for Canada in the International Mail Manual is amended by adding the regulations concerning International Package Consignment Service processing facilities:

International Package Consignment Service Processing Facilities

IPCS packages sent to Canada are processed at a designated IPCS processing facility. The Postal Service

currently operates IPCS processing facilities at JFK International Airport and near the Dallas-Fort Worth International Airport. Additional IPCS processing centers will include Chicago, Miami, Seattle, and San Francisco.

Processing and Acceptance

More Than 500 Miles From an IPCS Processing Facility

Option 2: Customers more than 500 miles from an IPCS Processing Facility may process the packages using Postal Service provided workstations and sort and prepare the packages as required by the Postal Service. The Postal Service verifies and accepts the packages at the customer's plant according to a schedule agreed upon by the Postal Service and the customer, and the Postal Service transports the packages to a designated IPCS Processing Facility for dispatch.

4. Effective July 1, 1996, the Individual Country Listing for Great Britain and Northern Ireland in the International Mail Manual is amended by adding the regulations concerning International Package Consignment Service processing facilities.

Processing Facilities

IPCS packages sent to the United Kingdom are processed at a designated IPCS processing facility. The Postal Service currently operates IPCS processing facilities at JFK International Airport and near the Dallas-Fort Worth International Airport. Additional IPCS processing centers will include Chicago, Miami, Seattle, and San Francisco.

Processing and Acceptance

More Than 500 Miles for an IPCS Processing Facility, Option Two

For customers more than 500 miles from an IPCS Processing Facility may process the packages using Postal Service provided workstations and sort and prepare the packages as required by the Postal Service. The Postal Service verifies and accepts the packages at the customer's plant according to a schedule agreed upon by the Postal Service and the customer, and the Postal Service transports the packages to a designated IPCS Processing Facility for dispatch.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-19242 Filed 7-29-96; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[PA065-4026a; FRL-5535-2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; General Operating Permit and Plan Approval Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania which amends 25 Pa. Code Chapter 127 to include a new Subchapter H entitled "General Plan Approvals and Operating Permits." The intended effect of this action is to enable Pennsylvania to create Federally enforceable general State operating permit and general plan approval conditions for sources of criteria pollutants pursuant to Section 110 of the Clean Air Act (the "Act"). In order to extend the Federal enforceability of general State operating permits and general plan approvals to include hazardous air pollutants (HAPs), EPA is also approving Pennsylvania's general plan approval and general operating permits program regulations pursuant to section 112(l) of the Act.

EFFECTIVE DATE: This final rule is effective September 30, 1996 unless notice is received on or before August 29, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David Arnold, Chief, Permit Programs Section, Mailcode 3AT23, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, Pennsylvania 17105-8468.

FOR FURTHER INFORMATION CONTACT: Michael H. Markowski, 3AT23, U.S.

Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 566-2063.

SUPPLEMENTARY INFORMATION: On May 18, 1995, the Pennsylvania Department of Environmental Protection (PADEP) submitted to EPA for review and approval a revision to its State Implementation Plan (SIP) designed to create federally enforceable limits on a source's potential to emit. The submittal supplements the Commonwealth's existing plan approval and State operating permit programs, codified in Subchapters B and F, respectively, and consists of regulations establishing a general State operating permit program and a general plan approval program, codified in Chapter 127, Subchapter H of the Pennsylvania Code. In a March 7, 1996 Federal Register notice, EPA proposed approval of Pennsylvania's operating permit and plan approval programs codified in Subchapters F and B, respectively, of Pennsylvania's air quality regulations. See 61 FR 9125. However, in that notice, EPA did not specifically propose approval of the Pennsylvania general operating permit and general plan approval program provisions codified in Subchapter H of Pennsylvania's air quality regulations. Therefore, EPA is approving Pennsylvania's general permit programs, under Subchapter H, with this separate rulemaking action.

Summary of SIP Revision

Pennsylvania's general FESOP and general plan approval program regulations were adopted and became effective in the Commonwealth on November 26, 1994. The general operating permit and general plan approval program regulations are codified under Chapter 127, Subchapter H of the Commonwealth's air quality regulations. EPA found the SIP submittal complete on May 31, 1995.

Pennsylvania's proposed SIP revision submitted to EPA on May 18, 1995 will strengthen the Pennsylvania SIP by establishing a comprehensive general operating permit and general plan approval (i.e., construction permit) program. Pennsylvania refers to new source review construction permits as "plan approvals." Section 121.1 of the Pennsylvania air quality regulations defines general plan approvals and general operating permits as plan approvals and operating permits that are issued for a category of stationary air contamination sources that are similar in nature and that can be adequately regulated using standardized specifications and conditions. For

clarity, EPA notes that the PADEP's general permit program codified under Subchapter H of the Pennsylvania regulations is intended only to supplement, but not replace, the PADEP's existing plan approval and operating permit programs codified under Subchapters B and F, respectively, of the Pennsylvania regulations.

EPA Evaluation

On June 28, 1989 (54 FR 27274) EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of federally enforceable state operating permits. Permits issued pursuant to an operating permit program meeting these criteria and approved into the SIP are considered federally enforceable. EPA has encouraged States to consider developing such programs in conjunction with Title V operating permit programs for the purpose of creating federally enforceable limits on a source's potential to emit. This mechanism would enable sources to reduce their potential to emit of criteria pollutants to below the Title V applicability thresholds and avoid being subject to Title V. (See the guidance document entitled, "Limitation of Potential to Emit with Respect to Title V Applicability Thresholds," dated September 18, 1992, from John Calcagni, Director of EPA's Air Quality Management Division).

As part of this action, EPA is approving Pennsylvania's general plan approval (i.e., construction permit) and general operating permit programs pursuant to Section 112(l) of the Clean Air Act for the purpose of allowing the Commonwealth to issue general plan approvals and general operating permits which limit source's potential to emit hazardous air pollutants (HAPs). Section 112(l) of the Clean Air Act provides the underlying authority for controlling emissions of HAPs. Therefore, in order to extend federal enforceability of the Commonwealth's general operating permit and general plan approval programs to include HAPs, EPA is today approving Pennsylvania's general plan approval and general operating permit programs pursuant to Section 112(l) of the Act.

Limiting a source's potential to emit to below major source thresholds through the use of federally enforceable terms and conditions in a general State operating permit or general plan approval exempts such a source from Title V permitting requirements. General State operating permit programs which have been incorporated into the SIP renders general operating permits

issued pursuant to such a program as federally enforceable, and the program itself is referred to as a federally enforceable State operating permit program, or "FESOP" program. This FESOP mechanism will allow sources to reduce their potential to emit to below the Title V applicability thresholds and avoid being subject to Title V. Similarly, general construction permit (i.e., plan approval) programs which have been incorporated into the SIP renders general construction permits, or, in Pennsylvania's case, general plan approvals, issued pursuant to such a program as federally enforceable.

A. Federal Criteria for Approval of Pennsylvania's General FESOP and General Plan Approval Programs Pursuant to Section 110 of the Act

The five criteria for approving a State operating permit program into a SIP were set forth in the June 28, 1989 Federal Register document (54 FR 27282). Permits issued under an approved program are federally enforceable and may be used to limit the potential to emit of sources of criteria air pollutants. Pennsylvania's general FESOP provisions of Subchapter H, Chapter 127 meet the June 28, 1989 criteria by ensuring that the limits will be permanent, quantifiable, and practically enforceable and by providing adequate notice and comment to both EPA and the public. Please refer to the Technical Support Document for a thorough analysis of the June 28, 1989 criteria as applied to Pennsylvania's general FESOP program.

EPA is approving pursuant to Section 110 of the Act and the approval criteria specified in the June 28, 1989 Federal Register document the following regulations that were submitted to make general operating permits and general plan approvals federally enforceable: Subchapter H, Chapter 127, Sections 127.601 through 127.622, inclusive.

As described above, Pennsylvania also submitted on May 18, 1995 for EPA approval revisions to its minor new source review construction permit (i.e., plan approval) program. Pennsylvania's new source review construction permit is called a "plan approval." These proposed revisions to the Pennsylvania SIP establish a comprehensive general plan approval program under Chapter 127, Subchapter H of the Commonwealth's air quality regulations designed to supplement the Commonwealth's existing plan approval program codified under Chapter 127, Subchapter B. The Commonwealth's plan approval program has been part of its SIP for many years and meets the requirements in Section 110(a)(2)(C) of

the Act which requires all SIPs to provide for the regulation of the modification and construction of any stationary source within the areas covered by the plan implementation as necessary to assure that national ambient air quality standards (NAAQS) are achieved. Pennsylvania's plan approval regulations under Subchapter B were originally approved by EPA into the SIP on May 31, 1972 (37 FR 10842) for the purpose of meeting the Section 110(a)(2)(C) requirement.

EPA notes that Pennsylvania had previously submitted, on February 10, 1994, its new source review (NSR) construction permit program for review and approval, for the purpose of making the program consistent with the Clean Air Act Amendments of 1990. EPA is reviewing this program submittal and will take the appropriate approval/disapproval action at a later date. EPA has reviewed the proposed changes and additions to Pennsylvania's plan approval program which are the subject of this rulemaking action and has determined that they meet all applicable federal requirements for approval.

B. Approval of Pennsylvania's General Plan Approval and General FESOP Programs Under Section 112(l)

On May 18, 1995, PADEP requested approval of Pennsylvania's general FESOP and general plan approval programs under Section 112 of the Act for the purpose of creating federally enforceable limitations on the potential to emit of HAPs. As described above, the Commonwealth's plan approval program regulations were initially approved by EPA and incorporated into the Pennsylvania SIP on May 31, 1972. EPA is today approving and incorporating into the SIP Pennsylvania's general operating permit and general plan approval program regulations submitted on May 18, 1995.

EPA approval of the Commonwealth's general plan approval and general FESOP programs under Section 112(l) of the Act is necessary to extend Pennsylvania's authority under Section 110 of the Act to include authority to create federally enforceable limits on the potential to emit of HAPs. EPA's approval of Pennsylvania's general FESOP and plan approval programs pursuant to Section 110 of the Act provides a mechanism only for controlling criteria air pollutants which does not extend to HAPs. Only Section 112 of the Act provides the underlying authority for States to limit potential to emit of HAPs in federally enforceable general State operating permits and general construction permits. This necessitates EPA approval of the

Pennsylvania general operating permit and general plan approval programs pursuant to Section 112(l) of the Act.

The criteria used by EPA for the original SIP approval of Pennsylvania's plan approval program are located in 40 CFR 51.160-164. EPA believes that the PADEP's existing plan approval program under Subchapter B meets the requirements of 40 CFR 51.160 through 51.164.

EPA has determined that the five approval criteria for approving FESOP programs into the SIP, as specified in the June 28, 1989 Federal Register notice referenced above, are also appropriate for evaluating and approving the programs under Section 112(l). The June 28, 1989 notice does not address HAPs because it was written prior to the 1990 amendments to Section 112 of the Act. Hence, the following five criteria are applicable to FESOP approvals under Section 112(l): (1) The program must be submitted to and approved by EPA; (2) the program must impose a legal obligation on the operating permit holders to comply with the terms and conditions of the permit, and permits that do not conform with the June 28, 1989 criteria shall be deemed not federally enforceable; (3) the program must contain terms and conditions that are at least as stringent as any requirements contained in the SIP or enforceable under the SIP or any other Section 112 or other Clean Air Act standard or requirement; (4) permits issued under the program must contain conditions that are permanent, quantifiable, and enforceable as a practical matter; and (5) permits issued under the program must be subject to public participation. Please refer to the Technical Support Document for a thorough analysis of how Pennsylvania's general operating permits program satisfies each of the five approval criteria. Since the State's general operating permits program meets the five program approval criteria for both criteria and hazardous air pollutants, the program may be used to limit the potential to emit of both criteria and hazardous air pollutants.

In addition to meeting the criteria discussed above, Pennsylvania's general plan approval and general operating permits programs for limiting potential to emit of HAPs must meet the statutory criteria for approval under Section 112(l)(5) of the Act. This section allows EPA to approve a program only if it: (1) contains adequate authority to assure compliance with any Section 112 standard or requirement; (2) provides for adequate resources; (3) provides for an expeditious schedule for assuring compliance with Section 112

requirements; and (4) is otherwise likely to satisfy the objectives of the Act.

The EPA plans to codify the approval criteria for programs limiting the potential to emit of HAPs through amendments to Subpart E of 40 CFR part 63, the regulations promulgated to implement section 112(l) of the Act. (See 58 FR. 62262, November 26, 1993). The EPA currently anticipates that these criteria, as they apply to FESOP programs, will mirror those set forth in the June 28, 1989 notice, with the addition that the State's authority must extend to HAPs instead of or in addition to VOC's and PM₁₀. The EPA currently anticipates that FESOP programs that are approved pursuant to Section 112(l) prior to the planned Subpart E revisions will have had to meet these criteria, and hence will not be subject to any further approval action.

The EPA believes it has the authority under section 112(l) to approve programs to limit potential to emit of HAPs directly under section 112(l) prior to this revision to Subpart E. Section 112(l)(5) requires the EPA to disapprove programs that are inconsistent with guidance required to be issued under section 112(l)(2). This might be read to suggest that the "guidance" referred to in section 112(l)(2) was intended to be a binding rule. Even under this interpretation, the EPA does not believe that section 112(l) requires this rulemaking to be comprehensive. That is, it need not address every possible instance of approval under section 112(l). The EPA has already issued regulations under section 112(l) that would satisfy any section 112(l)(2) requirement for rulemaking. Given the severe timing problems posed by impending deadlines set forth in "maximum achievable control technology" (MACT) emission standards under section 112 and for submittal of Title V permit applications, the EPA believes it is reasonable to read section 112(l) to allow for approval of programs to limit potential to emit prior to promulgation of a rule specifically addressing this issue. The EPA is therefore approving Pennsylvania's general FESOP and general plan approval programs now so that Pennsylvania may begin to issue federally enforceable general operating permits and general plan approvals limiting potential to emit as soon as possible. This will allow Pennsylvania to immediately begin exempting sources from Title V requirements where this is possible and appropriate.

The EPA is approving Pennsylvania's general FESOP and general plan approval programs pursuant to Section 112(l) of the Act because the programs

meet applicable approval criteria specified in the June 28, 1989 Federal Register document and in Section 112(l)(5) of the Act. Regarding the statutory criteria of Section 112(l)(5) of the Act referred to above, the EPA believes Pennsylvania's general FESOP and general plan approval programs contain adequate authority to assure compliance with Section 112 requirements since neither program provides for waiving any Section 112 requirement(s). Sources would still be required to meet Section 112 requirements applicable to non-major sources. Regarding adequate resources, Pennsylvania has included in its general FESOP and general plan approval programs provisions for collecting fees from sources making application for either a general plan approval, a general operating permit, or both. Furthermore, EPA believes that Pennsylvania's general FESOP and general plan approval programs provide for an expeditious schedule for assuring compliance because they allow a source to establish a voluntary limit on potential to emit and avoid being subject to a federal Clean Air Act requirement applicable on a particular date. Nothing in Pennsylvania's general plan approval or general operating permit programs would allow a source to avoid or delay compliance with a federal requirement if it fails to obtain the appropriate federally enforceable limit by the relevant deadline. Finally, Pennsylvania's general FESOP and general plan approval programs are consistent with the objectives of the Section 112 program because their purpose is to enable sources to obtain federally enforceable limits on potential to emit to avoid major source classification under Section 112. The EPA believes that this purpose is consistent with the overall intent of Section 112.

EPA has concluded that the general operating permit and general plan approval programs submitted by Pennsylvania meet the requirements of EPA's June 28, 1989 notice and the statutory requirements under section 112(l) of the Act and is therefore approving the programs. For more detailed information on the analysis of the State's submission, please refer to the technical support document (TSD) included in the docket at the address noted above.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to

approve the SIP revision should adverse or critical comments be filed. This action will be effective September 30, 1996 unless, by August 29, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 30, 1996.

Final Action

EPA is approving as revisions to the Pennsylvania SIP changes to Chapter 127 of the Pennsylvania Code which were submitted on May 18, 1995. The submittal revises Pennsylvania's existing plan approval and FESOP programs by adding a comprehensive general FESOP and general plan approval program under Chapter 127, Subchapter H of the Commonwealth's air quality regulations.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship

under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today’s Federal Register. This rule is not a “major rule” as defined by section 804(2) of the APA as amended.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 30, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 26, 1996.
Stanley L. Laskowski,
Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(111) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(111) Revisions to the Operating Permit and Plan Approval Regulations to add Subchapter H, “General Plan Approvals and Operating Permits”, submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania’s general plan approval and general operating permit programs.

(B) The following amendments to Title 25, Chapter 127, effective on November 26, 1994: § 127.601, 127.611, 127.612, 127.621, and 127.622.

(ii) Additional material.

(A) Remainder of Pennsylvania’s May 18, 1995 submittal.

3. Section 52.2061 is amended by adding paragraph (b) to read as follows:

§ 52.2061 Operating permits.

* * * * *

(b) Emission limitations and related provisions which are established in Pennsylvania general operating permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem general permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the general permit, general permit approval procedures, or general permit requirements which do not conform with the general operating permit program requirements or the requirements of EPA’s underlying regulations.

4. Section 52.2062 is amended by adding paragraph (b) to read as follows:

§ 52.2062 Plan approvals.

* * * * *

(b) Emission limitations and related provisions which are established in Pennsylvania general plan approvals as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem general plan approval conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the general plan approval, the relevant approval procedures, or plan requirements which do not conform with the general plan approval program requirements or the requirements of EPA’s underlying regulations.

[FR Doc. 96–19204 Filed 7–29–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Parts 52 and 70

[PA065–4025; AD–FRL–5535–3]

Clean Air Act Final Full Approval Of Operating Permits Program; Final Approval of Operating Permit and Plan Approval Programs Under Section 112(I); Final Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Plan Approvals and Operating Permits Under Section 110; Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval of Title V Operating Permit Program and final approval of State Operating Permit and Plan Approval Programs.

SUMMARY: The EPA is promulgating full approval of the Operating Permits Program submitted by the Commonwealth of Pennsylvania for the purpose of complying with Federal

requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also granting final approval to Pennsylvania's Operating Permit and Plan Approval Programs pursuant to Section 110 of the Clean Air Act (the "Act") for the purpose of creating Federally enforceable operating permit and plan approval conditions for sources of criteria air pollutants. In order to extend the federal enforceability of State operating permits and plan approvals to include hazardous air pollutants (HAPs), EPA is also approving Pennsylvania's plan approval and operating permits program regulations pursuant to Section 112 of the Act. Today's action also approves Pennsylvania's mechanism for receiving straight delegation of Section 112 standards.

EFFECTIVE DATE: August 29, 1996.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing this final full approval are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8468, Harrisburg, Pennsylvania 17105-8468.

FOR FURTHER INFORMATION CONTACT: Michael H. Markowski, 3AT23, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 566-2063.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act), and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not

fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On March 7, 1996, EPA proposed full approval of the operating permits program for the Commonwealth of Pennsylvania. See 61 FR 9125-9132. EPA did not receive any public comments on the proposal, and in this document is taking final action to promulgate full approval of the Commonwealth's program.

As part of this action, EPA is also taking final action to approve Pennsylvania's plan approval (i.e., construction permit) and operating permit programs pursuant to Section 110 of the Act. On June 28, 1989 (54 FR 27274) EPA published criteria for approving and incorporating into the State Implementation Plan (SIP) regulatory programs for the issuance of federally enforceable state operating permits. Permits issued pursuant to an operating permit program meeting these criteria and approved into the SIP are considered federally enforceable. EPA has encouraged States to consider developing such programs in conjunction with Title V operating permit programs for the purpose of creating federally enforceable limits on a source's potential to emit. This mechanism enables sources to reduce their potential to emit of criteria pollutants to below the Title V applicability thresholds and avoid being subject to Title V. (See the guidance document entitled, "Limitation of Potential to Emit with Respect to Title V Applicability Thresholds," dated September 18, 1992, from John Calcagni, Director of EPA's Air Quality Management Division).

Also as part of this action, EPA is taking final action to approve Pennsylvania's plan approval (i.e., construction permit) and operating permit programs pursuant to Section 112(l) of the Clean Air Act for the purpose of allowing the Commonwealth to issue plan approvals and operating permits which limit source's potential to emit hazardous air pollutants (HAPs). Section 112(l) of the Clean Air Act provides the underlying authority for controlling emissions of HAPs. Therefore, in order to extend federal enforceability of the Commonwealth's operating permit and plan approval programs to include HAPs, EPA is today approving Pennsylvania's plan approval and operating permit program

submittals pursuant to Section 112(l) of the Act.

II. Final Action and Implications

A. Analysis of State Submission

The Secretary of the Department of Environmental Resources, as the designee of the Governor of the Commonwealth of Pennsylvania, submitted an administratively complete title V Operating Permit Program for the Commonwealth of Pennsylvania on May 18, 1995. The Pennsylvania program, including the operating permit regulations (25 Pa. Code Chapter 127, Subchapter G, "Title V Operating Permits") fully meets the requirements of 40 CFR parts 70.2 and 70.3 with respect to applicability; parts 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; part 70.5 with respect to complete application forms and criteria which define insignificant activities; part 70.7 with respect to public participation and minor permit modifications; and part 70.11 with respect to requirements for enforcement authority.

Section 127.531 of Subchapter G contains the acid rain provisions of the Commonwealth's Title V operating permits program. EPA is aware that Pennsylvania has not directly incorporated by reference EPA's Title IV regulations found at 40 CFR Part 72, and has not adopted EPA's model rule. However, as referenced in EPA's March 7, 1996 Federal Register notice proposing full approval of Pennsylvania's program (61 FR 9125), several regulatory provisions require that Pennsylvania's Title V program be operated in accordance with the requirements of Title IV and its implementing regulations. Section 127.531(a) provides that the acid rain provisions of that section "shall be interpreted in a manner consistent with the Clean Air Act and the regulations thereunder." Section 127.531(b) requires that affected sources submit a permit application and compliance plan "that meets the requirements of * * * the Clean Air Act and the regulations thereunder." Further, the § 121.1 definition of "applicable requirements" for Title V sources includes standards or other requirements "of the acid rain program under Title IV of the Clean Air Act * * * or the regulations thereunder."

For additional assurance that Pennsylvania's operating permit program will operate in compliance with applicable acid rain requirements, EPA notes that the Commonwealth has agreed to accept delegation of the applicable provisions of 40 C.F.R. Parts

70, 72, and 78 for the purpose of implementing the Title IV requirements of its operating permit program. The Pennsylvania Department of Environmental Protection (PADEP) shall apply these provisions for purposes of incorporating Acid Rain program requirements into each affected source's operating permit; identifying designated representatives; establishing permit application deadlines; issuing, denying, modifying, reopening, and renewing permits; establishing compliance plans; processing permit appeals; and issuing written exemptions under 40 C.F.R. 72.7 and 72.8. This commitment is contained in an Implementation Agreement which has been negotiated between EPA and PADEP.

As part of the May 18, 1995 submittal, PADEP submitted to EPA for review and approval a revision to its State Implementation Plan (SIP) designed to create federally enforceable limits on a source's potential to emit. The revision consists of regulations establishing a State operating permit program and a plan approval (i.e., construction permit) program, codified in Subchapters F and B, respectively, of the Commonwealth's air quality regulations. Pennsylvania refers to construction permits as "plan approvals." As explained more fully in EPA's March 7, 1996 Notice of Proposed Rulemaking, 61 FR 9125, and in the Technical Support Document which accompanied that proposed rulemaking, the SIP revision submitted by Pennsylvania generally strengthens the SIP by establishing a comprehensive operating permit and plan approval program designed to limit source's potential to emit of both criteria and hazardous air pollutants. As explained in the March 7, 1996 Notice, EPA's review of this revision to the federally enforceable Pennsylvania SIP indicates that the operating permit and plan approval programs both meet applicable federal criteria for approval.

Specifically, EPA's review of the State operating permit program submitted by Pennsylvania indicates that the program meets the five criteria for approval set forth in the June 28, 1989 Federal Register document (54 FR 27282) and the statutory criteria for approval under Section 112(l)(5) of the Act. Please refer to EPA's March 7, 1996 Federal Register Notice for further information.

EPA's review of the Pennsylvania plan approval program indicates that this program also meets applicable federal criteria for approval. Specifically, EPA has determined that the Pennsylvania plan approval program meets the statutory criteria for approval under Section 112(l)(5) of the Act. As explained in EPA's March 7, 1996

Notice, a State operating permit or plan approval (i.e., construction permit) issued pursuant to a program which has been approved by EPA and incorporated into the SIP, and which meets the June 28, 1989 Federal Register document and Clean Air Act Section 112(l) criteria, are deemed federally enforceable and may be used to limit the potential to emit of both criteria and hazardous air pollutants (HAPs). This will, in many cases, allow a source to voluntarily limit its potential to emit of air pollutants and avoid being subject to otherwise applicable major source requirements of the Act, including Title V operating permit requirements. Accordingly, EPA is today approving and incorporating into the SIP Pennsylvania's operating permit and plan approval program regulations pursuant to Sections 110 and 112 of the Act.

On January 31, 1996, PADEP proposed for public review and comment a draft "Voluntary Environmental Compliance Audit Policy." EPA is concerned that this policy may impermissibly limit PADEP's authority to seek civil penalties for certain violations disclosed by a source after a voluntary audit. See Clean Air Act Sections 113(e)(1) and 502(b)(5); 40 CFR 70.11(a)(3) and (c). This policy has not been finalized and implemented by PADEP, and thus its final scope and applicability are uncertain. However, EPA advised Pennsylvania by letter on June 5, 1996 that if PADEP's final audit policy impermissibly limits PADEP's authority to seek civil penalty from sources subject to this rulemaking, then EPA will consider this to be grounds for reopening this rulemaking and reconsidering its decision to fully approve the programs that are the subject of this rulemaking.

B. Response to Comments

EPA did not receive any comments on its March 7, 1996 Federal Register notice proposing full approval of the Pennsylvania Title V operating permit, State operating permit, and plan approval programs.

C. Final Action

The EPA is promulgating full approval of the operating permits program submitted to EPA by the Commonwealth of Pennsylvania on May 18, 1995. Among other things, Pennsylvania has demonstrated that the program will be adequate to meet the minimum elements of a State operating permits program as specified in 40 CFR Part 70.

In addition, the EPA is approving the Pennsylvania Operating Permit and Plan

Approval programs, codified in 25 Pa. Code Chapter 127 Subchapters F and B, respectively, pursuant to Section 110 of the Act for the purpose of creating Federally enforceable permit conditions for sources of criteria air pollutants. In order to extend Pennsylvania's authority under Section 110 of the Act to include authority to create federally enforceable limits on the potential to emit of hazardous air pollutants (HAPs) listed pursuant to Section 112(b) of the Act, EPA is approving Pennsylvania's Operating Permit and Plan Approval programs pursuant to Section 112(l) of the Act.

The scope of the Commonwealth's part 70 program approved in this document applies to all Title V facilities (as defined in the approved program) within the Commonwealth, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the Clean Air Act; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, the EPA is also promulgating full approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

III. Administrative Requirements

A. Docket

Copies of the Commonwealth's submittal and other information relied upon for the final full approval are contained in docket number PA065-4025 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final

full approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

This action granting final full approval of Pennsylvania's Title V program and final approval of Pennsylvania's plan approval and State operating permit programs has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 30, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: June 26, 1996.

Stanley L. Laskowski,
Acting Regional Administrator, EPA Region III.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(110) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(110) Revisions to the Operating Permit, Plan Approval and Sampling and Testing Program Regulations submitted on May 18, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Pennsylvania Department of Environmental Resources transmitting Pennsylvania's Title V operating permit, plan approval, and State operating permit programs.

(B) Revisions to the definition of "Potential to emit" and addition of the following definitions in Title 25, Chapter 121, Section 121.1, effective on November 26, 1994: "Air pollution", "Applicable requirements", "Compliance docket", "Compliance review form", "Deviation", "Documented conduct", "Federally enforceable emissions cap", "General plan approval", "General operating permit", "Minor operating permit modification", "Performance standard", "Related party", "Renewal", "Research and development facility", "Responsible official", "Title V facility", "Title V permit", and "Title V regulated air pollutant."

(C) The following amendments to Title 25, Chapter 127, effective on November 26, 1994: § 127.1, 127.3, 127.11 through 127.14, 127.25, 127.32, 127.35, 127.36, 127.44, 127.45, 127.47, 127.49 through 127.51, 127.401 through 127.404, 127.411 through 127.414, 127.421 through 127.431, 127.441 through 127.450, 127.461 through 127.464, 127.701 through 127.703, and 127.707.

(D) The following amendments to Title 25, Chapter 139, effective on November 26, 1994: § 139.4, 139.5, 139.12, 139.13, 139.14, 139.32, 139.101 through 139.104, and 139.108.

(ii) Additional material.
 (A) Remainder of May 18, 1995 State submittal.
 3. Section 52.2061 is added to read as follows:

§ 52.2061 Operating permits.

(a) Emission limitations and related provisions which are established in Pennsylvania operating permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements or the requirements of EPA's underlying regulations.

(b) (reserved)

4. Section 52.2062 is added to read as follows:

§ 52.2062 Plan approvals.

(a) Emission limitations and related provisions which are established in Pennsylvania plan approvals as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem plan approval conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the plan approval, the relevant approval procedures, or plan requirements which do not conform with the plan approval program requirements or the requirements of EPA's underlying regulations.

(b) (reserved)

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for Pennsylvania in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Pennsylvania

(a) Pennsylvania Department of Environmental Resources [now known as the Pennsylvania Department of Environmental Protection]; submitted on May 18, 1995; full approval effective on August 29, 1996.

(b) (Reserved)

[FR Doc. 96-19205 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. ; I.D. 052896A]

RIN 0648-A158

Fisheries of the Exclusive Economic Zone Off Alaska; Delay of the Pollock Season

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

ACTION: Final rule.

SUMMARY: NMFS is delaying from August 15 to September 1 of each fishing year, the opening of the second (non-roe) directed fishing season for pollock in the Bering Sea and Aleutian Islands management area (BSAI). NMFS is also prohibiting vessels from participating in the directed pollock fishery for 7 days after the September 1 opening if the vessel participated in any of the directed groundfish fisheries in the Gulf of Alaska (GOA) or in the BSAI during any portion of the 7-day period prior to the September 1 opening. This action is necessary to allow some pollock processor vessels and shoreside processing plants to more fully realize potential salmon processing opportunities, particularly for late-run pink salmon. This action is intended to further the objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP).

EFFECTIVE DATE: August 15, 1996.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) prepared for the original 1993 non-roe season delay or the supplemental EA/RIR prepared for this action may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99510-2252; telephone: 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations that appear at 50 CFR part 679.

Under regulations at § 679.20(a)(5)(i)(A), the initial total allowable catch (TAC) amounts specified for pollock in the BSAI subareas and the Bogoslof District are divided into two seasonal allowances. Subject to other regulatory provisions, the first seasonal allowance is available for directed fishing from January 1 until noon, A.l.t., April 15 (the roe or "A" season). The second seasonal allowance is available for directed fishing from noon A.l.t., August 15 through the end of the fishing year (the non-roe or "B" season). NMFS annually apportions the initial pollock TACs between the roe and non-roe seasons after consultation with the Council during the annual groundfish TAC specification process set forth at § 679.20(a).

Recent high abundance of Alaska pink salmon, as well as poor salmon market conditions, have caused renewed interest by the salmon industry and groundfish processors to explore opportunities for new salmon product types and markets. This interest prompted the Council to recommend a delay in the opening date of the pollock non-roe season from August 15 to September 1 to provide pollock processors the opportunity to participate in the processing operations for late-run pink salmon. A proposed rule to implement the Council's recommendation was published in the Federal Register on June 12, 1996 (61 FR 29726). Public comment was invited through July 8, 1996. No letters of comment were received. No changes to the proposed rule are made in the final rule, except to incorporate the regulatory format into the new consolidated regulations governing the fisheries in Federal waters off Alaska (50 CFR part 679).

This rule annually delays the opening of the pollock non-roe season until September 1 for both the inshore and the offshore components, with a fixed season ending date of November 1 of each year. Vessels participating in the Community Development Quota (CDQ) directed pollock fishery are exempt from the season ending date restriction. This final rule also prohibits a vessel from participating in the directed pollock fishery during the 7 days after the September 1 opening (i.e., from noon A.l.t. September 1 until noon A.l.t. September 8) if the vessel participated in any groundfish fishery in either the BSAI or the GOA during any portion of the 7-day period prior to the opening of the pollock non-roe season (i.e., from noon A.l.t., August 25 until noon, September 1, A.l.t.). Vessels participating in the directed CDQ

pollock fishery are exempt from this prohibition.

Further justification for each of the measures implemented under the final rule is discussed in the preamble to the proposed rule.

Classification

The Director, Alaska Region, NMFS, determined that this final rule is necessary for the conservation and management of the BSAI fisheries and that it is consistent with the Magnuson Act and other applicable laws.

The Council prepared an FRFA as part of the RIR prepared for the 1993 delay of the non-roe season to August 15. A copy of this analysis as well as the supplemental analysis prepared by the Council for the season delay to September 1 is available from the Council (see ADDRESSES).

An informal consultation under the Endangered Species Act was initiated for this action on April 30, 1996. As a result of the informal consultation, the Regional Director determined that fishing activities conducted under this rule are not likely to adversely affect endangered or threatened species or critical habitat.

The Assistant Administrator for Fisheries, NOAA (AA), has determined, under the authority of 5 U.S.C. 553(d)(3), that good cause exists to waive a portion of the 30-day delayed effectiveness period for this rule. The AA finds that it is contrary to the public interest to delay the effectiveness of this rule for 30 days because it conveys a benefit to the fishing industry that would be denied it if the opening of the fishery were not delayed from August 15. By delaying the start of the fishery on August 15, processors will be able process pink salmon during a time when they otherwise would be processing pollock. Waiving a portion of the delayed effectiveness period and making this action effective August 15 will allow certain processors to provide a different market for pink salmon products and more fully utilize available pink salmon resources, which will increase the economic value of pink salmon. Once pink salmon processing has concluded, these processors will be able to commence pollock production at the same time as other processors that might not participate in pink salmon production. If part of the delayed effectiveness period were not waived, the pollock season would start on August 15, and then close shortly thereafter when the 30-day delayed effectiveness period expired. Such an abrupt opening and subsequent closure would be costly to the industry and confusing as well. In addition, some

processors could be denied the opportunity to process pink salmon unless they decided to forego some opportunities to process pollock, which is an unlikely even because the pollock resource is more valuable.

The AA also finds that it is unnecessary to delay the effectiveness of this rule for 30 days because based on public testimony before the Council, the pollock and salmon industries already anticipate a delay in the opening of the pollock fishery from August 15 to September 1 and have planned accordingly.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements

Dated: July 25, 1996.

Charles Karnella,
Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

2. In § 679.20, paragraph (a)(5)(i)(A) is revised to read as follows:

§ 679.20 General limitations.

- (a) * * *
- (5) * * *
- (i) * * *

(A) *Seasonal allowances.* The TAC of pollock in each subarea or district of the BSAI will be divided, after subtraction of reserves, into two allowances. The first allowance will be available for directed fishing from 0001 hours Alaska local time (A.l.t.) January 1 through 1200 hours, A.l.t., April 15. The second allowance will be available for directed fishing from 1200 hours, A.l.t., September 1 through 1200 hours A.l.t., November 1, of each fishing year. Within any fishing year, unharvested amounts of the first allowance will be added to the second allowance, and harvests in excess of the first allowance will be deducted from the second allowance.

* * * * *

3. In § 679.23, paragraph (e)(2) is revised, paragraph (e)(3) and paragraph (e)(4)(iii) are removed, and paragraph (e)(4) is redesignated as paragraph (e)(3) to read as follows:

§ 679.23 Seasons.

* * * * *

(e) * * *

(2) *Directed fishing for pollock.* (i) Subject to other provisions of this part, and except as provided in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section, directed fishing for pollock is authorized from 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., April 15, and from 1200 hours A.l.t., September 1, through 1200 hours A.l.t., November 1, of each fishing year.

(ii) *Applicable through December 31, 1998.* (A) Subject to other provisions of this part and except as provided in paragraphs (e)(2)(ii)(B) and (e)(2)(ii)(C) of this section, directed fishing for pollock by the offshore component, defined at § 679.2 of this part, or by vessels delivering pollock to the offshore component, is authorized from 1200 hours A.l.t., January 26, through 1200 hours A.l.t., April 15.

(B) Directed fishing for pollock by the offshore component, or vessels delivering pollock to the offshore component is prohibited through 1200 hours, A.l.t., February 5, for those vessels that are used to fish prior to 1200 hours, A.l.t., January 26, for groundfish in the BSAI, groundfish in the GOA, as defined at § 679.2, or king or Tanner crab in the BSAI, as defined at § 679.2.

(C) Neither paragraphs (e)(2)(ii)(B) nor (e)(2)(iii) of this section apply to vessels used to fish exclusively in a directed fishery for pollock prior to 1200 hours, A.l.t., January 26, or during the period that extends from 1200 hours, A.l.t., August 25, through 1200 hours A.l.t., September 1, under the Western Alaska Community Development Quota program pursuant to subpart C and § 679.23(e)(2)(ii)(D) of this section.

(D) Directed fishing for pollock under the Western Alaska Community Development Quota program pursuant to subpart C of this part is authorized from 0001 hours A.l.t., January 1, through the end of the fishing year.

(iii) Directed fishing for pollock is prohibited during the second pollock season defined at paragraph (e)(2)(i) of this section through 1200 hours, A.l.t., September 8, for any vessel that is used to fish with trawl gear for groundfish in the BSAI or the GOA as defined at § 679.2 of this part, between 1200 hours A.l.t., August 25, and 1200 hours A.l.t., September 1.

* * * * *

Proposed Rules

Federal Register

Vol. 61, No. 147

Tuesday, July 30, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-33-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300, A310, and A300-600 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 Airbus Model A300, A310, and A300-600 series airplanes. This proposal would require a one-time inspection of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and re-rigging, if necessary. This proposal is prompted by a report of sudden pitch up of an airplane during cruise following disengagement of the autopilot; this condition was the result of incorrect rigging of the autopilot pitch actuator. The actions specified by the proposed AD are intended to prevent incorrect rigging of the autopilot actuators on the pitch and yaw controls, which could result in reduced controllability of the airplane.

DATES: Comments must be received by September 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-33-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 96-NM-33-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-33-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France,

recently notified the FAA that an unsafe condition may exist on all Airbus Model A300, A310, and A300-600 series airplanes. The DGAC advises that it has received a report indicating that uncommanded pitch up occurred when the autopilot was disengaged during a test flight of an Airbus Model A310 series airplane. Subsequently, the autopilot pitch actuator was replaced and the test flight was repeated. During this second test flight, a similar phenomenon occurred. Investigation revealed that the mechanical zero rigging of the autopilot pitch actuator could not be achieved when using a rigging pin having part number (P/N) OU131388. Use of this particular pin is called out in the Aircraft Maintenance Manual (AMM). Further investigation revealed that this pin is not long enough to go through the torque limiter lever and to internally rig the autopilot pitch actuator.

Furthermore, since the rigging pin used to rig the autopilot pitch actuator is similar to the rigging pin used to rig the yaw autopilot actuator, the same incorrect rigging could exist on the yaw autopilot actuator. Such incorrect rigging of the yaw autopilot actuator could cause yaw upset when the autopilot is disengaged.

Incorrect rigging of the autopilot actuators on the pitch and yaw controls could cause uncommanded pitch up or pitch down, or yaw upset of the airplane during disengagement of the autopilot. These conditions, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex (AOT) 27-20, dated December 19, 1994, which describes procedures for a one-time inspection of the rigging of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and re-rigging, if necessary, using a new, longer rigging pin. This new rigging pin is longer than the existing rigging pin and, consequently, will go through the torque limited lever and internally rig the autopilot actuators. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive (CN) 95-164-183(B), dated August 30, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 registered in the United States, the proposed AD would require a one-time inspection of the rigging of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and, if necessary, re-rigging using a new, longer rigging pin. These actions would be required to be accomplished in accordance with the AOT described previously.

Cost Impact

The FAA estimates that 86 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 \$5,160, 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.

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 96-NM-33-AD.

Applicability: All Model A300, A310, and A300-600 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded pitch up or down, or yaw upset of the airplane due to incorrect rigging of the autopilot actuators on the yaw and pitch controls, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, inspect the rigging of the autopilot actuators on both the pitch and the yaw controls to ensure that the rigging is correct, in accordance with Airbus

All Operators Telex (AOT) 27-20, dated December 19, 1994. If the rigging is not correct, prior to further flight, re-rig in accordance with the AOT.

(b) As of the effective date of this AD, no person shall rig the autopilot actuator on the pitch or yaw control on any airplane using a rigging pin having part number (P/N) OU131388.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 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.

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

Issued in Renton, Washington, on July 24, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-19315 Filed 7-29-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-46-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300-600 and Model A310 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 Airbus Model A300-600 and Model A310 series airplanes. This proposal would require testing to verify if the smoke detection system can detect smoke within 60 seconds, and cleaning the installation and duct, if necessary. This proposal is prompted by a report that, during testing of the smoke detection system on in-service airplanes, the system failed to detect smoke within 60 seconds due to dust accumulation in the extraction ducts. The actions specified by the proposed AD are intended to ensure that dust accumulation does not reduce the

effectiveness of the smoke detection system and, consequently, lead to undetected smoke or fire in the lavatory of the airplane.

DATES: Comments must be received by September 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-46-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 96-NM-46-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-46-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A300-600 and Model A310 series airplanes. The DGAC advises that it has received a report indicating that, during functional testing of the smoke detection system on in-service airplanes, the system failed to detect smoke within 60 seconds. As a design goal, the detector is to provide a warning within 60 seconds after a fire has started, as indicated in the Airplane Maintenance Manual. In one of the tests, the airplane had only accumulated 46 days, 167 hours, and 50 landings since the ducts of the lavatory air extraction system had been cleaned. Investigation revealed that dust accumulation in these ducts can reduce the effectiveness of the smoke detection system to detect smoke. This condition, if not corrected, could result in undetected smoke or fire in the lavatory of the airplane.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex AOT 26-16, dated September 12, 1995. This AOT describes procedures for performing an operational and functional test to verify if the smoke detection system can detect smoke with 60 seconds, and cleaning the installation and duct, if necessary. This AOT also describes procedures for submitting a report of the inspection results to Airbus. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 95-243-190(B), dated December 6, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France 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 DGAC has kept the FAA informed

of the situation described above. The FAA has examined the findings of the DGAC, 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 registered in the United States, the proposed AD would require performing an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, and cleaning the installation and duct, if necessary. The proposed rule also would require submitting a report of the inspection results to Airbus. The actions would be required to be accomplished in accordance with the AOT described previously.

Interim Action

This is considered interim action. The intent of the proposed inspection reports is to enable Airbus to develop an appropriate repetitive inspection interval based on findings in the in-service fleet. The FAA may consider further rulemaking once that inspection interval is determined.

Cost Impact

The FAA estimates that 67 Airbus Model A300-600 and Model A310 series 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 \$4,020, 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.

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 Industrie: Docket 96-NM-46-AD.

Applicability: Model A300-600 and Model A310 series airplanes, on which Airbus Modification 10156 has not been installed; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To ensure that dust accumulation in the ducts does not reduce the effectiveness of the smoke detection system to detect smoke and,

consequently, lead to undetected smoke or fire in the lavatory of the airplane; accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, in accordance with Airbus All Operators Telex AOT 26-16, dated September 12, 1995.

(1) If smoke is detected within 60 seconds, no further action is required by this AD.

(2) If smoke is not detected within 60 seconds, prior to further flight, clean the installation/duct in accordance with the AOT. Prior to further flight after accomplishment of the cleaning, repeat the operational and functional test required by paragraph (a) of this AD.

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to Airbus Industrie Customer Services, Attention Engineering Support, AI/SE-E23, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 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.

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

Issued in Renton, Washington, on July 24, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-19316 Filed 7-29-96; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 92

RIN 1076-AD15

Indian Tribal Justice Support

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to establish regulations as mandated by the Indian Tribal Justice Act. The Indian Tribal Justice Act requires the Secretary of the Interior to establish a base funding formula for the distribution of appropriations. The BIA will use this rule to determine the funding levels to be awarded to eligible Indian tribes for use in establishing or enhancing traditional or contemporary justice systems.

DATES: Comments must be received on or before September 30, 1996.

ADDRESSES: Mail comments to Bettie Rushing, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4603-MIB, Washington, DC 20240; or, hand deliver them to Room 4603 at the above address. Comments will be available for inspection at this address from 9 a.m. to 4 p.m., Monday through Friday beginning approximately 2 weeks after publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Bettie Rushing, Office of Tribal Services, Bureau of Indian Affairs at telephone (202) 208-3463.

SUPPLEMENTARY INFORMATION: The Indian Tribal Justice Act (ITJA) was enacted on December 3, 1993. Section 103 of the ITJA requires the BIA to develop a Base Support Funding Formula in consultation with Indian tribes, 25 U.S.C. 3613(c). The BIA will use the Base Support Funding Formula to distribute annual appropriations under Section 201 of the ITJA, 25 U.S.C. 3621.

A Base Funding Support Formula was drafted by Carey Vicenti, former Special Assistant to the Director of the Office of Tribal Services and presented to a group representing the geographical areas served by the BIA, tribal courts, traditional courts, tribal judicial conferences, Indian court clerks, Indian court judges, tribes, national support organizations, and other justice systems, September 21-23, 1994, in Reno, Nevada, at the National Judicial College. The purpose of the September 1994

meeting was to discuss the Base Support Funding Formula and the survey of tribal justice systems.

This same funding formula was presented at the BIA Office of Tribal Services' National Tribal Consultation in Albuquerque, New Mexico, June 20-22, 1995. Following an explanation of the formula by Judge William S. Christian, San Ildefonso Pueblo Tribal Court, lengthy discussion and modification, it was accepted by consultation participants. This publication includes changes made in response to recommendations received during and after the June 1995 National Tribal Consultation and the considerable work done by Judge Christian.

The proposed formula must be approved and published as a final rule before any appropriated base support funding may be made available to

Indian tribes. The structure of the formula balances the interests of smaller tribes and tribes with larger populations, larger land holdings, and greater demographic features.

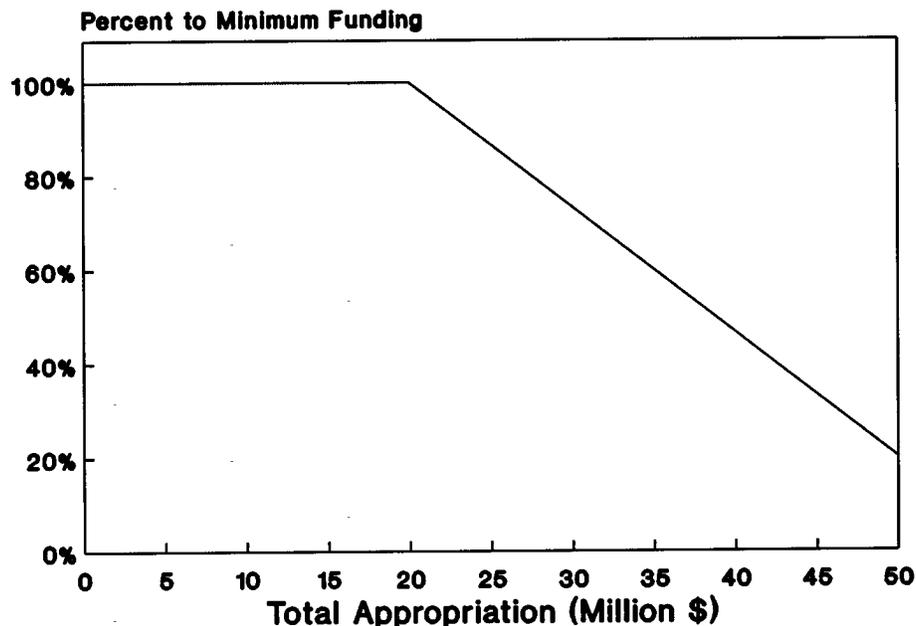
Base support funding is the sum of the Minimum Funding and Factor-based Funding, if any, available to a tribe. Minimum Funding provides a flexible mechanism to fund small tribes, without regard to characteristics such as isolation, type of justice systems or stage of development, caseload, or other demographic information (see § 92.16). Every tribe that applies for base support funding will receive Minimum Funding calculated according to § 92.17. In any year that the appropriation is \$20 million or less, the entire amount will be set aside for Minimum Funding. When appropriations are greater than \$20 million, the amount set aside for equal distribution among the requesting

tribes will decrease until it represents 20 percent of the full appropriation authorization of \$50 million, 25 U.S.C. 3621(b); this is calculated according to the algebraic formula in § 92.17 which provides a sliding proportion which changes as appropriations rise and fall. The proposed minimum funding formula for total appropriations greater than \$20 million that is described in § 92.17(b) was derived by the algebraic derivation of the line illustrated in the graph below. This line is defined as the straight line that passes through two points: 100 percent minimum funding when the total appropriated base support funding is \$20 million, and 20 percent minimum funding when the total appropriated base support funding is \$50 million. This information was used to derive the following formula:

$$Y=1.533333-0.026667X$$

BILLING CODE 4310-02-P

Basis for the Minimum Funding Formula



BILLING CODE 4310-02-C

In this formula, Y is the proportion of the total appropriated base support funding that is allocated for minimum funding, and X is the total appropriated base support funding in millions of dollars. Y is calculated as 1.53333 minus the product of 0.026667 and X. When the total appropriated base support funding is greater than \$20 million, the allocation of minimum funding for each eligible tribe is calculated in § 92.17(b) by dividing the product of Y and X by the number of eligible tribes.

Tribes documenting the factors listed in § 92.18 will also receive factor based funding when the appropriation is greater than \$20 million. Under such circumstances, the factor-based points for each eligible tribe will be scored by BIA from the information which tribes submitted; the sum of factor-based points for all eligible tribes will be tallied. The remainder of the appropriation not required for Minimum Funding will be divided by the sum of the factor-based points to determine the value of each. Each tribe will then (when the appropriation is greater than \$20 million) receive total base support funding according to (1) the number of factor-based points it has scored multiplied by the value per point, plus (2) a share of the Minimum Funding as divided equally among all tribes.

Example A. Congress appropriates \$10 million for base support funding of

tribal justice systems. 250 tribes apply for Minimum Funding; 240 tribes also apply for Factor-based Funding, with a total number of factor based points of 12,000.

\$10 million is below the threshold level of \$20 million for Factor-based Funding, therefore, no Factor-based Funding would be available. The 250 tribes would each receive Minimum Funding in the amount of $1/250$ of \$10 million, or \$40,000.

Example B. Congress appropriates \$30 million for base support funding of tribal justice systems. 300 tribes apply for Minimum funding; 290 tribes also apply for Factor-based Funding, with a total number of factor-based points of 22,230.

The amount appropriated exceeds the threshold level of \$20 million for Factor-based Funding.

First, the amount of Minimum Funding is calculated using the formula, Y equals $1.533333 - 0.026667X$. Y is the proportion of the appropriation to be allocated for Minimum Funding and X is the total appropriation expressed in millions of dollars [$1.533333 - 0.026667(30) = 0.73$] In this and in the following examples, intermediate calculations are not rounded; however, displayed results are shown rounded to only two decimal places. Seventy-three percent (73%) of the appropriation is allocated for Minimum funding and each tribe would receive: $.73(\$30,000,000)/300 = \$73,332.30$.

The remainder of the appropriation is allocated to the 290 tribes which applied for Factor-based Funding according to their part of the cumulative 22,230 points: 100 percent minus 73 percent times \$30,000,000 divided by 22,230 points = \$359.88 per factor-based point.

A tribe requesting Base Support Funding or Minimum Funding would receive \$73,332.30. If the same tribe also submitted a request for Factor-based Funding and scored 82 factor points, the tribe would receive: $\$73,332.20 + 82(\$359.88) = \$102,842.09$.

It is useful to note the effects that this formula will have on the funding that tribes will receive if appropriations vary from year to year. It appears that as appropriation levels go from low to the fully authorized level, the funding of large tribes will generally rise; the funding levels of small tribes may not rise and may decrease. The results shown in the next example use the same basic situation as described in Example B. Also, while requesting tribe L scores 82 factor points, requesting tribe S scores 8 factor points. The appropriations are for several different levels as though they occurred in successive years.

Example C. 300 tribes apply for Minimum Funding; 290 tribes also apply for Factor-based Funding, with a total number of factor-based points of 22,230. Requesting tribe L is eligible for Minimum Funding and is scored for 82 factor-based points; requesting tribe S is

also eligible for Minimum Funding and is scored for 8 factor-based points.

FY appropriation (\$ million)	Minimum funding (percent)	Total funding to tribe L in dollars	Total Funding to tribe S in dollars
13	100	43,333	43,333
19	100	63,333	63,333
21	97	70,199	68,335
30	73	102,843	76,211
40	47	140,915	69,898
50	20	180,882	47,726

Base Support Funding will be made available to each federally recognized tribe that submits a timely application. Tribes must request Base Support Funding through their respective area offices within 20 days of the beginning of each Federal fiscal year. Tribes not making a timely request will be excluded from funding for that fiscal year. Postmarks will govern timeliness and hand-carried materials will not be accepted.

This formula addresses only the "Base Support Funding Formula" requirements of Section 103 of the ITJA, 25 U.S.C. 3613. This rule does not include the authorization and distribution of funds for the Office of Tribal Justice Support, survey of tribal judicial systems, or tribal judicial conferences (see 25 U.S.C. 3611, 3612, 3614 and 3621). Regulations will be prepared, if necessary, at a later date. The tribal self-governance, or "compacting," aspects of those Sections will be considered then.

The Department of the Interior (Department) requested that the Bureau of Indian Affairs solicit comments to the following:

(1) Should the threshold that triggers the use of factor-based funding be lowered to less than \$20 million? If so, should a percentage of annual appropriations (for example 30%) or a fixed amount (for example \$5 million) of annual appropriations be distributed equally among applicant tribes?

The Department is concerned that no funds have been appropriated for the Indian Tribal Justice Act and the Administration forecasts a decrease in future Department of the Interior budgets, not an increase. In light of budget projections which indicate it will be difficult to secure funding for new initiatives such as tribal justice support, the Department questions whether any appropriation would be large enough to reach the \$20 million threshold for allocating factor-based funding (see § 92.13(a)(2)). Funds would then be distributed equally among applicant tribes, without consideration

of factors such as population, case load, complexity of cases, etc.

(2) Should the formula be revised so that no tribe would receive a reduced amount as appropriations increase? Factor-based funding is a sliding proportion of each appropriation (see § 92.17). Under the current formula, smaller tribes will receive reduced funding when appropriations reach \$31 million (see examples B and C above). The Department recommends that tribes consider a formula that distributes a portion of each appropriation equally among all tribes and the remainder above a specific threshold be distributed based on factor-based points. For example: if the threshold is \$15 million and \$25 million is appropriated, \$15 million would be distributed equally and the remaining \$10 million would be distributed based on factor-based points.

Evaluation and Certification

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.

Public Participation Statement

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.

Executive Order 12778

The Department has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

Executive Order 12866

This proposed rule is a significant regulatory action under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This proposed 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.). This proposed rule will determine the funding levels to be awarded to tribes for the purposes of creating new or enhancing and improving existing tribal court systems. In the event a tribe elects to receive funding, there are likely to be improvements in the exercise of civil jurisdiction by tribes. This improvement

may increase the rate of civil collections by private economic enterprises operating on or near Indian reservations. In addition, there may be an increase in the number of civil claims made against private economic enterprises.

Executive Order 12630

The Department has determined that this proposed rule does not have "significant" takings implications. The proposed rule does not pertain to "taking" of private property interests, nor does it impact private property.

Executive Order 12612

The Department has determined that this proposed rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

NEPA Statement

The Department has determined that this proposed 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.

Paperwork Reduction Act of 1995

Sections 92.16 and 92.19 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of the Interior has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Indian tribes and tribal organizations are eligible for funds to develop, enhance, and continue the operation of tribal justice systems and traditional tribal justice systems. The information to be collected includes: Assurances to meet certain statutory requirements; a supporting tribal resolution; and specific information regarding the tribe and its tribal justice system.

All information is to be collected annually from each applicant. The annual reporting and recordkeeping burden for this collection of information is estimated to average 50 hours for each response for 554 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and review collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 27,700 hours.

Organizations and individuals desiring to submit comments on the information collection requirement

should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10202, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for the U.S. Department of the Interior.

The Department considers comments by the public on this proposed collection of information in—

Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Enhancing the quality, usefulness, and clarity of the information to be collected; and

Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to the OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Bureau of Indian Affairs on the proposed regulations.

Drafting Information

The primary author of this document was Carey N. Vicenti, the former Special Assistant to the Director of the Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 92

Indians—courts, Indians—law.

For the reasons given in the preamble, part 92 of Title 25, chapter I of the Code of Federal Regulations is proposed to be added as set forth below.

PART 92—INDIAN TRIBAL JUSTICE SUPPORT

Subpart A—Policy and Definitions

Sec.

92.1 Policy.

92.2 Definitions.

92.3 Information Collection.

92.4–92.9 [Reserved].

Subpart B—Base Support Funding Formula for Indian Tribal Justice Systems

92.10 What is the purpose of the base support funding formula for Indian tribal justice systems?

92.11 What is base support funding?

92.12 How may tribes use base supporting?

92.13 How is base support funding distributed?

92.14 Under what authority is base support funding distributed?

92.15 Who is eligible to receive base support funding?

92.16 How does a tribe, tribal organization or tribal consortium apply for minimum funding?

92.17 How is minimum funding calculated?

92.18 How does a tribe, tribal organization or tribal consortium apply for factor-based funding?

92.19 How is factor-based funding calculated?

92.20–92.100 [Reserved]

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 200, 3601, et seq.

Subpart A—Policy and Definitions

§92.1 Policy.

Tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments. The Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes to establish their own form of government, including tribal justice systems.

§92.2 Definitions.

Base support means the Federal funds appropriated under the Indian Tribal Justice Act that are available for Indian Tribal Justice Support under 25 CFR part 92.

Base support funding formula means the formula for the base support of a tribal justice system consisting of the sum of a Minimum Funding and Factor-based Funding.

Bureau means Bureau of Indian Affairs.

Closing date means the date advertised in the Federal Register as the final date for the submission of an Indian Tribal Justice Act (ITJA) funding request.

Courts of Indian Offenses means the courts established pursuant to 25 CFR part 11.

Factor-based Funding means a level of funding established on the weight of specified information and facts.

Indian country means all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and all Indian

allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian reservation means any Federally established Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, or lands held by incorporated Native groups, regional corporations, or village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).

Indian tribe means any Indian tribe, band, nation, pueblo or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

Minimum Funding means a level of funding established by a formula as the minimum entitlement of a requesting tribe.

Must is used in place of shall and indicates a mandatory or imperative act or requirement.

Office of Tribal Justice Support means the office established within the Bureau of Indian Affairs.

Secretary means the Secretary of the Interior.

Traditional justice system means the traditional judicial or dispute resolution practices of the tribe.

Tribal organization means the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by such a governing body or which is democratically elected by the adult members of the Indian community to be served by the organization and which includes the maximum participation of Indians in all phases of its activities provided that where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, each tribe must approve before a contract or grant awarded.

Tribal justice system means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

Tribal official, means an elected official or any other official designated

under tribal law to request ITJA funding.

§ 92.3 Information collection.

The information collection requirement contained in §§ 92.16 and 19.19 will be approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and assigned clearance number _____. The information is collected when tribes apply for base support funding for Indian tribal justice systems.

§§ 92.4–92.9 [Reserved]

Subpart B—Base Support Funding Formula for Indian Tribal Justice Systems

§ 92.10 What is the purpose of the base support funding formula for Indian tribal justice systems?

The purpose of the formula described in this section is to provide an allocation mechanism for funding to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

§ 92.11 What is base support funding?

Base support funding consists of Federal funds appropriated under the Indian Tribal Justice Act for tribal justice systems, 25 U.S.C. 3613. The total available for Indian tribal justice systems is subdivided into minimum funding and factor-based funding.

§ 92.12 How may tribes use base support funding?

Base support funding may be used for:

- (a) The planning, development, enhancement and operation of tribal justice systems; for the employment of judicial personnel;
- (b) Training and continuing education for tribal judicial personnel;
- (c) The acquisition, development and maintenance of legal research capacities;
- (d) For the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (e) The development and operation of records management systems; for the construction or renovation of facilities for tribal justice systems;
- (f) The cost of membership and travel expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and
- (g) The development and operation of innovative and culturally relevant programs, such as alternative dispute

resolution, victims services, probation and diversion programs, juvenile services, multidisciplinary investigations of child abuse, traditional tribal judicial practices, traditional tribal justice systems, and traditional tribal methods of dispute resolution.

§ 92.13 How is base support funding distributed?

(a) Funds will be distributed, subject to the availability of appropriations.

(1) Minimum funding is available to each Indian tribe. In any year that the appropriation is \$20 million or less, the entire amount will be set aside for minimum funding and distributed equally. As appropriations increase above \$20 million to the full authorization level of \$50 million, the amount set aside for minimum funding will decrease proportionately to no less than 20 percent or \$10 million.

(2) Factor-based funding is calculated when appropriations for base funding exceed \$20 million. After all requesting tribes have been allocated minimum funding, the remaining sum is then divided by the cumulative total of factor points and distributed to the tribes according to the factor points each has scored.

(b) Base support funding (the sum of minimum funding and factor-based funding) is not subject to tribal priority allocations.

(c) Tribes may supplement base support funding with funds received from any other source including the Bureau or any other Federal agency and are not subject to this part.

§ 92.14 Under what authority is base support funding distributed?

The Secretary may enter into agreements with Indian tribes, tribal organizations, or tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act, as amended (25 U.S.C. 450 *et seq.*) for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

§ 92.15 Who is eligible to receive base support funding?

Federally recognized Indian tribes, tribal organizations, or tribal consortia that submit timely applications.

§ 92.16 How does a tribe, tribal organization or tribal consortium apply for minimum funding?

(a) Each tribe, including self-governance tribes, tribal organization or tribal consortium must submit a written request for minimum support funding to the Bureau official responsible for

negotiating its annual agreement or Indian Self-Determination and Education Assistance Act agreement. Requests must be received within 30 days of the beginning of each Federal fiscal year. Postmarks will govern timeliness and hand-carried materials will not be accepted. Tribes, tribal organizations or tribal consortia not making a timely request will be excluded from funding for that fiscal year.

(b) In addition to the contracting, grant and funding agreement requirements of the Indian Self-Determination and Education Assistance Act, as amended, 25 U.S.C. 450 *et seq.*, all requests for base support funding must include a current supporting tribal resolution(s), or such other written expression(s) as tribal laws or practice require.

§ 92.17 How is minimum funding calculated?

(a) In any fiscal year in which the total appropriated for base support funding is \$20 million or less, the total appropriation will be divided equally among the tribes submitting a timely request.

(b) In any fiscal year in which the total appropriated for base support funding is greater than \$20 million, the minimum funding for each tribe submitting a timely request will be determined by the following process.

(1) The proportion of the total appropriation to be allocated for minimum funding will be calculated by applying the following formula:

$$Y = 1.533333 - 0.026667X$$

Y is the proportion of the total appropriated base support funding that is allocated for minimum funding. X is the total appropriated base support funding in millions of dollars.

(2) The minimum funding for each tribe will then be calculated by applying the following formula:

$$M = YX \div N$$

M is the minimum funding in millions of dollars for each tribe submitting a timely application. N is the total number of tribes submitting a timely application.

§ 92.18 How does a tribe, tribal organization or tribal consortium apply for factor-based funding?

To be eligible for factor-based funding, the applicant's request for funding must include the information required in §§ 92.16 and 92.19.

§ 92.19 How is factor-based funding calculated?

The Bureau official responsible for negotiating the annual Indian Self-Determination and Education

Assistance Act agreement (responsible Bureau official) will score each request for factor-based funding. The responsible Bureau official will submit documented scores for each requesting tribe to the Office of Tribal Justice Support. All documented scores will be totaled for one national sum. The national sum will be divided into the factor-based funding set aside to obtain a dollar-per-point figure. The responsible Bureau official will calculate the factor-based funding for each tribe making a timely request.

(a) Factors and the points assigned to each factor.

(1) Population to be served (up to 32 points).

(i) Tribal enrollment. The number of persons enrolled with the tribe:

For populations	Points
Up to 1,000	2
1,001 to 3,000	4
3,001 to 12,000	7
12,001 to 30,000	10
30,001 to 100,000	15
100,001 and higher	20

(ii) Reservation Population. The number of transients and persons residing within the geographic area served by the tribe at the close of the prior Federal fiscal year.

For populations	Points
Up to 3,000	2
3,001 to 12,000	4
12,001 to 30,000	5
30,001 to 50,000	8
50,001 to 100,000	10
100,001 and higher	12

(2) Territory (up to 17 Points).

(i) Number of acres classified as Indian Reservation.

Acreage	Points
Up to 1,000	1
1,000 to 10,000	3
10,000 to 100,000	5
100,001 and higher	6

(ii) Number of acres defined as Indian Country.

Acreage	Points
Up to 1,000	1
1,000 to 10,000	3
10,000 to 100,000	4
100,001 and higher	5

(iii) Geographic isolation. The distance in miles from the seat of tribal government to the nearest commercial and governmental center with a population of 50,000 or more.

Miles	Points
Up to 100	0
100 to 200	4
201 and higher	6

(4) Jurisdiction (up to 10 Points). The extent to which an Indian tribe exercises subject matter jurisdiction over various areas available to it under notions of Federal Indian and Tribal law, including but not limited to:

(i) Exercise of misdemeanor criminal jurisdiction over tribal members and non-member Indians (3 Points).

(ii) Exercise of jurisdiction beyond the exterior boundaries of the reservation, such as regulation of the conduct of tribal members, Indian Child Welfare Act (1 Point).

(iii) Exercise of jurisdiction to protect, conserve, and assure the quality, quantity, or access to natural resources (1 Point).

(iv) Exercise of jurisdiction over familial matters, such as marriage and dissolution, support and custody, child abuse and dependency, juvenile matters, guardianship and involuntary commitment of adults (2 Points).

(v) Exercise of jurisdiction over roadways, vehicles, and traffic within the exterior boundaries of the reservation (1 Point).

(vi) Exercise of appellate review of trial level decision-making (2 Points).

(5) Caseload (up to 10 Points). The number of cases heard in the preceding Federal fiscal year. The higher of the actual caseload or the presumptive caseload will be calculated.

Number of annual cases	Points
Up to 100	2
100 to 3,000	4
3,001 to 5,000	6
5,001 to 10,000	8
10,001 and higher	10

(i) *Actual Caseload*. The actual caseload shall consist of the number of cases heard and decided at the trial and appellate level, or brought before traditional justice systems.

(ii) *Presumptive Caseload*. In lieu of an actual caseload, a tribe may estimate a rate of 1 case for every 5 reservation residents.

(6) Complexity of Cases (up to 3 Points). Judicial review of, at least, 3 civil cases involving complex legal issues, as defined and documented by the tribe.

(7) Probation Services and Diversion Programs (up to 3 Points). The provision of probation services and diversion programs.

(8) Facilities (up to 5 Points). A tribe without an existing facility which is

fully or in large part dedicated to the court function will receive 5 points.

(9) Renovation (up to 4 Points). The cost of renovating an existing structure. More than 50% of the facility must be dedicated to judicial activities; the age of the facility will be calculated.

Age	Points
0-5 years	0
5-10 years	1
10-15 years	2
16 years or older	4

(10) Start-up costs (up to 10 Points). A tribe that has no tribal justice system will receive 10 points.

(11) Economy (up to 6 Points). Measures the percentage of the population to be served that is unemployed and/or below the applicable state poverty level.

Percentage	Points
0-8	0
8-15	4
16 or higher	6

(b) The tribe will receive the applicable point(s) for each demonstrated factor.

(c) After all requesting tribes have been allocated Minimum Funding, the remaining sum will be divided by the cumulative total of points. The resulting figure is the funding amount attributed to each point (dollar-per-point).

(d) Factor-based Funding is calculated by multiplying the tribe's score by the dollar-per-point.

§§ 92.20-92.100 [Reserved].

Dated: June 17, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-18447 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-02-P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-095-FOR]

Illinois Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Illinois regulatory program (hereinafter the "Illinois program") under the Surface

Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of a revision to the Illinois regulations pertaining to self-bonding. The amendment is intended to provide clarification of a term used in Illinois' self-bonding regulations.

DATES: Written comments must be received by 4:00 p.m., e.s.t., August 29, 1996. If requested, a public hearing on the proposed amendment will be held on August 26, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t. on August 14, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis, Indiana, at the address listed below.

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

Roger W. Calhoun, Director,
Indianapolis Field Office, Office of
Surface Mining Reclamation and
Enforcement, Minton-Capehart
Federal Building, 575 North
Pennsylvania Street, Room 301,
Indianapolis, IN 46204, Telephone:
(317) 226-6700.

Illinois Department of Natural
Resources, Office of Mines and
Minerals, 524 South Second Street,
Springfield, IL 62701-1787,
Telephone (217) 782-4970.

FOR FURTHER INFORMATION CONTACT:
Roger W. Calhoun, Director,
Indianapolis Field Office, Telephone:
(317) 226-6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Description of the Proposed Amendment

By letter dated July 16, 1996 (Administrative Record No. IL-1804),

Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment at its own initiative. The provisions of Title 62, Illinois Administrative Code (IAC) that Illinois proposes to amend is at 62 IAC 1800.23, self-bonding.

Specifically, Illinois proposes to add the following definition at 62 IAC 1800.23(a).

"Generally accepted accounting principles" means those principles generally accepted in the accounting profession for the preparation and certification of statements of financial condition, including the standards adopted by the Financial Accounting Standards Board; provided, however, that for purposes of this section the Department may accept and rely upon statements of financial condition prepared without reference to any standard of the Financial Accounting Standards Board which the Director finds is not relied upon by the bond rating services specified in subsection (b)(3)(A) below in rating securities.

III. Public Comment Procedures

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

Written Comments

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

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on August 14, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM

officials to prepare adequate responses and appropriate questions.

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

Public Meeting

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

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d))

provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

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

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 19, 1996.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-19337 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA047-6936; FRL-5544-4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Lead Implementation Plan for an Area in Northeast Philadelphia, PA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes full approval of the state implementation plan (SIP) submitted by the Commonwealth of Pennsylvania for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for lead. The implementation plan was submitted by the Commonwealth to satisfy certain Federal requirements for an approvable nonattainment area lead SIP for a portion of Philadelphia, Pennsylvania. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before August 29, 1996.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566-2192, Technical Assessment Section (Mailcode 3AT22), at the EPA Region III address above or via e-mail at lohman.denny@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION: On September 30, 1994, the Pennsylvania Department of Environmental Resources submitted a revision to its State Implementation Plan (SIP) for a portion of northeast Philadelphia.

The revision consists of revised permits for three sources of lead emissions. The revised permits specify

emission limits, operational practices, and compliance provisions for each of the three sources.

I. Background

The national ambient air quality standard (NAAQS) for lead is 1.5 micrograms of lead per cubic meter of air ($\mu\text{g}/\text{m}^3$), averaged over a calendar quarter (see 40 CFR 50.12). Regulations promulgated pursuant to Section 110 of the Clean Air Act (Act) and codified at 40 CFR 51.117(a)(2) provide the each state implementation plan (SIP) must contain a demonstration showing that the plan will attain and maintain the standard in any area that has lead air concentrations in excess of the national ambient air quality standard concentration for lead, measured since January 1, 1974.

In 1988 the Philadelphia Department of Public Health, Air Management Services ("AMS") began monitoring lead concentrations in air at a site located at Castor and Delaware Avenues in northeast Philadelphia. The site, designated as ITO (Site #0449), is in the vicinity of two sources which are not included in the lead SIP approved by EPA in 1984 (see 49 FR 30697). In seven (7) of the 12 calendar quarters of the years 1988, 1989, and 1990, the ITO site measured lead air concentrations in excess of the national ambient air quality standard concentration for lead. The maximum quarterly average lead concentration, monitored in the fourth quarter of 1990, was 2.95 $\mu\text{g}/\text{m}^3$.

On July 6, 1992, EPA notified the Governor of Pennsylvania of its finding that, pursuant to section 110 (a)(2)(H)(ii) of the Act, the Philadelphia portion of the Pennsylvania SIP was substantially inadequate to attain and maintain the NAAQS for lead. Section 110(k)(5) of the Act requires the Commonwealth to revise the SIP whenever a finding of inadequacy is made. The adopted and implemented SIP revision must be submitted to EPA within 18 months following notification of the State Governor. Therefore, the SIP revision was due January 6, 1994. Under section 110(n)(2)(B) of the Act, attainment of the NAAQS must be demonstrated within 5 years of the date of issuance of a finding of SIP inadequacy. In the SIP call letter issued on July 6, 1992, EPA required that the NAAQS for lead be attained in Philadelphia by July, 1995; therefore, within 3 years.

On September 30, 1994, AMS, through the Pennsylvania Department of Environmental Resources, submitted a lead SIP revision request to EPA. The SIP revision contained attainment demonstrations and compliance provisions for three sources: Franklin

Smelting & Refining Corporation ("Franklin Smelting"), at 3100 E. Castor Avenue; MDC Industries, Inc. ("MDC"), at Castor and Delaware Avenues; and Anzon, Inc. ("Anzon"), at 2545 Aramingo Avenue. In this rulemaking action on the Pennsylvania lead SIP, EPA is proposing to approve a SIP revision requested by AMS taking into consideration the specific facts summarized in this notice and presented in a Technical Support Document which may be reviewed at the EPA Region III address above. Thus, EPA will consider any timely comments submitted within 30 days before taking final action on today's proposal.

II. Today's Action

A. Analysis of State Submission

1. Procedural Background

AMS held a public hearing on August 8, 1994, to entertain public comment on the implementation plan for Franklin Smelting, MDC, and Anzon. Following the public hearing the plan was adopted by the Commonwealth and signed by the Secretary, Pennsylvania Department of Environmental Resources on September 30, 1994, and submitted to EPA on September 30, 1994, as a proposed revision to the SIP.

The SIP revision was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete on March 20, 1995, and a letter dated March 20, 1995, was forwarded to the Pennsylvania Department of Environmental Resources indicating the completeness of the submittal and the next steps to be taken in the review process. In this action, EPA proposes to approve the Pennsylvania's lead SIP revision submittal affecting Franklin Smelting, MDC, and Anzon and invites public comment on the action.

2. Accurate Emissions Inventory

To be approved the plan must include a comprehensive, accurate, current inventory of *actual* emissions from all sources of relevant pollutants in the area. The emissions inventory should identify the locations of affected sources. The emissions inventory should also include a comprehensive, accurate, and current inventory of *allowable* emissions in the area.

AMS submitted an emissions inventory based on stack tests of point sources and fugitive source emission rate estimates based on emission factors published by EPA in a document entitled "Compilation of Stationary

Source Emission Factors," commonly referred to as AP-42. The baseline inventory identified Franklin Smelting as the primary cause of monitored NAAQS exceedances, contributing over 86 percent of the total emissions in the immediate vicinity during the time that the violations were recorded. Additional contributing sources included MDC and Goldberg & Sons, Inc., contributing eight (8) and five (5) percent of the total emissions respectively. Goldberg & Sons, Inc. has subsequently ceased operation. AMS was not able to specify allowable emission rates for the identified sources. None of the sources have applicable emission limits for lead except as lead is regarded as particulate matter. For any given source the lead emissions could range from less than one percent to nearly half of the particulate matter emissions.

EPA is proposing to approve the emissions inventory because it appears to be sufficiently accurate and comprehensive to provide a basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of section 110(a)(2)(K) of the Clean Air Act. For further details see the Technical Support Document (TSD).

3. Quantification of Emission Limits

The proposed SIP revision provides application of enforceable control measures through issuance, for each facility, of source-specific emission limitations and other necessary requirements in the form of special operating license (permit) conditions. The emission limitations contained in each operating permit are consistent with the emission rate values used to demonstrate attainment in the supporting modeling analyses.

Franklin Smelting & Refining

Franklin Smelting sources were identified as contributing to the lead problem. New rules for lead emission controls at the facility were established as permit conditions attached to Franklin Smelting's existing licenses for each lead process. Stack sources were identified with specific allowable lead emission rates and will be controlled as follows:

- (1) The main blast furnace stack emissions, vented through a baghouse, will be limited to 1.0 pounds per hour of lead (lb/hr).
- (2) Emissions from tapping at the blast furnace are controlled by two baghouses. Tapping Baghouse East has a limit of 0.00926 lb/hr. Tapping Baghouse West has a limit of 0.00206 lb/hr.

(3) Emissions from the Furnace Yard Enclosure will exhaust to three baghouses which will exhaust through a common stack. The stack emission limit is 0.714 lb/hr.

(4) Emissions inside the converter building are controlled by two control systems. Localized hoods over the converters are exhausted to the converter scrubber/baghouse system. Lead emissions from this system are limited to 0.33 lb/hr. The converter building is exhausted to a baghouse and through the Tenolli stack. Lead emissions from the Tenolli stack are limited to 0.413 lb/hr.

(5) Emissions from the shredder are required to be controlled by a baghouse. Lead emissions from the shredder stack are limited to 0.0429 lb/hr.

Other provisions of the operating permit specify additional control measures including the control of fugitive or non-stack emissions by enclosing the emission points within buildings, paving of roads, adoption of pollution prevention techniques, and good operating practices. Additional details about the conditions of the operating permit may be obtained from the TSD.

MDC Industries, Inc.

MDC sources were identified as contributing to the lead nonattainment problem. Specific allowable lead emission rates were established for MDC processes, each of which is required to be controlled by a baghouse as follows:

- (1) Slag screening vented through baghouse 1 and limited to 0.047 lb/hr.
- (2) Abrasive sizing vented to baghouse 2 and limited to 0.095 lb/hr.
- (3) Dryer vented to baghouse 5 and limited to 0.12 lb/hr.

The MDC processes are further limited to 84 hours per week of operation with no restriction as to hours per day of operation. Additional provisions of the operating permit limit visible emissions and require improved self-monitoring by MDC's personnel directed toward controlling wind blown dust from storage piles. Additional details about the conditions of the operating permit may be obtained from the TSD.

Anzon, Inc.

To comply with federal SIP requirements, the proposed SIP revision includes formal documentation of attainment and provisions to maintain the lead NAAQS by Anzon. The 1984 Philadelphia lead SIP was submitted in response to violations of the lead NAAQS recorded in the vicinity of the Anzon facility. Subsequent to the approval of the 1984 lead SIP, Anzon made significant operational improvements under a compliance

agreement with the City of Philadelphia to minimize lead emissions from its facility. The terms of the compliance agreement are incorporated into the permit for Anzon submitted with this SIP revision request. Quarterly averages for lead at ambient air monitoring sites in the vicinity of Anzon have shown compliance with the lead NAAQS since 1987.

4. Demonstration

The AMS conducted an attainment demonstration using dispersion modeling to predict quarterly lead averages within 1 kilometer of Franklin Smelting. Monthly and quarterly averages were determined with the EPA dispersion model ISCLT2. The EPA screening model SCREEN2 was used to determine lead concentrations in building cavity regions. Emission rates from the operating permits for Franklin Smelting and MDC Industries were modeled along with area and volume sources at those facilities plus background emissions from Delaware Avenue, nearby Interstate 95 and E. Goldberg & Sons. Meteorological data from the Philadelphia International airport for the years 1987 thru 1991 were used for the modeling. This demonstration indicates that the NAAQS for lead will be attained and maintained in future years if Franklin Smelting operates in compliance with its permit. The demonstration predicted a maximum, or design, concentration in the second quarter of 1991 as 1.41 $\mu\text{g}/\text{m}^3$, thus demonstrating attainment and maintenance of the lead NAAQS. For a more detailed description of the attainment demonstration and the control strategy used, see the TSD accompanying this notice.

5. Enforceability Issues

The operating permit issued to each facility specifies maximum allowable emission rates for specified point sources and, in addition, specifies selected operational practices and schedules for installation of further control measures. Each permit contains compliance provisions and specifies monitoring and recordkeeping requirements. Each permit further addresses federal enforceability by containing the provision: "This permit shall remain enforceable by the U.S. Environmental Protection Agency as part of the State Implementation Plan notwithstanding the expiration date of this permit."

Consistent with the attainment demonstration described above, the SIP revision requires that all affected activities must be in full compliance with the applicable SIP provisions by

not later than July 6, 1995. In addition to the applicable control measures, this includes the applicable recordkeeping requirements which are addressed in the supporting technical information. Compliance for certain measures, such as lead mass emission rates must be determined in accordance with appropriate test methods. The SIP provides that compliance of the lead mass emission rates applicable to the Blast Complex, the Converter Complex and the shredder at Franklin Smelting will be determined in accordance with 40 CFR part 60, appendix A Reference Method 12 or EPA approved alternatives. Initial tests and biannual retests are required. EPA finds these test methods are appropriate for determining compliance because they, along with the required monitoring and recordkeeping, establish the continuing compliance with the provisions of the attainment demonstration.

The Commonwealth of Pennsylvania has a program that will ensure that the measures contained in the operating permits are adequately enforced. Each permit contains explicit monitoring requirements which are required to be operable by July 1, 1994. Records of the monitoring of specified parameters are required to be maintained and available on-site for inspection. Each facility is also required to report, in writing within twenty-four hours, any event occurring which may increase pollutant emissions to the atmosphere. Periodic, either monthly or quarterly, reporting of specified compliance-related information is also required in each permit. The TSD contains further information on enforceability requirements including: enforceable emission limitations; test methods and compliance schedules as appropriate; averaging times for compliance test methods; correctly cited references of incorporated methods/rules; and reporting and recordkeeping requirements.

Under authority granted by the Pennsylvania Air Pollution Control Act (35 P.S. §§ 4001-4015) the Commonwealth of Pennsylvania has delegated responsibility for the management of air quality in Philadelphia to AMS. The provisions of Chapter 133 of the Pennsylvania environmental regulations (25 Pa. Code § 133), effective September 11, 1971, establish procedures for approving local agencies or for rescinding or suspending previously granted approval.

EPA's review of this material indicates that full compliance with the proposed SIP revision will result in attainment and maintenance of the lead NAAQS. EPA is proposing to approve

the Pennsylvania SIP revision for Philadelphia, which was submitted on September 30, 1994. EPA is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this notice.

Proposed Action

EPA is proposing to approve the plan revision submitted to EPA for the Delaware and Castor Avenue area of northeast Philadelphia on September 30, 1994. Among other things, the Commonwealth of Pennsylvania has demonstrated that the Delaware and Castor Avenue area of northeast Philadelphia area would attain the lead NAAQS by July 6, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the Commonwealth is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The Administrator's decision to approve or disapprove the SIP revision controlling lead emissions in Philadelphia will be based on whether it meets the requirements of section 110(a)(2) (A)-(K) and of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: July 17, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-19322 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[PA065-4026b; FRL-5535-1]

Approval and Promulgation of Air Quality Implementation Plans; Proposed Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable General State Operating Permits and General Plan Approvals Under Sections 110 and 112(l)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of creating Federally enforceable conditions for sources of criteria air pollutants in general operating permits and general plan approvals issued by the Commonwealth. In order to extend the federal enforceability of general State operating permits and general plan approvals to include hazardous air pollutants (HAPs), EPA is also proposing approval of Pennsylvania's general operating permit and general plan approval program regulations pursuant to Section 112(l) of the Act. In the Final Rules section of this Federal Register, EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and in the Technical Support Document (TSD) for this rulemaking. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. **DATES:** Comments must be received in writing by August 29, 1996. **ADDRESSES:** Written comments on this action should be addressed to David Arnold, Chief, Permit Programs Section, Mailcode 3AT23, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air,

Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, and at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8468, Harrisburg, Pennsylvania 17105-8468.

FOR FURTHER INFORMATION CONTACT:

Michael H. Markowski, Mail Code 3AT23, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-2063.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: June 26, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-19206 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[NY001; FRL-5544-3]

Clean Air Act Proposed Interim Approval of Operating Permits Program: State of New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: The EPA proposes interim approval of the operating permits program submitted by the State of New York for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources and to certain other sources.

DATES: Comments on this proposed action must be received in writing by August 29, 1996.

ADDRESSES: Written comments should be addressed to Steven C. Riva, Chief, Permitting and Toxics Support Section, at the New York Region II Office listed below. Copies of the State's submittal and other supporting information used in developing the proposed interim approval as well as the Technical Support Document are available for inspection during normal business hours at the following locations:

EPA Region II, 290 Broadway (21st Floor until July 19, 25th Floor after July 19), New York, New York 10007-1866, Attention: Steven C. Riva.

New York State Department of Environmental Conservation, 50 Wolf

Road, Room 608, Albany, New York 12233-1500, Attention: John Higgins.

FOR FURTHER INFORMATION CONTACT: Gerald DeGaetano, Permitting and Toxics Support Section, at the above EPA office in New York or at telephone number (212) 637-4020.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under Title V of the Clean Air Act ("the Act") as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at Title 40 of the Code of Federal Regulations (40 CFR) part 70. Title V of the Act directs States to develop, and submit to EPA for approval, programs for issuing operating permits to all major stationary sources and to certain other sources. Due to pending litigation over several aspects of the part 70 rule which was promulgated on July 21, 1992, part 70 is in the process of being revised. When the final revisions to part 70 are promulgated, the requirements of the revised part 70 may re-define EPA's criteria for the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of State operating permits program submittals. Until the date on which the revisions to part 70 are promulgated, the currently effective July 21, 1992 version of part 70 shall be used as the basis for EPA's review.

The Act directs States to develop and submit these programs for EPA approval. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

Proposed Action and Implications

A. Analysis of State Submission

1. Support materials. Commissioner Thomas C. Jorling of the Department of Environmental Conservation (DEC) submitted a part 70 permitting program

for the State of New York with a letter requesting EPA's approval on November 12, 1993 and Deputy Commissioner David Sterman submitted a supplemental package on June 17, 1996. These submittals contain a description of how the DEC intends to implement the program consistent with the requirements of the Act and 40 CFR part 70. The submittals include supporting documentation such as evidence of the procedurally correct adoption of the permitting rule, the permit application form, and a description of the compliance tracking and enforcement program. On June 27, 1996 the Attorney General of New York submitted a legal opinion stating that DEC has adequate legal authority to carry out the program. The Attorney General Legal Opinion was the final submission of the DEC's complete part 70 application.

The analysis contained in this document focuses on the major portions of New York's operating permits program submittal, including regulations and program implementation, the permit fee demonstration, and provisions implementing the requirements of sections 111 and 112 of Title I and of Title IV of the Act. This document also addresses the deficiencies in New York's submittal which will need to be corrected prior to full approval by EPA.

2. Regulations and program implementation. New York's part 70 permitting regulations are contained in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR") Part 200; 201-1.1 to 201-1.3, 201-1.5 to 201-1.10, 201-2, 201-3, 201-6, 201-8 and Appendices A and B of Part 201; 482-2; 621.1, 621.3(e), 621.3(f), 621.4(g), 621.5, 621.6, 621.7, 621.9, 621.13 and 621.14; 624.3 and 624.12. New York's regulations meet the main requirements of part 70 as described below:

a. applicability (40 CFR 70.2 and 70.3): Sources required to obtain a part 70 permit under New York's regulation include all major stationary sources as defined in 6 NYCRR 201-2, any source subject to a New Source Performance Standard, any source subject to a standard under section 112 of the Act (except that a source is not required to obtain a part 70 permit solely because it is subject to 112(r) of the Act), any affected source under the acid rain provisions of Title IV of the Act, and any stationary source designated by the Administrator and added by the DEC pursuant to rulemaking. Please note that while New York lists sources subject to a New Source Performance Standard in 40 CFR part 60, et seq. as being subject

to Title V, EPA interprets this also to include rules that DEC promulgates pursuant to section 111(d) of the Act, as defined in 40 CFR part 60, subparts B and C, but that are approved by EPA under 40 CFR part 62. New York is also deferring non-major sources, consistent with part 70, until the Administrator completes a rulemaking to determine how the Title V program should be structured for non-major sources and the appropriateness of any permanent exemptions. New York's regulation permanently exempts any source that would be required to obtain a permit solely because it is subject to Standards of Performance for New Residential Wood Heaters or the National Emission Standard for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation. (6 NYCRR 201-2 and 201-6.1)

b. permit content (40 CFR 70.6): 6 NYCRR 201-6.5 requires that each permit contain emission limitations and standards to ensure compliance with all applicable requirements at the time of permit issuance. Permits may also contain certain operational flexibility requirements such as terms and conditions for alternate operating scenarios and for the trading of emissions increases and decreases (to the extent the applicable requirements provide for such trading) in the permitted facility. If requested by the applicant, permits can be issued that provide for emissions trading in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap independent of otherwise applicable requirements.

c. public participation (40 CFR 70.7): The public will be provided with notice of, and an opportunity to comment on, draft permits relating to initial permit issuance, permit renewals, and significant modifications (6 NYCRR 621.6).

d. permit modifications (40 CFR 70.7): Sources may apply for expedited permit changes for minor permit modifications. Significant modifications must undergo all part 70 permit issuance procedures (6 NYCRR 201-6.7).

e. EPA oversight (40 CFR 70.8): Each permit, renewal, and minor or significant modification is subject to EPA oversight and veto (6 NYCRR 201-6.4).

f. insignificant activities (40 CFR 70.5): The list of insignificant activities can be found at 6 NYCRR 201-3.2 ("Exempt Activities") and the list of trivial activities is found at 201-3.3. Activities can only be considered insignificant or trivial if not subject to any applicable requirements. In addition, sources must not omit

emissions from insignificant or trivial activities from emission calculations to determine if a source is subject to the part 70 permit program. Insignificant activities must still be listed in the permit application while trivial activities do not need to be listed. In addition, 6 NYCRR 201-6.3(d)(7) provides that emissions from units at major stationary sources shall be considered insignificant as long as they are not subject to any applicable requirements and meet the following criteria: emissions of criteria contaminants do not exceed 2.5 tpy based on actual emissions, provided on-site records are maintained to verify these emissions, or 2.5 tpy based on potential to emit; and emissions of a hazardous air pollutant do not exceed 1000 lb/yr and/or 5000 lb/yr for any combination of hazardous air pollutants except where the Administrator has established lower thresholds for a specific hazardous air pollutant or major source threshold (emissions can be based on actual emissions if on-site records are maintained or on potential emissions if records are not kept); and the emission unit does not utilize air pollution control devices or is not limited by an emission cap to meet the above criteria.

g. enforcement authority (40 CFR 70.11): Section 71-2103(1) of New York's Environmental Conservation Law provides that civil penalties shall be recoverable in an amount up to \$10,000 per day per violation for a first violation and \$15,000 per day for subsequent violations. Section 71-2103(1) also provides for injunctive authority. Section 71-2105(1) provides that for willful violations criminal fines of up to \$10,000 per day per violation and/or imprisonment are available in the case of a first violation and criminal fines of up to \$15,000 per day per violation and/or imprisonment are available in the case of a second or further violation.

Pursuant to 72-0201(12) of the Environmental Conservation Law, any person who fails to pay fees shall pay a penalty of 50% of the unpaid fee amount plus interest. If the source continues not to pay its fees, New York may exercise its authority under 6 NYCRR 481.8 to revoke or suspend the title V permit. The source could then be subject to civil and criminal liability for operating without a permit.

h. complete application forms (40 CFR 70.5): 6 NYCRR 201-6.2 and 201-6.3 define what elements must be in an application in order for it to be complete during the first phase application submittal and second phase application submittal. All sources, except those required to submit the entire application

within the first year, must submit the phase I application within twelve months after EPA approves the program to allow DEC to commence review of the permit application. Phase II applications, which contain all required information, must be submitted in accordance with the application schedule in Appendix B of Part 201 (not yet complete—see item k. below). All information identified in 40 CFR 70.5 is included in New York's permit application.

i. prompt reporting: Part 70 requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) requires the permitting authority to define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements. Although the permit program regulations should define "prompt" for purposes of administrative efficiency and clarity, an acceptable alternative is to define "prompt" in each individual permit. In general, the EPA believes that "prompt" should be defined as requiring reporting within two to ten days for deviations that may result in emission increases. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For deviations resulting in low levels of excess emissions, a longer time period may be acceptable. Where "prompt" is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficient permit conditions for the prompt reporting of deviations. New York's 6 NYCRR 201-6.5(c)(3)(i) requires submittal of reports of any required monitoring at least every six months. 201-6.5(c)(3)(ii) provides that permit deviations must be reported with the monitoring reports required in 201-6.5(c)(3)(i) unless DEC specifies a different reporting requirement in the permit. DEC must issue permits which require prompt reporting of deviations. Absent this, EPA may veto permits.

j. emergency: In 201-1.5, New York provides for the affirmative defense to an action brought for noncompliance with emission limitations or permit conditions as long as the source follows specific procedures consistent with 40 CFR 70.6(g). New York defines "emergency" in 201-2 consistent with §70.6(g) and limits the applicability to technology-based requirements under the permit or State-established emission limitations.

k. Transition Plan: New York currently plans to issue permits to all sources within three years. Originally, when proposing Part 201, New York had planned to request source category-

limited interim approval in order to issue all permits over a five-year period. However, because the enabling legislation requires that initial permits be issued within three years, Part 201 was promulgated to provide for a three-year transition period. Currently, New York is re-proposing Appendix B of 6 NYCRR Part 201 "Transition Plan Application Schedule" which will inform sources of when during the three year period they must submit their Phase II permit applications. Appendix B will be finalized prior to EPA's promulgation of final interim approval of New York's part 70 program.

3. Permit fee demonstration. New York's resource fee demonstration shows that the state will collect sufficient revenue to implement the Title V program. New York began collecting permit fees on January 1, 1994 at \$25 per ton of regulated pollutants up to 6000 tons annually of each regulated pollutant. This rate of \$25 per ton was adjusted by the Consumer Price Index (CPI) [base year 1994]. New York's resource fee demonstration shows that New York will collect the equivalent of EPA's presumptive minimum because New York's cap on fees is 2000 tons higher than the cap assumed for the presumptive minimum and because New York has ramp-up funds available to cover the four year period provided in the resource fee demonstration. EPA agrees that New York's fee, although based on a different year for the CPI, can be considered equivalent to the presumptive minimum and should be sufficient to support the Title V program (EPA's presumptive minimum assumes use of the 1989 base year CPI). In addition, New York is required to report annually to the Governor, Legislature, and Office of State Comptroller on its program costs, revenue and progress. EPA will review these reports to ensure that New York's fee is sufficient to cover program costs after the program has been in effect for one to two years.

As specified in the enabling legislation and 6 NYCRR 482-2, fees shall be based on actual emissions for the prior calendar year, as demonstrated to DEC's satisfaction, or in the absence of such demonstration, on permitted emissions, or, where there is no permit, on potential to emit. Furthermore, New York's enabling legislation establishes a special account entitled "operating permit account" under the Clean Air Fund to cover the reasonable direct and indirect costs of developing and administering New York's operating permits program and the small business stationary source technical and

environmental compliance assistance program.

4. Provisions implementing Section 112 of the Act. a. authority for section 112 implementation: New York has demonstrated in its Title V program submittal adequate legal authority to implement and enforce all section 112 requirements through the Title V permit. This legal authority is contained in New York's enabling legislation and in regulatory provisions defining "applicable requirements" in that the permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow New York to issue permits that assure compliance with all section 112 requirements, including section 112(r).

b. implementation of section 112(g): The EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), New York must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and the adoption of New York rules implementing EPA's section 112(g) regulations or New York's incorporation by reference of the 112(g) regulations.

The EPA is proposing to approve New York's preconstruction permitting program, found in 6 NYCRR Part 201, under the authority of Title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between Title V approval and adoption of a State rule implementing EPA's section 112(g) regulations.

c. program for straight delegation of section 112 standards: Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 *General Provision Subpart A* and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5)

requires that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. New York has informed EPA that it intends to accept delegation of section 112 standards through either: case-by-case rule adoption; or incorporation by reference of the Federal regulation into State regulation. The details of this delegation mechanism are set forth in a letter dated June 18, 1996 in which New York requested delegation of section 112 standards and section 111 New Source Performance Standards. This program applies to both existing and future standards and covers both part 70 and non-part 70 sources. However, New York does not intend to take delegation of the 112(r) program, but will still implement the appropriate permit conditions relevant to the risk management program in part 70 permits. In addition, this delegation does not include National Emission Standards for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation.

5. Provisions implementing Section 111 of the Act. As requested in the letter dated June 18, 1996, the EPA is approving New York's request for delegation of all existing New Source Performance Standards promulgated pursuant to section 111 of the Act except for 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters.

New York also commits to implement appropriately the existing and future requirements of sections 111, 112 and 129 of the Act, and all MACT standards promulgated in the future, in a timely manner.

Currently, 6 NYCRR Part 200.10(d), Table 4, does not include 40 CFR part 63, subpart D—Compliance Extensions for Early Reductions of HAPs. In addition, 6 NYCRR Part 200.10(b), Table 2, is missing 40 CFR part 60, subpart WWW—New Source Performance Standards for Landfills. New York must use its minor rulemaking procedures to incorporate by reference these federal rules.

6. Provisions implementing Title IV of the Act. In 6 NYCRR 200.10(e), Table 5, New York has incorporated by reference the provisions of 40 CFR parts 72 through 78 for purposes of implementing an acid rain program that meets the requirements of Title IV of the

Act. By incorporating by reference, New York has the authority to include the applicable requirements of Title IV in permits and to enforce such requirements. 201-6.6(b) also provides additional information for facilities subject to the Acid Rain Program and clarifies that, where an applicable requirement of the Act is more stringent than the regulations promulgated under Title IV, both requirements will be incorporated into the permit.

B. Options for Approval/Disapproval and Implications

1. Interim approval. The EPA is proposing to grant interim approval to the operating permits program submitted by New York on November 12, 1993 and supplemented on June 17 and 27, 1996. New York must make the following changes to receive full program approval within eighteen months of EPA's final approval to grant interim approval program status:

i. New York's definition of 'Regulated Air Pollutant' in 6 NYCRR 200.1(bq) is not consistent with the definition in 40 CFR 70.2 since it fails to include pollutants regulated under section 112(r) of the Act. Part 70 includes in the definition of Regulated Air Pollutant "any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Act, including sections 112(g), (j), and (r) of the Act * * *". New York's definition of regulated air pollutant only includes hazardous air pollutants which New York defines by providing a list of the 112(b) pollutants. In order to receive full approval, New York must include in the definition not only hazardous air pollutants but also pollutants regulated under section 112(r) of the Act. As a note, the August 31, 1995 revisions to part 70 proposed to eliminate 112(r) pollutants from the definition of regulated air pollutant. Therefore, if the revisions to part 70 are promulgated as proposed prior to the expiration of EPA's interim approval of New York's program, New York may not need to address this issue in order to receive full approval.

ii. Under the reporting requirements of 6 NYCRR 201-6.5(c)(3)(ii), New York provides that a permittee can seek to have a violation excused as provided in 201-1.4 if such violations are reported as required in 201-1.4(b). [Note: Although 201-1.4 is part of the state regulation pending approval into the State Implementation Plan (SIP), similar provisions are already part of the currently-approved SIP at 201.5. Part 201-1.4 is not part of the Title V regulation.] The language in 201-1.4 that provides the DEC Commissioner

discretion to excuse violations of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions, malfunctions, and upsets if such violations are unavoidable and the permittee meets certain conditions and reporting requirements only applies to SIP requirements or State-only requirements. This provision does not extend to other Federal requirements such as NSPS, NESHAPs or PSD/NSR (although some Federal requirements, such as some NSPS rules, provide for an affirmative defense). In order to receive full approval, New York must add a sentence to 6 NYCRR 201-6.5(c)(3)(ii) which clarifies that the discretion to excuse a violation under 201-1.4 will not extend to Federal requirements unless the specific Federal requirement provides for the affirmative defense during start-ups, shutdowns, malfunctions, or upsets.

iii. 40 CFR 70.6 provides that permits can include alternative emission limits, equivalent to those contained in the SIP, as long as the SIP allows for alternative emission limits to be made through the permit issuance, renewal or significant modification process. However, New York's language as found in 6 NYCRR 201-6.5(a)(1)(ii) is overly broad in that it allows DEC to provide for an alternative emission limit through the part 70 permit issuance, renewal or significant modification process at any time, regardless of whether such an alternative emission limit is allowed for in a particular regulation approved into the SIP. New York's rule also fails to restrict such alternative emission limits to only those limits that are equivalent to the limits in the SIP. Therefore, this would allow DEC to issue permits with alternative emission limits regardless of whether such limits were determined to be "equivalent". The intent of part 70 is to only grant alternative emission limits if allowed for in a State rule that provides criteria for determining equivalency and if that rule has been approved by EPA into the SIP. Furthermore, New York frequently refers to variances in its rules and these variances are not equivalent emissions. When the state proposes to approve such variances, EPA generally identifies these as requiring SIP revisions (e.g., they cannot be handled through permit revision procedures until first approved as a source-specific SIP revision (see Table in 40 CFR 52.1679)). In order to receive full approval, New York must change this provision so that it is equivalent to 40 CFR 70.6(a)(1)(iii), in that permits will only include alternative emission limitations if

provided for in the SIP and if the alternative emission limit is determined to be equivalent to the limit contained in the SIP.

iv. New York's regulation does not provide for one of the three elements defined to provide operational flexibility under section 502(b)(10) of the Act. 40 CFR 70.2 defines "section 502(b)(10) changes" as changes that contravene an express permit term as long as such changes would not violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements. Because 40 CFR 70.4(b)(12)(i) requires that State part 70 programs allow for such flexibility, New York must add to its program this type of flexibility in order to receive full program approval. However, the August 29, 1994 proposal to revise part 70 would remove the definition of "section 502(b)(10) changes" and requests comment on narrowing the types of changes eligible under section 502(b)(10) to emissions trading and not to changes that contravene a permit condition. Therefore, if the revisions to part 70 are promulgated as proposed prior to the expiration of EPA's interim approval of New York's program, New York may not need to address this issue in order to receive full program approval.

v. New York's definition of "major source" at 6 NYCRR 201-2(b)(21) is not consistent with the definition in 40 CFR 70.2. In 40 CFR 70.2, the last category in the list of 27 categories of stationary sources in which fugitive emissions must be included to determine if a source is subject to Title V includes "* * * all other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category." New York's rule limits this last provision to source categories for which EPA has completed a rulemaking under 302(j) of the Act. Therefore, New York's rule would only require fugitives to be included in determining applicability for sources in categories subject to a New Source Performance Standard established prior to August 7, 1980. Because New York's rule is less stringent than the current part 70 rule which requires all NSPS sources to include fugitives for those air pollutants that have been regulated for that category, New York needs to revise its definition of major source to be consistent with the definition in part 70. However, as a note, revisions to part 70 were proposed on August 29, 1994 and August 31, 1995 which would change

the last category of sources in which fugitives must be included in determining applicability to only those source categories in which the Administrator has made an affirmative decision under section 302(j) of the Act. Therefore, if part 70 is promulgated as proposed prior to the expiration of EPA's interim approval of New York's program, New York may not need to address this issue in order to receive full program approval.

vi. 6 NYCRR 201-6.5(f)(3) on emissions trading under the SIP does not include the gatekeeper of 40 CFR 70.4(b)(12) which states that changes do not need to undergo a permit revision as long as the changes are not modifications under any provision of Title I of the Act. 6 NYCRR 201-6.5(f)(4) on emissions trading under a cap does not include the two gatekeepers of 40 CFR 70.4(b)(12) which state that changes do not need to undergo a permit revision as long as the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit. While New York's enabling legislation includes these gatekeepers under ECL § 19-0311(p), EPA believes that the gatekeepers should also be in the regulations, because it will be the regulations that sources will be referencing to submit applications and to comply with New York's operating permits program. Therefore, in order for New York to receive full approval, the gatekeepers in 40 CFR 70.4(b)(12) must be added to New York's Part 201 rule.

vii. 40 CFR 70.7(e)(2)(i)(B) states that minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches "to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA". 6 NYCRR 201-6.7(c)(2), which provides for use of minor modification procedures for permit modifications involving the use of economic incentives and marketable permits, does not include the language quoted above. In order to receive full program approval, New York must revise its rule to provide that minor modification procedures can only be used for these types of changes if explicitly provided for in the underlying SIP or EPA rule. However, as a note, EPA is revising the permit revision procedures in part 70. Therefore, if part 70 is promulgated in such a way that this is no longer an issue before the expiration of EPA's

interim approval of New York's program, New York may not need to address this issue in order to receive full program approval.

viii. 40 CFR 70.4(b)(3)(xii) requires that petitions for judicial review be filed no later than 90 days after the final permit action, or such shorter time as the State shall designate. While New York's law allows DEC to adopt a 90 day statute of limitations for judicial review of final permit actions, DEC prefers to retain the four month statute of limitations as provided in Article 78 of the New York Civil Practice Law and Rules. However, in order for New York to be consistent with part 70 and receive full approval, New York must adopt a 90 day statute of limitations through rulemaking. As a note, the August 29, 1994 revisions to part 70 propose to extend the filing date of requesting judicial review from 90 days to 125 days. Therefore, if part 70 is promulgated as proposed prior to 6 months before the expiration of EPA's interim approval of New York's program, New York may not need to address this issue in order to receive full program approval.

2. Federal oversight and sanctions. This interim approval extends for a period of up to 2 years. During the interim approval period, the State is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon EPA's granting of interim approval, as does the 3-year time period for processing the initial permit applications.

Following final interim approval, if New York fails to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, EPA would start an 18-month clock for mandatory sanctions. If New York then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA is required to apply one of the two sanctions listed in section 179(b) of the Act, and, once applied, the sanction will remain in effect until EPA determines that New York has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of New York, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that New York had come into compliance. In any

case, if, six months after application of the first sanction, New York still has not submitted a corrective program that EPA finds complete, the second sanction will be applied.

If, following final interim approval, EPA disapproves New York's complete corrective program for full approval, EPA will be required to apply one of the section 179(b) sanctions on the date 18-months after the effective date of the disapproval, unless prior to that date New York has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of New York, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that New York had come into compliance. In all cases, if, six months after EPA applies the first sanction, New York has not submitted a revised program that EPA has determined corrected the deficiencies that prompted disapproval, a second sanction is required.

In addition to the above, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if New York has not timely submitted a complete corrective program or EPA has disapproved a corrective program submittal. Moreover, if EPA has not granted full approval to a New York program by the expiration of an interim approval, EPA must promulgate, administer and enforce a Federal permits program for New York upon interim approval expiration.

3. Other actions. Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated for both part 70 and non-part 70 sources. In addition, EPA is also delegating to New York all existing section 111 standards.

The scope of the New York part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of New York, except any sources of air pollution over which an Indian Tribe

has jurisdiction. See, e.g., 59 FR 55813, and 55815-55818 (November 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the Act; see also 59 FR 43956, and 43962 (August 25, 1994); and 58 FR 54364 (October 21, 1993).

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office located in New York and at the DEC office in Albany. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are:

- (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and
- (2) to serve as the record in case of judicial review. The EPA will consider any comments received by August 29, 1996.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in annual estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost

effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action being promulgated today does not include a federal mandate that may result in annual estimated costs of \$100 million

or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements.

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: July 18, 1996.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96-19325 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 61, No. 147

Tuesday, July 30, 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

Blue Mountains Natural Resources Institute, Board of Directors, Pacific Northwest Research Station, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Blue Mountains Natural Resources Institute (BMNRI) Board of Directors will meet on September 5, 1996, at Eastern Oregon State College, Hoke Hall, Room 309, 1410 L. Avenue, in La Grande, Oregon. The meeting will begin at 9:00 a.m. and continue until 4:00 p.m. Agenda items to be covered will include: (1) program status; (2) research results of specific projects; (3) outreach activities; (4) follow-up of Interior Columbia Basin Ecosystem Management Project; (5) public comments. All BMNRI Board Meetings are open to the public. Interested citizens are encouraged to attend. Members of the public who wish to make a brief oral presentation at the meeting should contact Larry Hartmann, BMNRI, 1401 Gekeler Lane, La Grande, Oregon 97850, 541-962-6537, no later than 5:00 p.m. September 4, 1996, to have time reserved on the agenda.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Larry Hartmann, Manager, BMNRI, 1401 Gekeler Lane, La Grande, Oregon 97850, 541-962-6537.

Dated: July 23, 1996.

Larry Hartmann,

Manager.

[FR Doc. 96-19300 Filed 7-29-96; 8:45 am]

BILLING CODE 3410-11-M

ASSASSINATION RECORDS REVIEW BOARD

Notice of Formal Determinations, Releases, Reconsiderations, and Corrections

AGENCY: Assassination Records Review Board.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on July 9-10, 1996, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (Supp. V 1994) (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the Federal Register within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel and Associate Director for Research and Analysis, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724-0088, fax (202) 724-0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.9(c)(4)(A) (1992). On July 9-10, 1996, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives.

Notice of Formal Determinations

For each document, the number of releases of previously redacted information immediately follows the record identification number, followed in turn by the number of postponements sustained, and, where appropriate, the date the document is scheduled to be released or re-reviewed.

FBI Documents: Open in Full
 124-10023-10258; 1; 0; n/a
 124-10035-10387; 10; 0; n/a
 124-10086-10022; 1; 0; n/a
 124-10099-10262; 12; 0; n/a
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 124-10099-10274; 28; 0; n/a

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180-10090-10444; 1; 0; n/a
180-10097-10101; 1; 0; n/a
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179-30003-10262; 1; 0; n/a
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124-10003-10311; 2; 1; 07/2006
124-10023-10254; 1; 2; 10/2017
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104-10006-10258; 5; 7; 05/1997
104-10006-10260; 2; 1; 05/1997
104-10006-10261; 2; 1; 05/1997
104-10006-10262; 5; 7; 05/1997
104-10006-10263; 2; 1; 05/1997
104-10006-10264; 2; 1; 05/1997
104-10006-10265; 2; 1; 05/1997
104-10006-10267; 3; 2; 05/1997
104-10006-10268; 2; 1; 05/1997
104-10006-10269; 4; 3; 05/1997
104-10006-10270; 3; 5; 05/1997
104-10006-10271; 3; 3; 05/1997
104-10006-10272; 2; 1; 05/1997
104-10006-10273; 4; 4; 05/1997
104-10006-10274; 2; 1; 05/1997
104-10006-10275; 2; 1; 05/1997
104-10006-10276; 5; 3; 07/2006
104-10006-10277; 2; 1; 05/1997
104-10006-10278; 2; 1; 05/1997
104-10006-10279; 4; 5; 05/1997
104-10006-10280; 2; 1; 05/1997
104-10006-10282; 4; 5; 05/1997
104-10006-10283; 3; 2; 05/1997
104-10006-10284; 2; 7; 12/1996
104-10006-10286; 5; 6; 07/2006
104-10006-10287; 8; 7; 05/1997
104-10006-10288; 2; 3; 05/1997
104-10006-10289; 2; 1; 05/1997
104-10006-10290; 2; 1; 05/1997
104-10006-10291; 3; 3; 05/1997
104-10006-10292; 2; 1; 05/1997
104-10006-10293; 9; 9; 05/1997
104-10006-10294; 2; 1; 05/1997
104-10006-10295; 2; 1; 05/1997
104-10006-10296; 5; 11; 05/1997
104-10006-10297; 6; 4; 07/2006
104-10006-10299; 144; 142; 07/2006
104-10006-10300; 3; 4; 07/2006
104-10006-10301; 1; 4; 07/2006
104-10007-10010; 1; 3; 05/1997
104-10007-10311; 1; 2; 05/2001
104-10007-10345; 5; 3; 10/2017
104-10009-10021; 0; 2; 10/2017
104-10009-10121; 1; 2; 05/1997
104-10010-10032; 6; 3; 07/2006
104-10011-10101; 0; 1; 05/2001
104-10012-10008; 0; 1; 05/1997
104-10012-10018; 9; 2; 07/2006
104-10012-10022; 3; 4; 12/1996
104-10012-10035; 3; 7; 12/1996
104-10012-10050; 5; 1; 10/2017
104-10012-10051; 7; 3; 10/2017
104-10012-10066; 18; 4; 05/1997
104-10013-10196; 2; 2; 07/2006
104-10013-10220; 10; 2; 07/2006
104-10014-10025; 1; 2; 10/2017
104-10015-10147; 13; 13; 05/1997
104-10015-10148; 17; 29; 05/1997
104-10015-10436; 5; 1; 07/2006
104-10016-10050; 8; 10; 05/1997
104-10017-10001; 17; 1; 05/1997
104-10017-10002; 3; 5; 12/1996
104-10017-10006; 12; 2; 07/2006
104-10017-10031; 12; 1; 05/1997
104-10017-10046; 5; 1; 05/2001
104-10017-10077; 9; 2; 07/2006
104-10018-10062; 14; 2; 12/1996
104-10018-10070; 16; 10; 07/2006
104-10018-10083; 1; 1; 10/2017
104-10048-10010; 87; 97; 12/1996
104-10048-10016; 3; 1; 12/1996
104-10048-10052; 8; 2; 07/2006

104-10048-10053; 9; 13; 05/1997
 104-10048-10058; 10; 15; 12/1996
 104-10048-10061; 17; 3; 07/2006
 104-10048-10063; 35; 24; 05/2001
 104-10048-10070; 0; 1; 05/2001
 104-10048-10075; 5; 3; 05/1997
 104-10048-10079; 11; 1; 10/2017
 104-10048-10091; 11; 1; 10/2017
 104-10048-10093; 10; 1; 10/2017
 104-10048-10096; 12; 1; 10/2017
 104-10048-10098; 11; 1; 10/2017
 104-10048-10113; 12; 1; 05/1997
 104-10048-10123; 2; 7; 10/2017
 104-10048-10150; 8; 8; 12/1996
 104-10048-10151; 12; 9; 12/1996
 104-10048-10167; 0; 1; 05/2001
 104-10048-10169; 4; 2; 05/2001
 104-10048-10170; 3; 1; 05/1997
 104-10048-10174; 2; 1; 05/2001
 104-10048-10176; 17; 9; 07/2006
 104-10048-10178; 9; 2; 07/2006
 104-10048-10181; 8; 6; 05/2001
 104-10048-10183; 8; 2; 07/2006
 104-10048-10193; 1; 2; 12/1996
 104-10048-10197; 1; 13; 12/1996
 104-10048-10202; 4; 3; 05/1997
 104-10048-10204; 0; 8; 12/1996
 104-10048-10206; 3; 2; 05/1997
 104-10048-10213; 7; 3; 12/1996
 104-10048-10217; 2; 1; 05/1997
 104-10048-10220; 0; 2; 05/2001
 104-10048-10222; 1; 1; 05/1997
 104-10048-10236; 1; 7; 12/1996
 104-10048-10242; 2; 1; 05/1997
 104-10048-10246; 6; 1; 07/2006
 104-10048-10247; 0; 1; 05/1997
 104-10048-10248; 10; 5; 05/1997
 104-10048-10249; 8; 1; 07/2006
 104-10048-10251; 11; 8; 07/2006
 104-10048-10252; 6; 6; 07/2006
 104-10048-10259; 0; 1; 10/2017
 104-10048-10262; 0; 1; 05/1997
 104-10048-10321; 2; 1; 05/1997
 104-10048-10325; 2; 1; 05/2001
 104-10048-10326; 4; 2; 05/2001
 104-10048-10327; 9; 2; 07/2006
 104-10048-10329; 0; 2; 05/2001
 104-10048-10331; 11; 8; 07/2006
 104-10048-10335; 1; 1; 05/1997
 104-10048-10432; 32; 6; 07/2006
 104-10048-10434; 8; 3; 07/2006
 104-10048-10435; 16; 3; 07/2006
 104-10048-10436; 4; 2; 07/2006
 104-10048-10438; 19; 14; 07/2006
 104-10048-10449; 1; 1; 05/1997
 104-10049-10000; 2; 6; 12/1996
 104-10049-10002; 2; 3; 12/1996
 104-10049-10003; 3; 7; 12/1996
 104-10049-10004; 2; 2; 05/1997
 104-10049-10010; 1; 2; 10/2017
 104-10049-10014; 0; 1; 10/2017
 104-10049-10015; 7; 2; 05/1997
 104-10049-10019; 0; 1; 10/2017
 104-10049-10024; 1; 1; 10/2017
 104-10049-10093; 2; 3; 07/2006
 104-10049-10102; 4; 8; 07/2006
 104-10049-10145; 0; 1; 05/1997
 104-10049-10148; 0; 2; 10/2017
 104-10049-10180; 2; 11; 12/1996
 104-10049-10217; 1; 2; 10/2017
 104-10049-10218; 1; 7; 10/2017
 104-10049-10221; 2; 2; 12/1996
 104-10050-10009; 6; 1; 05/1997
 104-10050-10010; 7; 1; 05/2001
 104-10050-10011; 12; 2; 05/1997
 104-10050-10017; 0; 2; 05/2001
 104-10050-10019; 1; 1; 05/2001
 104-10050-10020; 0; 3; 05/2001
 104-10050-10021; 4; 1; 05/2001
 104-10050-10023; 1; 2; 05/2001
 104-10050-10024; 6; 1; 05/2001
 104-10050-10026; 9; 1; 05/2001
 104-10050-10029; 7; 1; 05/2001
 104-10050-10033; 3; 1; 05/2001
 104-10050-10035; 5; 2; 05/2001
 104-10050-10038; 2; 3; 05/2001
 104-10050-10043; 7; 1; 05/1997
 104-10050-10045; 2; 2; 05/2001
 104-10050-10046; 3; 2; 05/2001
 104-10050-10048; 2; 1; 05/1997
 104-10050-10049; 1; 1; 05/1997
 104-10050-10050; 8; 1; 05/1997
 104-10050-10054; 11; 1; 05/1997
 104-10050-10072; 8; 1; 05/1997
 104-10050-10074; 10; 1; 05/2001
 104-10050-10076; 15; 4; 12/1996
 104-10050-10087; 10; 4; 05/1997
 104-10050-10089; 1; 1; 05/1997
 104-10050-10091; 1; 1; 05/1997
 104-10050-10099; 0; 1; 05/2001
 104-10050-10101; 2; 3; 05/2001
 104-10050-10103; 0; 1; 05/2001
 104-10050-10106; 7; 4; 05/1997
 104-10050-10131; 0; 1; 05/2001
 104-10050-10133; 2; 3; 05/1997
 104-10050-10135; 0; 1; 05/2001
 104-10050-10138; 7; 4; 05/1997
 104-10050-10141; 0; 1; 05/2001
 104-10050-10142; 0; 1; 05/2001
 104-10050-10146; 1; 1; 05/2001
 104-10050-10153; 3; 1; 05/1997
 104-10050-10165; 2; 3; 05/2001
 104-10050-10166; 3; 3; 05/2001
 104-10050-10183; 2; 1; 05/2001
 104-10050-10188; 80; 5; 05/2001
 104-10050-10200; 15; 5; 12/1996
 104-10050-10210; 14; 2; 07/2006
 104-10051-10081; 3; 2; 07/2006
 104-10051-10084; 0; 1; 05/2001
 104-10051-10086; 5; 1; 05/2001
 104-10051-10087; 5; 1; 07/2006
 104-10051-10092; 9; 2; 05/2001
 104-10051-10096; 0; 1; 05/1997
 104-10051-10107; 6; 2; 05/2001
 104-10051-10124; 0; 1; 05/1997
 104-10051-10142; 0; 1; 05/1997
 104-10051-10154; 8; 10; 05/1997
 104-10051-10156; 5; 16; 12/1996
 104-10051-10173; 1; 1; 05/1997
 104-10051-10182; 1; 2; 05/1997
 104-10051-10189; 14; 2; 07/2006
 104-10056-10005; 2; 6; 12/1996
 104-10056-10008; 1; 2; 05/1997
 104-10056-10090; 4; 3; 07/2006
 104-10056-10096; 6; 7; 12/1996
 104-10056-10103; 1; 2; 10/2017
 104-10056-10107; 6; 5; 07/2006
 104-10056-10108; 3; 4; 07/2006
 104-10056-10111; 10; 8; 07/2006
 104-10056-10125; 8; 7; 07/2006
 104-10056-10128; 10; 8; 07/2006
 104-10056-10136; 1; 1; 07/2006
 104-10056-10211; 2; 2; 12/1996
 104-10058-10009; 1; 7; 10/2017
 HSCA Documents: Postponed in Part
 180-10072-10186; 1; 6; 10/2017
 180-10087-10119; 0; 1; 10/2017
 Notice Of Additional Openings in Full
 After consultation with appropriate Federal Agencies, the Review Board announces that the following Federal Bureau of Investigation records are now being opened in full: 124-10018-10479; 124-10023-10218; 124-10027-10112; 124-10027-10123; 124-10027-10187; 124-10027-10196; 124-10035-10063; 124-10035-10192; 124-10035-10217; 124-10035-10257; 124-10035-10262; 124-10035-10281; 124-10035-10313; 124-10062-10320; 124-10063-10181; 124-10071-10249; 124-10079-10108; 124-10079-10174; 124-10079-10388; 124-10079-10406; 124-10079-10410; 124-10079-10477; 124-10081-10373; 124-10083-10079; 124-10084-10178; 124-10084-10186; 124-10086-10203; 124-10096-10240; 124-10100-10234; 124-10100-10247; 124-10100-10248; 124-10102-10045; 124-10102-10081; 124-10102-10112; 124-10105-10198; 124-10108-10094; 124-10108-10133; 124-10108-10241; 124-10108-10259; 124-10108-10269; 124-10108-10271; 124-10108-10284; 124-10108-10285; 124-10108-10286; 124-10108-10287; 124-10108-10338; 124-10108-10351; 124-10110-10150; 124-10110-10159; 124-10119-10252; 124-10119-10269; 124-10119-10277; 124-10119-10309; 124-10119-10315; 124-10119-10405; 124-10126-10065; 124-10126-10212; 124-10126-10242; 124-10126-10273; 124-10126-10362; 124-10128-10008; 124-10128-10020; 124-10128-10064; 124-10128-10141; 124-10131-10209; 124-10131-10211; 124-10138-10021; 124-10139-10051; 124-10139-10082; 124-10142-10031; 124-10142-10099; 124-10142-10155; 124-10142-10412; 124-10142-10439; 124-10146-10003; 124-10146-10020; 124-10146-10029; 124-10154-10031; 124-10154-10032; 124-10155-10375; 124-10158-10036; 124-10160-10313; 124-10160-10314; 124-10167-10338; 124-10167-10339; 124-10170-10122; 124-10171-10437; 124-10173-10089; 124-10176-10340; 124-10177-10397; 124-10228-10278; 124-10228-10466; 124-10228-10478; 124-10230-10336; 124-10231-10415; 124-10236-10299; 124-10239-10068; 124-10240-10276; 124-10240-10313; 124-10241-10221; 124-10241-10422; 124-10242-10125; 124-10242-10284; 124-10244-10393; 124-10245-10272; 124-10246-10059; 124-10246-10063;

124-10246-10095; 124-10246-10242;
124-10246-10264; 124-10246-10393;
124-10246-10495; 124-10247-10127;
124-10247-10413; 124-10248-10047;
124-10249-10027; 124-10249-10158;
124-10249-10338; 124-10251-10089;
124-10251-10155; 124-10251-10338;
124-10251-10368; 124-10254-10206;
124-10254-10257; 124-10256-10078;
124-10256-10083; 124-10256-10085;
124-10256-10086; 124-10256-10088;
124-10256-10101; 124-10256-10104;
124-10257-10267; 124-10257-10269;
124-10257-10410; 124-10258-10199;
124-10258-10414; 124-10259-10095;
124-10259-10319; 124-10260-10164;
124-10260-10351; 124-10260-10371;
124-10260-10372; 124-10260-10384;
124-10262-10212; 124-10262-10227;
124-10263-10018; 124-10263-10046;
124-10264-10093; 124-10265-10070;
124-10265-10097; 124-10275-10033;
124-10275-10034; 124-10276-10046.

After consultation with appropriate Federal Agencies, the Review Board announces that the following Central Intelligence Agency records are now being opened in full: 104-10002-10098;
104-10005-10313; 104-10005-10330;
104-10005-10343; 104-10005-10429;
104-10006-10033; 104-10006-10092;
104-10006-10093; 104-10006-10094;
104-10006-10098; 104-10006-10099;
104-10006-10101; 104-10006-10103;
104-10006-10105; 104-10006-10108;
104-10006-10109; 104-10006-10110;
104-10006-10111; 104-10006-10112;
104-10006-10115; 104-10006-10116;
104-10006-10117; 104-10006-10118;
104-10006-10119; 104-10006-10122;
104-10006-10123; 104-10006-10124;
104-10006-10128; 104-10006-10130;
104-10006-10131; 104-10006-10132;
104-10006-10133; 104-10006-10134;
104-10006-10135; 104-10006-10136;
104-10006-10137; 104-10006-10138;
104-10006-10140; 104-10006-10144;
104-10006-10145; 104-10006-10146;
104-10006-10149; 104-10006-10150;
104-10006-10151; 104-10006-10152;
104-10006-10153; 104-10006-10156;
104-10006-10157; 104-10006-10158;
104-10006-10159; 104-10006-10160;
104-10006-10161; 104-10006-10162;
104-10006-10163; 104-10006-10164;
104-10006-10165; 104-10006-10166;
104-10006-10167; 104-10006-10168;
104-10006-10173; 104-10006-10175;

104-10006-10177; 104-10006-10179;
104-10006-10180; 104-10006-10181;
104-10006-10182; 104-10006-10183;
104-10006-10184; 104-10006-10185;
104-10006-10187; 104-10006-10191;
104-10006-10192; 104-10006-10194;
104-10006-10195; 104-10006-10196;
104-10006-10197; 104-10006-10198;
104-10006-10199; 104-10006-10200;
104-10006-10202; 104-10006-10203;
104-10006-10204; 104-10006-10205;
104-10006-10206; 104-10006-10207;
104-10006-10210; 104-10006-10212;
104-10006-10213; 104-10006-10216;
104-10006-10217; 104-10006-10219;
104-10006-10220; 104-10006-10222;
104-10006-10223; 104-10006-10225;
104-10006-10228; 104-10006-10230;
104-10006-10231; 104-10006-10232;
104-10006-10234; 104-10006-10235;
104-10006-10238; 104-10006-10239;
104-10006-10259; 104-10006-10266;
104-10006-10281; 104-10006-10285;
104-10006-10298; 104-10007-10011;
104-10007-10015; 104-10007-10097;
104-10007-10103; 104-10007-10248;
104-10007-10274; 104-10008-10044;
104-10010-10036; 104-10010-10446;
104-10012-10016; 104-10012-10032;
104-10013-10010; 104-10013-10019;
104-10013-10038; 104-10013-10067;
104-10013-10082; 104-10013-10169;
104-10013-10210; 104-10013-10339;
104-10013-10357; 104-10013-10398;
104-10013-10413; 104-10015-10084;
104-10015-10234; 104-10016-10048;
104-10017-10004; 104-10021-10032;
104-10021-10105

After consultation with appropriate Federal Agencies, the Review Board announces that the following House Select Committee on Assassination records are now being opened in full:
180-10001-10418; 180-10070-10296;
180-10070-10297; 180-10070-10304;
180-10070-10307; 180-10070-10309;
180-10070-10315; 180-10070-10323;
180-10070-10329; 180-10070-10347;
180-10070-10353; 180-10070-10354;
180-10070-10358; 180-10070-10438;
180-10071-10218; 180-10071-10221;
180-10071-10227; 180-10072-10053;
180-10072-10077; 180-10072-10103;
180-10072-10103; 180-10072-10104;
180-10072-10381; 180-10073-10069;
180-10073-10139; 180-10073-10139;
180-10073-10148; 180-10073-10148;
180-10073-10163; 180-10073-10176;

180-10074-10327; 180-10075-10064;
180-10076-10015; 180-10076-10016;
180-10076-10357; 180-10077-10381;
180-10078-10195; 180-10078-10196;
180-10080-10239; 180-10080-10240;
180-10080-10242; 180-10080-10243;
180-10080-10253; 180-10080-10266;
180-10080-10267; 180-10082-10208;
180-10082-10209; 180-10082-10210;
180-10082-10214; 180-10082-10226;
180-10085-10143; 180-10085-10146;
180-10085-10234; 180-10085-10235;
180-10085-10250; 180-10085-10303;
180-10085-10326; 180-10085-10342;
180-10085-10355; 180-10085-10361;
180-10085-10379; 180-10087-10142;
180-10087-10379; 180-10087-10380;
180-10089-10331; 180-10089-10332;
180-10089-10333; 180-10089-10334;
180-10089-10335; 180-10089-10420;
180-10089-10448; 180-10089-10449;
180-10089-10457; 180-10089-10458;
180-10089-10459; 180-10089-10480;
180-10090-10015; 180-10090-10099;
180-10090-10100; 180-10090-10101;
180-10090-10102; 180-10090-10327;
180-10091-10031; 180-10091-10049;
180-10091-10255; 180-10093-10038;
180-10094-10241; 180-10094-10242;
180-10094-10244; 180-10094-10244;
180-10094-10245; 180-10094-10246;
180-10094-10252; 180-10094-10253;
180-10094-10262; 180-10094-10263;
180-10099-10305; 180-10099-10327;
180-10099-10328; 180-10099-10328;
180-10099-10345; 180-10102-10098;
180-10102-10306; 180-10102-10374;
180-10102-10375; 180-10102-10380;
180-10102-10380; 180-10102-10381;
180-10102-10385; 180-10102-10397;
180-10102-10398; 180-10105-10001;
180-10112-10293; 180-10112-10297;
180-10112-10298; 180-10112-10350;
180-10112-10358; 180-10130-10002.

Notice of Reconsideration

On July 9-10, 1996, the FBI provided additional evidence to the Review Board regarding 4 records (and 7 duplicates) that previously had been the subject of Review Board determinations. Upon receiving and evaluating this additional evidence, the Review Board voted to sustain postponements as follows: From the original Federal Register Notice 96-13838, 61 FR 28158:

Record No.	Number of original releases	Number of original postponements	Number of revised releases	Number of revised postponements	Date of revised re-view
124-10018-10471	3	1	0	3	07/2006
124-10248-10248	3	1	0	3	07/2006
124-10173-10125	3	1	0	3	07/2006
124-10176-10380	3	1	0	3	07/2006
124-10035-10107	38	0	32	6	07/2006
124-10142-10153	38	0	32	6	07/2006

Record No.	Number of original releases	Number of original postponements	Number of revised releases	Number of revised postponements	Date of revised re-view
124-10228-10241	38	0	32	6	07/2006
124-10234-10284	38	0	32	6	07/2006
124-10171-10198	38	0	32	6	07/2006
124-10063-10133	10	0	8	4	07/2006
124-10233-10238	2	0	2	1	07/2006

On July 9-10, 1996, the FBI provided additional evidence to the Review Board regarding 5 records (and 6 duplicates) that previously had been the subject of Review Board determinations. Upon receiving and evaluating this additional evidence, the Review Board voted to sustain postponements as follows from the original Federal Register Notice 96-15835, 61 FR 31917:

Record No.	Number of original releases	Number of original postponements	Number of revised releases	Number of revised postponements	Date of revised re-view
124-10035-10112	33	2	23	12	07/2006
124-10249-10276	33	2	23	12	07/2006
124-10170-10125	33	2	23	12	07/2006
124-10035-10369	69	5	57	17	07/2006
124-10250-10071	69	5	57	17	07/2006
124-10162-10102	69	5	57	17	07/2006
124-10176-10379	69	5	57	17	07/2006
124-10063-10461	69	5	57	17	07/2006
124-10049-10138	6	0	4	2	07/2006
124-10270-10330	14	9	19	15	07/2006
124-10275-10179	60	1	59	2	07/2006

Additional Releases

It is the Board's policy to release duplicates of records on the same terms and conditions as those records which it previously voted. The following determinations are noticed pursuant to that policy:

- FBI Document: Open in Full
 124-10058-10280; 6; 0; n/a
 124-10170-10080; 2; 0; n/a

Corrections

On May 14 and 15, 1996, the Review Board made formal determinations that were published in the Tuesday June 4, 1996, Federal Register (FR Doc. 96-13838, 61 FR 28158). For that notice make the following correction:

Record No.	Previously published	Correct data
104-10009-10024.	15; 4; 05/2006.	15; 6; 05/2006.

Dated: July 24, 1996.
 David G. Marwell,
Executive Director.
 [FR Doc. 96-19278 Filed 7-29-96; 8:45 am]
BILLING CODE 6118-01-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 60-96]

Foreign-Trade Zone 61, San Juan, Puerto Rico Proposed Foreign-Trade Subzone, Puerto Rico Sun Oil Company, (Oil Refinery Complex), Yabucoa, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Commercial and Farm Credit and Development Corporation of Puerto Rico, grantee of FTZ 61, requesting special-purpose subzone status for the oil refinery complex of Puerto Rico Sun Oil Company (wholly-owned subsidiary of Sun Company, Inc.), located in Yabucoa, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on July 19, 1996.

The refinery complex (85,000 BPD, 340 employees) is located on a 241-acre site at Route 901, Km. 2.7 and Yabucoa Harbor, Yabucoa, Puerto Rico, some 45 miles southeast of San Juan.

The refinery is used to produce fuel products and petrochemical feedstocks. Fuel products include gasoline, jet fuel, kerosene, distillates, residual fuels, naphthas, intermediate gasoline

feedstocks, and lubricating base oils. Petrochemical feedstocks and refinery by-products that are or could be produced at the refinery include benzene, toluene, xylene, ethylene, propylene, cumene, carbon black oil, ethane, propane, butane, petroleum coke, paraffin waxes, petroleum extracts, asphalt and sulfur. All of the crude oil (90 percent of inputs) and some feedstocks and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free) instead of the duty rates that would otherwise apply to the foreign-sourced crude oil. The duty rates on crude oil range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the

Board's Executive Secretary at the address below. The closing period for their receipt is September 30, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 15, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Room G-55, Federal Building, Chardon Avenue, San Juan, Puerto Rico 00918
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: July 22, 1996.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 96-19341 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

Intent To Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of August 1996.

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to

interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

France

Industrial Nitrocellulose
A-427-009
48 FR 36303
August 10, 1983
Contact: David Dirstine at (202) 482-4033

Italy

Tapered Roller Bearings
A-475-603
52 FR 30417
August 14, 1987
Contact: Valerie Turoscy at (202) 482-0145

Japan

Acrylic Sheet
A-588-055
41 FR 36497
August 30, 1976
Contact: Tom Futtner at (202) 482-3814

Japan

Brass Sheet & Strip
A-588-704
53 FR 30454
August 12, 1988
Contact: Tom Killiam at (202) 482-2704

Thailand

Malleable Pipe Fittings
A-549-601
52 FR 37351
August 20, 1987
Contact: Zev Primor at (202) 482-4114

The Netherlands

Brass Sheet & Strip
A-421-701
53 FR 30455
August 12, 1988
Contact: Tom Killiam at (202) 482-2704

The People's Republic of China

Petroleum Wax Candles
A-570-504
51 FR 30686
August 28, 1986
Contact: Valerie Turoscy at (202) 482-0145

If no interested party requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, and no domestic interested

party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

Opportunity to Object

Domestic interested parties, as defined in § 353.2(k) (3), (4), (5), and (6) of the Department's regulations, may object to the Department's intent to revoke these antidumping duty orders and findings or to terminate the suspended investigations by the last day of August 1996. Any submission to the Department must contain the name and case number of the proceeding and a statement that explains how the objecting party qualifies as a domestic interested party under § 353.2(k) (3), (4), (5), and (6) of the Department's regulations.

Seven copies of such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, D.C. 20230. You must also include the pertinent certification(s) in accordance with § 353.31(g) and § 353.31(i) of the Department's regulations. In addition, the Department requests that a copy of the objection be sent to Michael F. Panfeld in Room 4203. This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: July 23, 1996.

Barbara R. Stafford,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 96-19342 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

[A-427-801, A-428-801, A-475-801, A-588-804, A-485-801, A-559-801, A-401-801, A-549-801, A-412-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand and the United Kingdom; Amendment to Initiation of Antidumping Duty Administrative Review and Termination of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amendment to Initiation of Antidumping Duty Administrative Review and Termination of Administrative Review.

SUMMARY: On June 20, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 31506) a notice of initiation of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand and the United Kingdom. The reviews cover shipments of AFBs to the United States during the period May 1, 1995, through April 30, 1996. We are amending the initiation of the administrative reviews for France, Italy and Romania. We are also terminating the administrative review for Thailand.

FOR FURTHER INFORMATION CONTACT: Charles Riggle, Kris Campbell or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-4733.

EFFECTIVE DATE: July 30, 1996.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), as amended are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

The Department received timely requests, in accordance with 19 CFR 353.22(a), for administrative reviews of the antidumping duty orders on AFBs from France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand and the United Kingdom. In accordance with 19 CFR 353.22(c), we initiated administrative reviews of the antidumping duty orders covering AFBs from these nine countries. The orders cover three classes or kinds of merchandise: ball bearings, cylindrical roller bearings and spherical plain bearings. With respect to Romania, we initiated an administrative review of ball bearings from Tehnoimportexport, the only Romanian company for which we received a request for review. We hereby amend the notice of initiation to note that, in addition to Tehnoimportexport, all other exporters

of AFBs from Romania are conditionally covered by this review.

With respect to Italy, our notice indicated that we are initiating reviews for ball and cylindrical roller bearings from SKF Industrie S.p.A. (including all relevant affiliates). However, the antidumping duty order pertaining to SKF's cylindrical roller bearings was revoked in part by the Department in *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Italy* (60 FR 10959, February 28, 1995). Therefore, we are amending the notice of initiation to exclude any reviews of Italian cylindrical roller bearings from SKF.

With respect to France, our notice indicated that we are initiating reviews only on ball and cylindrical roller bearings from SKF France (including all relevant affiliates). Because we received a request to review the order on French spherical plain bearings exported by SKF, we hereby amend the notice of initiation to include spherical plain bearings from SKF France as well.

Finally, on June 28, 1996, we published a notice revoking the antidumping duty order on ball bearings from Thailand (61 FR 33711). Therefore, we are terminating the administrative review we initiated on ball bearings from Thailand for NMB Thai/Pelmec Thai LTD for the period May 1, 1995 through April 30, 1996.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 353.22(c).

Dated: July 23, 1996.
Barbara Stafford,
Deputy Assistant Secretary for AD/CVD Enforcement.
[FR Doc. 96-19345 Filed 7-29-96; 8:45 am]
BILLING CODE 3510-DS-P

[A-351-806]

Silicon Metal From Brazil; Antidumping Duty Administrative Review; Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the fourth administrative review of the antidumping duty order on silicon metal from Brazil. The review covers five manufacturers/exporters of the subject merchandise to the United

States, and the period July 1, 1994, through June 30, 1995.

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Fred Baker of John Kugelman, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230; telephone (202) 482-5253.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the normal time frame, the Department is extending the time limit for completion of the preliminary results until August 27, 1996, in accordance with section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Dated: July 23, 1996.
Joseph A. Spetrini,
Deputy Assistant Secretary Enforcement Group III.
[FR Doc. 96-19344 Filed 7-29-96; 8:45 am]
BILLING CODE 3510-DS-U

[A-570-804]

Sparklers From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On April 8, 1996, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sparklers from the People's Republic of China (PRC). This review covered one manufacturer, Guangxi Native Produce Import and Export Corporation, Beihai Fireworks and Firecrackers Branch (Guangxi), of the subject merchandise, and the review period June 1, 1994, through May 31, 1995.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Zev Primor,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482-5831/4114.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

The Department initiated the June 1, 1994 through May 31, 1995 administrative review for Guangxi on August 16, 1995 (60 FR 42501), at the request of the petitioners, the Elkton and Diamond Sparkler Companies. On April 8, 1996, the Department issued the preliminary results for this administrative review (61 FR 15464).

Scope of the Review

The products covered by this administrative review are sparklers from the PRC. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classifiable under subheading 3604.10.00 of the Harmonized Tariff Schedules (HTS). The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of this proceeding.

The review covers Guangxi and the period June 1, 1994, through May 31, 1995.

Final Results of Review

The Department gave interested parties an opportunity to comment on its preliminary results. The Department did not receive any comments. Accordingly, for reasons discussed in the preliminary results, the Department has, pursuant to section 776(a) of the Act, used facts available and, pursuant to section 776(b) of the Act, used adverse inferences. As discussed in the preliminary results of this review, the Department used as adverse facts available the 93.54 percent margin calculated in the remand of the less-than-fair-value (LTFV) final determination (see *Sparklers from the*

People's Republic of China: Adverse Decision and Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance with Decision Upon Remand, 58 FR 40624 (July 29, 1993)).

The Department will determine, and the U.S. Customs Service will assess, antidumping duties on all appropriate entries. Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Guangxi will be the PRC country-wide rate of 93.54 percent; (2) for previously reviewed or investigated companies that received separate rates not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent applicable period; (3) the cash deposit rate for any non-PRC exporter will be the rate applicable to the PRC supplier of that exporter; and (4) the cash deposit rate for all other PRC manufacturers or exporters will be 93.54 percent, the PRC country-wide rate established in the LTFV investigation.

These deposit requirements will remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 22, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-19346 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

[A-485-602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From Romania; Extension of Time Limits of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limit of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for final results in the administrative review of the antidumping duty order on tapered roller bearings (TRBs) from Romania, covering the period June 1, 1994, through May 31, 1995, since it is not practicable to complete the review within the time limits mandated by the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Karin Price or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

The Department has received requests to conduct an administrative review of the antidumping duty order on TRBs from Romania, covering the period June 1, 1994, through May 31, 1995. On April 8, 1996, the Department issued preliminary results of this review.

It is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act (see Memorandum for Robert S. LaRussa from Joseph A. Spetrini, Extension of Time Limits for 1994-95 Antidumping Duty Administrative Review of Tapered Roller Bearings from Romania, July 22, 1996). Therefore, in accordance with that section, the Department is extending the time limit for the final results to September 25, 1996. This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: July 23, 1996.

Joseph A. Spetrini,
Deputy Assistant Secretary Enforcement
Group III.

[FR Doc. 96-19343 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

C-401-401

Certain Carbon Steel Products From Sweden; Extension of Time Limit for Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for preliminary results of the 1994 administrative review of the countervailing duty order on certain carbon steel products from Sweden. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (hereinafter, "the Act").

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Lorenza Olivas, Office of CVD/AD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W. Washington, D.C., 20230; telephone: (202) 482-2786.

POSTPONEMENT: Under the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days for the reasons set forth in the memorandum of July 25, 1996, (on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce). The Department finds that it is not practicable to complete the 1994 administrative review of certain carbon steel products from Sweden within this time limit.

In accordance with section 751(a)(3)(A) of the Act, the Department will extend the time for completion of the preliminary results of this review from a 245-day period to no later than a 365-day period.

Dated: July 25, 1996.

Jeffrey P. Bialos,
Principal Deputy Assistant Secretary for
Import Administration.

[FR Doc. 96-19426 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

Export Trade Certificate of Review; Notice of Application To Amend Certificate

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

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. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Export Trade Certificate of Review No. 88-00017 was issued to Construction Industry Manufacturers Association (CIMA) on June 6, 1989 (54 FR 24932, June 12, 1989), and previously amended on April 9, 1990 (55 FR 14100, April 16, 1990), January 3, 1991 (56 FR 843, January 9, 1991), December 11, 1991 (56 FR 65467, December 17, 1991), October 21 1992 (57 FR 48788, October 28, 1992), and November 21, 1994 (59 FR 61877, December 2, 1994).

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade

Certificate of Review, application number 88-7A017."

Summary of the Application

Applicant: Construction Industry Manufacturers Association (CIMA), 111 East Wisconsin Avenue, Milwaukee, Wisconsin 53202. Contact: Mr. J. Wm. Peterson, (202) 479-2666.

Application No.: 88-7A017.

Date Deemed Submitted: July 17, 1996.

Proposed Amendment: CIMA seeks to amend its Certificate to:

1. Add as "Member" the following company: Allmand Bros. Inc. of Holdrege, Nebraska.
2. Delete as "Members" the following companies: General Engines Co., Inc. of Thorofare, New Jersey; and Getman Corp. of Bangor, Michigan.

Additional Changes to Certificate Membership

The following Members have merged: Ingersoll-Rand of Woodcliff Lake, New Jersey purchased Blaw-Knox Construction Equipment Corporation of Mattoon, Illinois ("Blaw-Knox"); and TEREX Corporation purchased PPM Cranes, Inc. of Conway, South Carolina ("PPM"). Blaw-Knox and PPM now operate as subsidiaries and as such will not be listed as Members.

Dated: July 24, 1996.

W. Dawn Busby,
Director, Office of Export Trading Company
Affairs.

[FR Doc. 96-19297 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DR-U

Export Trade Certificate of Review; Notice of Application To Amend Certificate

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

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. A Certificate of Review protects the holder and the members identified in the

Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 87-11A004."

Export Trade Certificate of Review No. 87-00004 was issued to AMT—The Association For Manufacturing Technology ("AMT") on May 19, 1987 (52 FR 19371, May 22, 1987) and subsequently amended on December 11, 1987 (52 FR 48454, December 22, 1987), January 3, 1989 (54 FR 837, January 10, 1989), April 20, 1989 (54 FR 19427, May 5, 1989), May 31, 1989 (54 FR 24931, June 12, 1989), May 29, 1990 (55 FR 23576, June 11, 1990), June 7, 1991 (56 FR 28140, June 19, 1991), November 27, 1991 (56 FR 63932, December 6, 1991), July 20, 1992 (57 FR 33319, July 28, 1992), May 10, 1994 (59 FR 25614, May 17, 1994), and December 1, 1995 (61 FR 13152, March 26, 1996).

Summary of the Application

Applicant: AMT—The Association For Manufacturing Technology ("AMT"), 7901 Westpark Drive, McLean, Virginia 22102-4269.

Contact: Andrew J. Shapiro, legal counsel, Telephone: (202) 662-5547.

Application No.: 87-11A004.

Date Deemed Submitted: July 16, 1996.

Proposed Amendment

AMT seeks to amend its Certificate to:

1. Add as "Members" the following companies: ATS Ohio, Westerville, Ohio; and Banner Welder, Germantown, Wisconsin.

2. Delete as "Members" the following companies: Bath Iron Works; Berger

Lahr Motion Technology, Inc.; George Fischer, Ltd.; Huron Machine Products; K.T. Design & Prototype; Light Machine Corp.; and Surf/Tran Burlytic Systems Division.

3. Change the listing of the company name for the current "Members" cited in this paragraph to the new listing cited in parenthesis as follows: The Cincinnati Gilbert Machine Tool Co. (The Cincinnati Gilbert Machine Tool Co. L.L.C.); CM Positech (CM Positech, Division of Columbus McKinnon); D.A. Griffin (Griffin Automation); Litton (Western Atlas); Hobart Brothers Company (Hobart Laser Products); Republic Lagun Machine Tool Co. (Republic Lagun CNC Corp.); Wadell Machine & Tool Co. (Wadell, Division of Rendas Tool & Die, Inc.); and Wallace Coast Machinery Corp. (Wallace Coast Machinery Co., Division of Jesse Engineering Co.).

Dated: July 24, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96-19298 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DR-U

[A-201-504]

Porcelain-on-Steel Cooking Ware From Mexico; Notice of Panel Decision

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of panel decision.

SUMMARY: On July 19, 1996, a Binational Panel, convened pursuant to the North American Free Trade Agreement (NAFTA), affirmed the Department of Commerce's (Department) determination on remand changing the value added tax (VAT) calculation to a tax-neutral methodology approved by the Court of Appeals for the Federal Circuit (CAFC) and correcting a clerical error in the review period covering December 1, 1990 through November 30, 1991 of the above order. This notice is published because this final panel determination is not in harmony with the Department's original determination in this review.

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard Herring, Office of CVD/AD Enforcement, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1995, the Department published in the Federal Register (60 FR 2378) the final results of its fifth administrative review of the antidumping duty order on porcelain-on-steel cooking ware from Mexico. Cinsa, S.A., respondent in these proceedings, subsequently requested that a NAFTA Binational Panel (Panel) review these final results. Thereafter, the Panel remanded the Department's final results with respect to two issues only. Specifically, the Panel directed the Department to (1) "apply Commerce's tax neutral VAT adjustment methodology which was approved by the CAFC in *Federal Mogul*" and to (2) "either correct respondent's clerical error, or allow respondent to present data sufficient to allow Commerce to correct the clerical error in accordance with the CAFC's determination in *NTN Bearings*." The Department made the tax-neutral VAT adjustment and recalculated the cost of Item No. 10158, the item affected by the clerical error. The Department filed its redetermination on June 14, 1996; the Panel affirmed the redetermination on July 19, 1996. This notice is published pursuant to 19 U.S.C. 1516a(g)(5)(B), which stipulates that a notice of a final decision of a binational panel not in harmony with the Department's original determination shall be published within 10 days of the date of the issuance of the Panel decision.

Suspension of Liquidation

On February 8, 1995, respondent Cinsa, S.A. requested that the Department of Commerce continue suspension of liquidation of those entries of merchandise covered by the determination in the fifth administrative review pending the final disposition of the review. Therefore, pursuant to 19 U.S.C. 1516a(g)(5)(C), the Department will continue to suspend liquidation of these entries until such time as a notice of completion of the Panel review has been filed.

Dated: July 25, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-19389 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 071096C]

Marine Mammals; Scientific Research Permit No. 1003 (P612)

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Kimberlee Beckmen, Institute of Arctic Biology, University of Alaska Fairbanks, P.O. Box 757000, Fairbanks, AK 99775-7000, has been issued a permit to take Northern fur seals (*Callorhinus ursinus*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

SUPPLEMENTARY INFORMATION: On May 14, 1996, notice was published in the Federal Register (61 FR 24289) that a request for a scientific research permit to take Northern fur seals had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Date: July 24, 1996.

Ann D. Terbush,
Chief, Permits and Documentation Division,
Office Protected Resources, National Marine Fisheries Service.

[FR Doc. 96-19335 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-22-F

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of submission of information collection #3038-0033—Notification of pending legal proceedings.

SUMMARY: The Commodity Futures Trading Commission has submitted information collection 3038-0033,

Notification of Pending Legal Proceedings to the OMB for review and clearance. The information collected pursuant to this rule is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants and their principals by the Commodity Exchange Act, the Commission's enabling legislation, or otherwise.

ADDRESSES: Persons wishing to comment on this information collection should contact Jeff Hill, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20502, (202) 395-7340. Copies of the submission are available from Joe F. Mink, Agency Clearance Officer, (202) 418-5170.

Title: Regulation Governing Notification of Legal Proceedings.

Control Number: 3038-0033.

Action: Extension.

Respondents: Contract Markets and their officials and Futures Commission Merchants and their principals.

Estimated Annual Burden: 10 total hours.

Estimated Number of Respondents: 100 (1 per year by 100 respondents).

Issued in Washington, DC on July 24, 1996.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 96-19312 Filed 7-29-96; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Delegation of Special Initial Denial Authority (IDA) and Records Release Authority for Freedom of Information Act (FOIA) Requests Pertaining to Guatemala

AGENCY: U.S. Army Inspector General.

ACTION: Notice.

SUMMARY: Pursuant to Army Regulation 25-55, The Freedom of Information Act Program, paragraph 5-200, and memorandum, Headquarters Department of the Army, SAIS-IDP, 25 June 1996, announcement is made of Delegation of Authority. The Deputy Inspector General (DTIG) is designated as the Special Initial Denial Authority for Freedom of Information Act Requests pertaining to Guatemala and that are dated between 1 January 1995 and 3 May 1996. In addition, DTIG is designated as the single Army release authority for records concerning Guatemala requested under the Freedom of Information Act, if such requests are

dated between 1 January 1995 and 3 May 1996.

FOR FURTHER INFORMATION CONTACT: Major Sandra B. Stockel, Legal Office, Attention: SAIG-ZXL, The Inspector General, 1700 Army Pentagon, Washington, DC 20310-1700 or telephone (703) 697-9734.

SUPPLEMENTARY INFORMATION: None.

Richard E. Evans,

Colonel, IG, Executive.

[FR Doc. 96-19292 Filed 7-29-96; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Storm Damage Reduction and Beach Erosion Control Project at Bethany Beach and South Bethany, Sussex County, DE

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken is an evaluation of the alternatives for storm damage reduction and the control of further erosion at Bethany Beach and South Bethany Beach, Delaware. The purpose of any consequent work would be to provide shore property protection and to stabilize the shoreline at a predetermined width.

FOR FURTHER INFORMATION CONTACT: Questions regarding the DEIS should be addressed to Mr. Steve Allen, (215) 656-6559, U.S. Army Corps of Engineers, CENAP-PL-E, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

a. The proposed document evaluates a study area approximately 2.5 miles in length and includes the land between Sussex Shores and York Beach. This area is subject to daily and storm wave action which creates severe beach erosion problems. A potential offshore sand borrow source situated approximately 0.5-2.0 miles northeast of Bethany Beach will be investigated in this study.

b. The authority for the proposed project is the resolution adopted by the U.S. Senate Committee on Environment and Public Works dated 23 June 1988.

2. Alternatives

In addition to the no action alternative, the alternatives considered for storm damage reduction and erosion

control will fall into structural and non-structural categories. The structural measures to correct the beach erosion include bulkheads, seawalls, revetments, offshore breakwaters, groins, beach restoration/nourishment, and beach sills/ Non-structural measures are flood insurance, development regulations, and land acquisition.

3. Scoping

a. Numerous studies and reports addressing beach erosion along the Delaware Coast were conducted by the Corps of Engineers. The most recent study is a Reconnaissance Report: Delaware Coast From Cape Henlopen to Fenwick Island (September 1991), which had identified a number of problem areas where erosion was negatively impacting the adjacent shorelines. This study identified the Bethany Beach/South Bethany area as one of the primary areas to be recommended for further study in the feasibility phase.

b. The scoping process is on-going and has involved preliminary coordination with Federal, State, and local agencies. Participation of the general public and other interested parties and organizations will be invited by means of a public notice. Based on the input of these agencies and the interested public, a decision to have a formal scoping meeting will be made.

c. The significant issues and concerns that have been identified include the impacts of the project on aquatic biota, water quality, intertidal habitat, shallow water habitat, cultural resources, and socio-economics.

4. Availability

It is estimated the DEIS will be made available to the public in August 1997.

Robert L. Callegari,
Chief, Planning Division.

[FR Doc. 96-19293 Filed 7-29-96; 8:45 am]

BILLING CODE 3710-GR-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 30, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including

through the use of information technology.

Gloria Parker,
Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: Measuring Classroom Instructional Processes in Secondary Mathematics.

Frequency: One time only.
Affected Public: Individuals or households.

Reporting and Recordkeeping Hour Burden:

Responses: 400.
Burden Hours: 810.

Abstract: This study will develop and recommend methods for collecting data describing classroom instructional processes in 8-12th grade mathematics classrooms; (2) explore the combined use of questionnaires and related teacher log forms to portray classroom instructional processes; and (3) determine the feasibility of incorporating such methods into NCES surveys or other data collection efforts. The study will collect survey data from 400 randomly sampled secondary mathematics teachers; a subset of 60 members of this group will keep logs on instruction during one semester. Statistical analyses will be conducted on the results to determine which survey and log items provide the most efficient and comprehensive data set for the purpose of portraying instruction in a wide range of settings.

[FR Doc. 96-19279 Filed 7-29-96; 8:45 am]

BILLING CODE 4000-01-U

Office of Management

AGENCY: Office of Management, Department of Education.

ACTION: Notice of membership of the Performance Review Board (PRB).

SUMMARY: Notice is hereby given of the names of members of the Department of Education's PRB.

FOR FURTHER INFORMATION CONTACT: Althea Watson, Director, Executive Resources Team, Human Resources Group, Office of Management, Department of Education, Room 1135, FOB-10B, 600 Independence Avenue, SW, Washington, DC 20202, Telephone: (202) 401-0546. 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 4314(c) (1) through (5) of Title 5, U.S.C.

requires each agency to establish one or more Senior Executive Service (SES) PRBs. The Board shall review and evaluate the initial appraisal of a senior executive's performance along with any comments by senior executives and any higher level executive and make recommendations to the appointing authority relative to the performance of the senior executive, including making recommendations on performance awards.

Membership

The following executives of the Department of Education have been selected to serve on the Performance Review Board of the Department of Education: Gary Rasmussen, Chair, Howard Moses, Co-Chair, Dennis Berry, Carol Cichowski, Alicia Coro, Susan Craig, Charles Hansen, Thomas Hehir, John Higgins, Gloria Jarmon, Mary Jean LeTendre, Philip Link, Larry Oxendine, Linda Paulsen, Andrew Pepin, Raymond Pierce, Delia Pompa, Douglas Ponci, Thomas Skelly, Jamieenne Studley, Thomas Wolanin. The following executives have been selected to serve as alternate members of the Performance Review Board: Francis Corrigan, Claudio Prieto, Leslie Thornton, Steven Winnick.

Dated: July 23, 1996.

Gary J. Rasmussen,

Director for Management.

[FR Doc. 96-19272 Filed 7-29-96; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-110-000]

Carnegie Interstate Pipeline Company; Notice of Informal Settlement Conference

July 24, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on July 31, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purposes of exploring the possible settlement of the referenced docket.

Any party, as defined by 18 CFR 385.102(c) or any participant, as defined by 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Kathleen Dias at (202) 208-0524 or Lorna Hadlock at (202) 208-0737.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-19269 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-128-000]

Eastern Shore Natural Gas Company; Notice of Technical Conference

July 24, 1996.

Take notice that a technical conference will be convened in the above-docketed proceeding on Wednesday, July 31, 1996, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, DC 20426. Any party, as defined in 18 CFR 385.102(c), any person seeking intervenor status pursuant to 18 CFR 385.214, and any participant, as defined in 18 CFR 385.102(b), is invited to participate.

For additional information, please contact Carolyn Van Der Jagt, 202-208-2246, or Tom Gooding, 202-208-1123, at the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-19267 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-53-000]

NE Hub Partners, L.P.; Notice of Postponement of Technical Conference

July 24, 1996.

Take notice that the technical conference originally scheduled in the above-docketed proceeding for Thursday, August 1, 1996. This action is based on a motion filed July 10, 1996, by NE Hub Partners, L.P. requesting the postponement of the technical conference and the joint answer of CNG Transmission Corporation (CNG) and Penn Fuel Gas, Inc. (Penn Fuel) to this motion filed July 17, 1996. In their joint answer, CNG Transmission Corporation (CNG) and Penn Fuel state that September 17, 1996, is acceptable to them, subject to the express proviso that NE Hub, on or before September 3, 1996, provide all parties and Commission Staff with a copy of a written analysis of the report of International Gas Consulting, Inc. which was prepared for Penn Fuel and CNG and was filed with the Commission on May 28, 1996. This analysis should be what NE Hub will rely on in its

presentation at the technical conference on September 17, 1996.

For additional information, please contact Whit Holden (202) 208-1118 or James New, (202) 208-2162, at the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-19265 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-1663-000]

Pacific Gas and Electric Company; San Diego Gas and Electric Company; Southern California Edison Company; Notice of Possible Availability of Technical Conference Broadcast

July 24, 1996.

On July 15, 1996, the Commission issued a notice of Technical Conference to be held on August 1, 1996, in these proceedings. If there is sufficient interest, the Capitol Connection may broadcast the technical conference on August 1, 1996, to interested persons. The conference would be broadcast nationally. However, due to prior commitments, there will be no local broadcast of the conference. Persons interested in receiving the broadcast for a fee should contact Julia Morelli at the Capitol Connection ((703) 993-3100) no later than Friday, July 26, 1996.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-19264 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-644-000]

West Texas Gas, Inc.; Notice of Petition for Declaratory Order

July 24, 1996.

Take notice that on July 16, 1996, West Texas Gas, Inc. (WTG), 211 North Colorado, Midland, Texas 79701, filed in Docket No. CP96-644-000 a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order that certain pipeline facilities, to be abandoned by Northern Natural Gas Company (Northern), would be gathering facilities, upon the acquisition by WTG, and therefore would be exempt from the jurisdiction of the Commission under Section 1(b) of the Natural Gas Act.

WTG states that the facilities consists of approximately 14 miles of 6-inch diameter pipeline and other appurtenant facilities. WTG states further that WTG's petition is the companion to the application filed by Northern on June 21, 1996 and now

pending in Docket No. CP96-590-000, to abandon the subject facilities.

It is stated that the facilities are located in Hansford and Hutchinson Counties, Texas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 14, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96-19266 Filed 7-29-96; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP96-648-000]

Williston Basin Interstate Pipeline Company; Notice of Request Under Blanket Authorization

July 24, 1996.

Take notice that on July 22, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300 Bismarck, North Dakota 58501, filed a request with the Commission in Docket No. CP96-648-000, pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a new metering station and associated appurtenant facilities near Sheridan, Wyoming authorized in blanket certificate issued in Docket No. CP82-487-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williston Basin proposes to construct and operate a new metering station and associated appurtenant facilities to provide transportation service to Montana-Dakota Utilities Co. (Montana-Dakota), a local distribution company, for ultimate use in a new subdivision near Sheridan, Wyoming. Williston Basin states that the facilities to be constructed would consist of a 7 x 9 foot building, meter and miscellaneous gauges and valves. Montana-Dakota further states that 100% of the actual

cost of the facilities would be reimbursed by Montana-Dakota.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96-19268 Filed 7-29-96; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL94-94-001, et al.]

Northern States Power Company, et al.; Electric Rate and Corporate Regulation Filings

July 23, 1996.

Take notice that the following filings have been made with the Commission:

1. Northern States Power Company

[Docket No. EL94-94-001]

Take notice that on July 10, 1996, Northern States Power Company (Minnesota) and Northern States Company (collectively "NSP") tendered for filing NSP's Refund Compliance Report in response to the Commission's May 20, 1996, Order accepting NSP's request for waiver from Fuel Clause Regulations.

In accordance with the above mentioned Commission Order, this compliance filing includes amounts received prior to June 30, 1995. Copies of the compliance filing have been sent to the service list maintained in these proceedings.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Compañía Boliviana de Energía Eléctrica, S.A.-Bolivian Power Company Limited

[Docket No. EG96-82-000]

On July 16, 1996, Compañía Boliviana de Energía Eléctrica S.A.- Bolivian Power Company Limited (the "Applicant") whose address is 515 Madison Avenue, 28th Floor, New York, New York 10022, filed with the Federal

Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

The Applicant states that it will be engaged directly and exclusively in the business of owning one gas turbine and 13 hydroelectric generating facilities representing an aggregate installed capacity and approximately 174.3-MW located in El Alto, Bolivia, La Paz, Bolivia and the Zongo and Miguillas Valleys of Bolivia, and selling electric energy at wholesale, as that term has been interpreted by the Commission. The Applicant requests a determination that the Applicant is an exempt wholesale generator under Section 32(a)(1) of the Public Utility Holding Company Act of 1935.

Comment date: August 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Utility—2000 Energy Corporation ICPM, Inc., Auto Pro Incorporated, PacifiCorp Power Marketing, Inc., Duke Energy Marketing Corp., Greenwich Energy Partners, L.P., CoEnergy Trading Company

[Docket Nos. ER95-187-005; ER95-640-005; ER95-878-005; ER95-1096-005; ER96-109-005; ER96-116-003; ER96-1040-002 (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 July 15, 1996, Utility—2000 Energy Corporation filed certain information as required by the Commission's December 29, 1994, order in Docket No. ER95-187-000.

On July 16, 1996, ICPM, Inc. filed certain information as required by the Commission's March 31, 1995, order in Docket No. ER95-640-000.

On July 8, 1996, Auto Pro Incorporated filed certain information as required by the Commission's June 2, 1995, order in Docket No. ER95-878-000.

On July 15, 1996, PacifiCorp Power Marketing, Inc. filed certain information as required by the Commission's February 2, 1996, order in Docket No. ER95-1096-000.

On July 16, 1996, Duke Energy Marketing Corp. filed certain information as required by the Commission's December 14, 1995, order in Docket No. ER96-109-000.

On July 15, 1996, Greenwich Energy Partners, L.P. filed certain information as required by the Commission's December 20, 1995, order in Docket No. ER96-116-000.

On July 12, 1996, CoEnergy Trading Company filed certain information as required by the Commission's March 14, 1996 order in Docket No. ER96-1040-000.

4. Central Power & Light Company

[Docket No. ER95-1141-001]

Take notice that on July 1, 1996, Central Power & Light Company tendered for filing revised unexecuted copies of the transmission service agreement with Rio Grande Electric Company.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Maine Public Service Company

[Docket No. ER96-2402-000]

Take notice that on July 15, 1996, Maine Public Service Company (Maine Public), filed an executed Service Agreement with CNG Power Services.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power & Light Company

[Docket No. ER96-2403-000]

Take notice that on July 15, 1996, Florida Power & Light Company (FPL), filed the Contract for Sales of Power and Energy by FPL to Duke Power Company. FPL requests an effective date of July 19, 1996.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER96-2404-000]

Take notice that on July 15, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated July 1, 1996 between Cinergy, CG&E, PSI and CNG Power Services Corporation (CNGPS).

The Interchange Agreement provides for the following service between Cinergy and CNGPS.

1. Exhibit A—Power Sales by CNGPS
2. Exhibit B—Power Sales by Cinergy

Cinergy and CNGPS have requested an effective date of July 15, 1996.

Copies of the filing were served on CNG Power Services Corporation, the Pennsylvania Public Utility Commission, the Kentucky Public Service Commission, the Public Utilities

Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Public Service Corporation

[Docket No. ER96-2406-000]

Take notice that on July 15, 1996, Wisconsin Public Service Corporation, tendered for filing an executed service agreement with Federal Energy Sales Inc., Louis Dreyfus Electric Power Inc., Delhi Energy Services, Inc., and Madison Gas & Electric Co. under its CS-1 Coordination Sales Tariff.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. WWP Resource Services, Inc.

[Docket No. ER96-2408-000]

Take notice that on July 15, 1996, WWP Resource Services, Inc. (WRS), an affiliate of The Washington Water Power Company, tendered for filing pursuant to Rule 205, 18 CFR 385.205, an Application for Waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective the earlier of June 30, 1996 or the date the Commission issues an Order in this Docket.

WRS intends to engage in electric power and energy transactions as a marketer. WRS proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. WRS is not in the business of generating, transmitting, or distributing electric power.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Southern California Edison Company

[Docket No. ER96-2409-000]

Take notice that on July 15, 1996, Southern California Edison Company (Edison), tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) with the City of Riverside (Riverside), FERC Rate Schedule No. 250, and associated Firm Transmission Service Agreement (FTS Agreement):

Supplemental Agreement Between Southern California Edison Company and The City of Riverside for the Integration of the DWR Power Sale Agreement V
Edison-Riverside DWR-V Firm Transmission Service Agreement

Between Southern California Edison Company and City of Riverside

The Supplemental Agreement sets forth the terms and conditions by which Edison will integrate capacity and associated energy under Riverside's DWR Power Sale Agreement V (DWR Agreement V) with Department of Water Resources of the State of California (DWR). The FTS Agreement sets forth the terms and conditions by which Edison, among other things, will provide firm transmission service for the DWR Agreement V. Edison seeks waiver of the 60 day prior notice requirement and requests the Commission assign an effective date of July 16, 1996, to the Supplemental and FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Midwest Energy, Inc.

[Docket No. ER96-2411-000]

Take notice that on July 12, 1996, Midwest Energy, Inc. (Midwest), tendered for filing with the Federal Energy Regulatory Commission (Commission) fully executed Service Agreements for Opportunity Sales Service entered into between Midwest and the following four customers: City of Colby, City of Jetmore, City of Oakley and the City of LaCrosse.

Midwest states that it is serving copies of the instant filing to its customers, State Commissions and other interested parties.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Pacific Northwest Generating Cooperative, Inc.

[Docket No. ER96-2412-000]

Take notice that on July 15, 1996, Pacific Northwest Generating Cooperative, Inc. (PNGC), filed a tariff to make wholesale sales at cost-based rates to PNGC member cooperatives.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER96-2413-000]

Take notice that on July 15, 1996, Northeast Utilities Service Company (NUSCO), on behalf of the Northeast Utilities Companies (The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, and

Holyoke Power and Electric Company) tendered for filing pursuant to Rule 205 of the Federal Power Act and § 35.13 of the Commission's Regulations, the following rate schedules:

- System Power Sales Agreement between CL&P and Connecticut Municipal Electric Energy Cooperative (CMEEC), dated July 1996; and
- Third Amendment to Transmission Service Agreement between the Northeast Utilities Companies and CMEEC, dated July 1996.

The proposed rate schedules and other documents relating to these rate schedules propose to accomplish the following: (i) provide CMEEC with sufficient wholesale power service to accommodate CMEEC's provision of wholesale power to the Mohegan Tribal Utility Authority (Tribal Utility Authority), a new CMEEC participant, and (ii) modify the Northeast Utilities Companies' existing transmission arrangement with CMEEC to provide for the transmission of firm power to the Tribal Utility Authority as a new CMEEC participant in a manner consistent with the existing arrangements among CMEEC, the Northeast Utilities Companies and other CMEEC participants.

NUSCO requests that the rate schedule become effective on July 16, 1996, and seeks waiver of the Commission's notice requirements and any applicable Commission Regulations. NUSCO states that copies of the rate schedule have been mailed or delivered to the parties to the Agreement and the affected state utility commissions.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. MidAmerican Energy Company

[Docket No. ER96-2414-000]

Take notice that on July 15, 1996, MidAmerican Energy Company, 106 East Second Street, Davenport, Iowa 52801, tendered for filing a proposed change in its Rate Schedule for Power Sales, FERC Electric Rate Schedule, Original Volume No. 5. The proposed change consists of the following:

1. Second Revised Sheet No. 16, superseding First Revised Sheet No. 16;
2. Original Sheet No. 17; and
3. Original Sheet No. 18.

MidAmerican states that it is submitting these tariff sheets for the purpose of complying with the requirements set forth in *Southern Company Services, Inc.*, 75 FERC ¶ 61,130 (1996), relating to quarterly filings by public utilities of summaries of short-term market-based power

transactions. The tariff sheets contain summaries of such transactions under the Rate Schedule for Power Sales for the period May 1, 1996 through June 30, 1996. Summaries of transactions for the period April 1, 1996 through April 30, 1996 were accepted in Docket Nos. ER96-1664-000 and ER96-1834-000.

MidAmerican proposes an effective date of May 1, 1996 for the rate schedule change. Accordingly, MidAmerican requests a waiver of the 60-day notice requirement for this filing. MidAmerican states that this date is consistent with the requirement of the *Southern Company Services, Inc.*, order and the effective dates authorized in Docket Nos. ER96-1664-000 and ER96-1834-000.

Copies of the filing were served upon MidAmerican's customers under the Rate Schedule for Power Sales and the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Duke Power Company

[Docket No. ER96-2415-000]

Take notice that on July 15, 1996, Duke Power Company (Duke), tendered for filing a Service Agreement for Market Rate (Schedule MR) Sales between Duke and The Cincinnati Gas & Electric Company, PSI Energy, Inc. and Cinergy Services, Inc.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Duke Power Company

[Docket No. ER96-2416-000]

Take notice that on July 15, 1996, Duke Power Company (Duke), tendered for filing a Service Agreement for Market Rate (Schedule MR) Sales between Duke and East Kentucky Power Cooperative, Inc. and Schedule MR Transaction Agreement thereunder.

Comment date: August 6, 1996, in accordance with Standard Paragraph E at the end of this notice.

STANDARD PARAGRAPH:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary

[FR Doc. 96-19270 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. ER96-2405-000, et al.]

PECO Energy Company, et al.; Electric Rate and Corporate Regulation Filings

July 24, 1996

Take notice that the following filings have been made with the Commission:

1. PECO Energy Company

[Docket No. ER96-2405-000]

Take notice that on July 15, 1996, PECO Energy Company (PECO), filed a Service Agreement dated July 8, 1996 with The Cleveland Electric Illuminating Company (CEI) under PECO's FERC Electric Tariff, First Revised Volume No. 4 (Tariff). The Service Agreement adds CEI as a customer under the Tariff.

PECO requests an effective date of July 8, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to CEI and to the Pennsylvania Public Utility Commission.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. PECO Energy Company

[Docket No. ER96-2417-000]

Take notice that on July 15, 1996, PECO Energy Company (PECO) filed a Service Agreement dated July 8, 1996 with Old Dominion Electric Cooperative (ODEC) under PECO's FERC Electric Tariff, First Revised Volume No. 4 (Tariff). The Service Agreement adds ODEC as a customer under the Tariff.

PECO requests an effective date of July 8, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to ODEC and to the Pennsylvania Public Utility Commission.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. PECO Energy Company

[Docket No. ER96-2418-000]

Take notice that on July 15, 1996, PECO Energy Company (PECO), filed a Service Agreement dated July 8, 1996 with Old Dominion Electric Cooperative

(ODEC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds ODEC as a customer under the Tariff.

PECO requests an effective date of July 8, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to ODEC and to the Pennsylvania Public Utility Commission.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. PECO Energy Company

[Docket No. ER96-2419-000]

Take notice that on July 15, 1996, PECO Energy Company (PECO), filed a Service Agreement dated July 8, 1996 with The Toledo Edison Company (TE) under PECO's FERC Electric Tariff, First Revised Volume No. 4 (Tariff). The Service Agreement adds TE as a customer under the Tariff.

PECO requests an effective date of July 8, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to TE and to the Pennsylvania Public Utility Commission.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Central Illinois Public Service Company

[Docket No. ER96-2420-000]

Take notice that on July 16, 1996, Central Illinois Public Service Company (CIPS), submitted Service Agreements establishing Calpine Power Services Company, (CPS), Cleveland Electric Illuminating Company (CEI), Toledo Edison Company (TE), and Williams Energy Services Company (WES), as new customers under the terms of CIPS' Coordination Sales Tariff CST-1 (CST-1 Tariff).

CIPS requests effective dates coincident with the dates of execution for the four service agreements and an effective date of July 8, 1996, for the revised Index of Customers. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon the four customers and the Illinois Commerce Commission.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northern States Power Company

[Docket No. ER96-2421-000]

Take notice that on July 16, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the following Transmission Service Agreement between NSP and Cenerprise, Inc.

NSP requests that the Commission accept the agreements effective June 16, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Electric and Gas Company

[Docket No. ER96-2422-000]

Take notice that on July 16, 1996, Public Service Electric and Gas Company (PSE&G), tendered for filing an agreement to provide non-firm transmission service to Sonat Power Marketing, Inc., pursuant to PSE&G's Open Access Transmission Tariff presently on file with the Commission in Docket No. OA96-80-000.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of the date of this filing.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. The Dayton Power and Light Company

[Docket No. ER96-2423-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company (Dayton), tendered for filing, an executed Master Electric Interchange Agreement between Dayton and Coastal Electric Services Company (CESC).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide CESC power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. The Dayton Power and Light Company

[Docket No. ER96-2424-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and AIG Trading Corporation (AIG).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to AIG power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. The Dayton Power and Light Company

[Docket No. ER96-2425-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company

(Dayton), tendered for filing an executed Master Power Sales Agreement between Dayton and Virginia Electric and Power Company (VEP).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to VEP power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. The Dayton Power and Light Company

[Docket No. ER96-2426-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and Federal Energy Sales, Inc. (FES).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to FES power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. The Dayton Power and Light Company

[Docket No. ER96-2427-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and TransCanada Power Corp. (TCP).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to TCP power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. The Dayton Power and Light Company

[Docket No. ER96-2428-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and Southern Energy Marketing, Inc. (SEM).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to SEM power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. The Dayton Power and Light Company

[Docket No. ER96-2429-000]

Take notice that on July 16, 1996, The Dayton Power and Light Company

(Dayton), tendered for filing an executed Master Power Sales Agreement between Dayton and Old Dominion Electric Cooperative (ODEC).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to ODEC power and/or energy for resale.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Consolidated Edison Company of New York, Inc.

[Docket No. ER96-2430-000]

Take notice that on July 16, 1996, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing an agreement with Williams Energy Services Company (WESCO) to provide for the sale of energy and capacity. For energy the ceiling rate is 100 percent of the incremental energy cost plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power resource). The ceiling rate for capacity is \$7.70 per megawatt hour. Energy and capacity sold by WESCO will be at market-based rates.

Con Edison states that a copy of this filing has been served by mail upon WESCO.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Consolidated Edison Company of New York, Inc.

[Docket No. ER96-2431-000]

Take notice that on July 16, 1996, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing an agreement with Westcoast Power Marketing, Inc. (WCPM) to provide for the sale of energy and capacity. For energy the ceiling rate is 100 percent of the incremental energy cost plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power resource). The ceiling rate for capacity is \$7.70 per megawatt hour. Energy and capacity sold by WCPM will be at market-based rates.

Con Edison states that a copy of this filing has been served by mail upon WCPM.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Company of New York, Inc.

[Docket No. ER96-2432-000]

Take notice that on July 16, 1996, Consolidated Edison Company of New

York, Inc. (Con Edison), tendered for filing an agreement with Federal Energy Sales, Inc. (FES) to provide for the sale of energy and capacity. For energy the ceiling rate is 100 percent of the incremental energy cost plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power resource). The ceiling rate for capacity is \$7.70 per megawatt hour. Energy and capacity sold by FES will be at market-based rates.

Con Edison states that a copy of this filing has been served by mail upon FES.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Consolidated Edison Company of New York, Inc.

[Docket No. ER96-2433-000]

Take notice that on July 16, 1996, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing an agreement with Global Petroleum Corp. (Global) to provide for the sale of energy and capacity. For energy the ceiling rate is 100 percent of the incremental energy cost plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power resource). The ceiling rate for capacity is \$7.70 per megawatt hour. Energy and capacity sold by Global will be at market-based rates.

Con Edison states that a copy of this filing has been served by mail upon Global.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Houston Lighting & Power Company

[Docket No. ER96-2434-000]

Take notice that on July 16, 1996, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA) with Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc. (collectively Entergy), for Economy Energy Transmission Service under HL&P's FERC Electric Tariff, Original Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections. HL&P has requested an effective date of July 22, 1996.

Copies of this filing were served on Entergy and the Public Utility Commission of Texas.

Comment date: August 7, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-19263 Filed 7-29-96; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5542-3]

Information Collection for Request Solid Waste Disposal Facility Criteria (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for renewal.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) listed below will be submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* for renewal.

DATES: Comments must be submitted on or before September 30, 1996.

ADDRESSES: Comments should be sent to Docket Number F-96-FCIP-FFFFF located in the RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters (EPA HQ), 401 M Street, SW., Washington, D.C. 20460. One original and two copies of each comment should be submitted. Hand delivery of comments should be made to the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. Comments may also be submitted electronically through the Internet to: rcra-

docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-96-FCIP-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). Interested persons may obtain a copy of the draft ICR by calling (703) 308-7261.

FOR FURTHER INFORMATION CONTACT: Allen J. Geswein, Municipal and Industrial Solid Waste Division, Office of Solid Waste(5306W), 401 M Street, SW, Washington, D.C. 20460, (703)308-7261.

SUPPLEMENTARY INFORMATION:

I. Information Collection Request

EPA is seeking comments on ICR #1381, OMB No. 2050-0122.

Title: Solid Waste Disposal Facility Criteria (RCRA Part 258).

Affected entities: Owners or operators of new MSWLFs, existing MSWLFs, and lateral expansions of existing MSWLFs. These owners or operators could include Federal, State, and local governments, and private waste management companies. Facilities in SIC codes 922, 495, 282, 281, and 287 may be affected by this rule.

Abstract: Under statutory authority found in RCRA Part 258, EPA established mandatory regulations (See 40 CFR Part 258) that established the criteria for Municipal Solid Waste Landfills (MSWLFs) that co-dispose of sewage sludge and that receive ash from municipal waste combustion (MWC) facilities (including ash monofills). EPA believes these requirements mitigate potential hazards to human health and the environment from the potential mismanagement by owners or operators of MSWLFs. Except as described below, these criteria became effective on October 9, 1993. Subsequently, on October 18, 1994, the Agency extended the compliance date for the Financial Assurance (Subpart G) requirements until April 9, 1997. Additionally, on October 6, 1995, EPA delayed the effective date for MSWLFs that receive less than 20 tons of waste per day until October 9, 1997.

The information covered by this ICR will be used by the State Director to confirm owner or operator compliance with the regulations under Part 258.

Burden Statement: The burden to respondents for complying with the Part 258 information collection requirements is approximately 298,000 hours per year, with an annual cost of \$12,700,000. These burdens are based

on the assumption that there are 3500 existing MSWLFs and that there are an estimated 200 new MSWLFs.

Small or Remote MSWLFs: EPA estimates that the total burden would apply to approximately 800 "small" MSWLFs located in remote and/or arid regions. The requirement is that the MSWLF owner or operator make the determination that they meet the criteria in § 258.1(f)(2). There is a one-time reporting burden of two hours per facility.

EPA estimates that 5% (40) of the total number of small facilities will discover ground-water contamination and must notify the State Director and comply with the liner requirements in Subpart B. This would occur over an estimated 10 years and 4 facilities per year for purposes of this estimate. The one-time recordkeeping burden is estimated to be 30 hours per facility. There would be no annual burden. There is a one-time reporting burden of two hours per facility.

Location Restrictions

Airport Safety: Of the estimated 200 new MSWLF units and lateral expansions that are affected by this requirement, approximately 50% are expected to be within the areas of airport safety. EPA has estimated a one-time recordkeeping requirement for this location restriction of 10 hours per facility. There is a one-time reporting burden of two hours per facility.

Floodplains: Of the estimated 200 new MSWLF units and lateral expansions that are affected by this requirement, approximately 20% are expected to be within the 100-year floodplain. EPA has estimated a one-time recordkeeping requirement for this location restriction of 10 hours per facility. There is a one-time reporting burden of two hours per facility.

Wetlands: This requirement comes from the Clean Water Act (CWA) and incorporates EPA guidelines developed pursuant to the CWA. Any recordkeeping requirement is attributable to implementing the CWA and not the MSWLF Criteria. Therefore, in order to avoid double counting, no recordkeeping requirements for this location provision are included in this estimate. The reporting and recordkeeping requirements are reported under OMB Control Number 2040-0086.

Fault Areas: Of the estimated 200 new MSWLF units and lateral expansions that are affected by this requirement less than 10% are expected to be in a fault area. A one-time recordkeeping requirement for this location restriction of 10 hours per facility is estimated.

However, the recordkeeping requirement is included under § 258.29 because there is no authority under § 258.13 to require recordkeeping. There is a one-time reporting burden of two hours per facility.

Seismic Impact Zones: Less than 10% of the estimated 200 new MSWLFs and lateral expansions are expected to be in a seismic impact zone. EPA has estimated a one-time recordkeeping requirement for this location restriction of 10 hours per facility. There is a one-time reporting burden of two hours per facility.

Unstable Areas: Less than 10% of the estimated 200 new MSWLFs and lateral expansions are expected to be in an unstable area. EPA assumes that owner's and/or operators of existing units would have made the appropriate demonstration prior to January 1997. EPA has estimated a one-time recordkeeping requirement for this location restriction of 10 hours per facility. There is a one-time reporting burden of two hours per facility.

Closure of Existing MSWLFs: Of the existing 3500 MSWLFs, EPA estimates that less than 2% of the owners or operators of existing MSWLFs that are located near airports (§ 258.10(a)), floodplains (§ 258.11(a)), or in unstable areas (§ 258.15(a)) will attempt to extend the deadline for closure until October 9, 1998. EPA estimates the one-time recordkeeping requirement for these 70 facilities to be 40 hours. There is a one-time reporting burden of two hours per facility.

Operating Criteria

Procedures To Exclude Hazardous Wastes

EPA estimates an annual recordkeeping burden of 10 hours per year for each of the 3500 landfills per year for each of the 3500 landfills for training and an annual reporting burden of two hours per facility. In addition there is a one-time two hour reporting burden for each of the 50 landfills that are estimated to detect regulated quantities of hazardous or PCB waste. These 50 MSWLF owners or operators must notify the State Director (or the EPA Regional Administrator) if a regulated hazardous waste or PCB waste is discovered at the facility. This adds a one-time reporting burden of two hours for those 50 facilities.

Cover Material Requirements

EPA assumes that owner's and/or operators of existing units would have made the appropriate demonstration prior to January 1998; therefore, there is no burden for existing units. Of the estimated 200 new MSWLFs and lateral

expansions that are eligible for these demonstrations, EPA estimates that less than 10% are expected to conduct the demonstrations. For MSWLF units making the demonstration, EPA has estimated a one-time recordkeeping burden of 24 hours per facility. There is a one-time reporting burden of two hours for those 20 facilities.

Explosive Gases Control

EPA estimates a one time recordkeeping burden of 24 hours to set up a methane monitoring program for the estimated 200 new units and 6 hours per year recordkeeping burden to record the results of the monitoring for each of the 3500 operating units.

The requirement to develop a remediation plan and report to the State would only apply to those facilities that exceed the standards for methane at the facility. EPA estimates that this will occur at 50 of the 3500 operating facilities per year and that each of these facilities would have a one-time recordkeeping burden of 16 hours per year. There is a one-time reporting burden of two hours for those 50 facilities.

Liquids Restrictions

This one-time reporting requirement will apply only to the facilities that recirculate gas condensate or leachate and that have composite liners. Of the 200 new MSWLFs, EPA estimates that there are 100 such facilities. EPA assumes that the required recordkeeping would take 2 hours per facility and that the one-time reporting requirement will take 2 hours per facility.

Recordkeeping Requirements

Owners and operators of MSWLFs must notify the State Director when any of the demonstrations (documentation) required by other sections of this rule have been added to the facility operating record. The recordkeeping and reporting requirements for § 258.13 (Fault areas) of 10 hours per facility are contained in this section.

Design Criteria

Alternative Liner Design

Owners or operators of MSWLFs in approved States may be permitted to use an alternative liner design. The owner or operator must demonstrate (document) that the alternative liner design meets the performance standard in § 258.40(a)(1). To date, this design option has been chosen by only a very few MSWLFs, EPA estimates that 5% of the 200 new MSWLFs will undertake this one-time reporting requirement and EPA estimates the burden at 40 hours per facility. There is no recordkeeping

requirement under the Part 258 rules for § 258.40(c).

Alternative Point of Compliance

This one-time reporting requirement is the responsibility of the Director of an approved State. There is no recordkeeping or reporting requirement for the owner or operator. The Director of an approved State may voluntarily choose to use an alternative point of compliance. The Director of an approved State must consider the factors at § 258.40(d)(1)–(8) in demonstrating (documenting) that the alternative point of compliance meets the performance standard. EPA assumes that all States that are considering this approach will have made the appropriate demonstration prior to January 1998 and there will be no burden from this requirement.

Ground-Water Monitoring and Corrective Action

“No Migration Petitions”

Owners and operators of MSWLFs may demonstrate (document) that there is no potential for migration of hazardous constituents from the facility. The demonstration is to be based on site-specific data and fate and transport modeling. EPA estimates no more than 5 owners or operators will attempt this demonstration per year. EPA assumes that the required documentation would result in a one-time reporting requirement of 100 hours per facility. Section 258.50(a) does not contain recordkeeping requirements, however, the one-time recordkeeping requirements of 2 hours per facility that are contained in § 258.29 have been included here for simplicity.

Establish GWM Systems

EPA reviewed State permit programs and found that 80% of the States had requirements to set up groundwater monitoring systems prior to the promulgation of Part 258; therefore, the Agency assumed the one-time reporting requirement of 20 hours per facility would result for 20% of the 200 (40) new facilities. There are one-time recordkeeping requirements at §§ 258.51(d)(1)(ii), 258.53(a) and 258.53(g). Each of the three sections has a 2 hours per facility recordkeeping requirement for a total of 6 hours per facility.

Detection Monitoring Program

Of the 3500 operating facilities, 800 are qualifying “small” MSWLFs that will be exempted from Subpart E. EPA estimates that the total annual reporting burden for detection monitoring to be 32 hours per year. As discussed above, EPA

estimates that 80% of the States required ground-water monitoring prior to the promulgation of Part 258, however, Part 258 contains monitoring parameters not usually found in State rules. For the purposes of this analysis, EPA assumed that current State regulations already captured 5 hours per year of the total annual reporting burden for detection monitoring; therefore, this rule imposes an incremental burden of 27 hours per year for landfills in the States with monitoring requirements (i.e., 80% of the landfills or 2800 landfills). For the remaining 700 landfills in States without groundwater monitoring requirements and the 200 new MSWLF units per year, EPA assumed that all would incur the entire annual reporting burden of 32 hours per year. There is an annual recordkeeping requirement of 2 hours for each facility.

Assessment Monitoring Program

EPA assumes that the only facilities that will need to establish an assessment monitoring program are existing MSWLF units. None of the new MSWLF units are expected to require assessment monitoring prior to January 2000.

For assessment monitoring, EPA estimated that this rule would impose a reporting burden of 32 hours per occurrence per year. The Agency's Regulatory Impact Analysis assumes that approximately one third of the facilities will contaminate ground water such that assessment monitoring and corrective action are required. The number impacted would not include the 800 “qualifying” small MSWLFs because they will be exempted, therefore, about 900 facilities [$\frac{1}{3}$ (3500 – 800)] are included in the recordkeeping estimate. This estimate includes the facilities that voluntarily choose to make the “false positives” demonstration at § 258.55(g)(2). There is an annual recordkeeping requirement of 2 hours for each facility.

“False Positives”

See the discussion for § 258.55—Assessment Monitoring Program.

Selection of Remedy

For corrective action, EPA estimated an annual burden of 200 hours per year to document progress in clean up activities. Approximately one-half of the States have corrective action rules; therefore, the Agency assumes that 450 facilities (approximately $\frac{1}{2}$ of 900 facilities) would have increased reporting burdens.

The estimated reporting burden includes consideration of § 258.57(d), the requirement to establish a schedule for implementing and completing

remedial measures. The estimated burden also includes consideration of § 258.57(e), the conditions that would allow no ground-water clean up.

There are annual recordkeeping burdens at §§ 258.57(b), 258.58(d), and 258.58(e). Each of these annual recordkeeping burdens requires 2 hours per facility per year for a total of 6 hours.

Implementation of the Corrective Action Program

EPA assumes that no owner or operator will have completed Corrective Action and, therefore, be required to comply with § 258.58(f) prior to January 2000. Section 258.58(f) is the only recordkeeping or reporting burden in § 258.58 that is not included in the recordkeeping and reporting estimates for § 258.57 of the rule, therefore, this section contains no additional reporting or recordkeeping requirements.

Closure and Post-Closure Care

Closure Criteria

EPA estimates that a one-time burden of 16 hours per facility is required to document the closure plan. A review of the State rules indicated that 80% of the current State requirements contain a similar provision that would require the owner or operator to submit the same type of information that EPA would require in a closure plan. Therefore, 40 facilities (20% of the estimated 200 new facilities) would have increased reporting burdens. EPA assumes that all existing and lateral expansions will have developed the closure plan prior to January 1998. There is a one-time recordkeeping burden of 2 hours per facility.

Post-Closure Care Requirements

EPA estimates the annual reporting burden for the post-closure care plan to be 16 hours per facility. The review of State rules found that 60% of the current State rules contained similar requirements that would require the owner or operator to submit the same type of information that EPA would require in the post-closure care plans. Therefore, 1400 facilities (40% of 3500) would have reporting and recordkeeping burdens. There is an annual recordkeeping burden of 2 hours per facility.

Financial Assurance Criteria

Financial Assurance for Closure

The estimated annual reporting burden for the financial assurance requirements is 4 hours per year per facility for all financial assurance requirements. This includes annually

adjusting cost estimates for inflation for closure, post-closure care (§ 258.72), and known corrective actions (§ 258.73). A review of State rules indicated that 40% of the States had requirements for financial assurance, therefore, 2100 facilities (60% of 3500) are included in the estimate. There is an annual recordkeeping burden of 2 hours per facility.

Estimating Respondent Costs

For estimated costs to respondents, see Exhibits 1 through 4 of the supporting document.

For the purpose of preparing the cost and burden estimates for this ICR, EPA examined ICRs for similar programs that have already been approved by OMB. These ICRs were for the UST program (Subtitle I) and the Subtitle C program. Additionally EPA reviewed the previous ICR submitted under the RCRA Subtitle D program.

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Estimating State and Agency Burden and Cost

All information is submitted to the States; therefore, Agency burden and cost is negligible. The State burden for recordkeeping will be to process the notifications of the State Directors sent by the owners and/or operators of the MSWLFs, review of MSWLFs demonstrations, and certification of requirements. States will be notified, as specified previously under 3(I).

The recordkeeping burden to process these notifications is estimated to be 0.5 hours per notification.

The reporting burden to review demonstrations from owners and/or operators is estimated to be 1 hour per demonstration. The recordkeeping burden to process these demonstrations from owners and/or operators is estimated to be 1 hour per demonstration. The reporting burden to certify demonstrations is estimated to be 1 hour per certification and a recordkeeping burden of 1 hour per certification.

II. Request for Comments

The Agency will begin an effort to examine the Solid Waste Disposal Facility Criteria (RCRA PART 258) forms and consider options for reducing their burden and increasing the usefulness of the information collected

by these forms. The Agency would appreciate any information on the users of this information, how they use this information, how the information could be improved, and how the burden for these forms can be reduced. In addition, the Agency is also soliciting comments that:

(I) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Public Docket

A record has been established for this action under docket number F-96-FCIP-FFFFF. 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 the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA.

No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9.

Dated: July 18, 1996.

James R. Berlow,

Acting Director, Office of Solid Waste.

[FR Doc. 96-19326 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5544-2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; NPDES Compliance Assessment and Certification Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: the National Pollutant Discharge Elimination System (NPDES) Compliance Assessment/Certification Information (OMB Control No. 2040-0110, expiration date 9/30/96). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 29, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1427.05.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request for the National Pollutant Discharge Elimination System (NPDES) Compliance Assessment/Certification Information (OMB Control No. 2040-0110; EPA ICR No. 1427.05) expiring 9/30/96. This is a revision of a currently approved collection.

Abstract: Compliance assessment reporting requirements consist of routine submittals which may include annual certifications, reports submitted when a compliance schedule milestone is reached, and non-routine submittals, which are required when certain conditions occur (e.g., unanticipated bypass). Permit writers need this information to determine if permittees are complying with the terms and conditions of their permits. The information is mandatory, established by (1) reporting requirements in 40 CFR Part 122, Sections: 122.41(e)(5); 122.41(j) and (l); 122.41(m) and (n); 122.44; and, (2) inspection and recordkeeping requirements for storm water associated with industrial discharges in 40 CFR Part 122, Section 122.41(i)(4) (i) and (ii). This ICR fully integrates compliance assessment requirements previously covered under the Storm Water Implementation ICR (OMB No. 2040-0004); sewage sludge; and certification for exemption from monitoring for seven industrial categories (OMB No. 2040-0033); and, includes consideration for new storm water sources, many of which were permitted for the first time in the last three years. Users of the data include Federal (EPA) and State permitting authorities for determining compliance under the above citations.

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 9, 1996 (61 FR 15801; a technical correction was published on May 8, 1996 (61 FR 20814). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: NPDES permittees.

Estimated Number of Respondents: 23,673.

Frequency of Response: Variable, as needed.

Estimated Total Annual Hour Burden: 744,865 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No.1427.05 and OMB Control No.2040-0110 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: July 23, 1996.

Joseph Retzer,

Director, Regulatory Information Division.
[FR Doc. 96-19324 Filed 7-29-96; 8:45 am]
BILLING CODE 6560-50-P

[FRL-SS44-6]

Proposed Administrative Settlement Under Section 122(h) and Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, 42 U.S.C. 9622(h) and 42 U.S.C. 9606(a), Black Hawk Iron and Metals Site, Waterloo, IA

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement; Black Hawk Iron and Metal Site, Waterloo, Iowa.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9622(h). This settlement is intended to resolve the liability of Chicago Central & Pacific Railroad, for the response costs incurred and to be incurred at the Black Hawk Iron and Metal Superfund Site, Waterloo, Iowa.

DATES: Written comments must be provided on or before August 29, 1996.

ADDRESSES: Comments should be addressed to Belinda Holmes, Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 and should refer to: In the Matter of Black Hawk Iron and Metal Site, Waterloo, Iowa, Chicago Central & Pacific Railroad, EPA Docket No. 96-F-0006.

FOR FURTHER INFORMATION CONTACT: Belinda Holmes, Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7714.

SUPPLEMENTARY INFORMATION: The proposed settling party is Chicago Central and Pacific Railroad Company (CCP), the owner and operator of approximately a 0.25 acre active railroad spur, that is part of the Black Hawk Iron and Metal Superfund Site (the Site).

The Black Hawk Iron and Metal Site was operated as a scrap metal salvage operation from the early 1950s until May, 1991. At least three separate businesses have operated at the Site,

including Black Hawk Iron and Metal, Inc., R&M Midwest Metals, Inc., and Capital Metals, Inc. Various salvage operations at the Site included resale of scrap metal and transformers and lead reclamation from batteries, as well as smelting of copper and other metals. The Site is approximately 4.5 acres in size and is comprised of two parcels, divided by a 0.25 acre active railroad spur owned and operated by CCP. The Site is surrounded by approximately twenty-three (23) single family residences on the West, North and East sides. The strip of land on which the rail spur is built was conveyed to the Dubuque & Sioux City Railroad Company by two separate deeds in October, 1925 and June, 1928. The strip of property, including the rail spur, was conveyed to the Illinois Central Railroad Company in December, 1985 as part of CCP's purchase of several rail lines from Illinois Central Railroad. The parcels north and south of the rail spur are owned by other potentially responsible parties. The south 1.3 acre parcel was used for the disposal of broken battery casings and the scrap debris, including empty wooded wire rope spools.

In November, 1993, neighborhood residents reported to the Waterloo Fire Department that a child had returned home from the Site with a small jar of metallic mercury which the child had collected while playing at the Site. The Waterloo Fire Department referred the matter to the Black Hawk County Health Department and IDNR for investigation. IDNR requested assistance from EPA, and EPA personnel visited the Site and collected several samples from the Site. Mercury in concentrations of up to 3,490 mg/kg, arsenic in concentrations up to 59.9 mg/kg, antimony in concentrations up to 1,200 mg/kg, copper in concentrations up to 313,000 mg/kg, and lead in concentrations up to 53,000 mg/kg were present in soils at the site. In addition soil samples from ten of the adjacent residents contained lead in concentrations exceeding 500 mg/kg.

A large percentage of the surface area of CCP's property was covered with battery casings and fragments of lead plates.

In June 1994, EPA conducted an emergency removal action to stabilize conditions at the Site. Residential soils containing lead at levels greater than 500 mg/kg were removed and impounded on-site. In addition, 3,500 linear feet of security fencing was installed around the north and south parcels. During the summer of 1995, CCP performed its own investigation of the Soils on the 0.25 acre rail spur. Results of sampling conducted by CCP

showed lead in surface soil at concentrations up to 1,690 mg/kg, and in subsurface soil at concentrations up to 17,840 mg/kg.

On August 28, 1995, the Regional Administrator of EPA Region VII, signed an Action Memorandum authorizing a second removal action at the Site. The Action Memorandum, among other things, authorized EPA to excavate and dispose of contaminated surface soil at the Site, including the soil beneath and around the rail spur owned by Respondent. The total cost of cleanup of the Site was estimated at approximately \$3.8 million. The Action Memorandum includes a determination by EPA that the Site, if unaddressed, presents an imminent and substantial endangerment to public health or welfare or to the environment. Part of the basis for this determination was the continued possibility that neighborhood children would be exposed to the contamination at the Site by trespassing on the Site or by inhalation of dust blown from the Site.

The proposed settlement provides that Respondent shall comply with the following provisions:

1. CCP shall pay to the EPA Hazardous Substance Superfund ninety thousand dollars (\$90,000.00) in reimbursement of past and future response costs. In addition, the settlement required CCP to perform a portion of the work at the Site, including removing and replacing rails and equipment, and grading and building a crossing.

2. CCP is also required to provide access to the property within the site owned by CCP until EPA completion of all response activities at the Site.

3. The proposed settlement further provides CCP with a covenant not to sue CCP for judicial imposition of damages or civil penalties or to take administrative action against CCP provided CCP performs as required under the terms of the settlement.

The settlement has been approved by the Attorney General in accordance with Section 122(h)(1) of CERCLA, 42 U.S.C. 122A(h)(1).

Dated: July 5, 1996.
William Rice,
Acting Regional Administrator.
[FR Doc. 96-19327 Filed 7-29-96; 8:45 am]
BILLING CODE 6560-50-M

[FRL-5540-4]

Notice of Availability for Administrative Records of CERCLA Response Actions

SUMMARY: The Environmental Protection Agency (EPA) announces the

availability of files comprising the administrative record for the selection of response actions at the following sites. The authority for selection of response action at these sites is found in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended. The administrative record file includes documents which form the basis for the selection of a response action. EPA seeks to inform the public of the availability of the record files. This is not an inclusive list of sites at which EPA is taking action under CERCLA, nor does it provide an inclusive list of actions taking place at any site. The list does not include Federally-owned facilities or response actions for which a State Agency is the lead Agency.

Provisions surrounding administrative record files for CERCLA responses—including provisions for public availability, submission of public comments, and EPA responses to comments—are found in National Contingency Plan (NCP) Sections 300.415(m), 300.439(f)(3), and Subpart I. For the actions listed below, administrative record files have been or soon will be available for public inspection. Among files that are available, some have already entered a public comment period, while others have not.

FOR FURTHER INFORMATION CONTACT: Contact the Administrative Record Coordinator (ARC) for the Region in which the site occurs. Administrative Records Coordinators and their telephone numbers are listed in the notice at the beginning of each Regional section.

Dated: July 1, 1996.
Linda Boornazian,
Acting Director, Office of Site Remediation Enforcement.

For further information on Region 1 sites, contact Administrative Record Coordinator Margaret Meehan, at 617/573-9647.

Atlas Tack Corp MAD001026319,
Bristol County, MA
Operable Unit 01: Remedial
Investigation started on 9/18/89
Barkhamsted-New Hartford Landfill
CTD980732333, Litchfield County,
CT

Operable Unit 01: Remedial
Investigation started on 9/30/91
Bennington Municipal Sanitary Landfill
VTD981064223, Bennington
County, VT

Operable Unit 01: Remedial
Investigation started on 6/28/91
BFI Sanitary Landfill (Rockingham)
VTD980520092, Windham County,
VT

- Operable Unit 01: Non-Time-Critical
Removal started on 7/26/94
Burgess Brothers Landfill
VTD003965415, Bennington
County, VT
Operable Unit 01: Remedial
Investigation started on 8/27/91
Central Landfill RID980520183,
Providence County, RI
Operable Unit 02: Remedial
Investigation started on 8/25/94
Davis (GSR) Landfill RID980731459,
Providence County, RI
Operable Unit 01: Remedial
Investigation started on 9/27/90
Fletcher's Paint Works & Storage
NHD001079649, Hillsborough
County, NH
Operable Unit 01: Remedial
Investigation started on 7/29/90
Gallup's Quarry CTD108960972,
Windham County, CT
Operable Unit 01: Remedial
Investigation started on 9/7/93
Gaynor Stafford Industries
CTD001140375, Tolland County,
CT
Operable Unit 00: Time-Critical
Removal started on 3/1/96. Primary
Contaminants: Chromic Acid,
Asbestos, Benzoic Acid, Copper
Potassium Permanganate
Industri-Plex MAD076580950,
Middlesex County, MA
Operable Unit 02: Remedial
Investigation started on 5/30/90
Remedial Investigation started on 12/
8/89
Iron Horse Park MAD051787323,
Middlesex County, MA
Operable Unit 03: Remedial
Investigation started on 1/31/90
Kellogg-Deering Well Field
CTD980670814, Fairfield County,
CT
Operable Unit 03: Remedial
Investigation started on 5/16/90
New Bedford Site MAD980731335,
Bristol County, MA
Operable Unit 03: Remedial
Investigation started on 9/28/93
New England Precision Prod (D & S
Screw) RID001188325, Providence
County, RI
Operable Unit 00: Time-Critical
Removal started on 5/8/96
Primary Contaminants: Acetone,
Nitric Acid, Methyl Ethyl Ketone
Trichloroethylene
New Hampshire Plating Co
NHD001091453, Hillsborough
County, NH
Operable Unit 01: Remedial
Investigation started on 7/14/92
Nyanza Chemical Waste Dump
MAD990685422, Middlesex
County, MA
Operable Unit 04: Remedial
Investigation started on 2/18/93
Pine Street Canal VTD980523062,
Chittenden County, VT
Operable Unit 01: Remedial
Investigation started on 7/22/94
Raymark Industries, Inc.
CTD001186618, Fairfield County,
CT
Operable Unit 00: Removal started on
6/15/93
Operable Unit 03: Remedial
Investigation started on 9/20/93
Rose Hill Regional Landfill
RID980521025, Washington County,
RI
Operable Unit 01: Remedial
Investigation started on 9/30/90
Saco Municipal Landfill
MED980504393, York County, ME
Operable Unit 01: Remedial
Investigation started on 9/26/95
Shpack Landfill MAD980503973, Bristol
County, MA
Operable Unit 01: Remedial
Investigation started on 9/24/90
Solvents Recovery Service New England
CTD009717604, Hartford County,
CT
Operable Unit 00: Non-Time-Critical
Removal started on 9/18/94
Operable Unit 03: Remedial
Investigation started on 8/12/88
Wells G&H MAD980732168, Middlesex
County, MA
Operable Unit 02: Remedial
Investigation started on 9/28/90
Operable Unit 03: Remedial
Investigation started on 9/28/90
For further information on Region 2
sites, contact Administrative Record
Coordinators Jennie Delcimento
(remedial sites), at 212/637-4296, or
Lisa Guarneiri (removal sites), at 908/
321-6180.
ALCOA Aggregation Site
NYD980506232, St Lawrence
County, NY
Operable Unit 01: Remedial
Investigation started on 12/15/89
Barceloneta Landfill PRD980509129,
Florida County, PR
Operable Unit 01: Remedial
Investigation started on 9/28/90
Bridgeport Rental & Oil Services
NJD053292652, Gloucester County,
NJ
Operable Unit 02: Remedial
Investigation started on 9/29/88
Bullock Property NJD986618031,
Atlantic County, NJ
Operable Unit 00: Time-Critical
Removal started on 2/6/96
Carroll & Dubies Sewage Disposal
NYD010968014, Orange County,
NY
Operable Unit 02: Remedial
Investigation started on 7/31/92
Chemical Insecticide Corp
NJD980484653, Middlesex County,
NJ
Operable Unit 02: Remedial
Investigation started on 3/29/85
Chemical Leaman Tank Lines, Inc.
NJD047321443, Gloucester County,
NJ
Operable Unit 02: Remedial
Investigation started on 7/15/85
Chemsol, Inc NJD980528889, Middlesex
County, NJ
Operable Unit 01: Remedial
Investigation started on 9/28/90
Ciba-Geigy Corp NJD001502517, Ocean
County, NJ
Operable Unit 02: Remedial
Investigation started on 7/5/89
Remedial Investigation started on 9/
30/89
CPS/Madison Industries NJD002141190,
Middlesex County, NJ
Operable Unit 01: Remedial
Investigation started on 1/15/83
Curcio Scrap Metal, Inc NJD011717584,
Bergen County, NJ
Operable Unit 02: Remedial
Investigation started on 4/21/95
Davis & Geck Inc PRD091200477,
Manati County, PR
Operable Unit 03: Remedial
Investigation started on 6/2/89
Denzer & Schafer X-Ray Co
NJD046644407, Ocean County, NJ
Operable Unit 00: Time-Critical
Removal started on 4/24/96
Diamond Alkali Co NJD980528996,
Essex County, NJ
Operable Unit 02: Remedial
Investigation started on 4/20/94
Dover Municipal Well 4 NJD980654131,
Morris County, NJ
Operable Unit 02: Remedial
Investigation started on 7/6/93
Dupont /NECCO Park NYD980532162,
Niagara County, NY
Operable Unit 01: Remedial
Investigation started on 9/29/89
Evor Phillips Leasing NJD980654222,
Morris County, NJ
Operable Unit 02: Remedial
Investigation started on 2/15/96
Facet Enterprises, Inc, NYD073675514,
Chemung County, NY
Operable Unit 01: Remedial
Investigation started on 5/22/86
Fair Lawn Well Field NJD980654107,
Bergen County, NJ
Operable Unit 01: Remedial
Investigation started on 9/30/92
Forest Glen Mobile Home Subdivision
NYD981560923, Niagara County,
NY
Operable Unit 02: Remedial
Investigation started on 9/30/92
Franklin Burn Site NJD986570992,
Gloucester County, NJ
Operable Unit 01: Remedial
Investigation started on 9/30/92
Glen Ridge Radium Site NJD980785646,
Essex County, NJ
Operable Unit 02: Remedial

- Investigation started on 3/30/90
Grand Street Mercury Site
NJ0001327733, Hudson County, NJ
Operable Unit 00: Time-Critical
Removal started on 1/5/96
- Hercules, Inc. (Gibbstown Plant)
NJD002349058, Gloucester County,
NJ
Operable Unit 02, Remedial
Investigation started on 7/2/86
- Higgins Disposal NJD053102232,
Somerset County, NJ
Operable Unit 01: Remedial
Investigation started on 5/17/90
- Higgins Farm NJD981490261, Somerset
County, NJ
Operable Unit 00: Time-Critical
Removal started on 4/11/96
- Hooker Chemical/Ruco Polymer Corp
NYD002920312 Nassau County, NY
Operable Unit 03: Remedial
Investigation started on 9/23/94
- Hopkins Farm NJD980532840, Ocean
County, NJ
Operable Unit 01: Remedial
Investigation started on 2/3/87
- Hudson River PCBs NYD980763841,
Warren County, NY
Operable Unit 02: Remedial
Investigation started on 7/25/90
- Industrial Latex Corp NJD981178411,
Bergen County, NJ
Operable Unit 02: Remedial
Investigation started on 9/30/93
- Industry Court Site NY0001327725,
Suffolk County, NY
Operable Unit 00: Time-Critical
Removal started on 3/20/96
- Island Chemical Corp/V.I. Chemical
Corp VID980651095, St. Croix
County, VI
Operable Unit 01: Remedial
Investigation started on 9/29/94
- Janssen Inc. PRD980536049, Gurabo
County, PR
Operable Unit 03: Remedial
Investigation started on 3/28/91
- Johnson & Towers NJD002300051,
Burlington County, NJ
Operable Unit 01: Remedial
Investigation started on 11/22/85
- Jones Chemical, Inc NYD000813428,
Livingston County, NY
Operable Unit 01: Remedial
Investigation started on 3/29/91
- Jones Sanitation NYD980534556,
Dutchess County, NY
Operable Unit 01: Remedial
Investigation started on 3/26/91
- Kauffman & Minter, Inc
NJD002493054, Burlington County,
NJ
Operable Unit 01: Remedial
Investigation started on 4/11/89
- Kentucky Avenue Well Field
NYD980650667, Chemung County,
NY
Operable Unit 03: Remedial
Investigation started on 8/8/91
- Kin-Buc Landfill NJD049860836,
Middlesex County, NJ
Operable Unit 00: Removal started on
9/23/83. Primary Contaminants:
PCB, Acids
- Li Tungsten Corp NYD986882660,
Nassau County, NY
Operable Unit 00: Emergency
Removal started 1/5/96 Time-
Critical Rem. started 4/4/96
- Operable Unit 01: Remedial
Investigation started on 8/26/92
- Liberty Industrial Finishing
NYD000337295, Nassau County,
NY
Operable Unit 01: Remedial
Investigation started on 9/28/90
- Operable Unit 02: Remedial
Investigation started on 9/30/95
- Ludlow Sand & Gravel NYD013468939,
Oneida County, NY
Operable Unit 02: Remedial
Investigation started on 11/12/89
- Malta Rocket Fuel Area NYD980535124,
Saratoga County, NY
Operable Unit 01: Remedial
Investigation started on 11/10/89
- Maywood Chemical Co NJD980529762,
Bergen County, NJ
Operable Unit 01: Remedial
Investigation started on 9/21/87
- Monitor Devices/Intercircuits Inc
NJD980529408, Monmouth County,
NJ
Operable Unit 01: Remedial
Investigation started on 3/12/92
- Montclair/West Orange Radium Site
NJD980785653, Essex County, NJ
Operable Unit 02: Remedial
Investigation started on 3/30/90
- Newstead Site NYD986883387, Erie
County, NY
Operable Unit 01: Remedial
Investigation started on 9/26/90
- North Bloomfield NYD982181414,
Livingston County, NY
Operable Unit 01: Remedial
Investigation started on 5/11/89
- North Sea Municipal Landfill
NYD980762520, Suffolk County,
NY
Operable Unit 02: Remedial
Investigation started on 7/27/89
- Olean Well Field NYD980528657,
Cattaraugus County, NY
Operable Unit 02: Remedial
Investigation started on 6/25/91
- Remedial Investigation started on 6/
25/91
- Onondaga Lake NYD986913580,
Onondaga County, NY
Operable Unit 01: Remedial
Investigation started on 5/10/93
- Remedial Investigation started on 9/
30/94
- Orchard Place (Qual Krom)
NYD071091292, Dutchess County,
NY
Operable Unit 00: Time-Critical
- Removal started on 3/19/96
- Pohatcong Valley Ground Water
Contaminan NJD981179047, Warren
County, NJ
Operable Unit 01: Remedial
Investigation started on 9/30/88
- Pollution Abatement Services
NYD000511659, Oswego County,
NY
Operable Unit 03: Non-Time-Critical
Removal started on 9/30/94
- Pulverizing Services NJD980582142,
Burlington County, NJ
Operable Unit 01: Remedial
Investigation started on 3/31/89
- Quanta Resources NJD000606442,
Bergen County, NJ
Operable Unit 00: Time-Critical
Removal started on 12/14/95
- Reynolds Metals Co NYD002245967, St.
Lawrence County, NY
Operable Unit 00: Removal started on
9/10/90
- Richardson Hill Road Landfill/Pond
NYD980507735, Delaware County,
NY
Operable Unit 01: Remedial
Investigation started on 7/22/87
- Ringwood Mines Landfill
NJD980529739, Passaic County, NJ
Operable Unit 00: Removal started on
9/12/89
- Rockaway Borough Well Field
NJD980654115, Morris County, NJ
Operable Unit 03: Remedial
Investigation started on 9/30/92
- Remedial Investigation started on 9/
27/95
- Roebing Steel Co NJD073732257,
Burlington County, NJ
Operable Unit 04: Remedial
Investigation started on 9/29/92
- Operable Unit 05: Remedial
Investigation started on 9/30/95
- Rosen Brothers Scrap Yard/Dump
NYD982272734, Cortland County,
NY
Operable Unit 01: Remedial
Investigation started on 1/4/90
- Sayreville Landfill NJD980505754,
Middlesex County, NJ
Operable Unit 02: Remedial
Investigation started on 11/26/91
- Scientific Chemical Processing
NJD070565403, Bergen County, NJ
Operable Unit 02: Remedial
Investigation started on 12/19/88
- Shieldalloy Corp NJD002365930,
Gloucester County, NJ
Operable Unit 02: Remedial
Investigation started on 10/5/88
- St Lawrence Pulp & Paper Corp.
NYD000332924, St Lawrence
County, NY
Operable Unit 00: Time-Critical
Removal started on 5/13/96
- Strathmere River NJD982540197, Cape
May County, NJ
Operable Unit 00: Removal started on

- 12/15/87
Syosset Landfill NYD000511360,
Nassau County, NY
Operable Unit 02: Remedial
Investigation started on 11/15/90
- Torne Valley Road Site NY0001407857,
Rockland County, NY
Operable Unit 00: Emergency
Removal started on 4/20/96
- Tri-Cities Barrel Co., Inc
NYD980509285, Broome County,
NY
Operable Unit 01: Remedial
Investigation started on 5/14/92
- Tutu Wellfield VID982272569, St.
Thomas County, VI
Operable Unit 00: Removal started on
9/24/90
Operable Unit 01: Remedial
Investigation started on 2/19/92
- V&M/Albadejo Farms Norte Ward
PRD987366101, Vega Baga County,
PR
Operable Unit 00: Time-Critical
Removal started on 2/6/96
- Vega Alta Public Supply Wells
PRD980763775, Vega Alta County,
PR
Operable Unit 02: Remedial
Investigation started on 10/23/90
- Volney Municipal Landfill
NYD980509376, Oswego County,
NY
Operable Unit 02: Remedial
Investigation started on 9/28/90
- York Oil Co NYD000511733, Franklin
County, NY
Operable Unit 02: Remedial
Investigation started on 5/21/92
- For further information on Region 3
sites, contact Administrative Record
Coordinators Anna Butch (remedial
sites) at 215/556-3157, Joanne
McDonald (removal sites) at 215/597-
6680, or Cordelia Stephens
(enforcement) at 215/597-0299.
- Abar Corp PAD077060358, Bucks
County, PA
Operable Unit 00: Removal started on
12/26/85
- Amchem Prod Inc PAD002348324,
Montgomery County, PA
Operable Unit 00: Removal started on
8/26/86
- Austin Avenue Radiation Site
PAD987341716, Delaware County,
PA
Operable Unit 02: Remedial
Investigation started on 12/31/94
- Avtex Fibers, Inc VAD070358684,
Warren County, VA
Operable Unit 00: Non-Time-Critical
Removal started on 8/28/90
Operable Unit 06: Remedial
Investigation started on 9/27/90
Operable Unit 07: Remedial
Investigation started on 3/30/93
Operable Unit 08: Remedial
- Investigation started on 6/19/95
- Berkley Products Co Dump
PAD980538649, Lancaster County,
PA
Operable Unit 01: Remedial
Investigation started on 3/12/90
- Berks Landfill PAD000651810, Berks
County, PA
Operable Unit 01: Remedial
Investigation started on 6/26/91
- Big Stone Gap Assess VA0001327816,
Wise County, VA
Operable Unit 00: Time-Critical
Removal started on 2/27/96
Primary Contaminants:
Polychlorinated Biphenyls, Lead
- Boarhead Farms PAD047726161, Bucks
County, PA
Operable Unit 01: Remedial
Investigation started on 12/5/89
- Butler Mine Tunnel PAD980508451,
Luzerne County, PA
Operable Unit 01: Remedial
Investigation started on 3/30/87
- Cherry Pit Drum MD0001406867,
Baltimore County, MD
Operable Unit 00: Emergency
Removal started on 4/8/96
- Crater Resources/Keystone Coke/Alan
Wood PAD980419097, Montgomery
County, PA
Operable Unit 01: Remedial
Investigation started on 9/7/94
- Crossley Farm PAD981740061, Berks
County, PA
Operable Unit 01: Remedial
Investigation started on 9/27/94
- Culpeper Wood Preservers, Inc
VAD059165282, Culpeper County,
VA
Operable Unit 01: Remedial
Investigation started on 6/16/93
- Deardorff Drive/Ridge Road—HSCA
PAD981939937, York County, PA
Operable Unit 00: Removal started on
2/13/87. Primary Contaminants:
Trichloroethylene
- Delaware City PVC Plant
DED980551667, New Castle County,
DE
Operable Unit 03: Remedial
Investigation started on 6/30/95
Operable Unit 04: Remedial
Investigation started on 12/12/95
- Douglassville Disposal PAD002384865:
Berks County, PA
Operable Unit 00: Time-Critical
Removal started on 3/13/96.
Primary Contaminants:
Polychlorinated Biphenyls Phenol,
3-(1-methylethyl)-, methylcarbama
- Dublin TCE Site PAD981740004, Bucks
County, PA
Operable Unit 02: Remedial
Investigation started on 8/15/91
- East Tenth Street PAD987323458,
Delaware County, PA
Operable Unit 00: Non-Time-Critical
Removal started on 2/28/91
- Elizabethtown Landfill PAD980539712,
Lancaster County, PA
Operable Unit 01: Remedial
Investigation started on 9/28/90
- Elrama School PAD981034994,
Washington County, PA
Operable Unit 00: Remedial
Investigation started on 9/4/91
- Fike Chemical, Inc WVD047989207,
Kanawha County, WV
Operable Unit 04: Remedial
Investigation started on 9/30/94
- Fischer & Porter Co PAD002345817,
Bucks County, PA
Operable Unit 02: Remedial
Investigation started on 2/20/92
- Glenside Mercury Spill PA0001401520,
Montgomery County, PA
Operable Unit 00: Emergency
Removal started on 2/23/96
Primary Contaminants: Mercury
- Halby Chemical Co DED980830954,
New Castle County, DE
Operable Unit 02: Remedial
Investigation started on 12/20/91
- Hanlin-Allied-Olin WVD024185373,
Marshall County, WV
Operable Unit 00: Removal started on
12/8/89
- Havertown PCP PAD002338010,
Delaware County, PA
Operable Unit 00: Non-Time-Critical
Removal started on 9/6/94
Primary Contaminants: Arsenic Dust,
Pentachlorophenol
- Operable Unit 03: Remedial
Investigation started on 8/15/91
- IFMS Test Site WVD046557096, County,
WV
Operable Unit 01: Remedial
Investigation started on 5/29/91
- Jacks Creek/Sitkin Smelting and
Refinery PAD980829493, Mifflin
County, PA
Operable Unit 00: Emergency
Removal started on 4/8/96
Primary Contaminants: Lead, Nickel
Powder, Chromium, Copper, Zinc
- Operable Unit 01: Remedial
Investigation started on 8/28/90
- Kane & Lombard Street Drums
MDD980923783, Baltimore County,
MD
Operable Unit 02: Remedial
Investigation started on 7/16/93
- Kardon Park PAD987278363, Chester
County, PA
Operable Unit 00: Emergency
Removal started on 4/19/96
- Keystone Sanitation Landfill
PAD054142781, York County, PA
Operable Unit 02: Remedial
Investigation started on 4/21/94
- Klotz Brothers Junkyard
VAD981735954, Staunton County,
VA
Operable Unit 00: Removal started on
11/30/88
- Koppers Co., Inc. (Newport Plant)
DED980552244, New Castle County,
DE

- Operable Unit 01: Remedial Investigation started on 9/26/91
Limestone Road MDD980691588, Allegheny County, MD
Operable Unit 02: Remedial Investigation started on 2/28/90
Malvern TCE PAD014353445, Chester County, PA
Operable Unit 01: Remedial Investigation started on 3/16/94
Metal Banks PAD046557096, Philadelphia County, PA
Operable Unit 01: Remedial Investigation started on 5/29/91
Metropolitan Mirror And Glass PAD982366957, Schuylkill County, PA
Operable Unit 01: Remedial Investigation started on 9/19/94
Middletown Air Field PAD980538763, Dauphin County, PA
Operable Unit 03: Remedial Investigation started on 2/28/94
Midway Route 2 WV0001407188, Marshall County, WV
Operable Unit 00: Emergency Removal started on 5/2/96
Municipal/Industrial Disposal Corp-HSCA PAD982366353, Allegheny County, PA
Operable Unit 00: Removal started on 8/30/88
MW Manufacturing PAD980691372, Montour County, PA
Operable Unit 00: Time-Critical Removal started on 4/29/96
Nelson Electric Co VAD003115706, Richmond County, VA
Operable Unit 00: Non-Time-Critical Removal started on 6/22/90
North Penn—Area 12 PAD057152365, Montgomery County, PA
Operable Unit 01: Remedial Investigation started on 12/23/91
North Penn—Area 2 PAD002342475, Montgomery County, PA
Operable Unit 01, Remedial Investigation started on 6/30/88
Operable Unit 02: Remedial Investigation started on 1/31/93
North Penn—Area 5 PAD980692693, Montgomery County, PA
Operable Unit 01: Remedial Investigation started on 6/30/88
North Penn—Area 6 PAD980926976, Montgomery County, PA
Operable Unit 02: Remedial Investigation started on 5/11/95
Operable Unit 03: Remedial Investigation started on 9/28/93
Ohio River Park PAD980508816, Allegheny County, PA
Operable Unit 01: Remedial Investigation started on 10/16/91
Ordnance Works Disposal Areas WVD000850404, Monongalia County, WV
Operable Unit 02: Remedial Investigation started on 6/4/90
Osborne Landfill PAD980712673, Mercer County, PA
Operable Unit 02: Remedial Investigation started on 10/31/92
Palmerton Zinc Pile PAD002395887, Carbon County, PA
Operable Unit 02: Remedial Investigation started on 12/13/91
Operable Unit 03: Remedial Investigation started on 9/24/85
Operable Unit 04: Remedial Investigation started on 8/12/88
Rhinehart Tire Fire Dump VAD980831796, Frederick County, VA
Operable Unit 03: Remedial Investigation started on 6/17/94
Rodale Manufacturing Co., Inc PAD981033285, Lehigh County, PA
Operable Unit 01: Remedial Investigation started on 9/22/92
Saltville Waste Disposal Ponds VAD003127578, Smyth County, VA
Operable Unit 04: Remedial Investigation started on 9/15/88
Spectron, Inc MDD000218008, Cecil County, MD
Operable Unit 01: Remedial Investigation started on 5/20/96
Strasburg Landfill PAD000441337, Chester County, PA
Operable Unit 04: Remedial Investigation started on 1/14/92
Struble Trail Drums PA0001405166, Chester County, PA
Operable Unit 00: Emergency Removal started on 3/11/96
Primary Contaminants: Carboic Oil, Polychlorinated Biphenyls
Welsh Landfill PAD980829527, Chester County, PA
Operable Unit 04: Remedial Investigation started on 5/1/90
Westinghouse Electronic (Sharon Plant) PAD005000575, Mercer County, PA
Operable Unit 00: Non-Time-Critical Removal started on 2/16/94
Operable Unit 01: Remedial Investigation started on 9/20/88
For further information on Region 4 sites, contact Administrative Record Coordinator Debbie Jourdan, at 404/347-7817.
Aberdeen Pesticide Dumps NCD980843346, Moore County, NC
Operable Unit 05: Remedial Investigation started on 3/21/94
American Creosote Works, (Jackson Plant) TND007018799, Madison County, TN
Operable Unit 02: Remedial Investigation started on 12/29/89
Aqua-Tech Environmental Inc (Groce Labs) SCD058754789, Spartanburg County, SC
Operable Unit 01: Remedial Investigation started on 9/26/95
Barker Chemical Site FL0001275627, Levy County, FL
Operable Unit 00: Time-Critical Removal started on 4/15/96
Battery Tech (Duracell-Lexington) NCD000648402, Davidson County, NC
Operable Unit 01: Remedial Investigation started on 9/9/94
Bay Drum FLD088783865: Hillsborough County, FL
Operable Unit 01: Remedial Investigation started on 2/5/88
Operable Unit 02: Remedial Investigation started on 3/1/88
Broward County—21st Manor Dump FLD981930506, Broward County, FL
Operable Unit 01: Remedial Investigation started on 3/2/93
Cabot/Koppers FLD980709356, Alachua County, FL
Operable Unit 02: Remedial Investigation started on 5/17/94
Calhoun Park Area SCD987581337, Charleston County, SC
Operable Unit 01: Remedial Investigation started on 1/22/93
Chemfax, Inc. MSD008154486, Harrison County, MS
Operable Unit 01: Remedial Investigation started on 9/7/94
Ciba-Geigy Corp. (McIntosh Plant) ALD001221902, Washington County, AL
Operable Unit 05: Remedial Investigation started on 5/21/93
Coleman-Evans Wood Preserving Co FLD991279894, Duval County, FL
Operable Unit 01: Remedial Investigation started on 6/3/93
Culbertson Plastics Drum Site FL0001256312, Dade County, FL
Operable Unit 00: Time-Critical Removal started on 1/16/96
Davis Park Road TCE Site NCD986175644, Gaston County, NC
Operable Unit 01: Remedial Investigation started on 8/3/95
Dunaway Lead FL0001348986, Pineallas County, FL
Operable Unit 00: Time-Critical Removal started on 3/18/96
Escambia Wood-Pensacola FLD008168346, Escambia County, FL
Operable Unit 00: Remedial Investigation started on 9/20/94
FCX, Inc. (Statesville Plant) NCD095458527, Iredell County, NC
Operable Unit 03: Remedial Investigation started on 6/25/93
Fiberfine Of Memphis TND007017056, Shelby County, TN
Operable Unit 00: Time-Critical Removal started on 5/13/96
Flanders Filters Inc NCD045922986, Beaufort County, NC
Operable Unit 01: Remedial Investigation started on 2/12/96
Helena Chemical Co. (Tampa Plant) FLD053502696, Hillsborough County, FL

- Operable Unit 02: Remedial Investigation started on 11/6/92
 Jimmy Green Metals NC0000195743, Nash County, NC
 Operable Unit 00: Time-Critical Removal started on 5/21/96
 Koppers Co., Inc. (Charleston Plant) SCD980310239, Charleston County, SC
 Operable Unit 01: Remedial Investigation started on 1/14/93
 Koppers Co., Inc. (Florence Plant) SCD003353026, Florence County, SC
 Operable Unit 01: Remedial Investigation started on 2/29/88
 L C P Chemicals Georgia Inc GAD099303182, Glynn County, GA
 Operable Unit 01: Remedial Investigation started on 7/6/95
 Leonard Chemical Co., Inc SCD991279324, York County, SC
 Operable Unit 01: Remedial Investigation started on 12/13/90
 Lord Corp. Waste Ponds KYD981929607, Warren County, KY
 Operable Unit 00: Time-Critical Removal started on 2/15/96
 Marzone Inc./Chevron Chemical Co GAD991275686, Tift County, GA
 Operable Unit 02: Remedial Investigation started on 4/15/95
 Monarch Tile Manufacturing, Inc. ALD067102301, Lauderdale County, AL
 Operable Unit 00: Removal started on 12/31/94
 Murray-Ohio Mfg (Horseshoe Bend) TND981014954, Lawrence County, TN
 Operable Unit 01: Remedial Investigation started on 3/30/90
 National Southwire Aluminum Co KYD049062375, Hancock County, KY
 Operable Unit 01: Non-Time-Critical Removal started on 10/17/95
 NC State University (Lot 86, Farm Unit #1) NCD980557656, Wake County, NC
 Operable Unit 01: Remedial Investigation started on 3/31/92
 Newsom Brothers/Old Reichhold Chemicals MSD980840045, Marion County, MS
 Operable Unit 02: Remedial Investigation started on 10/21/94
 North Belmont PCE Site NCD986187128, Gaston County, NC
 Operable Unit 00: Time-Critical Removal started on 4/10/96
 Operable Unit 01: Remedial Investigation started on 8/7/95
 Old Mt. Holly Road PCE Site NCD986172518, Mecklenburg County, NC
 Operable Unit 00: Time-Critical Removal started on 4/10/96
 Olin Corp. (McIntosh Plant) ALD008188708, Washington County, AL
 Operable Unit 02: Remedial Investigation started on 6/17/94
 Operable Unit 03: Remedial Investigation started on 5/21/93
 Peele-Dixie Wellfield Site FLD984259374, Broward County, FL
 Operable Unit 01: Remedial Investigation started on 2/16/94
 Petroleum Products Corp FLD980798698, Broward County, FL
 Operable Unit 02: Remedial Investigation started on 9/15/89
 Rainbow Drive Battery Site NCD981031578, Cabarrus County, NC
 Operable Unit 00: Time-Critical Removal started on 5/20/96
 Ram Leather Care Site NCD982096653, Mecklenburg County, NC
 Operable Unit 00: Time-Critical Removal started on 5/4/96
 Red Penn Sanitation Co. Landfill KYD981469794, Oldham County, KY
 Operable Unit 01: Remedial Investigation started on 8/18/89
 Sapp Battery Salvage FLD980602882, Jackson County, FL
 Operable Unit 02: Remedial Investigation started on 9/30/90
 Sherwood Medical Industries FLD043861392, Volusia County, FL
 Operable Unit 03: Remedial Investigation started on 6/25/93
 Shuron Textron Inc. SCD003357589, Barnwell County, SC
 Operable Unit 01: Remedial Investigation started on 11/21/94
 Stauffer Chemical Co. (Cold Creek Plant) ALD095688875, Mobile County, AL
 Operable Unit 04: Remedial Investigation started on 5/21/93
 Stauffer Chemical Co. (Lemoyne Plant) ALD008161176, Mobile County, AL
 Operable Unit 02: Remedial Investigation started on 1/5/90
 Remedial Investigation started on 12/30/92
 Operable Unit 04: Remedial Investigation started on 5/21/93
 Stauffer Chemical Co. (Tampa Plant) FLD004092532, Hillsborough County, FL
 Operable Unit 02: Remedial Investigation started on 12/12/92
 Stauffer Chemical Co. (Tarpon Springs) FLD010596013, Pinellas County, FL
 Operable Unit 01: Remedial Investigation started on 7/28/92
 T.H. Agriculture & Nutrition (Albany) GAD042101261, Dougherty County, GA
 Operable Unit 02: Remedial Investigation started on 1/20/93
 T.H. Agriculture & Nutrition (Montgomery) ALD007454085, Montgomery County, AL
 Operable Unit 02: Remedial Investigation started on 7/14/94
 Tennessee Products TND071516959, Hamilton County, TN
 Operable Unit 01: Remedial Investigation started on 3/22/95
 Tower Chemical Co FLD004065546, Lake County, FL
 Operable Unit 02: Remedial Investigation started on 3/22/94
 Whitehouse Oil Pits FLD980602767, Duval County, FL
 Operable Unit 01: Remedial Investigation started on 4/15/94
 Woolfolk Chemical Works, Inc. GAD003269578, Peach County, GA
 Operable Unit 03: Remedial Investigation started on 4/24/90
 Operable Unit 04: Remedial Investigation started on 4/24/90
 Wrigley Charcoal Plant TND980844781, Hickman County, TN
 Operable Unit 03: Remedial Investigation started on 2/15/89
 For further information on Region 5 sites, contact Administrative Record Coordinator Jan Pfundheller at 312/353-5821.
 Allied Paper/Portage Creek/Kalamazoo Riv MID006007306, Kalamazoo County, MI
 Operable Unit 01: Remedial Investigation started on 12/28/90
 Operable Unit 02: Remedial Investigation started on 12/28/90
 Operable Unit 03: Remedial Investigation started on 12/28/90
 Operable Unit 04: Remedial Investigation started on 12/28/90
 Operable Unit 05: Remedial Investigation started on 12/28/90
 Amoco Chemical (Joliet Landfill) ILD002994259, Will County, IL
 Operable Unit 01: Remedial Investigation started on 4/7/94
 Augustus Hook Property IND984895045, Clinton County, IN
 Operable Unit 00: Time-Critical Removal started on 1/25/96
 Beloit Corp ILD021440375, Winnebago County, IL
 Operable Unit 01: Remedial Investigation started on 9/27/90
 Bendix Corp/Allied Automotive MID005107222, Berrien County, MI
 Operable Unit 01: Remedial Investigation started on 2/13/89
 Bisbee Lindeed Company IL0001329713, Cook County, IL
 Operable Unit 00: Time-Critical Removal started on 2/13/96
 Bruce Products MID005317862, Livingston County, MI
 Operable Unit 00: Remedial Investigation started on 7/25/94

- Byron Salvage Yard ILD010236230, Ogle County, IL
Operable Unit 04: Remedial
Investigation started on 12/29/89
- Carls Tire Retreading Site
MI0001401918, Grand Traverse County, MI
Operable Unit 00: Emergency
Removal started on 12/30/95
- Country Road A Sludge Disposal
WI0000485813, Ashland County, WI
Operable Unit 01: Remedial
Investigation started on 8/22/95
- Delavan Muni Well #4 WID980820062, Walworth County, WI
Operable Unit 01: Remedial
Investigation started on 9/28/90
- Detroit Pesticide Project MI0001273473, Wayne County, MI
Operable Unit 00: Time-Critical
Removal started on 1/16/96
- Dover Chem Corp OHD004210563, Tuscarawas County, OH
Operable Unit 01: Remedial
Investigation started on 8/24/88
- Dupage County Ldfl/Blackwell Forest Pres ILD980606305, Dupage County, IL
Operable Unit 01: Remedial
Investigation started on 9/29/89
- Easton Estates Methane Site
MI0001326602, Dickinson County, MI
Operable Unit 00: Emergency
Removal started on 1/10/96
- Electrovoice MID005068143, Berrien County, MI
Operable Unit 02: Remedial
Investigation started on 9/15/92
- Ethyl Corp Ethyl Petroleum Additives Div ILD055871370, St Clair County, IL
Operable Unit 01: Remedial
Investigation started on 2/29/84
- Fields Brook OHD980614572, Ashtabula County, OH
Operable Unit 02: Remedial
Investigation started on 3/22/89
- Operable Unit 03: Remedial
Investigation started on 9/26/89
- Operable Unit 04: Remedial
Investigation started on 1/10/93
- Four County Ldfl IND000780544, Fulton County, IN
Operable Unit 01: Remedial
Investigation started on 8/13/93
- Freeway Sanitary Ldfl MND038384004, Dakota County, MN
Operable Unit 01: Remedial
Investigation started on 3/27/86
- Government Road Sludge Disposal
WI0000485797, Ashland County, WI
Operable Unit 01: Remedial
Investigation started on 8/22/95
- Green Industries OHD004260709, Hamilton County, OH
Operable Unit 00: Time-Critical
Removal started on 3/18/96
- H O D Ldfl ILD980605836, Lake County, IL
Operable Unit 01: Remedial
Investigation started on 8/20/90
- Hawkins Property IL0000108464, Sangamon County, IL
Operable Unit 00: Time-Critical
Removal started on 12/11/95
- IBS Dioxin Site ILD065238503, Peoria County, IL
Operable Unit 01: Remedial
Investigation started on 9/1/89
- Ilada Energy Co. ILD980996789, Alexander County, IL
Operable Unit 01: Remedial
Investigation started on 6/19/89
- Ionia City Ldfl MID980794416, Ionia County, MI
Operable Unit 02: Remedial
Investigation started on 1/29/86
- J & L Ldfl MID980609440, Oakland County, MI
Operable Unit 02: Remedial
Investigation started on 7/12/94
- Kerr-McGee (Kress Creek/West Brand Of Du) ILD980823991, Dupage County, IL
Operable Unit 01: Remedial
Investigation started on 9/30/92
- Kerr-McGee Reed Keppler Park ILD980824007, Dupage County, IL
Operable Unit 01: Remedial
Investigation started on 5/20/92
- Kerr-McGee Residential Areas ILD980824015, Dupage County, IL
Operable Unit 00: Removal started on 5/3/95
- Operable Unit 01: Remedial
Investigation started on 9/17/93
- Kerr-McGee Sewage Trmt Plt Site ILD980824031, Dupage County, IL
Operable Unit 01: Remedial
Investigation started on 5/20/92
- Lakeside Refining Co. MID005380019, Kalamazoo County, MI
Operable Unit 00: Time-Critical
Removal started on 3/6/96
- Lemon Lane Ldfl IND980794341, Monroe County, IN
Operable Unit 01: Remedial
Investigation started on 5/8/95
- Lenz Oil Service Inc. ILD005451711, Cook County, IL
Operable Unit 01: Remedial
Investigation started on 9/29/89
- Lower Ecorse Creek Dump
MID985574227, Wayne County, MI
Operable Unit 01: Remedial
Investigation started on 3/14/94
- Madison Metropolitan Sewerage Dist Lagon WID078934403, Dane County, WI
Operable Unit 01: Remedial
Investigation started on 9/24/92
- Manito/Hall Mercury Site IL0001319276, Tazewell County, IL
Operable Unit 00: Time-Critical
Removal started on 12/18/95
- Marion (Bragg) Dump IND980794366, Grant County, IN
Operable Unit 02: Remedial
Investigation started on 1/16/90
- McCarty's Bald Knob Landfill
IND980500417, Posey County, IN
Operable Unit 01: Remedial
Investigation started on 5/4/89
- Metal Working Shop MID980992952, Benzie County, MI
Operable Unit 01: Remedial
Investigation started on 11/15/90
- Metamora Ldfl MID980506562, Lapeer County, MI
Operable Unit 03: Remedial
Investigation started on 3/17/93
- Mig/Dewane Landfill ILD980497788, Boone County, IL
Operable Unit 01: Remedial
Investigation started on 3/29/91
- Remedial Investigation started on 5/1/95
- Operable Unit 02: Remedial
Investigation started on 3/29/91
- Mr. Chrome Bumper IL0001401215, Cook County, IL
Operable Unit 00: Time-Critical
Removal started on 2/26/96
- Muscle-Ag IL0001405141, Rock Island County, IL
Operable Unit 00: Time-Critical
Removal started on 3/27/96
- National Presto Industries
WID006196174, Eau Claire County, WI
Operable Unit 00: Removal started on 11/15/94
- Nease Chemical OHD980610018, Columbiana County, OH
Operable Unit 01: Remedial
Investigation started on 1/27/88
- Oconomowoc Electroplating Co Inc.
WID006100275, Dodge County, WI
Operable Unit 02: Remedial
Investigation started on 9/20/90
- Old LaSalle Dump ILD984774950, La Salle County, IL
Operable Unit 01: Remedial
Investigation started on 1/1/96
- Organic Chem Inc. MID990858003, Kent County, MI
Operable Unit 02: Remedial
Investigation started on 4/22/88
- Ottawa Radiation Areas ILD980606750, La Salle County, IL
Operable Unit 01: Remedial
Investigation started on 3/26/93
- Outboard Marine Corporation
ILD000802827, Lake County, IL
Operable Unit 02: Remedial
Investigation started on 9/26/90
- Pagel's Pit ILD980606685, Winnebago County, IL
Operable Unit 02: Remedial
Investigation started on 8/13/91
- Reilly Tar & Chem (Indianapolis Plant)
IND000807107, Marion County, IN
Operable Unit 04: Remedial
Investigation started on 9/21/92

- Operable Unit 05: Remedial Investigation started on 9/21/92
- Operable Unit 06: Remedial Investigation started on 9/30/93
- Reilly Tar & Chemical Corp (Dover Plant) OHD980610042, Tuscarawas County, OH
- Operable Unit 01: Remedial Investigation started on 3/29/89
- Riverdale Chemical ILD059446153, Cook County, IL
- Operable Unit 01: Remedial Investigation started on 10/1/85
- Rockwell Intl Corp Allegan Plant MID006028062, Allegan County, MI
- Operable Unit 02: Remedial Investigation started on 3/31/88
- Roto-Finish Co. MID005340088, Kalamazoo County, MI
- Operable Unit 00: Non-Time-Critical Removal started on 1/30/95
- Operable Unit 01: Remedial Investigation started on 12/18/87
- SCA Independent Ldfl MID000724930, Muskegon County, MI
- Operable Unit 01: Remedial Investigation started on 10/20/93
- Scrap Processing Company, Inc. WID046536785, Taylor County, WI
- Operable Unit 01: Remedial Investigation started on 5/11/92
- Sheboygan Harbor & River WID980996367, Sheboygan County, WI
- Operable Unit 01: Remedial Investigation started on 4/11/86
- South Point Plt OHD071650592, Lawrence County, OH
- Operable Unit 01: Remedial Investigation started on 3/31/87
- Sparta Ldfl MID000268136, Kent County, MI
- Operable Unit 01: Remedial Investigation started on 9/23/93
- Stickney Ave. Ldfl Aka Toledo City Ldfl OHD000605956, Lucas County, OH
- Operable Unit 01: Remedial Investigation started on 5/2/94
- Summit Equip & Supplies Inc. OHD055523401, Summit County, OH
- Operable Unit 01: Remedial Investigation started on 8/15/93
- Tar Lake MID980794655, Antrim County, MI
- Operable Unit 01: Remedial Investigation started on 1/29/86
- Thermo Chem Inc. MID044567162, Muskegon County, MI
- Operable Unit 02: Remedial Investigation started on 9/21/87
- Tippecanoe San Ldfl. IND980997639, Tippecanoe County, IN
- Operable Unit 01: Remedial Investigation started on 3/8/90
- Tomah Armory WID980610299, Monroe County, WI
- Operable Unit 01: Remedial Investigation started on 5/27/93
- Tomah Fairgrounds WID980616841, Monroe County, WI
- Operable Unit 01: Remedial Investigation started on 5/27/93
- Tomah Municipal San Ldfl WID980610307, Monroe County, WI
- Operable Unit 01: Remedial Investigation started on 1/11/94
- Tyler Street Dump OHD980510523, Lucas County, OH
- Operable Unit 01: Remedial Investigation started on 5/2/94
- Union Carbide Corp Site B Ldfl OHD980612147, Washington County, OH
- Operable Unit 02: Remedial Investigation started on 6/6/91
- Valentine Clark Corp MND981526486, Ramsey County, MN
- Operable Unit 00: Time-Critical Removal started on 3/4/96
- WCL Derailment WI0001401900, Waupaca County, WI
- Operable Unit 00: Emergency Removal started on 3/4/96
- Yeoman Creek Ldfl ILD980500102, Lake County, IL
- Operable Unit 01: Remedial Investigation started on 12/22/89
- For further information on Region 6 sites, contact Administrative Record Coordinator Yvonne Harrell at 214/665-6607.
- Agriculture Street Landfill LAD981056997, Orleans County, LA
- Operable Unit 00: Time-Critical Removal started on 3/6/96
- Operable Unit 01: Remedial Investigation started on 3/14/95
- Alcoa (Point Comfort)/Lavaca Bay TXD008123168, Calhoun County, TX
- Operable Unit 01: Remedial Investigation started on 3/31/94
- Antifreeze, Inc. LAD082004136, Vermilion County, LA
- Operable Unit 00: Removal started on 5/10/96. Primary Contaminants: Ethylene Glycol, Tetrachloroethylene Carbon Tetrachloride, Acetone, Methyl Ethyl Ketone
- AT&SF (Albuquerque) NMD980622864, Bernalillo County, NM
- Operable Unit 01: Remedial Investigation started on 6/6/94
- Broussard Chemical Co. LA0001187491, Vermilion County, LA
- Operable Unit 00: Time-Critical Removal started on 3/25/96
- Primary Contaminants: Tetrachloroethylene, Acetone, Methyl Ethyl Ketone
- Combustion, Inc. LAD072606627, Livingston County, LA
- Operable Unit 01: Remedial Investigation started on 10/25/88
- Empire LAD985169689, Orleans County, LA
- Operable Unit 00: Removal started on 6/29/89
- Hastings Radio Chemical Site (Offsite) TXD982289738, Brazoria County, TX
- Operable Unit 00: Removal started on 3/2/87
- Highway 71/72 Refinery LAD981054075, Bossier County, LA
- Operable Unit 01: Remedial Investigation started on 9/22/94
- Jasper Creosoting Co., Inc. TXD008096240, Jasper County, TX
- Operable Unit 00: Time-Critical Removal started on 3/21/96
- Primary Contaminants: Creosote, Coal Tar, Pentachlorophenol
- Monroe Auto Equipment (Paragould Pit) ARD980864110, Greene County, AR
- Operable Unit 01: Remedial Investigation started on 6/28/91
- National Chromium Corp Odessa Ind Park TXD095211777, Ector County, TX
- Operable Unit 00: Time-Critical Removal started on 6/3/96
- Nu-chrome Plating OK0001327451, Creek County, OK
- Operable Unit 00: Emergency Removal started on 1/26/96
- Primary Contaminants: Sodium Cyanide, Lead, Nickel Powder, Cadmium, Chromium, Copper, Nitric Acid, Sulfuric Acid
- Occi Chem Corp (Sulphur)/B D'inde LAD981916570, Calcasieu County, LA
- Operable Unit 01: Remedial Investigation started on 3/9/95
- Rab Valley Wood Preserving OKD987068749, Le Flore County, OK
- Operable Unit 01: Remedial Investigation started on 9/27/94
- Rinchem Co. Inc. NMD085267961, Bernalillo County, NM
- Operable Unit 01: Remedial Investigation started on 10/1/95
- RSR Corp. TXD079348397, Dallas County, TX
- Operable Unit 03: Remedial Investigation started on 7/17/93
- Operable Unit 05: Remedial Investigation started on 5/10/93
- Tar Creek (Ottawa County) OKD980629844, Ottawa County, OK
- Operable Unit 02: Remedial Investigation started on 8/25/94
- Remedial Investigation started on 8/25/94, Remedial Investigation started on 3/20/95
- Tennessee Gas Pipeline-Natchitoches LAD081648966, Natchitoches County, LA
- Operable Unit 00: Removal started on 2/1/90

- Vertac, Inc. ARD000023440, Pulaski County, AR
Operable Unit 00: Non-Time-Critical Removal started on 1/10/90
Operable Unit 03: Remedial Investigation started on 7/12/89
Operable Unit 06: Remedial Investigation started on 7/12/89
For further information on Region 7 sites, contact Administrative Record Coordinators Barry Thierer (remedial sites), at 913/551-7515, Lynette Motley (removal sites), at 913/551-5104, or Linda Garwood (enforcement), at 913/551-5010.
- Aluminum Company Of America—
Davenport IAD005270160, Scott County, IA
Operable Unit 01: Remedial Investigation started on 8/14/86
Operable Unit 02: Non-Time-Critical Removal started on 7/19/90
Armour Road Site MOD046750253, Clay County, MO
Operable Unit 00: Removal started on 5/22/96
Baxter Gardens MOD054952940, St Louis County, MO
Operable Unit 00: Non-Time-Critical Removal started on 2/13/96
Belle Plaine Coal Gasification IAD981124175, Benton County, IA
Operable Unit 01: Removal started on 8/16/90
Black Hawk Waste Disposal Dump IAD981497522, Black Hawk County, IA
Operable Unit 00: Non-Time-Critical Removal started on 5/10/93
Bruno Coop & Associated Properties NED981713829, Butler County, NE
Operable Unit 01: Remedial Investigation started on 5/17/94
Cherokee County KSD980741862, Cherokee County, KS
Operable Unit 03: Remedial Investigation started on 5/7/90
Chevron Chemical Co—Maryland Heights MOD006272355, St Louis County, MO
Operable Unit 00: Removal started on 7/15/87
Cleburn Street Well NED981499312, Hall County, NE
Operable Unit 00: Non-Time-Critical Removal started on 8/16/93
Primary Contaminants: Tetrachloroethylene
Operable Unit 01: Remedial Investigation started on 9/16/91
Des Moines TCE IAD980687933, Polk County, IA
Operable Unit 02: Remedial Investigation started on 10/26/94
Operable Unit 04: Remedial Investigation started 10/26/94, Removal started 3/12/96
Eaton Corp—Hutchinson KSD984988675, Reno County, KS
Operable Unit 01: Remedial Investigation started on 2/8/91
Great Lakes Container Corp—St Louis MOD086827359, Saint Louis County, MO
Operable Unit 00: Time-Critical Removal started on 1/23/96
Hamill Transfer Co. MOD009855669, Saint Louis County, MO
Operable Unit 00: Non-Time-Critical Removal started on 4/15/96
Hastings Ground Water Contamination NED980862668, Adams County, NE
Operable Unit 05: Remedial Investigation started on 9/30/93
Operable Unit 12: Remedial Investigation started on 8/31/90
Operable Unit 14: Remedial Investigation started on 6/15/86, Remedial Investigation started on 9/30/91
Operable Unit 15: Remedial Investigation started on 7/19/95
Operable Unit 16: Remedial Investigation started on 2/11/91
Operable Unit 17: Non-Time-Critical Removal started on 9/27/95
Operable Unit 19: Remedial Investigation started on 3/22/85
Interchem Inc. IAD007495328, Sioux County, IA
Operable Unit 00: Non-Time-Critical Removal started on 9/20/94
Jefferson St Drum Site KS0001406719, Shawnee County, KS
Operable Unit 00: Emergency Removal started on 4/10/96
Mason City Coal Gasification Plant IAD980969190, Cerro Gordo County, IA
Operable Unit 00: Non-Time-Critical Removal started on 8/29/95
Operable Unit 01: Remedial Investigation started on 10/1/91
Minker/Stout/Romaine Creek MOD980741912, Jefferson County, MO
Operable Unit 00: Emergency Removal started on 2/29/96
Mississippi River Pool #15 IAD981117161, Scott County, IA
Operable Unit 01: Remedial Investigation started on 6/30/90
Nebraska Ordnance Plant (Former) NE6211890011, Saunders County, NE
Operable Unit 02: Remedial Investigation started on 8/18/92
Operable Unit 03: Remedial Investigation started on 2/8/95
Obee Road KSD980631766, Reno County, KS
Operable Unit 02: Remedial Investigation started on 9/30/94
Ogallala Ground Water Contamination NED986369247, Keith County, NE
Operable Unit 01: Remedial Investigation started on 9/29/94
OK Oil & Treating Inc. KSD985015312, Montgomery County, KS
Operable Unit 00: Non-Time-Critical Removal started on 1/30/95
Oronogo-Duenweg Mining Belt MOD980686281, Jasper County, MO
Operable Unit 01: Remedial Investigation started on 8/2/91
Peerless Industrial Paint Coatings MOD006291678, Saint Louis County, MO
Operable Unit 00: Time-Critical Removal started on 2/2/96
Pester Refinery Co. KSD000829846, Butler County, KS
Operable Unit 02: Remedial Investigation started on 12/16/93
Piazza Road Site MOD980688618, Phelps County, MO
Operable Unit 00: Non-Time-Critical Removal started on 3/25/96
Ralston Site IAD980632491, Linn County, IA
Operable Unit 00: Non-Time-Critical Removal started on 7/13/94
Operable Unit 01: Remedial Investigation started on 11/27/91
Riverfront Landfill MOD980631618, Jackson County, MO
Operable Unit 00: Non-Time-Critical Removal started on 7/10/87
St Louis Airport/HIS/Futura Coatings Co. MOD980633176, Saint Louis County, MO
Operable Unit 01: Remedial Investigation started on 6/26/90
Waterloo Coal Gasification Plant IAD984566356, Black Hawk County, IA
Operable Unit 01: Remedial Investigation started on 5/30/95
Webster Groves FMGP MOD000829721, Saint Louis County, MO
Operable Unit 00: Non-Time-Critical Removal started on 8/2/94
Westlake Landfill MOD079900932, St Louis County, MO
Operable Unit 01: Remedial Investigation started on 3/3/93
Operable Unit 02: Remedial Investigation started on 12/14/94
Williams Compressor Station—Corwin KSD984990507, Barber County, KS
Operable Unit 00: Time-Critical Removal started on 1/4/96
29th & Mead Ground Water Contamination KSD007241656, Sedgwick County, KS
Operable Unit 01: Remedial Investigation started on 9/27/89
57th And North Broadway Streets Site KSD981710247, Sedgwick County, KS
Operable Unit 01: Remedial Investigation started on 9/15/94
95 Flood CERCLA Drums MO0001401710, St Louis County, MO
Operable Unit 00: Time-Critical Removal started on 4/12/96
Primary Contaminants: Toluene,

- Benzene, Dimethyl, Methyl Chloride
For further information on Region 8 sites, contact Administrative Record Coordinator, Carole Macey, at 303/312-6551.
- Anaconda Co. Smelter MTD093291656, Deer Lodge County, MT
Operable Unit 04: Remedial Investigation started on 9/30/94
Operable Unit 09: Non-Time-Critical Removal started on 7/8/92
Operable Unit 12: Non-Time-Critical Removal started on 7/8/92
Primary Contaminants: Lead, Arsenic Dust, Cadmium, Copper, Zinc
Operable Unit 14: Remedial Investigation started on 9/28/88
Operable Unit 16: Remedial Investigation started on 9/30/94
- Bountiful/Woods Cross 5th South PCE Plum UT0001119296, Davis County, UT
Operable Unit 00: Time-Critical Removal started on 2/26/96
- California Gulch COD980717938, Lake County, CO
Operable Unit 00: Remedial Investigation started on 6/12/92
Remedial Investigation started on 12/18/92, Remedial Investigation started on 6/4/92
Operable Unit 02: Remedial Investigation started on 4/7/87
Remedial Investigation started on 8/26/94
Operable Unit 03: Remedial Investigation started on 8/26/94
Operable Unit 05: Remedial Investigation started on 8/29/94
Operable Unit 06: Remedial Investigation started on 8/26/94
Operable Unit 07: Remedial Investigation started on 8/26/94
Operable Unit 08: Remedial Investigation started on 8/26/94
Operable Unit 09: Remedial Investigation started on 9/15/94
Operable Unit 10: Remedial Investigation started on 8/28/94
Non-Time-Critical Removal started on 8/4/95
Operable Unit 12: Remedial Investigation started on 4/8/93
- Central City-Clear Creek COD980717557, Clear Creek County, CO
Operable Unit 03: Non-Time-Critical Removal started on 10/6/95
- Denver Toluene COD981550684, Denver County, CO
Operable Unit 00: Non-Time-Critical Removal started on 12/14/88
- East Helena Site MTD006230346, Lewis And Clark County, MT
Operable Unit 02: Remedial Investigation started on 6/23/87
Non-Time-Critical Removal started on 7/19/91
- Operable Unit 03: Remedial Investigation started on 6/27/87
- Flathead Mine Area MTD986066488, Sanders County, MT
Operable Unit 00: Removal started on 12/20/95
- Kennecott (North Zone) UTD070926811, Salt Lake County, UT
Operable Unit 01: Remedial Investigation started on 9/22/93
- Kennecott (South Zone) UTD000826404, Salt Lake County, UT
Operable Unit 00: Remedial Investigation started on 9/22/93
Remedial Investigation started on 9/22/93
Operable Unit 02: Remedial Investigation started on 7/29/94
Operable Unit 07: Non-Time-Critical Removal started on 9/30/93
- Leeds Silver Reclamation Site UTD981550619, Washington County, UT
Operable Unit 00: Time-Critical Removal started on 2/20/96
- Milltown Reservoir Sediments MTD980717565, Missoula County, MT
Operable Unit 02: Remedial Investigation started on 2/2/90
Operable Unit 03: Remedial Investigation started on 7/7/95
- Mountaineer Refining Company WYD057192791, Lincoln County, WY
Operable Unit 00: Removal started on 7/24/95
- Mystery Bridge Rd/U.S. Highway 20 WYD981546005, Natrona County, WY
Operable Unit 02: Non-Time-Critical Removal started on 12/15/87
- Ogden Union Railway & Depot UTD988075271, Weber County, UT
Operable Unit 00: Removal started on 11/27/95
- Petrochem Recycling Corp./Ekotek Plant UTD093119196, Salt Lake County, UT
Operable Unit 01: Remedial Investigation started on 7/10/92
- Portland Cement (Kiln Dust 2 & 3) UTD980718670, Salt Lake County, UT
Operable Unit 03: Remedial Investigation started on 10/24/94
- Richardson Flats Tailings UTD980952840, Summit County, UT
Operable Unit 01: Remedial Investigation started on 9/29/89
- Sandy Smelter Site UTD988078044, Salt Lake County, UT
Operable Unit 00: Remedial Investigation started on 11/15/93
Operable Unit 02: Removal started on 9/29/94
- Silver Bow Creek/Butte Area MTD980502777, Silver Bow County, MT
Operable Unit 06: Non-Time-Critical Removal started on 3/31/89
Primary Contaminants: Heavy Metals, Other Inorganics
Operable Unit 08: Remedial Investigation started on 6/30/92
Operable Unit 10: Non-Time-Critical Removal started on 8/11/94
Primary Contaminants: Heavy Metals
Operable Unit 11: Non-Time-Critical Removal started on 5/13/92
Primary Contaminants: Heavy Metals
Smuggler Mountain COD980806277, Pitkin County, CO
Operable Unit 02: Non-Time-Critical Removal started on 11/26/91
- Summitville Mine COD983778432, Rio Grande County, CO
Operable Unit 00: Remedial Investigation started on 5/11/93
Operable Unit 02: Non-Time-Critical Removal started on 9/29/93
- For further information on Region 9 sites, contact Administrative Record Coordinator Elaine Chan (remedial sites) at 415/744-2380, or Sandra Farber (removal sites) at 415/744-2304.
- Aerojet General Corp CAD980358832, Sacramento County, CA
Operable Unit 01: Remedial Investigation started on 9/8/88
- Brown & Bryant, Inc. (Arvin Plant) CAD052384021, Kern County, CA
Operable Unit 02: Remedial Investigation started on 9/30/92
- Cajon Derailment CA0001342039, San Bernardino County, CA
Operable Unit 00: Time-Critical Removal started on 2/1/96
- Carson River Mercury Site NVD980813646, Lyon County, NV
Operable Unit 02: Remedial Investigation started on 9/28/90
- Cooper Drum Co. CAD055753370, Los Angeles County, CA
Operable Unit 01: Remedial Investigation started on 8/12/93
- Crazy Horse Sanitary Landfill CAD980498455, Monterey County, CA
Operable Unit 01: Remedial Investigation started on 9/18/93
- Del Amo Facility CAD029544731, Los Angeles County, CA
Operable Unit 01: Remedial Investigation started on 5/7/92
Operable Unit 02: Remedial Investigation started on 5/7/92
- Del Monte Corp. (Oahu Plantation) HID980637631, Honolulu County, HI
Operable Unit 01: Remedial Investigation started on 9/28/95
- Fresno Municipal Sanitary Landfill CAD980636914, Fresno County, CA
Operable Unit 02: Remedial Investigation started on 9/20/90
- Frontier Fertilizer CAD071530380, Yolo County, CA

Operable Unit 00: Remedial Investigation started on 8/2/93
 GBF & Pittsburg Dumps CAD980498562, Contra Costa County, CA
 Operable Unit 01: Remedial Investigation started on 7/28/93
 Hewlett-Packard CAD009122532, Santa Clara County, CA
 Operable Unit 01: Remedial Investigation started on 5/18/89
 Indian Bend Wash Area AZD980695969, Maricopa County, AZ
 Operable Unit 03: Remedial Investigation started on 3/14/88
 Remedial Investigation started on 3/14/88
 Operable Unit 07: Remedial Investigation started on 9/26/90
 Industrial Waste Processing CAD980736284, Fresno County, CA
 Operable Unit 01: Remedial Investigation started on 5/12/93
 Iron Mountain Mine CAD980498612, Shasta County, CA
 Operable Unit 00: Removal started on 9/30/89
 Operable Unit 04: Remedial Investigation started on 4/21/94
 McColl CAD980498695, Orange County, CA
 Operable Unit 04: Remedial Investigation started on 2/4/94
 McCormick & Baxter Creosoting Co. CAD009106527, San Joaquin County, CA
 Operable Unit 01: Remedial Investigation started on 6/30/92
 Operable Unit 02: Remedial Investigation started on 3/24/93
 Operable Unit 03: Remedial Investigation started on 9/28/94
 Modesto Ground Water Contamination CAD981997752, Stanislaus County, CA
 Operable Unit 01: Remedial Investigation started on 3/21/91
 Montrose Chemical Corp CAD008242711, Los Angeles County, CA
 Operable Unit 01: Remedial Investigation started on 10/10/86
 Newmark Ground Water Contamination CAD981434517, San Bernardino County, CA
 Operable Unit 03: Remedial Investigation started on 2/9/94
 Operating Industries, Inc., Landfill CAT080012024, Los Angeles County, CA
 Operable Unit 01: Remedial Investigation started on 9/15/89
 Ralph Gray Trucking Co. CAD981995947, Orange County, CA
 Operable Unit 01: Removal started on 8/23/94
 Operable Unit 02: Remedial Investigation started on 6/19/93
 San Fernando Valley (Area 1) CAD980894893, Los Angeles County, CA

Operable Unit 01: Remedial Investigation started on 8/16/85
 Remedial Investigation started on 2/18/94
 San Fernando Valley (Area 4) CAD980894976, Los Angeles County, CA
 Operable Unit 02: Remedial Investigation started on 9/28/92
 San Gabriel Valley (Area 1) CAD980677355, Los Angeles County, CA
 Operable Unit 00: Remedial Investigation started on 6/13/84
 Operable Unit 01: Remedial Investigation started on 3/16/95
 Operable Unit 05: Remedial Investigation started on 7/25/95
 San Gabriel Valley (Area 4) CAD980817985, Los Angeles County, CA
 Operable Unit 01: Remedial Investigation started on 9/30/93
 South Bay Basin CAD980000004, Santa Clara County, CA
 Operable Unit 01: Remedial Investigation started on 1/28/87
 Southwest Forest Ind Wood Treatment Plt AZD008398703, Yavapai County, AZ
 Operable Unit 00: Removal started on 8/18/92
 Stoker Co. CAD066635442, Imperial County, CA
 Operable Unit 01: Remedial Investigation started on 5/1/92
 Sulphur Bank Mercury Mine CAD980893275, Lake County, CA
 Operable Unit 01: Remedial Investigation started on 9/28/90
 Operable Unit 02: Remedial Investigation started on 11/18/91
 Operable Unit 03: Remedial Investigation started on 9/28/90
 T.H. Agriculture & Nutrition Co CAD009106220, Fresno County, CA
 Operable Unit 01: Remedial Investigation started on 2/6/87
 Tucson International Airport Area AZD980737530, Pima County, AZ
 Operable Unit 02: Remedial Investigation started on 12/11/90
 Western Pacific Railroad Co. CAD980894679, Butte County, CA
 Operable Unit 01: Remedial Investigation started on 3/15/94, Removal started on 9/7/93
 For further information on Region 10 sites, contact Administrative Record Coordinator Lynn Williams, at 206/553-2121.
 Blackbird Mine IDD980725832, Lemhi County, ID
 Operable Unit 01: Remedial Investigation started on 11/18/94
 Non-Time-Critical Removal started on 7/30/95
 Boomsnub/AIRCO WAD009624453, Clark County, WA

Operable Unit 01: Remedial Investigation started on 3/27/95
 Eastern Michaud Flats Contamination IDD984666610, Bannock County, ID
 Operable Unit 01: Remedial Investigation started on 5/30/91
 Harbor Island (Lead) WAD980722839, King County, WA
 Operable Unit 07: Remedial Investigation started on 9/7/88
 Operable Unit 08: Remedial Investigation started on 9/7/88
 Monsanto Chemical Co. (Soda Springs) IDD081830994, Caribou County, ID
 Operable Unit 01: Remedial Investigation started on 3/19/91
 Pacific Sound Resources WAD009248287, King County, WA
 Operable Unit 01: Remedial Investigation started on 9/29/94
 Non-Time-Critical Removal started on 3/20/95
 Operable Unit 02: Remedial Investigation started on 5/18/95
 Reynolds Metals Company ORD009412677, Multnomah County, OR
 Operable Unit 01: Remedial Investigation started on 9/29/95
 Spokane Junkyard/Associated Properties WAD981767296, Spokane County, WA
 Operable Unit 01: Remedial Investigation started on 6/30/95
 Stibnite/Yellow Pine Mining Area IDD980665459, Valley County, ID
 Operable Unit 00: Non-Time-Critical Removal started on 9/18/95
 Tulalip Landfill WAD980639256, Snohomish County, WA
 Operable Unit 01: Remedial Investigation started on 8/12/93
 Vancouver Water Station #4 Contamination WAD988475158, Clark County, WA
 Operable Unit 01: Remedial Investigation started on 4/2/92
 Wyckoff Co./Eagle Harbor WAD009248295, Kitsap County, WA
 Operable Unit 02: Remedial Investigation started on 9/16/92
 Removal started on 7/9/95

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 BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

July 23, 1996.

SUMMARY: The Federal Communications Commission, as part of it continuing

effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before September 30, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0225.
Title: Section 90.131(b) Amendment or dismissal of applications.
Form No: N/A.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit; state or local governments; not-for-profit institutions.

Number of Respondents: 25.

Estimated Time Per Response: .166 hours.

Total Annual Burden: 4.15 hours.

Total Annual Cost: 0.

Needs and Uses: Section 90.131(b) allows applicants to dismiss any pending application by sending a written request. Information will alert licensing personnel of applicant's desire to discontinue processing of application.

OMB Approval Number: 3060-0311.

Title: 76.54 Significantly viewed signals, method to be followed for special showings.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 12.

Estimated Time Per Response: 2 hours to create and serve each set of notifications.

Total Annual Burden: 24 hours.

Total Costs to Respondents: \$48.

Postage and stationery costs are estimated at \$4 per set of notifications. $4 \times 12 = \$48$.

Needs and Uses: Section 76.54 requires that notice of an audience survey that is conducted by an organization for significantly viewed signal purposes must be served on all licensees or permittees of television broadcast stations within whose predicted Grade B contour the cable community or communities are located, and all other system community units, franchisees and franchise applicants in the cable community or communities, as well as the franchises authority. This notification shall be made of least 30 days prior to the initial survey period and shall include the name of the survey organization and a description of the procedures to be used. The notifications are used by interested parties to give them an opportunity to file objections to the methodology of the audience survey.

OMB Approval Number: 3060-0315.

Title: 76.221 Sponsorship identification; list retention; related requirements.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 450.

Estimated Time Per Response: .5 hours.

Total Annual Burden: 225 hours.

Total Costs to Respondents: \$900.

Cost to each respondent for maintaining and disclosing the information is estimated to be \$2 per occurrence. $450 \times \$2 = \900 .

Needs and Use: When a cablecast is of a political or controversial nature

pursuant to Section 76.221(d), the cable system operator is required to retain a list of the executive officers, or board of directors, or executive committee, etc. of the organization sponsoring the cablecast. Sponsorship announcements are waived with respect to the broadcast of "want ads" sponsored by an individual but the licensee shall maintain a list showing the name, address and telephone number of each advertiser pursuant to Section 76.221(f). These lists shall be made available for public inspection. The records are used by the public so that they may know by whom a political, controversial or local "want ad" cablecast is sponsored.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96-19241 Field 7-29-96; 8:45am]

BILLING CODE 6712-01-M

Notice of Public Information Collections Submitted to OMB for Review and Approval

July 23, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 29, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW, Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW, Washington, DC 20503 or fain__t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0057.
Title: Application for Equipment Authorization 47 CFR 2.911, 2.963(a), 2.983, 2.1033(a).

Form No.: FCC 431.

Type of Review: Revision of an Existing Collection.

Respondents: Business or other for-profit.

Number of Respondents: 5,600.

Estimated Time Per Response: 18-30 hours.

Total Annual Burden: 134,400 hours.

Total Annual Cost: \$200 per respondent to provide the information.

Needs and Uses: Commission Rules require approval prior to marketing of equipment regulated under certain Part 15 and Part 18 rule sections, based on a showing of compliance with technical standards established in the Rules for each device operated under the applicable Rule part. Rules governing certain equipment operating the licensed service also require equipment authorization as established in the procedural Rules in Part 2. Such a showing of compliance aids in controlling potential interference to radio communications, and the data gathered, as is necessary may be used for investigating complaints of harmful interference.

OMB Approval Number: 3060-0687.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities CC Docket 87-124.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: Section 68.112(b)(3)(E) approximately 805,000 respondents at 2 hours per respondent; sections 68.224(a) and 68.300(c) approximately 1,100 respondents at 11.36 hours per respondent.

Total Annual Burden: 1,635,000.

Needs and Uses: In CC Docket No. 87-124 the Commission adopts rules

that among other things, require telephones with electro-magnetic coil hearing aid compatibility to be stamped with the letters HAC. Section 68.112(b)(3)(E) requires that employers with fifteen or more employees provide emergency telephones for use by employees with hearing disabilities and that the employers designate such telephones for emergency use. Section 68.224(a) requires a notice to be contained on the surface of the packaging of a non-hearing aid compatible telephone that the telephone is not hearing aid compatible.

OMB Approval Number: 3060-0714.

Title: Antenna Registration Number Required as Supplement to Application Forms.

Form No.: N/A.

Type of Review: Extension of an existing collection.

Respondents: Individuals and households; Businesses or other for-profit; Non-profit institutions; Farms; Federal Government; State and local governments.

Number of Respondents: 516,000.

Estimated Time Per Response: 5 minutes.

Total Annual Burden: 43,344.

Needs and Uses: Effective July 1, 1996, the current antenna clearance procedures are replaced with a uniform registration procedure that applies to antenna structure owners. Structure owners will receive an Antenna Structure Registration Number which is a unique number that identifies an antenna structure. Once obtained, this number must be used on all filings related to the antenna structure. The Commission will require this Registration Number to be submitted with any of the applications for licensing. Collecting the Registration Number will enable the Commission to efficiently maintain a Registration Database, as well as process the applications without unnecessary delay related to antenna structure discrepancies. By entering the Registration Number in the database, FCC's tower clearance processors can immediately locate the information provided by the structure owner regarding the antenna site and ensure the validity and accuracy of the data provided. Without the Registration Number, the FCC's tower clearance processors would be "guessing" the structure registration number using coordinates and other data supplied by the applicant, thereby decreasing the integrity of the new Registration database. The Commission released a Report and Order on November 30, 1995, WT Docket No. 95-5, adopting

these new rules to streamline the Commission's antenna structure clearance process. While the Report and Order contained information relative to the Antenna Structure Registration Number requirement, it did not address the necessary notification of additional burden to collect the Registration Number prior to revision of the FCC's application forms.

OMB Approval Number: 3060-0400.

Title: Tariff Review Plan.

Form No.: N/A.

Type of Review: Revision of an existing collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 52.

Estimated Time Per Response: 61 hours.

Total Annual Burden: 3,172 hours.

Needs and Uses: Certain local exchange carriers are required annually to submit Tariff Review Plans in partial fulfillment of cost support material required by 47 CFR Part 61. The information is used by the FCC and the public to determine the justness and reasonableness of rates terms and conditions in tariffs as required by the Communications Act of 1934 as amended.

Federal Communications Commission
William F. Caton,

Acting Secretary.

[FR Doc. 96-19239 Filed 7-29-96; 8:45 am]

BILLING CODE 6712-01-P

Public Safety Wireless Advisory Committee; Steering Committee Meeting

AGENCIES: The National Telecommunications and Information Administration (NTIA), Larry Irving, Assistant Secretary for Communications and Information, and the Federal Communications Commission (FCC), Reed E. Hundt, Chairman.

ACTION: Notice of the next meeting of the Steering Committee.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the next meeting of the Steering Committee of the Public Safety Wireless Advisory Committee. The NTIA and the FCC established a Public Safety Wireless Advisory Committee, Subcommittees, and Steering Committee to prepare a final report to advise the NTIA and the FCC on operational, technical and spectrum requirements of Federal, state and local Public Safety entities through the year 2010. All interested parties are

invited to attend and to participate in the Steering Committee meeting.

DATES: August 22, 1996 (Thursday).

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Commission Meeting Room 856, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah Behlin at 202-418-0650 (phone), 202-418-2643 (fax), or dbehlin@fcc.gov (e-mail). Information is also available from the Internet at the Public Safety Wireless Advisory Committee homepage (<http://pswac.ntia.doc.gov>).

SUPPLEMENTARY INFORMATION: The Steering Committee of the Public Safety Wireless Advisory Committee will hold its next meeting as follows:

August 22: The Steering Committee will meet starting at 9:00 a.m.

The tentative agenda for the Steering Committee meeting is as follows:

1. Welcoming Remarks
2. Approval of Agenda
3. Administrative Matters
4. Work Program/Organization of Work
5. Meeting Schedule
6. Agenda for Next Meeting
7. Other Business
8. Closing Remarks

The tentative schedule and general location of the next full meeting of the Public Safety Wireless Advisory Committee is:

September 1996, in Washington, D.C.

The Co-Designated Federal Officials of the Public Safety Wireless Advisory Committee are William Donald Speights, NTIA, and John J. Borkowski, FCC. For public inspection, a file designated WTB-1 is maintained in the Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, Room 8010, 2025 M Street NW., Washington, D.C. 20554.

Federal Communications Commission

David E. Horowitz,

*Acting Chief, Private Wireless Division,
Wireless Telecommunications Bureau.*

[FR Doc. 96-19348 Filed 7-29-96; 8:45 am]

BILLING CODE 6712-01-P

FCC To Hold Open Commission Meeting, Thursday, August 1, 1996; Sunshine Act Meeting

July 25, 1996.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, August 1, 1996, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Item No. 1.

Bureau: Cable Services.

Subject

Title: Preemption of Local Zoning Regulation of Satellite Earth Stations (IB Docket No. 95-59); Implementation of Section 207 of the Telecommunications Act of 1996 and Restrictions on Over-the-Air Reception Devices: Television Broadcast Service and Multichannel Multipoint Distribution Service (CS Docket No. 96-83).

Summary: The Commission will consider rules to implement Section 207 of the Telecommunications Act of 1996.

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Public Affairs, telephone number (202) 418-0500.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. at (202) 857-3800. Audio and Video Tapes of this meeting can be purchased from Telspan International at (301) 731-5355. This meeting can be viewed over George Mason University's "Capitol Connection." For information on this service call (703) 993-3100.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-19417 Filed 7-26-96; 10:44 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Foreign Cargo International, Inc., 8420 N.W. 58th Street, Miami, FL 33166

Officers:

Enrique E. Ros, Jr., President

Odalys Ros, Secretary

Pyramid International, Inc., 7100 N.W. 179th Street, Suite 303, Miami, FL 33015

Officer: Gerald Anthony Cross, Chief Executive Officer

Dated: July 25, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-19340 Filed 7-29-96; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

OAC Shipping Company, Inc, 8180 N.W. 29th Street, Suite 201, Miami, FL 33122

Officers:

Oliver Paul Oswald, President

Mildred Cagol, Secretary

Transportation Logistics, Inc, 7525 Connelley Drive, Suite R, Hanover, MD 21076

Officer: Gregory J. McCloskey, President

Dated: July 24, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-19255 Filed 7-29-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The company listed in this notice has given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for

inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 14, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Quad City Holdings, Inc.*, Bettendorf, Iowa; to acquire 20 percent of the voting shares of Nobel Electronic Transfer, L.L.C., Bettendorf, Iowa, and thereby engage in data processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 24, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-19275 Filed 7-29-96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Nonbanking Activities or to Acquire Companies that are Engaged in Nonbanking Activities

Bank of Montreal, Montreal, Canada; The Bank of Nova Scotia, Toronto, Canada; Canadian Imperial Bank of Commerce, Toronto, Canada; The Chase Manhattan Corporation, New York, New York; First Chicago NBD Corporation, Chicago, Illinois; National Bank of Canada, Montreal, Canada; The Toronto-Dominion Bank, Toronto, Canada; and Royal Bank of Canada, Montreal, Canada (collectively, Applicants), have given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and

225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to engage *de novo* through their direct, wholly owned subsidiary, Multinet International Bank, New York, New York (Company), in acting as a clearinghouse for foreign exchange and foreign exchange-related transactions. Each Applicant would acquire 12.5 percent of the voting shares of Company. Company would be organized under New York banking law as a limited purpose trust company, and would engage in certain trust, foreign exchange, and data processing activities in connection with its function as a clearinghouse. Multinet's principal function would be to become the substituted counterparty to each foreign exchange transaction that is submitted by participants in the clearinghouse and that is accepted by the clearinghouse. All such transactions would be multilaterally netted, and settlement for all netted transactions would be subject to delivery versus payment restrictions. These techniques are intended to reduce the volume of settlement transactions and reduce forward, settlement, and liquidity risk. Incidental to its clearinghouse function, Company would engage in risk management, data processing, collateral management, and payment and settlement functions. Company also would provide data processing services to subscribers that desire to match and net transactions on a bilateral basis. Company would provide the proposed services to all financial institutions meeting its credit and operational standards on a worldwide basis.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity that the Board, after due notice and opportunity for hearing, has determined by order or regulation to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed services, that banks generally provide services that are operationally or functionally similar to the proposed services so as to equip them particularly

well to provide the proposed services, or that banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form.

National Courier Ass'n v. Board of Governors, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984); *Securities Industry Ass'n v. Board of Governors*, 468 U.S. 207, 210-11, n.5 (1984).

Applicants state that the Board previously has determined by regulation that the proposed foreign exchange, trust, and data processing and transmission services are closely related to banking for purposes of section 4(c)(8) of the BHC Act. See 12 CFR 225.25(b)(3), (7), and (17). Applicant maintains that Company's proposed activities would conform to Regulation Y. The Board also may consider whether the proposed combination of these activities in the operation of a foreign exchange clearinghouse, as described in Applicants' proposal, constitutes an activity that is distinct from the constituent activities contributing to the operation of the clearinghouse.

In order to approve the proposal, the Board also must determine that the proposed activities to be engaged in by Company are a proper incident to banking that "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(c)(8). Applicant contends that its proposal would produce public benefits that outweigh any potential adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the notice and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 14, 1996. Any request for a hearing on this notice must, as

required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of reasons why 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.

This application may be inspected at the offices of the Board of Governors, the Federal Reserve Bank of New York, or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, July 24, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-19276 Filed 7-29-96; 8:45 a.m.]

BILLING CODE 6210-01-F

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, August 5, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 26, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-19546 Filed 7-29-96; 8:45 am]

BILLING CODE 6210-01-P

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Policy Division, FAR Secretariat Stocking Change of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/FAR Secretariat is changing the stocking of the following Standard form because of low user demand:

SF 1409, Abstract of Offers

Since this form is now authorized for local reproduction, you can obtain the updated camera copy in two ways:

On the internet. Address: <http://www.gsa.gov/forms>, or;

From CARM, Attn.: Barbara Williams, (202) 501-0581.

FOR FURTHER INFORMATION CONTACT: FAR Secretariat, (202) 501-4755.

DATES: Effective July 30, 1996.

Dated: July 19, 1996.

Theodore D. Freed,

Standard and Optional Forms, Management Officer.

[FR Doc. 96-19280 Filed 7-29-96; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Intervention Studies for Construction Safety and Health, Program Announcement 657: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. (92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Disease, Disability, and Injury Prevention and Control SEP: Intervention Studies for Construction Safety and Health, Program Announcement 657.

Times and Dates: 7 p.m.-9 p.m., August 19, 1996. 8 a.m.-5 p.m., August 20, 1996.

Place: Abbott Turner Conference Center, 1703 Clifton Road, Atlanta, Georgia 30329.

Status: Closed.

Matters to be Discussed: The meeting will include the review, discussion, and

evaluation of applications received in response to Program Announcement 657.

The meeting will be closed to the public in accordance with provisions set forth in 5 U.S.C. Section 552b(c)(4) and (6), and the Determination of the Associate Director for Management and Operations, CDC, Pursuant to Pub. L. 92-463.

Contact Person for More Information: Melvin L. Myers, Deputy Director, Office of Extramural Coordination and Special Projects, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE, M/S D40, Atlanta, Georgia 30333, telephone 404/639-2376.

Dated: July 23, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office; Centers for Disease Control and Prevention (CDC).

[FR Doc. 96-19299 Filed 7-29-96; 8:45 am]

BILLING CODE 4163-18-M

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Federal Parent Locator Service (FPLS).

OMB No.: Currently under review by OMB under procedures for emergency processing.

Description: The Office of Child Support Enforcement (OCSE) operates the Federal Parent Locator Services (FPLS), a computerized national location network which provides address and social security number information to State and local child support enforcement agencies upon request to locate parents in order to establish or enforce a child support order and to assist authorized persons in resolving parental kidnapping and child custody cases.

State and local agency requests to the FPLS can be made by tape, cartridge, electronic file transfer or by dialing-up using a personal computer. The FPLS serves as a conduit between child support enforcement offices and Federal and State agencies by conducting weekly, biweekly, or monthly matches of the collected information with various agencies and distributing the information back to the requesting State or local child support office.

Respondents: State, Local, Tribal or Federal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Standard Forms Estimated Total Annual Burden Hours: 4,800	*200	*24	1	4,800

* The 4,800 transmittals (200 × 24) represents 4.2 million cases.

Explanation

- The specific number of annual burden hours per respondent will vary depending on individual circumstances including a State's frequency in submitting requests and their mode of submission.

- Burden hours for initial collection of information included in the submission are not considered as part of this request. State and local agencies maintain this information as part of their day-to-day operation of the child support enforcement program.

Respondents: State, Local, Tribal or Federal Govt.

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 23, 1996.

Larry Guerrero,

Reports Clearance Officer.

[FR Doc. 96-19237 Filed 7-29-96; 8:45 am]

BILLING CODE 4184-01-M

Submission for OMB Review; Comment Request

Title: Integrated Review Schedule.

OMB No.: 0970-0035.

Description: State agencies are required to perform quality control review for the AFDC, Food Stamp, and Adult Assistance Programs. The Integrated Review Schedule is jointly designed and used by ACF and FCS. The schedule serves as the comprehensive data entry form for all active quality control reviews in these programs.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF-4357	55,000	1	1	55,000

Estimated Total Annual Burden Hours: 55,000.

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 24, 1996.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 96-19308 Filed 7-29-96; 8:45 am]

BILLING CODE 4184-01-M

Health Resources and Services Administration

Project Grants for Renovation or Construction of Non-Acute Health Care Facilities

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Cancellation of notice of availability of funds.

SUMMARY: This notice rescinds the Notice of Availability of Funds for Project Grants for Renovation or Construction of Non-Acute Health Care Facilities published in the Federal Register June 13, 1996 at 61 FR 30077.

FOR FURTHER INFORMATION CONTACT: Mrs. Glenna Wilcom, Grants Management Officer, Bureau of Health Resources Development, Parklawn Building, Room 7-27, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2280.

Dated: July 24, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96-19307 Filed 7-29-96; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PRT-817175

Applicant: Mr. Gerald Dinkins, 3D/International, Environmental Group, Knoxville, Tennessee.

The applicant requests a permit to take (capture and release) Higgins' Eye Pearly Mussel (*Lampsilis higginsii*) within the Mississippi River, Washington and Dakota Counties, Minnesota. Activities are proposed to determine presence or absence of the species within a proposed pipeline crossing.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received on or before August 29, 1996.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612/725-3536, x250); FAX: (612/725-3526).

Dated: July 24, 1996.

T.J. Miller,

Acting Assistant, Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 96-19313 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Land Management

[CA-063-00-5440-ZBBB; CACA-30070; CACA-25594; CACA-31926]

Correction to End of Comment Period for Draft Environmental Impact Statement/Report for Eagle Mountain Landfill and Recycling Project, Riverside, CA

AGENCY: Bureau of Land Management, Desert District.

ACTION: Correction to end of comment period.

SUMMARY: The Bureau of Land Management's Notice of Availability for the Draft EIS for the Eagle Mountain Landfill Project, published in the Federal Register July 12, 1996, noted that the end of the written comment period was September 10, 1996. This date is incorrect; the correct date for the end of the written comment period is September 17, 1996.

Dated: July 23, 1996.

Alan Stein,

Acting District Manager.

[FR Doc. 96-19301 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-40-M

[WY-985-06-0777-72]

Resource Advisory Council Meeting, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wyoming Resource Advisory Council.

SUMMARY: This notice sets forth the schedule and agenda for the rescheduled meeting of the Wyoming Resource Advisory Council (RAC).

DATE: August 15, 1996, from 8:00 a.m. until 5:00 p.m. and August 16, 1996, from 8:00 a.m. until 3:00 p.m.

ADDRESS: Pronghorn Lodge, Monarch Room, 150 East Main, Lander, WY 82520.

FOR FURTHER INFORMATION CONTACT:

Terri Trevino, RAC Coordinator, Wyoming Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, (307) 775-6020.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of Green River Basin Advisory Committee

2. Finalize draft goals and guidelines on rangelands

3. Public Comment

This meeting is open to the public. Interested persons may make oral statement to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the RAC Coordinator, at the above address by August 10, 1996.

Depending on the number of persons wishing to make oral statements, a time limit, per person, may be established by the Chair of the Resource Advisory Council.

James K. Murkin,

Acting State Director.

[FR Doc. 96-19311 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-22-M

[UTU-69753]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease UTU-69753 for lands in Tooele County, Utah, was timely filed and required rentals accruing from January 1, 1996, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16 $\frac{2}{3}$ percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU-69753, effective January 1, 1996, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Robert Lopez,

Group Leader, Minerals Adjudication Group.

[FR Doc. 96-19302 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-DQ-M

[UTU-75038]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease UTU-75038 for lands in Duchesne

County, Utah, was timely filed and required rentals accruing from April 1, 1996, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16 $\frac{2}{3}$ percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU-75038, effective April 1, 1996, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Robert Lopez,

Group Leader, Minerals Adjudication Group.
[FR Doc. 96-19303 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-DQ-M

[CA-010-04-1430-01; CACA 37054]

Notice of Realty Action; Direct Sale of Public Land, Nevada County, CA

AGENCY: Dept. of the Interior, Bureau of Land Management.

ACTION: Direct Sale of Public Land, Nevada County, CACA 37054.

SUMMARY: The following described public land is being considered for direct sale pursuant to Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (433 U.S.C. 1713):

Mount Diablo Meridian, California

T. 16N., R. 9E.,
Sec. 18: lot 20

.74 acres, more or less.

The above tract is a wedge-shaped remnant of public land that lacks public access. It is surrounded entirely by private property, most of which is owned by Mr. and Mrs. Richard Chapman. The .74-acre remnant would be sold as an inholding to the Chapmans at fair market value. An additional \$50.00 mineral conveyance processing fee is required. The proposal is consistent with the Bureau's land use plans which supports the disposal of small isolated tracts.

The tract would be transferred subject to a reservation to the United States for a right-of-way for ditches and canals. The proposal is consistent with the Bureau's land use plans that support the disposal of small difficult-to-manage tracts.

The above described land is segregated from settlement, location and entry under the public land laws and the mining laws for a period of 270 days from the date of publication of this notice in the Federal Register.

FOR ADDITIONAL INFORMATION: Contact Mike Kelley at the Folsom Resource Area office, 63 Natoma St., Folsom, CA 95630, or by phone at (916) 985-4474.

D.K. Swickard,

Area Manager.

[FR Doc. 96-19281 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-40-M

National Park Service

Notice of Approval of Record of Decision Final Environmental Impact Statement/General Management Plan Cabrillo National Monument, San Diego County, CA

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service has approved a Record of Decision (ROD) on the Final Environmental Impact Statement/General Management Plan (FEIS/GMP) for Cabrillo National Monument, San Diego, California.

The National Park Service will implement the Proposal as identified in the Final Environmental Impact Statement, issued in April 1996.

Copies of the approved Record of Decision may be obtained from the Superintendent, Cabrillo National Monument, 1800 Cabrillo Memorial Drive, San Diego, California 92106 or telephone at 619-557-5450.

Dated: July 10, 1996.

Stanley T. Albright.

Field Director, Pacific West Area

[FR Doc. 96-19244 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-70-P

Draft General Management Plan and Environmental Impact Statement for Klondike Gold Rush National Historical Park

AGENCIES: National Park Service, Interior.

ACTION: Extension of the public comment period for the Draft General Management Plan and Environmental Impact Statement for Klondike Gold Rush National Historical Park.

SUMMARY: The National Park Service announces a 15-day extension of the public comment period for the Draft

General Management Plan and Environmental Impact Statement (GMP/EIS) for Klondike Gold Rush National Historical Park. The draft EIS Notice of Availability was published in the Federal Register on June 4, 1996 (FR 28231). The original comment period would have expired on July 31, 1996.

DATES: Comments on the draft GMP/EIS must be received no later than August 16, 1996.

ADDRESSES: Comments on the draft GMP/EIS should be submitted to KLGO/KLSE Draft GMP Comments, 2525 Gambell Street, Anchorage, Alaska 99503-2892. Copies of the Draft GMP/EIS for Klondike Gold Rush National Historical Park are available by request from the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jack Mosby, Team Captain, Klondike Gold Rush General Management Plan team, 2525 Gambell Street, Anchorage, Alaska 99503-2892. Phone: (907) 257-2650.

Dated: July 22, 1996.

Judith C. Gottlieb,

Acting Field Director, Alaska Field Office.

[FR Doc. 96-19245 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-70-P

Draft Environmental Impact Statement/General Management Plan, San Francisco Maritime National Historical Park, San Francisco County, Ca; Notice of Availability

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190 as amended), the National Park Service (NPS), Department of the Interior, has prepared a draft environmental impact statement assessing the potential impacts of the proposed General Management Plan (DEIS/GMP) for San Francisco Maritime National Historical Park, San Francisco, California. Once approved, the plan will guide the management of the park over the next 15 to 20 years.

ALTERNATIVES: The proposed action (Alt. A) would emphasize the preservation and maintenance of the park's collection, including the fleet of historic vessels, small watercraft, library, and archival materials. The steam schooner *Wapama*, a National Historic Landmark, would not be preserved and would eventually be dismantled. The park would pursue multiple strategies for major ship restoration, such as continued use of commercial shipyards and appropriate agreements with San Francisco Bay Area dry dock facilities. Greater use of the park's collection by the public for research and interpretive purposes would be provided through the use of additional facilities, including

rehabilitation of the Haslett Warehouse. A distinct, 19th century San Francisco design theme would clearly establish the exceptional maritime identity of the park. The intersection at Hyde and Jefferson Streets would be redesigned to enhance pedestrian access and visibility of the pier and historic ships, and to expand interpretive opportunities. In addition to information regarding park facilities and programs, visitors would be encouraged to experience other related sites in the Bay Area.

Two additional alternatives are evaluated in the DEIS/GMP. Alternative B (Alt. B), similar to the proposed action, would emphasize the preservation and maintenance of the historic ships, small watercraft, library, and archival materials. Space would be upgraded and expanded for the park's collection. The park would pursue multiple strategies for major ship restoration work. Under Alt. B, the intersection of Hyde and Jefferson Streets would be developed further as an expanded/permanent pedestrian plaza with public seating, unobstructed views of the ships and Bay, and additional space for interpretive demonstrations, displays, and public programs.

Alternative C (Alt. C) is the "No Action/Minimum Requirements" option, and would continue current management strategies, with minimal actions implemented to stabilize and preserve the park's collection and historic properties.

SUPPLEMENTARY INFORMATION: The environmental consequences of the proposed action and the two other alternatives are fully documented in the DEIS/GMP, and appropriate mitigation measures to minimize impacts are identified. Copies of the DEIS/GMP will be available for public inspection at the park and at area libraries. Requests for copies of the document should be directed to: Superintendent, San Francisco Maritime National Historical Park, Attn: DEIS/GMP, National Park Service, Building E, Fort Mason, San Francisco, California, 94123, or by telephone at (415) 556-1659. Written comments on the draft document should also be directed to the Superintendent at the above address and must be received not later than 60 days after the publication of Notice of Availability by the Environmental Protection Agency.

Two public meetings will be held to facilitate public review of the DEIS/GMP. NPS officials will be available at these sessions to explain the alternatives, answer questions, and receive public comments. The first meeting will be held August 21, from

10:00 a.m. until 1:00 p.m., at Building F (Firehouse), Fort Mason, San Francisco, California. The second meeting will be held August 22, from 7:00 p.m. until 10:00 p.m., at the same location. For more details, contact San Francisco Maritime National Historical Park, Attn: DEIS/GMP, National Park Service, Bldg. E, Fort Mason, San Francisco, California, 94123, or inquire by telephone at (415) 556-1659.

Dated: July 23, 1996.

Patricia L. Neubacher,
Acting Field Director, Pacific West Field Area.
[FR Doc. 96-19246 Filed 7-29-96; 8:45 am]
BILLING CODE 4310-70-P

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 20, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127. Written comments should be submitted by August 14, 1996.

Marilyn Harper,
Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Central High School Neighborhood Historic District, roughly bounded by MLK Dr., Thayer Ave., W. 12th St., and Roosevelt Rd., Little Rock, 96000892

DISTRICT OF COLUMBIA

District of Columbia State Equivalent

Armstrong Manual Training School, Jct. of 1st and P Sts., NW, Washington, 96000893
Spencer Carriage House and Stable, 2123 Twining Crt., NW, Washington, 96000894

IOWA

Franklin County

Franklin County Sheriff's Residence and Jail (Municipal, County, and State Corrections Properties MPS), 18 E. Central Ave., Hampton, 96000896

Johnson County

Shambaugh, Benjamin F. and Bertha M. Horack, House, 219 N. Clinton St., Iowa City, 96000895

KANSAS

Johnson County

Redel Historic District, 16310 Mission Rd., 3950, 3970, 3990, and 4010 W. 163rd St., Stilwell, 96000897

LOUISIANA

St. Tammany Parish

Madisonville Boarding House, 703 Main St., Madisonville, 96000898

MARYLAND

Montgomery County

Beale, Edward, House, 11011 Glen Rd., Potomac, 96000902

Polychrome Historic District, 9900 and 9904 Colesville Rd., 9919, 9923, and 9925 Sutherland Rd., Silver Spring, 96000900

Prince Georges County

National Archives Site, Address Restricted, College Park vicinity, 96000901

PENNSYLVANIA

Fayette County

New Geneva Historic District (Greensboro—New Geneva MPS), New Geneva, 96000903

RHODE ISLAND

Newport County

Hoppin, Hamilton, House, 120 Miantonomi Ave., Middletown, 96000905

Providence County

Mowry, Tyler, House, 112 Sayles Hill Rd., North Smithfield, 96000904

WISCONSIN

Brown County

Milwaukee Road Passenger Depot, 400 S. Washington St., Green Bay, 96000906

Marquette County

Richter, Charles Samuel, House, 55, 103, and 105 Underwood Ave., Montello, 96000908

Winnebago County

Kerwin, Judge J.C., House, 516 E. Forest Ave., Neenah, 96000907

In order to assist in the preservation of the following property, the comment period has been waived:

MASSACHUSETTS

Berkshire County

Congregational Church of West Stockbridge, 45 Main St., West Stockbridge, 96000899

[FR Doc. 96-19304 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree was lodged May 24, 1996 in *United States v. Fairchild Industries, Inc. and Cumberland Cement & Supply Company consolidated with the United States v. The Kelly Springfield Tire Company, et al.*, Consol. Civ. Action No. JFM-88-2933 (D. Md.) with Fairchild Holding Corp.,

Cumberland Cement & Supply Company, the Kelly Springfield Tire Company, and Precise Technology, Inc. ("Settling Defendants"). The proposed Decree resolves the United States' claims under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607, for past response costs incurred in connection with the Limestone Road Superfund Site ("Site") through August 31, 1993. Settling Defendants will pay \$1,860,213 out of total past costs of approximately \$2,450,000. The Consent Decree also requires Settling Defendants to pay the United States' future costs (including the Environmental Protection Agency's oversight costs associated with the Operable Unit 2 of the Site remedy) from August 31, 1993 until the date that the Settling Defendants receive notification that they have satisfied their obligations under the proposed Decree, by either agreeing to implement the Operable Unit 2 remedy or by reimbursing the United States for the costs which it incurs in connection with the implementation of that remedy.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Fairchild Industries, Inc.* and *Cumberland Cement & Supply Company consolidated with the United States v. The Kelly Springfield Tire Company, et al.*, Consol. Civ. Action No. JFM-88-2933 (D. Md.), DOJ #. 90-11-3-227.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$9.25 (25 cents per page reproduction costs), payable to the Consent Decree Library. If you want a copy of the attachments to the proposed

consent decree please also enclose an additional \$31.25.

Joel M. Gross,
Chief, Environmental Enforcement Section.
[FR Doc. 96-19285 Filed 7-29-96; 8:45 am]
BILLING CODE 4410-01-M

Notice of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed Consent Decree in *United States v. San Juan Cement Company, Inc.*, Civ. Action No. 96-1381 DRD (D.P.R.) was lodged with the United States District Court for the District of Puerto Rico on July 12, 1996. The proposed Consent Decree resolves the United States' claims against San Juan Cement Company for multiple violations of the New Source Performance Standards ("NSPS") of the Clean Air Act, 42 U.S.C. 7411 and 7414, as amended, and regulations promulgated thereunder at 40 C.F.R. Part 60, at its cement manufacturing operation located in Dorado, Puerto Rico. The Consent Decree provides that San Juan Cement Company will pay a civil penalty of \$500,000, will construct and test a continuous opacity monitoring system on an emission point at its portland cement plant and, should the performance tests on this and/or on another emissions point yield unsatisfactory results, will take measures EPA deems necessary to bring the emissions points into compliance with the NSPS.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. San Juan Cement Company, Inc.* Civ. Action No. 96-1381 DRD (D.P.R.) DOJ # 90-5-2-1-1888.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Federal Office Building, Room 452, 150 Carlos E. Chardon Ave., Hato Rey, Puerto Rico 00918; at the Region II Office of the U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10278; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th

Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$5.75 (25 cents per page reproduction costs) payable to Consent Decree Library.

Joel M. Gross,
Chief, Environmental Enforcement Section.
[FR Doc. 96-19284 Filed 7-29-96; 8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

[Civil Action No. 56-344 (AGS)]

United States District Court; Southern District of New York—United States of America, Plaintiff, vs. International Business Machines Corporation, Defendant

Take Notice that International Business Machines Corporation ("IBM"), defendant in this antitrust action, has filed a motion for an order terminating the final judgment entered by the United States District Court for the Southern District of New York on January 25, 1956 (the "Final Judgment"). IBM and the United States of America have consented to modify the Final Judgment to establish specific sunset periods for all provisions currently in effect, but the parties have reserved the right to withdraw their consent for at least 90 days after publication of this Notice. Prior to entry of an order modifying the Final Judgment, the Court and the parties will consider public comments. Any such comments on the proposed termination described in this Notice must be filed within 60 days following the publication of the last notice required by the Court's Order Directing Publication. The Complaint, Final Judgment and proposed modification are further described below.

The Complaint, filed on January 21, 1952, alleged that IBM had monopolized, attempted to monopolize and restrained trade in the tabulating industry, in violation of Sections 1 and 2 of the Sherman Act. The Final Judgment was entered by consent between the United States and IBM. The Final Judgment applies to IBM's conduct with respect to tabulating machines and cards, both of which IBM has not manufactured for many years, and "electronic data processing machines" ("computers"). Certain provisions of the Final Judgment have expired or no longer apply to IBM's business. However, other provisions of the Final Judgment continue to apply to IBM's computer business. On June 13, 1994, IBM filed its motion to terminate

the remaining provisions of the Final Judgment.

The Court, on January 17, 1996, terminated certain sections of the Final Judgment in their entirety: (a) Sections V (b) and (c), which required IBM to offer to sell at no more than specified prices and to hold for a specified period used IBM machines that acquired pursuant to trade-ins or as a credit against sums then or thereafter payable to IBM; and (b) Section VIII, which specified conditions under which IBM could engage in "service bureau business," as defined by Section II(k) of the Final Judgment. The Court also terminated all other provisions of the Final Judgment as they applied to all IBM computer products and services, except as they applied to as the AS/400 and System/360 * * * 390 families of products and services.

On July 2, 1996, the United States and IBM entered into a stipulation whereby the parties agreed to establish sunset periods for all remaining substantive provisions of the Final Judgment—Sections IV, V, VI, VII, IX, and XV—as they apply to the AS/400 and System/360 * * * 390 families of products and services. Section IV fulfills the purpose of the Final Judgment in assuring to current and prospective IBM customers an opportunity to purchase machines on terms and conditions that are not substantially more advantageous to IBM than the terms and conditions for leases of the same machines and requires IBM to sell its machines at prices that have a commercially reasonable relationship to the lease charges for the same machines. Section V restricts IBM's ability to re-acquire previously sold IBM machines. Section VI requires IBM to offer to machine owners at reasonable and nondiscriminatory prices repair and maintenance service for as long as IBM provides such service, provided that the machine has not been altered or connected to another machine in such a manner that its maintenance and repair is impractical for IBM and requires IBM to offer to machine owners and to persons engaged in the business of providing repair and maintenance services, at reasonable and nondiscriminatory prices, repair and replacement parts for as long as IBM has such parts available for use in its leased machines. Section VII restrains IBM from requiring that lessees or purchasers of IBM machines disclose to IBM the uses of such machines, from requiring that purchasers of IBM machines have those machines maintained by IBM and generally from prohibiting experimentation with, alterations in or attachment to IBM machines. Section IX requires IBM to furnish to owners of

IBM machines manuals, books of instructions and other documents relating to IBM machines that IBM furnishes to its own repair and maintenance employees and requires IBM to furnish to purchasers and lessees of IBM machines manuals, books of instruction and other documents that pertain to the operation and application of such machines. Finally, Section XV enjoins IBM from entering into certain agreements to allocate markets or restrain imports into the United States or exports out of the United States and from conditioning the sale or leases of certain machines upon the purchase or lease of any other machine.

The United States and IBM have agreed to modify the Final Judgment to establish specific sunset periods for all provisions currently in effect. The parties agreed to terminate Section IV (b)(3) and (c)(7) and Section VII(d)(1) immediately upon entry of an Order by the Court. With respect to the AS/400 family of products and services, the parties have agreed to terminate: (a) Section V(a) immediately upon entry of an Order by the Court; (b) Section IV (except Section IV(c)(3) as it may apply to the provision of operating systems, an interpretation that the United States holds and with which IBM does not agree) and Section VI(a) 6 months after entry of an Order by the Court; (b) Section IV (except Section IV(c)(3) as it may apply to the provision of operating systems, an interpretation that the United States holds and with which IBM does not agree) and Section VI(a) 6 months after entry of an Order by the Court and © all other provisions of the Final Judgment as they apply to the AS/400, including Section IV(c)(3) as it may apply to operating systems, on July 2, 2000. With respect to the System 360 * * * 390 and the remainder of the Final Judgment, the parties have agreed to terminate all remaining provisions on July 2, 2001. Thus, under the agreement between the United States and IBM, as of July 2, 2001, the Final Judgment will be terminated in its entirety.

The United States has filed with the Court a memorandum setting forth its position with respect to modifying the Final Judgment as it applies to the AS/400 and System/360 * * * 390. Copies of the Complaint, the Final Judgment, the Stipulation containing the parties' tentative consent, the memoranda and all other papers filed in connection with this motion are available for inspect at the Office of the Clerk of the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007 and at Suite 215, Antitrust Division, Department of Justice, 325 7th

Street, NW., Washington, DC 20530 (Telephone 202-514-2481). Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by the Department of Justice.

Interested persons may submit comments regarding this matter within the sixty (60) day period established by Court order. Such comments must be filed with the Office of the Clerk of the United States District Court, Southern District of New York 500 Pearl Street, New York, New York 10007 with copies mailed at the time of filing to: (a) counsel for IBM, Peter T. Barbur, Esq., Cravath, Swaine & Moore, Worldwide Plaza, 825 Eighth Avenue, New York, N.Y. 10019 (Telephone 212-474-1058); and (b) counsel for the United States, N. Scott Sacks, Assistant Chief, Computers & Finance Section, Antitrust Division, United States Department of Justice, Suite 9500, 600 E. Street, NW., Washington, DC 20530 (Telephone 202-307-6132).

Constance K. Robinson,
Director of Operations.

[FR Doc. 96-19282 Filed 7-29-96; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993 Portland Cement Association

Notice is hereby given that, on May 31, 1996 and July 3, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, FLS Automation, Hunt Valley, MD and ABB Industrial Systems Inc., Norwalk, CT have become Associate Members of PCA.

No other changes have been made in either the membership or planned activities of the PCA.

On January 7, 1985, PCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on February 5, 1985 (50 FR 5015). The last notification was filed with the Department on April 9, 1996. A notice

was published in the Federal Register on May 14, 1996 (61 FR 24332).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96-19283 Filed 7-29-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 96-16]

Dewey O. Mays, Jr., M.D.; Denial of Application

On November 24, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Dewey O. Mays, Jr., M.D. (Respondent) of Dayton, Ohio, notifying him of an opportunity to show cause as to why DEA should not deny his application of January 3, 1994, for registration as a practitioner under 21 U.S.C. 823(f) as being inconsistent with the public interest.

On January 2, 1996, the Respondent filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. However, on January 23, 1996, the Government filed a Motion to Amend Order to Show Cause and for Summary Disposition, noting that the Respondent's license to practice medicine had been indefinitely suspended by the State Medical Board of Ohio by final order dated June 15, 1995, a copy of which was attached to the motion. The Respondent was afforded an opportunity to respond to the Government's motion on or before February 8, 1996, but no response was filed. On February 14, 1996, Judge Bittner issued her Opinion and Recommended Decision, (1) finding that the Respondent lacked authorization to practice medicine in Ohio, and, accordingly, lacked authorization to handle controlled substances in Ohio, (2) finding that the Respondent was thus not entitled to a DEA registration, (3) granting the Government's motion for summary disposition, and (4) recommending that the Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to her decision, and on March 15, 1996, Judge Bittner transmitted the record of these proceedings and her opinion to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy

Administrator adopts, in full, the decision of the Administrative Law Judge. The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 283(f) (authorizing the Attorney General to register a practitioner to dispense controlled substances only if the applicant is authorized to dispense controlled substance under the laws of the state in which he or she practices); 802(21) (defining "practitioner" as one authorized by the United States or the state in which he or she practices to handle controlled substances in the course of professional practice or research). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear that the Respondent is not currently authorized to practice medicine in Ohio. The Deputy Administrator agrees with Judge Bittner's finding that "[i]t is therefore reasonable to infer, and Respondent does not deny, that because he is not authorized to practice, he is also not authorized to handle controlled substances in Ohio." Likewise, since the Respondent lacks state authority to handle controlled substances, DEA lacks authority to grant the Respondent's registration application.

Judge Bittner also properly granted the Government's motion for summary disposition. The parties did not dispute that the Respondent was unauthorized to handle controlled substances in Ohio, the state in which he proposed to conduct his practice. Therefore, it is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. Dominick A. Ricci, M.D., 58 FR at 51,104; see also Phillip E. Kirk, M.D., 48 FR 32,887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); Alfred Tennyson Smurthwaite, M.D., 43 FR 11,873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that the Respondent's

application for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective August 29, 1996.

Dated: July 24, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96-19256 Filed 7-29-96; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 96-7]

David R. Nahin, M.D.; Revocation of Registration

On November 9, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to David R. Nahin, M.D., (Respondent) of Waukesha, Wisconsin, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AN7645229, under 21 U.S.C. 824(a), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f), for the reason that his continued registration would be inconsistent with the public interest.

On November 27, 1995, the Respondent, through counsel, filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. However, on January 19, 1996, the Government filed a Motion for Summary Disposition and to Stay Proceedings with copies of supporting documents. Specifically, the Respondent voluntarily had surrendered his medical license pursuant to a copy of the State of Wisconsin, Medical Examining Board's (Medical Board) Final Decision and Order dated April 28, 1993. Further, pursuant to an order of the Medical Board's dated August 9, 1994, the Respondent was granted a limited medical license which precluded him from having physician-patient contact. Also, a letter dated September 27, 1994, from the State of Wisconsin, Department of Regulation and Licensing, informed DEA that, "while Dr. Nahin is not prohibited from holding a DEA registration, use of the registration in prescribing medications would constitute a violation of his limited license."

The Respondent was afforded an opportunity to respond to the Government's motion on or before February 5, 1996, but no response was filed.

On February 15, 1996, Judge Bittner issued her Opinion and Recommended Decision, (1) finding that the Respondent, practicing medicine under

a limited license in Wisconsin, lacked authorization to handle controlled substances there, (2) granting the Government's Motion for Summary Disposition, and (3) recommending that the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on March 15, 1996, Judge Bittner transmitted the record of these proceedings and her opinion to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the decision of the Administrative Law Judge. The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the State in which he conducts his business. See 21 U.S.C. 823 (f) (authorizing the Attorney General to register a practitioner to dispense controlled substances only if the applicant is authorized to dispense controlled substances under the laws of the state in which he or she practices); 802(21) (defining "practitioner" as one authorized by the United States or the state in which he or she practices to handle controlled substances in the course of professional practice or research); and 21 U.S.C. 824(a)(3) (authorizing the Attorney General to revoke a registration upon as finding that the registrant "has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in * * * dispensing of controlled substances * * *"). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear and undisputed that the Respondent currently is not authorized to handle controlled substances in Wisconsin. Likewise, since the respondent lacks state authority to handle controlled substances, DEA lacks authority to continue his registration.

Judge Bittner also properly granted the Government's motion for summary disposition. The parties did not dispute that the Respondent was unauthorized to handle controlled substances in Wisconsin, the state in which he conducts his practice. Therefore, it is

well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. Dominick A. Ricci, M.D., 58 FR at 51,104; see also Philip E. Kirk, M.D., 48 FR 32,887 (1983), aff'd sub nom Kirk V. Mullen, 749 F.2d 297 (6th Cir. 1984); Alfred Tennyson Smurthwaite, M.D., 43 FR 11,873 (1978); NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO, 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100 (b) and 0.104, hereby orders that DEA Certificate of Registration AN7645229, previously issued to David R. Nahin, M.D., be, and it hereby is, revoked, and any pending application for renewal of such registration is hereby denied. This order is effective August 29, 1996.

Dated: July 24, 1996.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 96-19257 Filed 7-29-96; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 25, 1996.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this individual ICR, 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, Room 10235, Washington, DC 20503 (202-395-7316), on or before August 29, 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: State Alien Labor Certification Activity Report.

OMB Number: 1205-0319.

Agency Number: ETA 9037.

Frequency: Biennially.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 54.

Estimated Time Per Respondent: 2 hours.

Total Burden Hours: 216.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The ETA 9037 provides the necessary information required to implement the labor certification process. This record is used to compile internal reports to management as well as answering public inquiries about the status.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96-19336 Filed 7-29-96; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Sunshine Act Meeting; Meeting of the U.S. National Commission on Libraries and Information Science

TIME, DATE, AND PLACE: 3:00 p.m. to 5:45 p.m., July 19, 1996, Koret Auditorium, San Francisco Public Library, San Francisco, CA.

MATTERS TO BE DISCUSSED: San Francisco Bay Area Library and Information

Services Panel discussion with NCLIS Members, Tour of SFPL new main library.

TIME, DATE, AND PLACE: 9:00 a.m. to 12:00 noon, July 20, 1996, San Francisco Public Library, Latino-Hispanic Community Room.

MATTERS TO BE DISCUSSED: NCLIS activity review and planning for FY 1996, Public comment.

TIME, DATE, AND PLACE: 8:15 a.m. to 9:30 a.m., July 21, 1996, San Diego Sheraton Hotel, Seabreeze II Room, 1380 Harbor Island Drive, San Diego, CA.

MATTERS TO BE DISCUSSED: Meeting with the Interactive Services Board.

TIME, DATE, AND PLACE: 10:00 a.m. to 4:00 p.m., Seabreeze I Room, San Diego Sheraton Hotel.

MATTERS TO BE DISCUSSED: NCLIS Plans for FY 1997.

TIME, DATE, AND PLACE: 8:30 a.m. to 11:30 p.m., July 22, 1996, San Diego Sheraton Hotel, 8:30 a.m. to 11:30 a.m., July 23, 1996, Interactive Services Association Conference.

TIME, DATE, AND PLACE: 1:00 p.m. to 5:00 p.m., July 22, 1996, San Diego Sheraton Hotel, Belaire Ballroom.

MATTERS TO BE DISCUSSED: NCLIS Hearing: Libraries and Interactive Services on the Information Highway: Toll Roads Freeways, Highway Robbery. The hearing will focus on polices related to libraries' roles in and use of interactive and online information services, with specific testimony from interactive industry and library representatives.

PORTION CLOSED TO THE PUBLIC: 4:00 p.m. to 5:00 p.m., July 21, 1996: To review staff support requirements.

To request further information or to make special arrangements for physically challenged persons, contact Barbara Whiteleather (202-606-9200) no later than one week in advance of the meeting.

Dated: July 10, 1996.

Peter R. Young,

NCLIS Executive Director.

[FR Doc. 96-19438 Filed 7-26-96; 11:49 am]

BILLING CODE 7527-01-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 95-1 CARP DD 92-94]

Distribution of 1992, 1993, and 1994 Digital Audio Recording Technology Royalties

AGENCY: Copyright Office, Library of Congress.

ACTION: Initiation of arbitration.

SUMMARY: The Copyright Office of the Library of Congress is announcing initiation of the 180-day arbitration period for the distribution of 1992-94 digital audio recording technology (DART) royalties.

EFFECTIVE DATES: August 8, 1996.

ADDRESSES: All hearings and meetings for the 1992-94 DART distribution proceeding shall take place in the James Madison Memorial Building, Room 414, First and Independence Avenue SE., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney for Compulsory Licenses, or Tanya Sandros, CARP Specialist, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington DC. 20024. Telephone (202) 707-8380. Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION: Section 251.72 of 37 CFR provides:

If the Librarian determines that a controversy exists among claimants to either cable, satellite carrier, or digital audio recording devices and media royalties, the Librarian shall publish in the Federal Register a declaration of controversy along with a notice of initiation of an arbitration proceeding. Such notice shall, to the extent feasible, describe the nature, general structure and schedule of the proceeding.

The notice published today fulfills the requirements of § 251.72 for the distribution of DART royalties for the years 1992, 1993, and 1994.

As provided in section 802 of the Copyright Act, 17 U.S.C., a Copyright Arbitration Royalty Panel (CARP) shall have 180 days from initiation to deliver its written report to the Librarian of Congress. The 180-day period begins on August 8, 1996 and concludes on February 3, 1997. This proceeding requires the CARP to determine the proper distribution of royalties collected under chapter 10 of the Copyright Act for the years 1992, 1993 and 1994. Section 802(b) of the Act instructs the Librarian to select two arbitrators within 10 days of initiation of the proceeding. The Librarian has already completed this task, and the two arbitrators are:

The Honorable Sharon T. Nelson

The Honorable Lewis Hall Griffith

The third arbitrator, who shall serve as Chairperson, will be selected in accordance with section 802(b).

Scheduling of the 1992-94 DART royalty distribution proceeding is within the discretion of the CARP. The Library will publish the schedule of the proceedings, as required by 37 CFR 251.11(b), as soon as it is available.

Recommended by:

Marybeth Peters,
Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96-19294 Filed 7-29-96; 8:45 am]

BILLING CODE 1410-33-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96-088]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681. Claims are deleted from the patent applications to avoid premature disclosure.

DATES: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Office of Patent Counsel, Mail Code 212, Langley Research Center, Hampton, VA 23681; telephone (804) 864-9260, fax (804) 864-9190.

NASA Case No. LAR-15058-1: Vapor Generator Wand;

NASA Case No. LAR-15059-1: Digital Mammography With A Mosaic of CCD-Arrays;

NASA Case No. LAR-15062-1: Multi-Channel Electronically Scanned Cryogenic Pressure Sensor;

NASA Case No. LAR-15068-1: Electrically Conductive Polyimide Film Containing Gold (III) Ions;

NASA Case No. LAR-15069-1: Low Power Impressed Current Cathodic Protection of Metal;

NASA Case No. LAR-15088-2: Spiral Microstrip Antenna With Resistance;

NASA Case No. LAR-15094-1: Concept for A Ringless Carbon-Carbon Piston in Internal Combustion Engines;

NASA Case No. LAR-15105-1: Ho: Tm: LuAG-A New Laser Material

NASA Case No. LAR-15112-1-CU: Micro-Sensor Thin-Film Anemometer;

NASA Case No. LAR-15114-1-CU: Dry Powder Process for Preparing Uni-

- Tape Prepreg From Polymer Coated Filamentary Towpregs;
- NASA Case No. LAR-15128-1: Method for Fabricating Composites Structures Including Continuous Press Forming and Pultrusion Processing;
- NASA Case No. LAR-15138-1: Piezoelectric Loudspeaker and Transducer;
- NASA Case No. LAR-15175-2: Phenylethynyl Terminated Imide Oligomers (Divisional of-1);
- NASA Case No. LAR-15176-1-CU: Imide Oligomers Endcapped With Phenylethynyl Phthalic Anhydrides and Polymers Therefrom;
- NASA Case No. LAR-15205-1-CU: Tough, Soluble, Aromatic, Thermoplastic Copolyimides;
- NASA Case No. LAR-15205-2: Process for Preparing Tough, Soluble, Thermoplastic Copolyimides (Continuation of-1);
- NASA Case No. LAR-15208-1: A Unique Copolyimide Backbone for Imide Oligomers With Terminal Reactive Groups;
- NASA Case No. LAR-15211-1: Beat Frequency Ultrasonic Microsphere Contrast Agent Detection System;
- NASA Case No. LAR-15212-1-CU: Test Fixture for Determination of Energy Absorbing Capabilities of Composite Materials;
- NASA Case No. LAR-15217-1: Molding of Complex Part Utilizing Modified Silicone Rubber Tooling;
- NASA Case No. LAR-15229-2-CU: Poly (Arylene Ether Co-Imidazole)s as Toughness Modifiers for Epoxy Resins (Continuation of-1);
- NASA Case No. LAR-15231-1-SB: Flux-Focusing Eddy Current Probe and Rotating Probe Method for Flaw Detection;
- NASA Case No. LAR-15246-1: Base Passive Porosity for Drag Reduction;
- NASA Case No. LAR-15248-1-CU: Vacuum Microextruder and Method;
- NASA Case No. LAR-15251-1: Process for Controlling Morphology & Improving Thermal-Mechanical Performance of High Performance Polymer Networks;
- NASA Case No. LAR-15251-3/4/6: Freeze Drying for Morphological Control of Interpenetrating Polymer Networks;
- NASA Case No. LAR-15515-1-CU: Two-Stage Gas Measurement System;
- NASA Case No. LAR-15258-1: Linewidth Reduction Method Using the Vertical 2nd-Order Emission from Semiconductor Lasers With 2nd-Order Gratings;
- NASA Case No. LAR-15259-2-CU: Composite Prepreg Consolidation Device;
- NASA Case No. LAR-15266-1-CU: Surface Acoustic Wave Oxygen Pressure Sensor;
- NASA Case No. LAR-15272-1-CU: Reflective Self-Metallizing Polyimide Films Containing Silver Acetate;
- NASA Case No. LAR-15275-1: Ho:Tm:LuLiF4 A New Laser Material;
- NASA Case No. LAR-15279-1: Thermally Stable, Piezoelectric and Pyroelectric Polymeric Substrates and Method Relating Thereto;
- NASA Case No. LAR-15289-1: Three-Dimensional Object Tracking System & Meth Employing Plural Sensors/Processors for Performing Parallel Processing;
- NASA Case No. LAR-15297-1: Simultaneous Luminescence Pressure and Temperature Mapping System;
- NASA Case No. LAR-15313-1-SB: Augmented Shock Wave Fracture/Severance of Materials;
- NASA Case No. LAR-15316-2-CU: Nonaqueous Slip Casting of High Temp Ceramic Superconductors Using an Investment Casting Technique;
- NASA Case No. LAR-15330-1-SB: Radially Focused Eddy Current Sensor for Characterization of Flaws in Metallic Tubing;
- NASA Case No. LAR-15332-1: Copolyimides Prepared from ODA, APB and BPDA;
- NASA Case No. LAR-15338-1: Small Vacuum Compatible Hyperthermal Atom Generator;
- NASA Case No. LAR-15348-1: Thin-Layer Composite-Unimorph Piezoelectric Driver and Sensor, "THUNDER";
- NASA Case No. LAR-15351-1-CU: Catalyst for Formaldehyde Oxidation;
- NASA Case No. LAR-15362-1: Automatic Force Balance Calibration System;
- NASA Case No. LAR-15373-1: Shock-Free Supersonic Elliptic Nozzles/ Meth of Forming Design Proc/Shock Free Elliptic Nozzles;
- NASA Case No. LAR-15387-1: Process for Preparing an Ultra-Thin, Adhesiveless, Multi-Layered, Patterned Polymer Substrate;
- NASA Case No. LAR-15406-1: Noninvasive Meth/Apparatus for Monitoring Intracranial Pressure & Pressure Vols Index in Humans;
- NASA Case No. LAR-15411-1-CU: Process and Apparatus for Applying Powder Particles to a Filamentary Material;
- NASA Case No. LAR-15412-1: Imide Oligomers and Co-Oligomers Containing Pendant Phenylethynyl Groups and Polymers Therefrom;
- NASA Case No. LAR-15415-1: Forward Sweep Low Noise Rotor Blade;
- NASA Case No. LAR-15053-1: Schlieren System and Method for Moving Objects;
- NASA Case No. LAR-15052-1: Electrically Conductive Polyimides Containing Silver Trifluoroacetylacetone;
- NASA Case No. LAR-15046-2: Eddy Current Method for Fatigue Testing;
- NASA Case No. LAR-15007-1: A Method to Prevent Fiber Distortion in Textile Materials;
- NASA Case No. LAR-14997-2: Optical Flameout Detector;
- NASA Case No. LAR-14965-2-CU: Acetylene and Phenylacetylene Terminated Poly (Arylene Ether Benzimidazole)s;
- NASA Case No. LAR-14964-1-CU: Design of Electrically Conductive, Thermally Insulating Current Leads for Cryogenic Applications, etc.;
- NASA Case No. LAR-14939-2-CU: Poly (N-Arylene-benzimidazole)s Via Aromatic Nucleophilic Displacement;
- NASA Case No. LAR-14898-1: Composite Sandwich Structure and Method for Making Same;
- NASA Case No. LAR-14896-2: Polyazomethines Containing Trifluoromethylbenzene Units;
- NASA Case No. LAR-14892-2: Composite Prepreg Material and Method for Production of Improved Composite Material;
- NASA Case No. LAR-14879-1-CU: Apparatus and Method for Determining the Mass Density of a Filament;
- NASA Case No. LAR-14775-2: Apparatus for Elevated Temperature Compression or Tension Testing of Composite Specimens;
- NASA Case No. LAR-14640-2-CU: Ian Iterferometer Having Fused Optical Fibers, and Apparatus and Method using the Interferometer;
- NASA Case No. LAR-14621-2: Method for Ultrasonic Imaging and Device for Performing the Method;
- NASA Case No. LAR-14559-2: Method and Apparatus for Thermographically and Quantitatively Analyzing a Structure for Disbonds and/or Inclusions;
- NASA Case No. LAR-14581-2MSB: Method and Apparatus for Evaluating Multilayer Objects for Imperfections;
- NASA Case No. LAR-14448-2-SB: Multi-Layer Light-Weight Protective

Coating and Method for Application;
 NASA Case No. LAR-14240-1: Vacuum Holding Fixture for Fabricating Piezoelectric Acoustic Sensors;
 NASA Case No. LAR-14047-3: Method and Apparatus for Three-Dimensional Braiding;
 NASA Case No. LAR-13950-2: IBM Printer Port Interface;
 NASA Case No. LAR-13922-1: Apparatus for Use in Determining Surface Conductivity at Microwave Frequencies;
 NASA Case No. LAR-13890-1: Capacitive Acoustic Wave Detector and Method of Making Same;

Dated: July 22, 1996.

Edward A. Frankle,
 General Counsel.

[FR Doc. 96-19338 Filed 7-29-96; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power and Light Company; Notice of Partial Withdrawal of Application for Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Pennsylvania Power and Light Company (the licensee) to withdraw a portion of its application dated April 5, 1994, as supplemented on October 20, 1995, for proposed amendment to Facility Operating License Nos. NPF-14 and NPF-22 for the Susquehanna Steam Electric Station, Units 1 and 2, respectively, located in Luzerne County, Pennsylvania.

The portion of the proposed amendment which has been withdrawn would have revised the units' technical specifications by removing the specified frequency for Susquehanna Review Committee audits of the fire protection program at the site and would have had them listed in the Final Safety Analysis Report instead.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on May 25, 1994 (59 FR 27061). However, by letter dated July 5, 1996, the licensee withdrew the above portion of the proposed change.

For further details with respect to this action, see the application for amendment dated April 5, 1994, a supplemental letter dated October 20, 1995, and the licensee's letter dated July 5, 1996, which withdrew the above portion of the application for license

amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 24th day of July 1996.

For the Nuclear Regulatory Commission,
 Chester Posluny,
 Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96-19320 Filed 7-29-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-315 and 50-316]

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR 70.24 for Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company, (the licensee), for operation of the D. C. Cook Nuclear Plant, Units 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from the requirements of 10 CFR 70.24, which requires a monitoring system that will energize clearly audible alarms if accidental criticality occurs in each area in which special nuclear material is handled, used, or stored. The proposed action would also exempt the licensee from the requirements of 10 CFR 70.24(a)(3) to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm and to conduct drills and designate responsible individuals for such emergency procedures.

This environmental assessment has been prepared to address potential environmental issues related to the licensee's application of April 8, 1996.

The Need for the Proposed Action

Power reactor license applicants are evaluated for the safe handling, use, and storage of special nuclear materials. The proposed exemption from criticality

accident requirements is based on the original design for fuel storage and handling at the D. C. Cook Nuclear Plant, Units 1 and 2. The exemption was granted with the original Unit 2 Special Nuclear Material (Part 70) license, but it expired with the issuance of the Part 50 license when the exemption was inadvertently not included in that license. Therefore, the exemption is needed to clearly define the design of the plant as evaluated and approved for licensing.

Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemption is granted. Inadvertent or accidental criticality will be precluded through compliance with the Cook Technical Specifications, the geometric spacing of fuel assemblies in the new fuel storage facility and spent fuel storage pool, and administrative controls imposed on fuel handling procedures. Technical specification controls include reactivity requirements (e.g., shutdown margins, limits on control rod movement), instrumentation requirements (e.g., power and radiation monitors), and controls on refueling operations (e.g., refueling boron concentration and source range monitor requirements.) Geometrically, the spent fuel pool is designed to store the fuel in an array that precludes criticality. Existing technical specifications require the effective neutron multiplication factor, K_{eff} , to be maintained less than or equal to 0.95. The new fuel vault has also been analyzed to maintain k_{eff} less than or equal to 0.95, including uncertainties, under full water density flooded conditions and less than or equal to 0.98 under optimum moderation conditions.

In summary, the training provided to all personnel involved in fuel handling operations, the design of the fuel handling equipment, the administrative controls, the technical specifications on new and spent fuel handling and storage, and the design of the new and spent fuel storage racks preclude inadvertent or accidental criticality. In accordance with the NRC's Regulatory Position in Regulatory Guide 8.12, Revision 1, "Criticality Accident Alarm Systems," dated January 1981, an exemption from 10 CFR 70.24 is appropriate.

The proposed exemption will not affect radiological plant effluents nor cause any significant occupational exposures. Only a small amount, if any, radioactive waste is generated during the receipt and handling of new fuel

(e.g., smear papers or contaminated packaging material). The amount of waste would not be changed by the exemption.

The change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does 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 NRC 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 D.C. Cook, Units 1 and 2, dated August 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on July 8, 1996, the NRC staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Public Health, Nuclear Facilities and Environmental Monitoring, 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 April 8, 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 24th day of July 1996.

For the Nuclear Regulatory Commission,
John B. Hickman,
*Project Manager, Project Directorate III-1,
Division of Reactor Projects—III/IV, Office of
Nuclear Reactor Regulation.*
[FR Doc. 96-19319 Filed 7-29-96; 8:45 am]
BILLING CODE 7590-01-P

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of July 29, August 5, 12, and 19, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 29

Monday, July 29

10:00 a.m.

Briefing on Uranium Recovery Program
(Public Meeting)
(Contact: Joe Holonich, 301-415-6643)

Tuesday, July 30

10:00 a.m.

Briefing by Nuclear Waste Technical
Review Board (Public Meeting)

11:30 a.m.

Affirmation Session (Public Meeting) (if
needed)

2:00 p.m.

Briefing on Status of Staff Actions on
Industry Restructuring and Deregulation
(Public Meeting)
(Contact: Dave Mathews, 301-415-1282)

Wednesday, July 31

2:00 p.m.

Briefing on EEO Program (Public Meeting)
(Contact: Ed Tucker, 301-415-7382)

Thursday, August 1

3:00 p.m.

Briefing on Spent Fuel Pool Cooling Issues
(Public Meeting)
(Contact: George Hubbard, 301-415-2870)

Week of August 5—Tentative

There are no meetings scheduled for the
Week of August 5.

Week of August 12—Tentative

There are no meetings scheduled for the
Week of August 12.

Week of August 19—Tentative

There are no meetings scheduled for the
Week of August 19.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415-1292.

CONTACT PERSON FOR MORE INFORMATION:
Bill Hill (301) 415-1661.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>.

This notice is distributed by mail to several hundred subscribers: if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or dkwnrc.gov.

Dated: July 27, 1996.

William M. Hill, Jr.,
*SECY Tracking Officer, Office of the
Secretary.*

[FR Doc. 96-19494 Filed 7-26-96; 2:19 pm]

BILLING CODE 7590-01-M

[Docket No.: 040-00235]

Notice of Removal of the Frome Investment Company (Brooks & Perkins Corporation) Site From the Site Decommissioning Management Plan

AGENCY: Nuclear Regulatory Commission.

SUMMARY: This notice is to inform the public that the U. S. Nuclear Regulatory Commission (the Commission) is removing the Frome Investment Company (Brooks & Perkins Corporation (BP)) site in Detroit, Michigan, from the Site Decommissioning Management Plan (SDMP). BP used thorium at this site from 1957 through the late 1960s under license from the Atomic Energy Commission. BP requested and received license termination in 1971. More recent surveys at the site revealed increased radiation levels in the soil outside the garage/warehouse. Analysis on soil samples indicate thorium concentrations approaching but not exceeding NRC unrestricted release limits. However, a fragment of magnesium thorium sheet metal found at the site required proper transfer and disposal. This fragment was removed from Frome Investment Company property on February 16, 1996 and disposed of at the Barnwell, South

Carolina, low-level radioactive waste disposal site.

Based on (1) remedial actions taken by Frome Investment Company, and (2) the results of NRC Region III surveys, the Commission concludes that decommissioning activities are complete and the site is suitable for unrestricted use.

The SDMP describes four criteria that make a site eligible for removal from the SDMP list, including (1) termination of a license after successful remediation, (2) completion of remediation of an inactive area and modification of the active license to reflect the remediation, (3) completion of remediation at an unlicensed site, or (4) transferral of regulatory jurisdiction for remediation. The Frome Investment Company site has satisfied the third criterion because the site owner has successfully remediated the contaminated portion of the site. Consequently, the NRC staff intends to remove the Frome Investment Company site in Detroit, Michigan, from the SDMP.

Removal from the SDMP will be reopened only if additional contamination, or noncompliance with remediation commitments is found, indicating a significant threat to public health and safety.

Dated at Rockville, Maryland, this 24th day of July 1996.

For the Nuclear Regulatory Commission,
Michael F. Weber,
*Chief, Low-Level Waste and Decommissioning
Projects Branch, Division of Waste
Management, Office of Nuclear Material
Safety and Safeguards.*

[FR Doc. 96-19318 Filed 7-29-96; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of revisions to an existing system of records.

SUMMARY: This document publishes notice of modifications to Privacy Act system of records USPS 030.010, Personnel Records—Equal Employment Opportunity—EEO Discrimination Complaint Files. The proposed modifications expand the system location and categories of individuals, add a routine use, and make editorial revisions that clarify the categories of records, purpose(s), and storage sections of this notice.

DATES: This proposal will become effective without further notice on September 9, 1996, unless comments

received on or before that date result in a contrary determination.

ADDRESSES: Written comments on this proposal should be mailed or delivered to Payroll Accounting and Records, United States Postal Service, 475 L'Enfant Plaza SW., Room 8650, Washington, DC 20260-5243. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rubenia Carter, (202) 268-4872.

SUPPLEMENTARY INFORMATION: Privacy Act system of records USPS 030.010 contains records that relate to complaint processing activities under the Equal Employment Opportunity Commission (EEOC) regulations. The editorial modifications provide clarity to the categories of records, purpose(s), and storage sections of the system description. The changes to those sections do not expand or otherwise alter the character or use of information contained in the system.

The Postal Service is proposing to use mediators to resolve complaints at the precomplaint stage. The mediator will serve as a bridge between employees and management, attempt to facilitate an amicable solution to employee problems, and inform employees of their right to file a formal complaint with the EEO appeals review specialist when attempts at informal resolution fail. The use of a mediator at the precomplaint stage will decrease the number of formal EEO complaints. The Postal Service plans to use postal employees (ad hoc), employees of other federal agencies, and employees of a contractor as mediators. The effectiveness of the mediators will be determined by the number of complaints handled and the outcome of each case resolved at the precomplaint stage. To track the success of each mediator, the Postal Service will maintain and retrieve the following information about each mediator: Number of cases mediated, dates available, and results of each mediation. The use of mediators and the need to maintain information about mediators require us to expand the categories of individuals covered by the system and also require us to add a routine use to this system.

The proposed routine use will permit disclosure of information to an employee of another federal agency and to a contractor serving as a mediator to resolve EEO complaints.

The proposed routine use is compatible with the purpose for

collecting the information; that is, to facilitate the resolution of an EEO complaint. Because the disclosure allowed by this routine use will enable the Postal Service to expedite processing of EEO complaints, it will ensure equal employment opportunity for all persons in accordance with EEOC's regulations found in 29 CFR part 1614.

All records within Privacy Act system USPS 030.010 continue to be kept in a secured environment, with automated data processing (ADP) physical and administrative security and technical software applied to data on computer media. Paper records are kept in a secured area and are only made available on an official need-to-know basis. Mediators of an entity under contract with the Postal Service who maintain data collected by the Postal Service are subject to the Privacy Act in accordance with subsection (m) and are required to apply appropriate protections subject to the audit and inspection of the Postal Inspection Service. In view of these factors, the Postal Service has determined that this system amendment is a matter of practice and procedure that will not substantially affect the rights or obligations of private parties.

Pursuant to 5 U.S.C. 552a(a)(e)(11), interested persons are invited to submit written data, views, or arguments on the proposed part of this notice. A report of the proposed system changes has been sent to Congress and to the Office of Management and Budget for their evaluation.

USPS Privacy Act system USPS 030.010 was last published in its entirety in the Federal Register on October 26, 1989 (54 FR 43663-43664) and amended in the Federal Register on October 11, 1990 (55 FR 41399).

USPS 030.010

SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint Files, 030.010.

SYSTEM LOCATION:

[CHANGE TO READ] "EEO Compliance & Appeals, Labor Relations, Headquarters; EEO Compliance and Appeals Processing Centers, area offices; districts; and contractor sites."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] "Current and former postal employees, applicants for positions within the Postal Service, third-party complainants, and mediators (postal employees, other federal agency employees and contract employees)."

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

[CHANGE TO READ] "Records may contain names, work locations, dates, Social Security numbers, the number of complaints and the resolution of complaints mediated, and other information as contained on affidavits, interview reports, investigative forms, counselor reports, exhibits, withdrawal notices, settlement agreements, briefs, appeals, copies of decisions, records of hearings and meetings, and other records related to complaints."

PURPOSE(S):

[CHANGE TO READ] "Used by EEO officers and the Equal Employment Opportunity Commission to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Also used by Human Resources personnel to administer voluntary alternative dispute resolution programs."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine use statements a, b, c, d, e, f, g, h, j, k, l, and m listed in the prefatory statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. [CHANGE TO READ] "Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his/her request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR part 1614 and the contents of the requested records are needed by the investigator in the performance of his/her duty to investigate a discrimination issue involved in the complaint." [Add: Routine Use 2]

"2. Information may be disclosed to a mediator retained by the Postal Service when needed to resolve an EEO complaint at the precomplaint stage."

STORAGE:

[CHANGE TO READ] "Paper case files. Status information required by the Equal Employment Opportunity Commission is maintained on ADP records. Records of alternative dispute

resolution are maintained in an electronic database."

* * * * *

Stanley F. Mires,
Chief Counsel, Legislative.

[FR Doc. 96-19262 Filed 7-29-96; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-22092; No. 812-10158]

Acacia National Life Insurance Company, et al.

July 23, 1996.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemptions from the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Acacia National Life Insurance Company ("Acacia"), Acacia National Variable Annuity Separate Account II ("Separate Account") and The Advisors Group, Inc. ("TAG").

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act granting exemptions from Sections 26(a)(2) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek exemptions from the 1940 Act to the extent necessary to permit the deduction of mortality and expense risk charges from the assets of: (a) the Separate Account in connection with the offering of certain variable annuity contracts ("Contracts"); and (b) any other separate account ("Future Account") established in the future by Acacia in connection with the offering of other variable annuity contracts ("Future Contracts") which are similar in all material respects to the Contracts. Exemptions also are requested for any other broker-dealer ("Future Underwriter") who may, in the future, act as principal underwriter of the Contracts or Future Contracts.

FILING DATE: The application was filed on May 16, 1996, and amended on June 27, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 19, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service.

Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o Ellen Jane Abromson, Acacia National Life Insurance Company, 51 Louisiana Avenue, N.W., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT: Pamela K. Ellis, Senior Counsel, or Wendy Friedlander, Deputy Chief, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. Acacia is a stock life insurance company incorporated in Virginia and licensed to do business in 46 states and the District of Columbia. Acacia is a wholly owned subsidiary of Acacia Mutual Life Insurance Company ("Acacia Mutual").

2. Separate Account is a separate account established by Acacia in connection with offering the Contracts. Separate Account currently has fourteen sub-accounts ("Sub-Accounts"), each of which invests solely in shares of a corresponding portfolio ("Portfolio") of one of several open-end, registered investment companies ("Funds"). Each of the Portfolios has a different investment objective.

Separate Account is registered as a unit investment trust under the 1940 Act, and interests in the Contracts are registered under the Securities Act of 1933 ("1933 Act"). The Future Accounts will be registered under the 1940 Act as unit investment trusts, and interests in the Future Contracts will be registered under the 1933 Act.

3. TAG is the principal underwriter and distributor of the Contracts. TAG is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, as amended ("1934 Act") and is a member of the National Association of Securities Dealers, Inc. ("NASD"). TAG, an indirect wholly owned subsidiary of Acacia Mutual, is an affiliate of Acacia. Future Underwriters will be registered under the 1934 Act as broker-dealers and members of the NASD.

4. The Contracts are variable annuity contracts issued by Acacia and are

offered for purchase on a non-qualified tax basis ("Non-Qualified Contracts") or for use in connection with retirement plans qualifying for favorable federal income tax treatment ("Qualified Contracts"). Net premium payments may be allocated among the Sub-Accounts and Acacia's general account ("Fixed Account"), subject to certain restrictions. The value of the Contract ("Account Value") is the total of the value held in both the Sub-Accounts and the Fixed Account. The Account Value allocated to the Sub-Accounts will vary with the investment performance of the Portfolios selected and may be transferred among one or more of the other Sub-Accounts or to the Fixed Account at any time without charge.

5. The Contracts will pay a death benefit to a designated beneficiary if the Contract owner dies prior to the maturity date. The death benefit is guaranteed not to be less than the greater of the Account Value or the cumulative premium payments made less cumulative withdrawals, including any applicable surrender charges. For Contract owners under age 75, the death benefit is guaranteed not to be less than the "Minimum Guaranteed Death Benefit," which initially is the greater of the Account Value or cumulative premium payments made, less cumulative withdrawals on the fifth Contract anniversary, and is recalculated and may be increased (but not decreased) every five years from the fifth Contract anniversary through age 75.

6. A Contract may be surrendered prior to the maturity date for its Surrender Value ("Surrender Value"), which is equal to the Account Value less the Annual Policy Fee and any applicable Surrender Charges and premium or other taxes. All or a portion of the current Surrender Value may be withdrawn prior to the earlier of the date of death of the Contract owner or the maturity date. No Surrender Charge is imposed on earnings in all Sub-Accounts and the Fixes Account. In addition, up to 10% of the Account Value (as of the last Contract anniversary), plus 10% of (a) deposits since the last Contract anniversary less (b) withdrawals since the last Contract anniversary ("Free Withdrawal Amount"), also may be withdrawn free of Surrender Charges.

7. The first annuity payment will be made as of the maturity date selected by the Contract Owner. Only fixed annuity payment options are available under the Contract.

8. *Contract Fees and Charges.*

a. Surrender Charge. No sales charge currently is deducted from premium payments. A Surrender Charge ("CDSC") may be imposed as a percentage of premium payments being withdrawn if the Contract is surrendered or an excess partial withdrawal is taken within five years from the date Acacia receives each premium payment. The amount of the CDSC depends upon the number of complete years that have elapsed since the premium payment being withdrawn was made. In calculating the CDSC, Acacia treats premium payments as being withdrawn on a first-in first-out basis, and as being withdrawn before earnings. The CDSC is determined by multiplying each premium payment included in the withdrawal by the CDSC Rate applicable to the year in which the premium payment was received, as follows:

CDSC charge (as a % of the premium payment being withdrawn)	Completed contract anniversaries since receipt of premium
8	0-2
6	3
4	4
0	5 or more.

If the Surrender Value is withdrawn or applied under an Annuity Payment Option, the CDSC will apply to all premium payments not previously assessed a CDSC. The CDSC may be waived under certain circumstances where the Contract owner receives qualified extended medical care; however, no additional premium payments will be accepted after this waiver has been exercised.

b. Taxes. No charge currently is imposed for federal, state or local income taxes attributable to the Separate Account. Acacia may make such a charge in the future, subject to necessary regulatory approvals. A charge for any premium taxes will be deducted when such taxes are incurred, either when a premium payment is accepted, Account Value is withdrawn or surrendered, or Annuity Payments commence. Premium taxes may range up to 3.5% of purchase payments.

c. Mortality and Expense Risk Charges. Acacia imposes charges as compensation for bearing certain mortality and expense risks under the Contracts. A monthly charge will be deducted at an effective annual rate of up to 1.25% of the average daily net assets of each Sub-Account. Of the 1.25% mortality and expense risk charge, approximately 1.0% is allocable to mortality risks and 0.25% to expense risks. The mortality and expense risk

charge is guaranteed not to exceed 1.25% for the life of the Contracts and also is guaranteed to decrease by 0.5% on each Contract anniversary beginning in year 16 until it reaches an annual effective rate of .50% at the end of year 30. This charge will be deducted after the Maturity Date. This charge may be a source of profit for Acacia and the excess may be used for, among other things, the payment of distribution expenses.

Applicants assert that the mortality and expense risk charge is a reasonable charge deducted to compensate Acacia for bearing certain mortality and expense risks under the Contracts, including: (i) The risk that annuitants under the Contracts will live longer than has been anticipated in setting the annuity rates guaranteed in the Contracts; (ii) the risk that the death benefit will be greater than the Account Value; and (iii) the risk that administrative expenses will exceed the charges guaranteed for the Contracts.

d. Administrative Expense Charge. A monthly fee is deducted at an effective annual rate of 0.10% of the average daily net assets of each Sub-Account to partially compensate Acacia for certain expenses incurred in administering the Contract and the Separate Account ("Expense Charge"). The Expense Charge is guaranteed for the life of the Contract and may not be increased. The fee will be deducted after the Maturity Date. Applicants represent that the Expense Charge is deducted in reliance on Rule 26a-1 under the 1940 Act and is not greater than the average expected cost of the bookkeeping and other administrative services to be provided over the life of the Contract. Acacia does not expect or intend to earn a profit from this charge.

e. Annual Contract Fee. An annual charge of \$42 ("Annual Fee") is deducted to partially compensate Acacia for certain expenses incurred in administering the Contract. The deduction will be made from the Account Value on each Contract anniversary prior to the Maturity Date in the same proportion that the values attributable to the Sub-Accounts bear to the total Account Value. The charge also will be assessed on the Maturity Date and upon full surrender. The Annual Fee is guaranteed not to increase during the life of the Contract and may be waived for Contracts with Account Value in excess of \$50,000. Applicants represent that the Annual Fee is deducted in reliance on Rule 26a-1 under the 1940 Act and is not greater than the average expected cost of the bookkeeping and other administrative services to be provided over the life of

the Contract. Acacia does not expect or intend to earn a profit from this charge.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from the provisions of the 1940 Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants submit that their request for an order that applies to Future Contracts and Future Accounts is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act. Applicants further submit that the terms of the relief requested are consistent with the standards enumerated in Section 6(c) of the 1940 Act and with existing precedent. Without the requested relief, Acacia would have to request and obtain separately exemptive relief for each new Future Account established and each new class of Future Contract issued. Applicants represent that such additional requests for exemptive relief would present no issues under the 1940 Act that have not already been addressed in this application.

3. Applicants also submit that the terms of the relief requested with respect to the offering of the Contracts and Future Contracts through TAG or any Future Underwriter are consistent with the standards of Section 6(c) of the 1940 Act. Applicants assert that, without the requested relief, they would have to request and obtain exemptive relief in connection with any new Future Underwriter that distributes the Contracts or Future Contracts. Applicants represent that such additional requests for exemptive relief would present no issues under the 1940 Act that have not already been addressed in this application.

4. Applicants further state that the requested relief is appropriate in the public interest because it would promote competitiveness in the variable annuity contract market by eliminating the need for Acacia to file redundant exemptive applications, thereby reducing its administrative expenses and maximizing the efficient use of its resources. Investors would not receive any benefit or additional protection by requiring Acacia to seek exemptive relief repeatedly with respect to the

issues addressed in this application. Applicants assert that the delay and expense involved would impair Acacia's ability to take advantage effectively of business opportunities as they arise and would disadvantage investors as a result of Acacia's increased overhead expenses.

5. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

6. Applicants submit that the mortality and expense risk charges are reasonable and proper insurance charges that are deducted to compensate Acacia for bearing certain mortality and expense risks under the Contracts and Future Contracts. In return for these charges, Acacia bears the risk that: (i) Annuitants under the Contracts as a class will live longer than has been anticipated in setting the annuity rates guaranteed in the Contracts and Future Contracts; (ii) the death benefit will be greater than the Contract value; and (iii) administrative expenses will exceed the charges guaranteed for such Contracts.

7. Applicants represent that the mortality and expense risk charge is within the range of industry practice for comparable variable annuity contracts. This representation is based on Acacia's analysis of publicly available information about similar industry contracts, taking into consideration such factors as current charge levels, charge level or annuity rate guarantees, the manner in which the charges are imposed and the markets in which the contracts have been offered. Applicants state that, as long as there are Contracts outstanding, Acacia will maintain at its administrative offices and make available to the Commission, upon request, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

8. The mortality and expense risk charge may be a source of profit for Acacia. Applicants acknowledge that if a profit is realized from this charge, all or a portion of such profit may be available to pay, among other things, distribution expenses not reimbursed by the CDSC. Acacia has concluded that there is a reasonable likelihood that the

proposed distribution financing arrangements will benefit the Separate Account and the Contract owners. Acacia will keep at its administrative offices and make available to the Commission, upon request, a memorandum setting forth the basis for this representation.

9. Applicants represent that Separate Account and Future Accounts will invest only in management investment companies which undertake, in the event any such company adopts a plan Rule 12b-1 to finance distribution expenses, to have a board of directors, a majority of whom are not interested persons of any such investment company, as defined in the 1940 Act, formulate and approve the plan.

Conclusion

Applicants assert that for the reasons and based upon the facts set forth above, the requested exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to deduct a mortality and expense risk charge under the Contracts and Future Contracts are necessary and appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-19251 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-22089; File No. 812-9946]

American Centurion Life Assurance Company, et al.

July 23, 1996.

AGENCY: The Securities and Exchange Commission (the "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: American Centurion Life Assurance Company ("ACL"), ACL Variable Annuity Account 1 ("ACL Account"), and American Express Service Corporation ("AESC").

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act granting exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF THE APPLICATION: Applicants seek an order under Section 6(c) of the 1940 Act granting exemptions from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the deduction of a mortality and expense risk charge from the assets of the ACL Account or other separate accounts

established by ACL in the future ("Other ACL Accounts") to support certain group variable annuity contracts and related certificates ("Existing Contracts") as well as other variable annuity contracts and any related certificates that are substantially similar in all material respects to the Existing Contracts ("Future Contracts," together with the Existing Contracts, "Contracts"). Applicants request that such exemptive relief extend to any broker-dealer other than AESC which may serve in the future as principal underwriter of the Contracts offered by ACL and made available through the ACL Account or Other ACL Accounts.

FILING DATES: The application was filed on January 4, 1996 and amended on July 5, 1996.

HEARING OR NOTIFICATION: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 19, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESS: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, Mary Ellyn Minenko, Counsel, American Centurion Life Assurance Company, IDS Tower 10, Minneapolis, MN 55440.

FOR FURTHER INFORMATION CONTACT: Mark C. Amorosi, Attorney, or Wendy Finck Friedlander, Deputy Chief, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the SEC.

Applicants' Representations

1. ACL, a stock life insurance company organized in New York, is the sponsor and depositor of the ACL Account. ACL is a wholly-owned subsidiary of IDS Life Insurance Company ("IDS Life"), a stock life insurance company organized in Minnesota. IDS Life is a wholly-owned subsidiary of American Express

Financial Corporation, a Delaware corporation that is a wholly-owned subsidiary of the American Express Company.

2. The ACL Account was established on October 12, 1995 as a separate account under New York law. The ACL Account is registered under the 1940 Act as a unit investment trust and will be used to fund the Contracts. The ACL Account is divided into thirteen subaccounts (the "Subaccounts"), each of which will invest solely in shares of a registered open-end management investment company.

3. AESC, a wholly-owned subsidiary of the American Express Travel Related Services Company, which is a wholly-owned subsidiary of the American Express Company, is the principal underwriter of the ACL Account. AESC is registered under the Securities Exchange Act of 1934 as a broker-dealer and is a member of the National Association of Securities Dealers, Inc.

4. The Existing Contract is designed to provide retirement payments and other benefits for persons covered under certain plans qualified for federal income tax advantages available under the Internal Revenue Code of 1986, as amended, and for persons desiring such benefits who do not qualify for such tax advantages. The Existing Contract is a group deferred combination fixed/variable annuity contract. Participation in the Existing Contract will be accounted for separately by the issuance of a certificate (the "Certificate") showing interest in the Existing Contract.

5. The Existing Contract provides for, among other things: (a) minimum initial and subsequent purchase payments; (b) allocation of purchase payments to one or more of the ACL Account's Subaccounts, or to ACL's fixed account, or both; (c) several annuity payment options; (d) the ability to surrender all or part of the Certificate value held in one or more of the Subaccounts of the ACL Account and the fixed account without charge; and (e) payment of a death benefit equal to the greater of the Certificate value or purchase payments, minus any partial surrenders, if the Certificate owner or annuitant dies (or, for qualified Certificates, if the annuitant dies) before annuity payments begin.

6. Certain fees and charges are assessed under the Existing Contracts. Prior to the annuity start date, Certificate owners may transfer all or part of their Certificate value held in one or more of the Subaccounts of the ACL Account and fixed account to another one or more of the Subaccounts. The minimum amount to be transferred

to any one Subaccount is \$100. ACL reserves the right to impose or change limits to the amount and frequency of transfers. No fee currently is imposed for the first twelve transfers in a Certificate year, but ACL will charge \$25 dollars for each transfer in excess of twelve.

7. Applicants state that ACL will assess an annual administrative charge of \$30 for the Certificate on each Certificate anniversary. ACL will waive this charge for any Certificate year where the total purchase payments (less partial surrenders) on the current Certificate anniversary is \$10,000 or more or if, during the Certificate year, a death benefit is payable or a Certificate is surrendered in full. The charge does not apply after retirement payments begin. The charge represents reimbursement for only the actual administrative costs expected to be incurred over the life of the Certificate. Applicants state that ACL and the ACL Account will rely on Rule 26a-1 under the 1940 Act to deduct this charge. ACL reserves the right to increase the administrative charge up to \$50 if warranted by the expenses incurred and to assess the administrative charge against all Certificates.

8. To compensate ACL for assuming certain mortality and expense risks, ACL will deduct from the ACL Account a daily mortality and expense risk charge equal, on an annual basis, to 1% of the average daily net assets of the Subaccounts of the ACL Account. Applicants state that approximately two-thirds of this charge is for the assumption of the mortality risk and one-third is for the assumption of the expense risk. This charge can not be increased during the life of the Existing Contract.

9. Applicants state that ACL assumes certain mortality risks by its contractual obligation to continue to make annuity payments for the life of the annuitant under annuity obligations which involve life contingencies. This assures each annuitant that neither the annuitant's own longevity nor an improvement in life expectancy generally will have an adverse effect on the annuity payments received under the Existing Contract. This relieves the annuitant from the risk of outliving the amounts accumulated for retirement. Applicants state that the payment option tables contained in the Existing Contract are guaranteed for the life of the Existing Contract. ACL assumes additional mortality and certain expense risks under the Existing Contract by its contractual obligation to pay a death benefit in a lump sum (or in the form of an annuity payment plan) upon the

death of the Certificate owner or the annuitant prior to the annuity start date.

10. Applicants state that ACL assumes an expense risk because the administrative charge may be insufficient to cover actual administrative expense. These include the costs and expenses of: (a) Processing purchase payments, retirement payments, surrenders and transfers; (b) furnishing conformation notices and periodic reports; (c) calculating mortality and expense risk charges; (d) preparing voting materials and tax reports; (e), updating registration statements; and (f) actuarial and other expenses.

11. If the mortality and expense risk charge is insufficient to cover the expenses and costs assumed, the loss will be borne by ACL. Conversely, if the amount deducted proves more than sufficient, the excess will represent profit to ACL expects to profit from the mortality and expense risk charge. Any profit realized from this charge will be available to ACL for any proper corporate purpose, including, among other things, payment of distribution expenses.

12. Although no charges currently are made for premium taxes or other federal, state or local taxes, ACL reserves the right to deduct such taxes from the ACL Account in the future.

Applicant's Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the 1940 Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales load, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

3. Applicants request an order under Section 6(c) exempting them from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of the mortality and expense risk charge from the assets

of the ACL Account or Other ACL Accounts that issue the Contracts. Applicants also request that such relief extend to certain other broker-dealers other than AESC that may serve in the future as principal underwriter in respect of the Contracts offered by ACL and make available through the ACL Account or Other ACL Accounts.

4. Applicants submit that the requested relief to permit the deduction of the 1% mortality and expense risk charge from the assets of the ACL Account or Other ACL Accounts in connection with the issuance of Future Contracts is appropriate in the public interest because it would promote competitiveness in the variable annuity contract market by eliminating the need for ADL to file redundant exemptive applications, thereby reducing ACL's administrative expenses and maximizing the efficient use of its resources. The delay and expense involved in repeatedly having to seek exemptive relief would impair ACL's ability effectively to take advantage of business opportunities as these opportunities arise. If ACL were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection thereby. Rather, Applicants assert that investors may be disadvantaged as a result of ACL's increased overhead expenses. Therefore, Applicants maintain that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act.

5. Applicants represent that the level of the mortality and expense risk charge under the Existing Contract is within the range of industry practice for comparable variable annuity contracts. Applicants state that ACL has reviewed publicly-available information about other annuity products taking into consideration such factors as current charge levels, charge guarantees, sales loads, surrender charges, availability of funds, investment options available under annuity contracts and market sector. Applicants state that ACL will maintain at its executive office, and make available on request of the Commission or its staff, a memorandum setting forth its analysis, including its methodology and results.

6. Applicants represent that, prior to offering any Future Contracts, Applicants will conclude that the mortality and expense risk charge under any such contracts (which cannot exceed in amount the mortality and expense risk charge under the Existing

Contract) will be within the range of industry practice for comparable contracts.

7. Applicants acknowledge that, if a profit is realized from the mortality and expense risk charge under the Contracts, all or a portion of the profit may be available to pay distribution expenses. Notwithstanding the foregoing, ACL has concluded that there is a reasonable likelihood that the proposed distribution financing arrangement being used in connection with the Contracts will benefit the ACL Account or Other ACL Accounts and owners of the Existing Contract or Future Contracts and related Certificates. The basis for such conclusion is set forth in a memorandum which will be maintained by ACL at its service office and will be available to the Commission or its staff on request.

8. ACL represents that the ACL Account and Other ACL Accounts will invest only in underlying mutual funds which, in the event they should adopt any plan pursuant to Rule 12b-1 under the 1940 Act to finance distribution expenses, would have such a plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of Section 2(a)(19) of the 1940 Act.

Conclusion

Applicants submit that, for the reasons stated in the application, the requested exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to deduct the mortality and expense risk charge under the Contracts are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-19252 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-22090; No. 812-10120]

Great American Reserve Insurance Company, et al.

July 23, 1996.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of Application for an Order pursuant to the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Great American Reserve Insurance Company (the "Company").

Great American Reserve Variable Annuity Account G (the "Separate Account"), and GARCO Equity Sales, Inc. ("GES").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 6(c) of the 1940 Act granting exemptions from the provisions of Section 26(a)(2)(C) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of: (a) The Separate Account in connection with the offer and sale of certain combined fixed and variable annuity contracts and certificates ("Existing Contracts"); (b) The Separate Account in connection with the offer and sale of variable annuity contracts and certificates that are similar in all material respects to the Existing Contracts ("Future Contracts," together with Existing Contracts, the "Contracts"); and (c) any other separate account established in the future by the Company ("Future Account") in connection with the offer and sale of Contracts. Exemptive relief also is requested to the extent necessary to permit the offer and sale of Contracts for which broker-dealers other than GES ("Future Underwriters") serve as principal underwriters.

FILING DATE: The application was filed on May 2, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on August 19, 1996, and must be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Person may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o Lawrence W. Inlow, Great American Reserve Insurance Company, 11825 North Pennsylvania Street, Carmel, Indiana 46032-4572.

FOR FURTHER INFORMATION CONTACT: Kevin M. Kirchoff, Senior Counsel, or Wendy Friedlander, Deputy Chief, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission

Applicant's Representations

1. The Company, a stock life insurance company organized under the laws of Texas, is an indirect wholly-owned subsidiary of Conseco, Inc. The Company is authorized to do business in 47 states and the District of Columbia.

2. The Separate Account, a segregated asset account of the Company, was established on January 18, 1996. The Separate Account is registered with the Commission pursuant to the 1940 Act as a unit investment trust.

3. GES, an affiliate of the Company, will act as the principal underwriter in distributing the Existing Contracts. GES is registered as a broker-dealer pursuant to the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc.

4. The Contracts are available to individuals and groups in connection with retirement plans which may or may not qualify for federal tax advantages available under the Internal Revenue Code. Certificates will be issued to owners under group Contracts. The minimum initial purchase payment is \$50,000 (except for Contracts that qualify for federal tax advantages, for which the minimum initial purchase payment is \$10,000). The minimum subsequent purchase payment is \$1,000, or, if the monthly automatic premium check option is elected, \$250.

5. Purchase payments made under the Contracts will be allocated to the Separate Account or a market value adjustment account ("MVA Account"). The Separate Account is divided into subaccounts ("Subaccounts"), each of which invests in the shares of a corresponding portfolio of an underlying fund.

6. The Contracts provide for a series of annuity payments beginning on the annuity date. The owner of a Contract ("Owner") may select from several annuity payout options. Contract owners may allocate purchase payments or reallocate accumulation values or annuity values by transfers among the Subaccounts, the MVA Account or, when and if available, a fixed account which will be part of the general account of the Company.

7. The Contracts also provide for certain guaranteed death benefits during the accumulation period. Prior to the Owner attaining age 80, the death benefit will be the greater of: (a) the purchase payments, less any

withdrawals; or (b) the Contract value determined as of the end of the valuation period during which the Company receives both due proof of death and an election for the payment method. If the death of the Owner occurs after age 80, the death benefit will be the Contract value determined as of the end of the valuation period during which the Company receives both due proof of death and an election for the payment method.

8. A premium tax charge, ranging from 0 to 3.5 percent of purchase payments, may be deducted from the purchase payments or Contract value when incurred, if the Owner lives in a state or locality that levies premium taxes. Currently, the Company deducts the charge for premium taxes from Contract value at the time annuity payments begin or from amounts that are withdrawn.

9. A fee ("Transfer Fee") which is equal to the lesser of \$25 or 2 percent of the amount transferred is imposed when an Owner exceeds the frequency or number of free reallocation transfers permitted under the Contracts. Currently, there is no limit on the number of transfers permitted each Contract year during the accumulation period, but only one transfer in a 30-day period can be made free of the Transfer Fee. Four transfers are currently permitted each Contract year during the annuity period; none of these four transfers are subject to the Transfer Fee.

10. A \$30.00 charge is deducted on each Contract anniversary and on surrender of a Contract for expenses relating to the maintenance of the Contracts ("Contract Maintenance Charge"), which may be increased up to a maximum of \$60.00 each Contract year. No Contract Maintenance Charge is deducted if the Contract value of the Contract anniversary is at least \$25,000. No Contract Maintenance Charge is deducted during the annuity period. Applicants represent that the Contract Maintenance Charge is at cost with no anticipation of profit.

11. The Company deducts a charge at a current annual rate of .15 percent of the average daily net asset value of each Subaccount ("Administrative Charge"). The Company may increase this charge to a maximum of .25 percent of the average daily net asset value of each of the Subaccounts. The Company will give Owners 90 days notice before implementing any increase to this charge. This charge, together with the Contract Maintenance Charge, reimburses the Company for the expenses it incurs in the establishment and maintenance of the Contracts and the Separate Account. Applicants

represent that the Administrative Charge is at cost with no anticipation of profit.

12. The Company assumes certain mortality risks under the Contracts because of its contractual obligations to make annuity payments after the annuity date regardless of how long all annuitants live. Further, the Company bears a mortality risk in that it guarantees the annuity purchase rates for the annuity options under the Contracts. Also, the Company bears a mortality risk with respect to the death benefit.

13. The Company assumes an expense risk because the actual expenses it incurs in administering the Contracts may exceed the amounts it recovers from assessing the Contract Maintenance Charge and the Administrative Charge.

14. The Company requests exemptive relief to allow the deduction of a charge at a maximum annual rate of 1.25 percent of the average daily net asset value of the Subaccounts ("Mortality and Expense Risk Charge") as compensation for assuming the mortality and expense risks under the Contracts. Approximately .75 percent of this 1.25 percent charge will be allocable to mortality risks and .50 percents to expense risks. The Company intends to initially assess a Mortality and Expense Risk Charge at an annual rate of 1.15 percent of the average daily net asset value of the Subaccounts, of which .65 percent will be allocable to mortality risks and .50 percent to expense risks. If the Company increases the Mortality and Expense Risk Charge to its guaranteed maximum annual rate of 1.25 percent, the Company will provide Owners with 90 days notice of this increase.

15. The Company will bear the loss if the Mortality and Expense Risk Charge is insufficient to cover the actual costs associated with its mortality and expense risks. Conversely, if the amounts derived from the Mortality and Expense Risk Charge are more than sufficient, the excess will be a profit that is added to the surplus of the Company and which can be used for any lawful purpose, including the payment of distribution expenses. The Company expects to profit from the Mortality and Expense Risk Charge.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the 1940 Act and the

rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust and its depositor or principal underwriter from selling periodic payment plan certificates unless the proceeds of all payments plan certificates unless the proceeds of all payments (other than sales loads) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

3. Applicants request an exemption from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to allow the Company to deduct the Mortality and Expense Risk Charge from the assets of the Separate Account and from any Future Accounts in connection with the issuance of the Contracts and any Future Contracts. Exemptive relief also is required to the extent necessary to permit the offer and sale of Contracts for which Future Underwriters serve as the principal underwriter.

4. Applicants assert that a Mortality and Expense Risk Charge of 1.25 percent is reasonable in relation to the risks assumed by the Company under the Contracts and within the range of industry practice with respect to comparable annuity products. Applicants state that these determinations are based upon an analysis of publicly available information about comparable products, and by talking into consideration such factors as guaranteed annuity purchase rates, death benefits current charge levels and the existence of charge level guarantees. The Company will maintain at its principal office, available to the Commission upon request, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of this comparative analysis.

5. Applicants represent that, before relying on any exemptive relief in connection with Future Contracts funded by the Separate Account or any Future Account, Applicants will determine that any mortality and expense risk charges under such Future Contracts will be reasonable in relation to the risks assumed by the Company and reasonable in amount as determined

by industry practice with respect to comparable annuity products. Applicants represent that the Company will maintain at its principal office, and make available to the Commission upon request, a memorandum setting forth in detail the methodology used in making these determinations.

6. The Company may recover distribution costs from the assets of its general account, which may include that portion of the Mortality and Expense Charge which is profit to the Company. The Company has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Separate Account and the Owners. The basis for that conclusion is set forth in a memorandum which will be maintained by the Company at its principal office available to the Commission upon request.

7. Applicants represent that, prior to relying on any exemptive relief in connection with Future Contracts, Applicants will determine that there is a reasonable likelihood that the distribution financing arrangement will benefit the Separate Account and its investors or the Future Account and its investors. The Company represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such determination.

8. The Company further represents that the Separate Account and any Future Account will invest only in management investment companies which undertake, in the event they should adopt any plan pursuant to Rule 12b-1 under the 1940 Act to finance distribution expenses, to have such plan formulated and approved by the members of their board of directors, a majority of whom shall not be "interested persons" of such companies within the meaning of Section 2(a)(19) of the 1940 Act.

9. Applicants submit that their request for exemptive relief that applies to Future Contracts, Future Accounts and Future Underwriters is appropriate in the public interest because such relief will promote competitiveness in the variable annuity contract market by eliminating their administrative expenses and maximizing the efficient use of their resources. Applicants assert that the delay and expense involved in having repeatedly to seek exemptive relief would impair their ability to effectively take advantage of business opportunities as such opportunities arise. Applicants also assert that if they were required repeatedly to seek exemptive relief with respect to the

same issues, investors would not receive any benefit or additional protection.

Conclusion

For the reasons summarized above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-19248 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-22088; No. 812-10144]

IDS Life Insurance Company of New York, et al.

July 23, 1996.

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice of application for an order pursuant to the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: IDS Life Insurance Company of New York ("IDS Life"), IDS Life of New York Flexible Portfolio Annuity Account (the "Variable Account"), and American Express Financial Advisors Inc. ("Advisors").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 26(a)(2)(C) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of (a) the Variable Account in connection with the offer and sale of certain variable annuity contracts ("Existing Contracts"); (b) the Variable Account in connection with the issuance of variable annuity contracts that are substantially similar in all material respects to the Existing Contracts ("Future Contracts," together with Existing Contracts, the "Contracts"); and (c) any other separate account established in the future by IDS Life in connection with the issuance of Contracts ("Future Accounts"). Exemptive relief also is requested to the extent necessary to permit the offer and sale of Contracts for which certain broker-dealers other than Advisors serve as the principal underwriter.

FILING DATE: The application was filed on May 14, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on August 19, 1996, and must be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street N.W., Washington, D.C. 20549. Applicants, c/o Mary Ellyn Minenko, Counsel, IDS Life Insurance Company of New York, IDS Tower 10, Minneapolis, Minnesota 55440.

FOR FURTHER INFORMATION CONTACT: Kevin M. Kirchoff, Senior Counsel, or Wendy F. Friedlander, Deputy Chief, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. IDS Life is a stock life insurance company which is organized under the laws of New York. IDS Life is a wholly-owned subsidiary of IDS Life Insurance Company, a stock insurance company organized under the laws of Minnesota, which is a wholly-owned subsidiary of American Express Financial Corporation.

2. Advisors, the principal underwriter for the Variable Account, is registered as a broker-dealer pursuant to the Securities Exchange Act of 1934 ("1934 Act") and is a member of the National Association of Securities Dealers, Inc. ("NASD").

3. The Variable Account was established on April 17, 1996, as a separate account pursuant to the laws of New York. The Variable Account will be used to fund the Existing Contracts.

4. The Existing Contracts are available for purchase in connection with retirement plans that qualify for federal tax advantages available pursuant to the Internal Revenue Code ("qualified contracts") or for plans that do not so qualify ("non-qualified contracts").

5. The Existing Contracts provide for the accumulation of contract values and payment of annuity benefits on a fixed and/or variable basis. Purchase payments may be directed to the general account of IDS Life pursuant to a fixed account option (the "Fixed Account"), the Variable Account, or allocated between them. Existing Contracts may be purchased with either an initial purchase payment, of at least \$2,000 for nonqualified Contracts and \$1,000 for qualified Contracts, or installment payments. Additional purchase payments may be made in accordance with certain requirements.

6. The Variable Account currently has fourteen subaccounts ("Subaccounts"), each of which will invest solely in the shares of one of the corresponding funds of a registered open-end management investment company managed by IDS Life Insurance Company (the "Funds"). IDS Life may create additional subaccounts and/or variable accounts to invest in additional Funds as future investment options.

7. Prior to the annuity date, the owner of an Existing Contract can, at any time, transfer all or part of the Contract value held in one or more of the Subaccounts or the Fixed Account to another Subaccount or the Fixed Account. However, if an owner of an Existing Contract has made a transfer from the Fixed Account to a Subaccount, the Contract owner may not transfer from any Subaccount back to the Fixed Account until the next Contract anniversary. Once annuity payments begin, no transfers may be made to or from the Fixed Account, but transfers may be made once per Contract year among the Subaccounts.

8. The Existing Contracts provide that if the Contract owner or the annuitant dies (or, for qualified annuities, if the annuitant dies) before annuity payments begin, IDS Life will pay the beneficiary a death benefit as follows:

- (a) If death occurs before the 75th birthday of the owner or the annuitant, the beneficiary receives the greater of:
- (1) The Contract value,
 - (2) The Contract value as of the most recent sixth Contract anniversary, minus any surrenders since that anniversary, or
 - (3) Purchase payments, minus any surrenders; or

(b) If death occurs on or after the owner's or annuitant's 75th birthday, the beneficiary receives the greater of:

- (1) The Contract value, or
- (2) The Contract value as of the most recent sixth Contract anniversary, minus any surrenders since that anniversary.

9. IDS Life will assess an annual Contract administrative charge

("Administrative Charge") of \$30 on each Contract anniversary or earlier when an Existing Contract is fully surrendered. IDS Life currently waives the Administrative Charge for any Contract year in which total purchase payments under a Contract, less any payments surrendered, equal or exceed \$25,000 on the Contract anniversary. However, IDS Life reserves the right to assess the Administrative Charge against all Existing Contracts. The Administrative Charge reimburses IDS Life for the administrative costs attributable to the Existing Contracts, and does not apply after annuity payments begin. Applicants represent that they rely on Rule 26a-1 under the 1940 Act in connection with the Administrative Charge.

10. IDS Life does not currently assess any charges for premium taxes or other federal, state or local taxes paid in connection with the Existing Contracts, but reserves the right to assess such charges.

11. No sales charge is collected or deducted at the time purchase payments are made, pursuant to the Existing Contracts. IDS Life will, however, assess a contingent deferred sales charge ("CDSC") on certain full or partial surrenders. The amounts obtained from the CDSC will be used to help defray expenses incurred in connection with the sale of the Existing Contracts, including commissions and other promotional or distribution expenses associated with the printing and distribution of prospectuses and sales material. The CDSC applies to all purchase payments surrendered in the first eight Contract years. The CDSC is 7 percent of any purchase payments surrendered during the first three Contract years, then declines by 1 percent per year from 6 percent in the fourth year to 2 percent in the eighth year. No CDSC applies after 8 Contract years. In addition, no CDSC applies to earnings under Existing Contracts, to minimum required distributions from certain qualified plans, to Existing Contracts settled using an annuity payout plan or to death benefits.

12. IDS Life assumes certain mortality risks through its contractual obligation to continue to make retirement payments for the entire life of the annuitant under annuity obligations which involve life contingencies. This assures each annuitant that neither the annuitant's own longevity nor an improvement in life expectancy generally will have an adverse effect on the retirement payments received under the Existing Contracts. IDS Life assumes additional mortality risks under the Existing Contracts through its

contractual obligation to pay a death benefit upon the death of the owner or annuitant prior to the retirement date.

13. IDS Life assumes an expense risk because the Administrative Charge may be insufficient to cover actual administrative expenses, which include the costs and expenses of: processing purchase payments, retirement payments, surrenders and transfers; furnishing confirmation notices and periodic reports; calculating mortality and expense risk charges; preparing voting materials and tax reports; updating registration statements; and actuarial and other expenses.

14. As compensation for assuming mortality and expense risks, IDS Life will assess a daily charge ("Mortality and Expense Risk Charge") equaling 1.25 percent of the average daily net assets of the Subaccounts on an annual basis. Approximately two-thirds of this charge is for the assumption of the mortality risk and one-third is for the assumption of the expense risk. The Mortality and Expense Risk Charge cannot be increased during the life of the Existing Contracts and does not apply to the Fixed Account.

15. If the Mortality and Expense Risk Charge is insufficient to cover the expenses and costs assumed, the loss will be borne by IDS Life. Conversely, if the amount deducted proves more than sufficient, the excess will represent a profit to IDS Life. IDS Life expects to profit from the Mortality and Expense Risk Charge. The profit will be available to IDS Life for any proper corporate purpose including, among other things, payment of distribution expenses.

Applicants' Legal Analysis

1. Pursuant to Section 6(c) of the 1940 Act, the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the 1940 Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding

such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services normally performed by the bank itself.

3. Applicants request an order pursuant to Section 6(c) of the 1940 Act exempting them from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of the Mortality and Expense Risk Charge from the assets of the Variable Account and any Future Accounts in connection with the Contracts. Applicants also request exemptions to the extent necessary to permit the offer and sale of Contracts for which any broker-dealer that is registered pursuant to the 1934 Act and a member of the NASD serves as principal underwriter.

4. Applicants represent that the level of the Mortality and Expense Risk Charge is within the range of industry practice for comparable variable annuity products. IDS Life has reviewed publicly available information about other annuity products taking into consideration such factors as current charge levels, charge guarantees, sales loads, surrender charges, availability of funds, investment options available under annuity contracts, and market sector. IDS Life represents that it will maintain at its executive office, and make available on request of the Commission or its staff, a memorandum setting forth its analysis, including its methodology and results.

5. Applicants represent that, prior to offering Future Contracts, they will conclude that any mortality and expense risk charge under such Contracts (which cannot exceed in amount the Mortality and Expense Risk Charge) will be within the range of industry practice for comparable annuity contracts. IDS Life represents that it will maintain at its executive office, and make available on request of the Commission or its staff, a memorandum setting forth its analysis, including its methodology and results.

6. Applicants acknowledge that, if a profit is realized from the Mortality and Expense Risk Charge, all or a portion of such profit may be available to pay distribution expenses not reimbursed under the Contracts. IDS Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Variable Account (or Future Accounts) and owners of the Existing Contracts (or Future Contracts). The basis for such conclusion is set forth in a memorandum which will be maintained by IDS Life at its executive

office and will be available to the Commission or its staff on request.

7. IDS Life represents that the Variable Account, or future accounts, will invest only in underlying mutual funds which, in the event they should adopt any plan under Rule 12b-1 of the 1940 Act to finance distribution expenses, would have such a plan formulated and approved by a board of directors, a majority of the members of which are not interest persons of such fund within the meaning of Section 2(a)(19) of the 1940 Act.

8. Applicants submit that their request for exemptive relief for Future Contracts and Future Accounts would promote competitiveness in the variable annuity contract market by eliminating the need for redundant exemptive applications, thereby reducing Applicants' administrative expenses and maximizing the efficient use of their resources. Applicants further submit that the delay and expense involved in having repeatedly to seek exemptive relief would impair their ability effectively to take advantage of business opportunities as they arise. Further, if Applicants were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection.

Conclusion

For the reasons summarized above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-19249 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 22087; 811-3882]

PaineWebber Atlas Fund; Notice of Application

July 23, 1996.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: PaineWebber Atlas Fund.

RELEVANT ACT SECTION: Order requested under section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 12, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the applicant will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 19, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 1285 Avenue of the Americas, New York, N.Y. 10019.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenless, Senior Counsel, (202) 942-0581, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust.¹ On June 10, 1983, applicant filed a registration statement on Form N-1A number section 8(b) of the Act and the Securities Act of 1933 to register an indefinite number of shares of beneficial interest. The registration statement became effective on October 13, 1983, and the initial public offering commenced thereafter. Applicant offers one series, PaineWebber Atlas Global Growth Fund ("Atlas Fund").

2. On April 28, 1995, applicant's trustees adopted resolutions approving an Agreement and Plan of Reorganization and Termination ("Plan") between applicant and PaineWebber Investment Trust on behalf of a series, PaineWebber Global Equity Fund ("Global Equity Fund").

¹ Applicant was organized initially as a Maryland corporation and was later reorganized as a Massachusetts business trust.

The Plan provided that applicant would transfer its assets to Global Equity Fund in exchange for shares of Global Equity Fund. Applicant's trustees found that the Plan was in the best interests of Atlas Fund and that the interests of Atlas Fund's shareholders would not be diluted as a result of the reorganization contemplated by the Plan.

3. A proxy statement was filed with the SEC and distributed to applicant's shareholders on or about June 21, 1995. Applicant's shareholders approved the Plan on July 21, 1995.

4. On August 25, 1995 (the "Closing Date"), applicant had total net assets of \$292,492,539, comprising 9,177,350 Class A shares at a net asset value of \$13.89 per share, 7,167,204 Class B shares at a net asset value of \$13.50 per share, 1,998,736 Class C shares at a net asset value of \$14.01 per share, and 2,959,973 Class D shares at a net asset value of \$13.59 per share.

5. Pursuant to the Plan, on the Closing Date, Global Equity Fund acquired all of the assets of applicant in exchange solely for shares of beneficial interest in Global Equity Fund and the assumption by Global Equity Fund of all of applicant's liabilities. The number of shares of Global Equity Fund issued to applicant was determined by dividing the net asset value of each share of applicant by the net asset value of a share of Global Equity Fund. On the same date, applicant liquidated and distributed *pro rata* to its shareholders the shares of Global Equity Fund received by applicant in the reorganization.

6. Expenses incurred in connection with the Plan consisted primarily of legal expenses, printing and mailing expenses, registration fees, and miscellaneous accounting and administrative expenses. These expenses totalled approximately \$400,000, and were borne by applicant and Global Equity Fund, as well as two other funds that simultaneously exchanged their assets for shares of Global Equity Fund (PaineWebber Europe Growth Fund and PaineWebber Global Growth and Income Fund), in proportion of each of their respective net assets.

7. As of the date of the application, applicant had no shareholders, assets, or liabilities, and was not a party to any litigation or administrative proceeding. Applicant is not presently engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

8. On November 4, 1995, applicant filed an Officer's Certificate of Termination with the Office of the

Secretary of the Commonwealth of Massachusetts to terminate its existence.

For the Sec, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-19250 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37473; File No. SR-CBOE-96-49]

**Self-Regulatory Organizations;
Proposed Rule Change by Chicago
Board Options Exchange, Incorporated
Relating to Permitting Additional
Submissions Following Respondent's
Petition for Review**

July 23, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 23, 1996, the Chicago Board Options Exchange, Incorporated ("CBOE" 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 CBOE.¹ 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 Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") proposes to amend Exchange Rule 17.10 which governs the review of Business Conduct Committee ("BCC") decisions by the Exchange's Board of Directors ("Board"). The proposed amendment would formalize in Rule 17.10 the current practice whereby the Board has permitted one additional submission by both Exchange staff and Respondent following Respondent's petition for review and clarifies with which office of the Exchange the petition for review should be filed.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

¹ The proposal was originally filed with the Commission on July 11, 1996. The CBOE subsequently submitted Amendment No. 1 to the filing. This document provides notice of the filing as amended. Letter from Michael L. Meyer, Schiff, Hardin & Waite, to Katherine England, Assistant Director, Division of Market Regulation, SEC, dated July 19, 1996.

**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 CBOE 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 CBOE has prepared summaries, set forth in sections A, B, and C, below, of the most significant parts of such statements.

**A. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

The purpose of the proposed change to Exchange Rule 17.10 is to formalize in the Rule the current practice whereby the Board has permitted one additional submission by both Exchange staff and Respondent following Respondent's petition for review. Presently, the Rule does not provide for any subsequent submissions following a Respondent's appeal of a BCC decision to the Board. The proposed amendment would provide that, after a Respondent appeals a BCC decision to the Board, Exchange staff may submit a written response to which the Respondent may submit a reply. The proposal also clarifies with which office of the Exchange the Respondent's petition should be filed.

By eliminating the need for the staff to request approval prior to the submission of every response, the proposal will reduce the amount of time the Board spends on administrative matters. In addition, the Exchange believes the proposal will ensure a more thorough and fair process because each party will have an opportunity to clarify its position to the Board on the specific issues of contention addressed in the petition for review. Additionally, the proposal will, as is the case under the current rules, ensure that the Respondent ordinarily will have the opportunity to make the final submission to the Board.

The proposal requires the Exchange staff's response be filed within 15 days of the date the Respondent's request for review is filed with the Secretary of the Exchange, and the Respondent's reply to be filed within 15 days of service of staff's response.

By clarifying with which office of the Exchange the petition for review should be filed and by formalizing the current appeal practice to ensure that both parties have the opportunity to make an additional submission to the Board, the

proposed rule change will make the review process more fair and efficient. Therefore, the rule change is consistent with Section 6 of the Securities Exchange Act of 1934, in general, and Section 6(b)(7) in particular in that it provides a fair procedure for the disciplining of members and persons associated with members.

**B. Self-Regulatory Organization's
Statement on Burden on Competition**

The CBOE does not believe that the proposed rule change will impose any burden on competition.

**C. Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received From
Members, Participants, or Others**

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the
Proposed Rule Change and Timing for
Commission Action**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Committee will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission, and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No.

SR-CBOE-96-49 and should be submitted by August 20, 1996.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-19295 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37475; File No. SR-NASD-96-28]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the National Association of Securities Dealers, Inc. ("NASD" or "Association") Relating to Telemarketing Rules

July 24, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on June 28, 1996, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On July 18, 1996, the NASD filed Amendment No. 1 to its proposal.² On July 24, 1996, the NASD filed Amendment No. 2 to its proposal.³ 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

Below is the text of the proposed rule change. Proposed new language is

¹ 15 U.S.C. 78s(b)(1).

² In Amendment No. 1, the NASD withdrew its request for approving the proposed rule change prior to the 30th day after publication in the Federal Register; added the word "do" after the word "who" in subparagraph (g)(1) to Rule 3110; and added the phrase "or person associated with a member" after the word "member" in subparagraph (g)(2) to Rule 3110. See Letter from John Ramsay, Deputy General Counsel, NASD Regulation, Inc. ("NASDR"), to Katherine A. England, Assistant Director, Division of Market Regulation, SEC, dated July 18, 1996.

³ In Amendment No. 2, the NASD replaced the phrase "or a person acting at the direction of a person associated with a member," with "or another associated person acting at the direction of such person" in subparagraph (c) to Rule 2211 to clarify that the exceptions to the requirements of paragraphs (a) and (b) of Rule 2211, as proposed, apply only to a person associated with a member or another associated person acting at the direction of such associated person. See Letter from John Ramsay, Deputy General Counsel, NASDR, to Katherine A. England, Assistant Director, Division of Market Regulation, SEC, dated July 24, 1996.

italicized; proposed deletions are in brackets.

Conduct Rules

2000. Business Conduct

* * * * *

2200. Communications With Customers and the public

2211. Telemarketing

No member or person associated with a member shall:

(a) *Make outbound telephone calls to the residence of any person for the purpose of soliciting the purchase of securities or related services at any time other than between 8 a.m. and 9 p.m. local time at the called person's location, without the prior consent of the person; or*

(b) *Make an outbound telephone call to any person for the purpose of soliciting the purchase of securities or related services without disclosing promptly and in a clear and conspicuous manner to the called person the following information:*

(1) *The identity of the caller and the member firm;*

(2) *The telephone number or address at which the caller may be contacted; and*

(3) *That the purpose of the call is to solicit the purchase of securities or related services.*

(c) *The prohibitions of paragraphs (a) and (b) shall not apply to telephone calls by any person associated with a member, or another associated person acting at the direction of such person for the purpose of maintaining and servicing the accounts of existing customers of the member under the control of or assigned to such associated person:*

(1) *To an existing customer who, within the preceding twelve months, has effected a securities transaction in, or made a deposit of funds or securities into, an account that, at the time of the transaction or the deposit, was under the control of or assigned to, such associated person;*

(2) *To an existing customer who previously has effected a securities transaction in, or made a deposit of funds or securities into, an account that, at the time of the transaction or deposit, was under the control of or assigned to, such associated person, provided that such customer's account has earned interest or divided income during the preceding twelve months; or*

(3) *To a broker or dealer. For the purposes of paragraph (c), the term "existing customer" means a customer for whom the broker or dealer, or a clearing broker or dealer on behalf of*

such broker or dealer, carries an account.

* * * * *

3000. Responsibilities Relating to Associated Persons, Employees, and Others' Employees

* * * * *

3100. Book and Records, and Financial Condition

3110. Books and Records

* * * * *

(g) [Cold Call] Telemarketing Requirements

(1) Each member shall make and maintain a centralized do-not-call list of persons who do not wish to receive telephone solicitations from such member or its associated person.

(2) No member or person associated with a member shall obtain from a customer or submit for payment a check, draft, or other form of negotiable paper drawn on a customer's checking, savings, share, or similar account, without that person's express written authorization, which may include the customer's signature on the negotiable instrument.

(3) Each member shall maintain the authorization required by subparagraph (2) for a period of three years.

II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction and Background.

Pursuant to the Telephone Consumer Protection Act ("TCPA"),⁴ the NASD adopted in June 1995, a "cold call" rule to implement certain rules of the Federal Communications Commission ("FCC Rule")⁵ that require persons who

⁴ 47 U.S.C. § 227.

⁵ Pursuant to the TCPA, the FCC adopted rules in December 1992 that, among other things, (1) prohibit cold-calls to residential telephone customers before 8 a.m. or after 9 p.m. (location time at the called party's location) and (2) require

engage in telephone solicitations to sell products and services ("telemarketers") to establish and maintain a list of persons who have requested that they not be contacted by the called (a "do not-call" list).⁶ Under the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), which became law in August 1994,⁷ the Federal Trade Commission adopted detailed regulations ("FTC Rules") to prohibit deceptive and abusive telemarketing acts and practices that became effective on December 31, 1995.⁸ The FTC Rules, among other things, (i) require the maintenance of "do-not-call" lists and procedures, (ii) prohibit abusive, annoying, or harassing telemarketing calls, (iii) prohibit telemarketing call before 8 a.m. or after 9 p.m., (iv) require a telemarketer to identify himself, the company he works for, and the purpose of the call, and (v) require express written authorization or other verifiable authorization from the customer before use of negotiable instruments called "demand drafts."⁹ While the FCC and FTC Rules are applicable to members that engage in telephone solicitation to market their products and services, those regulations cannot be enforced by either the Securities and Exchange Commission ("SEC") or the securities self-regulatory organizations ("SROs"). Under the Telemarketing Act, the SEC is required either to promulgate or to require the SROs to promulgate rules substantially similar to the FTC rules, unless the SEC determines either that the rules are not

persons or entities engaging in cold-calling to institute procedures for maintaining a "do-not-call" list that includes, at a minimum, (a) a written policy for maintaining the do-not-call list, (b) training personnel in the existence and use thereof, (c) recording a consumer's name and telephone number on the do-not-call list at the time the request not to receive calls is made, and retaining such information on the do-not-call list for a period of at least ten years, and (d) requiring telephone solicitors to provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made and a telephone number or address at which such person or entity may be contacted. 57 FR 48333 (codified at 47 C.F.R. § 64.1200). With certain limited exceptions, the FCC Rules apply to all residential telephone solicitations, including those relating to securities transactions. *Id.* The term "telephone solicitation" refers to the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, other than with the called person's express invitation or permission, or to a person with whom the caller has an established business relationship, or by tax-exempt non-profit organization. *Id.*

⁶ Securities Exchange Act Release No. 35831 Jun. 9, 1995, 60 FR 31527 (Jun. 15, 1995) (order approving File No. SR-NASD-95-13).

⁷ 15 U.S.C. §§ 6101-08

⁸ §§ 310.3-4 of FTC Rules.

⁹ *Id.*

necessary or appropriate for the protection of investors or the maintenance of orderly markets, or that existing federal securities laws or SEC rules already provide for such protection.¹⁰ The staff of the SEC has advised that it believes that additional rulemaking is necessary to satisfy the requirements of the Telemarketing Act. The NASD believes that, because the SROs will be the primary enforcers of these rules, it may be more appropriate to require the SROs individually to adopt separate rules than for the SEC to adopt the rules for the entire industry. In addition, these rules relate to the regulation of sales practices which the NASD believes it should take the lead in promulgating and enforcing. The NASD intends to implement requirement (ii) by issuing an interpretation that such conduct is violative of existing rules and implement requirements (iii)-(v) by amending their rules.¹¹ In order to approve the proposed rule change in accordance with the Telemarketing Act, the SEC must determine that the rule, together with existing federal securities laws and regulations, provide protection substantially similar to the FTC Rules.

Description of Proposed Amendments. Time Limitations and Disclosure. The proposed rule change adds new Rule 2211 to Rule 2200 of the NASD's Conduct Rules to prohibit, under proposed paragraph (a) to Rule 2211, a member or person associated with a member from making outbound telephone calls to a member of the public's residence for the purpose of soliciting the purchase of securities or related services at any time other than between 8 a.m. and 9 p.m. local time at the called person's location and to require, under proposed paragraph (b) to

¹⁰ Specifically, Section 3(d)(1)(B) of the Telemarketing Act provides that the Commission is not required to promulgate a rule under Section 3(d)(1)(A) if it determines that (i) federal securities laws or rules adopted by the Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in Section 3(d)(2) substantially similar to that provided by rules promulgated by the Federal Trade Commission under Section 3(a) or (ii) a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets. 15 U.S.C. § 6102(d)(1)(B).

¹¹ The SEC staff requested that the SROs implement the requirement in (ii) referenced above by issuing an interpretation that abusive telemarketing calls are inconsistent with just and equitable principles of trade. At its May 1996 meeting, the NASD Board authorized a Notice to Members ("NTM") that sets forth the interpretation that abusive communications from members or associated persons of members to customers is a violation of Rule 2110 of the NASD's Conduct Rules. The NASD published this NTM in July 1996. NTM 96-44 (July 1996).

Rule 2211, such member or associated person to promptly disclose to the called person in a clear and conspicuous manner the caller's identity and firm, the telephone number or address at which the caller may be contacted, and that the purpose of the call to solicit the purchase of securities or related services.

Proposed paragraph (c) to Rule 2211 creates exemptions from the time-of-day and disclosure requirements of paragraphs (a) and (b) for telephone calls by associated persons, or other associated persons acting at the direction of such persons for purposes of maintaining and servicing existing customers assigned to or under the control of the associated persons, to certain categories of "existing customers." Paragraph (c) defines "existing customer" as a customer for whom the broker or dealer, or a clearing broker or dealer on behalf of the broker or dealer, carries an account. Proposed subparagraph (c)(1) exempts such calls to an existing customer who, within the preceding twelve months, has effected a securities transaction in, or made a deposit of funds or securities into, an account under the control of or assigned to such associated person at the time of the transaction or deposit. Proposed subparagraph (c)(2) exempts such calls to an existing customer who, at any time, has effected a securities transaction in, or made a deposit of funds or securities into an account under the control of or assigned to the associated person at the time of the transaction or deposit, as long as the customer's account has earned interest or dividend income during the preceding twelve months. Proposed paragraph (c)(3) exempts telephone calls to a broker or dealer.

Subparagraphs (c) (1) and (2) together exclude only some calls to existing customers from the time-of-day and disclosure requirements of the proposed rule. An associated person, or a person acting at the direction of such associated person, may contact a customer without complying with the requirements of the rule if the customer has effected a transaction or made a deposit during the past year into an account controlled by such associated person, or if the customer has effected a transaction or made a deposit at any time into an account controlled by such associated person and the customer's account has earned interest or divided income during the past year. Thus, calls to certain older or inactive accounts that fall outside these parameters would not be covered by the exemption.

The Telemarketing Act specifically requires the SEC to establish rules or

require the self-regulatory organizations to promulgate telemarketing rules consistent with the legislation, unless the SEC determines that the federal securities laws or SEC rules provide protection from abusive telemarketing similar to the rules adopted by the FTC or that a rule by the SEC is not necessary in the public interest.¹² The NASD believes that it is both appropriate and necessary to create an exemption for calls to a class of customers for whom personal and timely contact with a broker is important, particularly in the emerging environment of 24-hour trading and trading in multiple time zones across the United States where prompt contact with customers to respond to market developments may be necessary. Specifically, the NASD believes that the failure to create such an exemption would be harmful for those securities customers for whom the need exists to be called in a timely manner on certain occasions, and thus inconsistent with the mandate of the Telemarketing Act. The NASD, however, also believes that an exemption for existing customers should not extend to all customers, and should not cover calls to those customers whose accounts do not meet certain minimum levels of activity.

Demand Draft Authorization and Recordkeeping. The proposed rule change amends Rule 3110 of the NASD's Conduct Rules to (i) prohibit a member or person associated with a member from obtaining from a customer or submitting for payment a check, draft, or other form of negotiable paper drawn on a customer's checking, savings, share, or similar account ("demand draft") without that person's express written authorization, which may include the customer's signature on the instrument, and (ii) to require the retention of such authorization for a period of three years. A "demand draft" is a methodology for obtaining funds from a customer's bank account without that person's signature on a negotiable instrument. The customer provide a potential payee with bank account identification information that permits the payee to create a piece of paper that will be processed like a check, including the words "signature on file" or "signature pre-approved" in the location where the customer's signature normally appears. Most potential payees obtain a written authorization for the use of such a demand draft, but the FTC found that in certain cases only oral authorization was provided by the customer. The new language in subparagraph (g)(2) of Rule 3110 is

drawn substantially from the FTC Rule, with the difference that the proposed rule change requires that the customer provide written authorization of a negotiable instrument, in comparison to the FTC Rule which would permit both written and oral authorization subject to certain conditions.¹³ The provision in the proposed rule for demand drafts is only intended to reflect and implement the exact same requirement as set forth in the FTC Rule.

2. Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b) (6) of the Act,¹⁴ which require that the Association adopt and amend its rules to promote just and equitable principles of trade and generally provide for the protection of customers and the public interest, in that the proposed rule change, by imposing time restriction and disclosure requirements, with certain exceptions, on members' telemarketing calls, and by requiring verifiable authorization from a customer for demand drafts, prevents members from engaging in certain deceptive and abusive telemarketing acts and practices while allowing for legitimate telemarketing practices. The NASD also believes that the proposed rule change fulfills the mandate that SRO rules promulgated under the Telemarketing Act provide protection from deceptive and abusive telemarketing practices and are necessary and appropriate in the public interest and for the protection of investors.

B. Self-Regulatory Organization's Statement on Burden on Completion

The Association 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 organizations 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. Comments particularly are requested as to whether the proposed rule change satisfies the requirements of the Telemarketing Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and by 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-96-28 and should be submitted by August 20, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-19296 Filed 7-29-96; 8:45 am]

BILLING CODE 8010-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in India

July 24, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and

¹² Telemarketing Act, *supra* note 10.

¹³ § 310.3 of FTC Rules.

¹⁴ § 15 U.S.C. 78o-3.

Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6704. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted variously for an additional five percent handloomed fabrics allowance, swing, carryover, carryforward and carryforward used in 1995.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62399, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 24, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on July 24, 1996, you are directed to amend the directive dated November 29, 1995 to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

Category	Adjusted twelve-month Level ¹
219	61,838,518 square meters.
313	35,679,609 square meters.
314	7,269,833 square meters.
317	40,108,127 square meters.
326	8,748,359 square meters.
334/634	127,332 dozen.
335/635	626,270 dozen.
336/636	785,061 dozen.
340/640	1,746,791 dozen.
341	3,874,365 dozen, of which not more than 2,346,540 shall be in Category 341-Y ² .
342/642	1,147,937 dozen.
345	178,273 dozen.
347/348	542,556 dozen.
351/651	242,652 dozen.
369-D ³	1,069,492 kilograms.
369-S ⁴	724,317 kilograms.
Group II	
200, 201, 220-229, 237, 239, 300, 301, 330-333, 349, 350, 352, 359-362, 600-607, 611-629, 630-633, 638, 639, 643-646, 649, 650, 652, 659, 665-O ⁴ , 666, 669, 670, and 831-859, as a group.	105,968,941 square meters equivalent.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1995.

² Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

³ Category 369-D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

⁴ Category 369-S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96-19274 Filed 7-29-96; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 96-027]

Towing Safety Advisory Committee; Request for Applications

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership in the Towing Safety Advisory Committee (TSAC). This Committee is a 16 member Federal Advisory Committee that advised the Secretary of Transportation on matters related to shallow-draft inland and coastal waterway navigation and towing safety.

DATES: Completed applications and resumes must be received by September 11, 1996.

ADDRESSES: To your request an application either call (202) 267-2997 and give your name and mailing address or write to Commandant (G-MSE-1), U.S. Coast Guard, 2100 Second Street, SW., Room 1304 Washington, DC 2093-0001.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Patrick J. DeShon, Assistant Executive Director, TSAC, Commandant (G-MSE-1), U.S. Coast Guard, 2100 Second Street, SW., Room 1304, Washington, DC 20593-0001, (202) 267-2997.

SUPPLEMENTARY INFORMATION: The Towing Safety Advisory Committee (TSAC) is a 16 member Federal Advisory Committee that advises the Secretary of Transportation on matters related to shallow-draft inland and coastal waterway navigation and towing safety. TSAC meets at least a twice a year in Washington, DC or another location selected by the U.S. Coast Guard.

Applications will be considered for several expiring terms of follows: Four members from the barge and towing industry, reflecting a geographical balance; one member from port districts, authorities of terminal operators; one member from maritime labor; and one member from shipping. All members serve without compensation (neither travel nor per diem) from the Federal Government.

To achieve the balance of membership required by the Federal Advisory Committee Act, the U.S. Coast Guard is especially interested in receiving applications from minorities and women.

Those persons who have previously submitted applications must reapply as no applications received prior to this solicitation will be considered.

Applicants may be required to complete an Executive Branch Confidential Financial Disclosure Report (SF 450).

Dated: July 22, 1996.
Joseph J. Angelo,
*Director of Standards, Marine Safety and
Environmental Protection.*
[FR Doc. 96-19243 Filed 7-29-96; 8:45 am]
BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Form 990-BL, Form 6069]

Proposed Collection; Comment Request for Form 990-BL, Schedule A

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Notice and request for
comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990-BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, Schedule A (Form 990-BL), Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons Under sections 4951 and 4952 of the Internal Revenue Code, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 990-BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, Schedule A (Form 990-BL), Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons Under sections 4951 and 4952

of the Internal Revenue Code, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

OMB Number: 1545-0049.

Form Number: Form 990-BL,
Schedule A (Form 990-BL) and Form 6069.

Abstract: IRS uses Form 990-BL to monitor activities of black lung benefit trusts, and to collect excise taxes on these trusts and certain related persons if they engage in proscribed activities. The tax is figured on Schedule A and attached to Form 990-BL. Form 6069 is used by coal mine operators to figure the maximum deduction to a black lung trust. If excess contributions are made, IRS uses the form to figure and collect the tax on excess contributions.

Current Actions: There are no changes being made to these forms.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, individuals, and not-for-profit institutions.

Estimated Number of Respondents: 27.

Estimated Time Per Respondent: 25 hrs., 56 min.

Estimated Total Annual Burden Hours: 700.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of

information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-19258 Filed 7-29-96; 8:45 am]

BILLING CODE 4830-01-U

Proposed Collection; Comment Request for Form 730

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Notice and request for
comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 730, Tax on Wagering.

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Tax on Wagering.

OMB Number: 1545-0235.

Form Number: 730.

Abstract: Form 730 is used to identify taxable wagers under Internal Revenue Code section 4401 and collect the tax monthly. The information is used to determine if persons accepting wagers are correctly reporting the amount of wagers and paying the required tax.

Current Actions: The form is revised to show the new filing address at the Internal Revenue Service Center, Cincinnati, Ohio, for all returns filed beginning January 1, 1997. The form is enlarged to an 8.5x11 inch cut sheet. Line 4c, a total line for the tax reported on lines 4a and 4b, was added. The addition of line 4c will simplify the tax computation for taxpayers.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 4,150.

Estimated Time Per Respondent: 84 hr., 35 min.

Estimated Total Annual Burden Hours: 351,000.

The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance this quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-19259 Filed 7-29-96; 8:45 am]

BILLING CODE 4830-01-U

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the information collections entitled "Application for Permission to Organize a Federal Association," "Branch Offices," "Application for Conversion from State Chartered Institution to Federally Chartered Institution," "Change of Control Notices," and "Trust Powers Application."

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 15500. These submissions may be hand delivered to 1700 G Street, NW., from 9:00 a.m. to 5:00 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 a.m. until 4:00 p.m. on business days.

Copies of the Form(s) with instructions are available for inspection at 1700 G Street, NW., from 9:00 a.m. until 4:00 p.m. on business days or from PubliFax, OTS' Fax-on-Demand system, at (202) 906-5660.

Requests for additional information should be directed to Pamela Schaar, Corporate Activities Division, Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7205.

FOR FURTHER INFORMATION CONTACT: Pamela Schaar, Corporate Activities Division, Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7205.

SUPPLEMENTARY INFORMATION:

Title: Application for Permission to Organize a Federal Association.

OMB Number: 1550-0005.

FORM NUMBER: OTS Forms 138, 138E, 138F, 1393, and 1606.

ABSTRACT: The information provided to OTS on Forms 138, 138E, 138F, 1393, and 1606 is evaluated by the OTS staff to determine whether requests by groups requesting permission to organize a new Federal association

comply with applicable Federal laws, OTS regulations and policy.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or for profit.

Estimated Number of Respondents: 3.

Estimated Time Per Respondent: 110 hours.

Estimated Total Annual Burden Hours: 330 hours.

Title: Branch Offices.

OMB Number: 1550-0006.

Form Number: OTS Form 1450.

Abstract: 12 CFR 545.92 requires

Federally-chartered institutions proposing to establish a branch office or to change the location of a branch office to file an application or notice with the OTS. Section 228 of the Federal Deposit Insurance Corporation Improvement Act requires insured thrifts to adopt a policy with respect to branch closings and to provide notice to OTS of any decisions to close a branch office.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or for profit.

Estimated Number of Respondents: 1,248.

Estimated Time Per Respondent: 1.4 hours average.

Estimated Total Reporting Burden: 1,747 hours.

Estimated Number of Recordkeepers: 1,421.

Estimated Annual Burden Per Recordkeeper: 8 hours.

Estimated Total Recordkeeping Burden: 11,368 hours.

Estimated Total Annual Burden Hours: 13,115 hours.

Title: Application for Conversion from State-Chartered to Federally Chartered Institution.

OMB Number: 1550-0007.

Form Number: OTS Form 1582.

Abstract: Section 5(i) of the Home Owners' Loan Act and 12 CFR 543.8 and 552.2 required that OTS act on requests by state chartered institution to convert to Federal charter. OTS forms 159-E and 159-F are used to evaluate the whether the conversion application satisfies the appropriate eligibility requirements for a Federal Charter and whether the institutions will operate in accordance with OTS regulations and policies subsequent to the conversion.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 40.

Estimated Time Per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 160 hours.

Title: Change of Control Notices.

OMB Number: 1550-0032.

Form Number: OTS Forms 1173, 1393, and 1606.

Abstract: 12 CFR Part 574 contains the filing requirements for change of control applications. Section 1817(j) of the Federal Deposit Insurance Act requires a notice to be filed with the OTS when an insured institution undergoes a change of control. The completion of the OTS forms provide OTS with the information necessary to review and approval the change of control.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 53.

Estimated Time Per Respondent: 116.8 hours average.

Estimated Total Annual Burden Hours: 6,190 hours.

Title: Trust Powers Application.

OMB Number: 1550-0037.

Form Number: OTS Form 1240.

Abstract: 12 CFR 550.2 requires a Federal savings association proposing to exercise fiduciary powers to file an application indicating which trust services it wishes to offer and providing sufficient information for OTS to approve or deny the application.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 13.

Estimated Time Per Respondent: 9 hours.

Estimated Total Annual Burden Hours: 117 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of

information; (c) ways to enhance the quality; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Dated: July 22, 1996.

Catherine C.M. Teti,
Director, Records Management and Information Policy.

[FR Doc. 96-19288 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the Earnings-Based Accounts.

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550-0027. These submissions may be hand delivered to 1700 G Street, NW. From 9:00 a.m. to 5:00 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 a.m. until 4:00 p.m. on business days.

Requests for additional information should be directed to Mary Gottlieb, Regulations and Legislation Division, Office of Chief Counsel, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7205.

FOR FURTHER INFORMATION CONTACT: Mary Gottlieb, Regulations and Legislation Division, Office of Chief Counsel, Office of Thrift Supervision,

1700 G Street, NW., Washington, DC 20552, (202) 906-7135.

SUPPLEMENTARY INFORMATION:

Title: Earnings-based Accounts.

OMB Number: 1550-0027.

Form Number: Not Applicable.

Abstract: The rule is necessary to prevent over reliance on earnings-based accounts as fundraising tools by savings associations, which, in turn, represents a significant risk to the savings association and the Savings Association Insurance Fund.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 72.

Estimated Time Per Respondent: 25 hours.

Estimated Total Annual Burden Hours: 1,800 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Dated: July 22, 1996.

Catherine C.M. Teti,
Director, Records Management and Information Policy.

[FR Doc. 96-19289 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the Loan Application Register.

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550-0027. These submissions may be hand delivered to 1700 G Street, NW. From 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

Requests for additional information should be directed to Gilda Morse, Compliance Policy, Office of Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-6238.

FOR FURTHER INFORMATION CONTACT: Gilda Morse, Compliance Policy, Office of Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-6238.

SUPPLEMENTARY INFORMATION:

Title: Loan Application Register.
OMB Number: 1550-0021.

Form Number: Not Applicable.

Abstract: Reporting is required to assist OTS in monitoring compliance with fair lending laws.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Responses: 2,000,000.

Estimated Time Per Response: .03 hours.

Estimated Total Annual Burden Hours: 60,000 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Dated: July 22, 1996.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96-19290 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the General Recordkeeping and Reporting by Savings Associations.

DATES: Written comments should be received on or before September 30, 1996 to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550-0011. These submissions may be hand delivered to 1700 G Street, NW. From 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956.

Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

Requests for additional information should be directed to Joseph Casey, Supervision, Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-5741.

Requests for additional information should be directed to Joseph Casey, Supervision, Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-5741.

FOR FURTHER INFORMATION CONTACT: Joseph Casey, Supervision Policy, Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-5741.

SUPPLEMENTARY INFORMATION:

Title: General Recordkeeping and Reporting by Savings Associations.

OMB Number: 1550-0011.

Form Number: Not Applicable.

Abstract: To allow management of savings associations to exercise prudent controls and to provide OTS with a means of determining the integrity of savings association records and operations when examining for safety, soundness and regulatory compliance.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 1,421.

Estimated Time Per Respondent: 2,691.2 hours.

Estimated Total Annual Burden Hours: 3,824,145 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Dated: July 22, 1996.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96-19291 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

Submission for OMB Review; Comment Request

July 22, 1996.

The Office of Thrift Supervision (OTS) 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 OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

OMB Number: 1550-0066.

Form Number: Not Applicable.

Type of Review: Regular.

Title: Voluntary Dissolution.

Description: 12 CFR Section 546.4 provides for federal associations to voluntarily dissolve through the submission of a statement of reasons and plan of dissolution. Approval is required by the board of directors, the OTS and the association's members. Plans for dissolution may be denied if the OTS believes the plan is not in the best interest of the concerned parties.

Respondents: Savings and Loan Associations and Savings Banks.

Estimated Number of Respondents: 3.

Estimated Burden Hours Per Respondent: 80 hours.

Frequency of Response: 1.

Estimated Total Reporting Burden: 240 hours.

Clearance Officer: Colleen M. Devine, (202) 906-6025, Office of Thrift Supervision, 1700 Street, N.W., Washington, D.C. 20552.

OMB Reviewer: Alexander Hunt, (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, D.C. 20503.

Catherine C. M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96-19286 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

Submission for OMB Review; Comment Request

July 22, 1996.

The Office of Thrift Supervision (OTS) 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 OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office

of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

OMB Number: 1550-0065.

Form Number: Not Applicable.

Type of Review: Regular.

Title: Salvage Power to Assist Service Corporation.

Description: 12 CFR Section 563.38 permits savings associations to exercise salvage power to assist service corporations in accordance with the requirements of this section.

Respondents: Savings and Loan Associations and Savings Banks.

Estimated Number of Respondents: 5.

Estimated Burden Hours Per Respondent: 8 hours.

Frequency of Response: 1.

Estimated Total Reporting Burden: 40 hours.

Clearance Officer: Colleen M. Devine, (202) 906-6025, Office of Thrift Supervision, 1700 Street, NW., Washington, D.C. 20552.

OMB Reviewer: Alexander Hunt, (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, D.C. 20503.

Catherine C. M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96-19287 Filed 7-29-96; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection: Submission for OMB Review; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Control Number: 2900-0241.

Title and Form Number: Request for Determination of Reasonable Value (Manufactured Home), VA Form 26-8728.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used to obtain appraisal of used manufactured home units proposed for VA guaranteed financing to establish the reasonable value of such units and also serves as owner's/seller's request for liquidation of such units. Without the form, VA would have to require that requesters furnish this information by letter.

Affected Public: Individuals or households—Business or other for-profit.

Estimated Annual Burden: 117 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 700.

ADDRESSES: A copy of this submission may be obtained from Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8015.

Comments and recommendations concerning the submission should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. DO NOT send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer August 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 273-8015.

Dated: June 24, 1996.

By direction of the Secretary.

William T. Morgan,

Management Analyst.

[FR Doc. 96-19247 Filed 7-29-96; 8:45 am]

BILLING CODE 8320-01-P

Corrections

Federal Register

Vol. 61, No. 147

Tuesday, July 30, 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 COMMERCE

Foreign-Trade Zones Board

[Docket 55-96]

Foreign-Trade Zone 2, New Orleans, Louisiana; Proposed Foreign-Trade Subzone; Murphy Oil USA, Inc. (Oil Refinery Complex), St. Bernard Parish, LA

Correction

In notice document 96-17678, beginning on page 36550, in the issue of Thursday, July 11, 1996, make the following correction:

On page 36551, in the first column, in the fifth paragraph, in the sixth line, "[60 days from date of publication]" should read "September 9, 1996".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 56-96]

Foreign-Trade Zone 181—Akron-Canton, Ohio Area; Applications for Expansion

Correction

In notice document 96-18257, beginning on page 37442, in the issue of Thursday, July 18, 1996, make the following correction:

On page 37443, in the first column, in the fourth full paragraph, in the seventh line, "[60 days from publication]" should read "September 9, 1996".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Specific List for Categorization of Laboratory Test Systems, Assays, and Examinations by Complexity; Notice of Additional Waived Laboratory Test Systems, Assays, and Examinations; and Notice of Announcement of Boards Approved by HHS

Correction

In notice document 96-17097, beginning on page 35736, in the issue of Monday, July 8, 1996, make the following corrections:

1. On page 35748, in the first column, in the Analyte: Vitamin B12 (6707) *Test System, Assay, Examination*: entry, in the third and fifth lines, "BB" should read "PB".

2. On page 35752, in the first column, in the first and third lines, "Jonhson" should read "Johnson".

3. On the same page, in the same column, in the Analyte: Ethanol (Alcohol) (1608) *Test System, Assay, Examination*: entry, in the 18th, 20th, 22d, and 24th lines, "Jonhson" should read "Johnson".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 111

[CGD 94-108]

RIN 2115-AF24

Electrical Engineering Requirements for Merchant Vessels

Correction

In rule document 96-13416 (originally published in 60 FR 33660), beginning on page 36786, corrected in the issue of Friday, July 12, 1996, make the following correction:

§111.105-29 [Corrected]

On page 36787, in the second column, in item 23, in the last line,

"111.10531(l)" should read "111.105-31(l)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 112

[CGD 94-108]

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 correction:

§112.55-15 [Corrected]

On page 28288, in the first column, under amendatory instruction 170, in §112.5-15 (a)(3), in the third line, "prescribed in §12.05-5(a)" should read "prescribed in §112.05-5(a)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AGL-5]

Establishment of Class E Airspace; Strugis, SD

Correction

In document rule 96-17591, beginning on page 36285, in the issue of Wednesday, July 10, 1996, make the following corrections:

1. On page 36285, in the third column, the Airspace Docket No. should read as cited above.

2. On page 36286, in the second column, in the AGL SD E5 Sturgis, SD [New] entry, in the second line, "lat. 44°26'06" N," should read "lat. 44°25'06" N,".

BILLING CODE 1505-01-D

Federal Register

Tuesday
July 30, 1996

Part II

Department of Agriculture

Forest Service
36 CFR Part 242

Department of the Interior

Fish and Wildlife Service
50 CFR Part 100

**Subsistence Management Regulations for
Public Lands in Alaska, Subparts C and
D—1996–97 Subsistence Taking of Fish
and Wildlife Regulations; Final Rule**

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

RIN 1018-AD42

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996-1997**Subsistence Taking of Fish and Wildlife Regulations**

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, bag limits, methods, and means related to taking of wildlife for subsistence uses during the 1996-1997 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. This rulemaking replaces the wildlife regulations included in the "Subsistence Management Regulations for Public Lands in Alaska, Subpart D—1995-1996 Subsistence Taking of Fish and Wildlife Regulations", which expire on July 31, 1996. This rule also amends the Customary and Traditional Use Determinations of the Federal Subsistence Board (Section _____.24 of Subpart C). This rule also restates and extends Sections _____.26, Subsistence Taking of Fish and _____.27, Subsistence Taking of Shellfish.

EFFECTIVE DATE: Section _____.24 is effective August 1, 1996. Section _____.25 is effective August 1, 1996, through June 30, 1997. Sections _____.26 and _____.27 are effective January 1, 1997, through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3864. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802-1628, telephone (907) 586-7921.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act

(ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register (55 FR 27114-27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board was established to administer the Federal subsistence management program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR §§ 100.1 to 100.23 and 36 CFR §§ 242.1 to 242.23, remain effective and apply to this rule for §§ _____.23-_____.25. Therefore, all definitions located at 50 CFR § 100.4 and 36 CFR § 242.4 apply to regulations found in this subpart. The identified sections include definitions for the following terms:

"Federal lands means lands and waters and interests therein title to which is in the United States"; and

"public land or public lands means lands situated in Alaska which are Federal lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal Law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act."

Navigable Waters

At this time, Federal subsistence management program regulations apply to all non-navigable waters located on public lands and to navigable waters located on the public lands identified at 50 CFR § 100.3(b) and 36 CFR § 242.3(b) of the Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964) published May 29, 1992. Nothing in these regulations is intended to enlarge or diminish authorities of the Departments to manage submerged lands, title to which is held by the United States government.

The Board recognizes Judge Holland's order granting preliminary relief to the plaintiffs in the case of the *Native Village of Quinhagak et al. v. United States of America et al.* Therefore, to the extent that the proposed regulations would continue any existing restrictions on the taking of rainbow trout by the residents of Quinhagak and Goodnews Bay in the Kanektok, Arolik, and Goodnews Rivers, those regulations will not be enforced pending completion of proceedings in that case. However, in light of the continuation of the

proceedings in the consolidated "Katie John" litigation and a petition to the Secretaries of the Interior and Agriculture addressing jurisdiction in navigable waters, no attempt is being made to alter the fish and shellfish portions of the regulations (Sections _____.26 and _____.27) until final guidance has been received regarding the jurisdictional authority of the Federal government over navigable waters in general, and specifically with respect to the waters at issue in *Native Village of Quinhagak et al. v. United States of America et al.*

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR § 242.11 (1992) and 50 CFR 100 § 242.11 (1992), and for the purposes identified therein, Alaska has been divided into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, presented their Council's recommendations at the Board meeting in April 1996.

Summary of Changes

Section _____.24 (Customary and traditional use determinations) was published in the Federal Register (57 FR 22940) on May 29, 1992. Since that time, the Board has made a number of Customary and Traditional Use Determinations at the request of affected subsistence users. Those modifications, along with some administrative corrections, were published in the Federal Register (59 FR 27462, published May 27, 1994; 59 FR 51855, published October 13, 1994; and 60 FR 10317, published February 24, 1995.) During its April 29–May 3, 1996, meeting, the Board made additional determinations in addition to various annual season and harvest limit changes. The public has had extensive

opportunity to review and comment on all changes. Additional details on the recent Board modifications are contained in the section on Analysis of Proposals Adopted by the Board.

Section _____.25 (Subpart D) regulations are subject to an annual cycle and require development of an entire new rule each year. Proposed Subpart D regulations for the 1996–1997 seasons and bag limits, and methods and means were published on August 15, 1995, in the Federal Register (60 FR 42085–42118). A 60-day comment period providing for public review of the proposed rule and calling for proposals was advertised by mail, radio, and newspaper. During that period the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. Overall, the Board received a total of 101 proposals for change to Customary and Traditional Use Determinations or to Subpart D. Because of the large number of proposals submitted or contained in the agency files from previous years, the Regional Councils were asked to prioritize for Board action, those proposals relating to Customary and Traditional Use Determinations. Subsequent to the 60-day review period, the Board prepared a booklet describing the 67 proposals for analysis and Board action and distributed it to the public. The public then had an additional 30 days in which to comment on the proposals for changes to the regulations. The ten Regional Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments submitted to the Board. The final comment period, the dates of the later Regional Council meetings, the date of the Board meeting and the August 1 versus July 1 effective date of these regulations reflect the impact of the Federal furloughs that occurred in November, December, and January.

Section _____.26 (Subsistence taking of fish) and Section _____.27 (Subsistence taking of shellfish) were last published on June 15, 1995 (60 FR 31542). Fish and shellfish regulations are effective from January 1 through December 31 each year. Due to litigation and petitions to the Secretaries of the Interior and Agriculture, both relating to extended jurisdiction to navigable waters, the fish and shellfish regulations were not revised for 1997 but, rather, are extended through December 31, 1997.

Analysis of Proposals Rejected by the Board

The Board rejected twelve proposals and parts of two others based on recommendations from the respective Regional Council and additional factors. Except in four instances, the Board action to reject the proposals reflect Regional Council recommendations. Two of the rejected proposals were rendered moot by adoption of other proposals.

Three proposals requested that public lands be closed to hunting or fishing by non-Federally qualified users. The Board determined that the biological and harvest data did not support a need to close the areas in order to protect the subsistence user's opportunity to harvest wildlife. In at least one instance, the proposal area encompassed non-Federal lands.

Two proposals requested opening a moose season in an area; one proposal asked that a spike/fork-50 inch antler restriction be removed; one proposal asked for a cow moose season; and two proposals asked for longer goat seasons. In all of those cases, examination of the biological data indicated that the target population could not withstand the proposed harvest.

The Board also rejected three proposals requesting that customary and traditional use determinations be revised for sheep, moose and goats in certain areas. In each case, either the cultural resource data did not substantiate the request or the use did not occur on Federal lands.

The Board also deferred action on 13 proposals in order to collect additional data, or allow communities or Regional Councils additional time to review the issues and provide additional information.

Analysis of Proposals Adopted by the Board

The Board adopted 36 proposals and parts of 2 others. Some of these proposals were adopted as submitted and others were adopted with modifications suggested by the respective Regional Council or developed during the Board's public deliberations.

All of the adopted proposals were recommended for adoption by the respective Regional Councils except one and were based on meeting customary and traditional uses, harvest practices, or protecting wildlife populations. Detailed information relating to justification on each proposal may be found in the Board meeting transcripts, available for review at the Office of Subsistence Management at the address listed previously.

Statewide Proposals

One proposal affecting the entire State was acted on by the Board resulting in changes to the regulations found in § _____.25. The change relaxed regulations relating to use of motorized vehicles and brought Federal and State regulations into more agreement.

Southeast Region

Thirteen proposals affecting the Southeast Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board actions affect the Southeast Region and have been incorporated in this final rule:

- Revised the customary and traditional use determination for brown bear for Unit 1.
- Revised the customary and traditional use determination for deer for Unit 4.
- Provided for the taking of wildlife for ceremonial purposes in Units 1–5.
- Revised the customary and traditional use determination for goat for Unit 4.
- Revised the season for goat in Unit 5.
- Removed the moose hunting closure of Federal public lands in a portion of Unit 1(B) and opened a season in Unit 1(C).
- Revised the season for goat in Unit 3.
- Opened a season for moose in a portion of Unit 5(A) and changed season dates in another part of Unit 5(A).

Southcentral Region

Eleven proposals affecting the Southcentral Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board actions affect the Southcentral Region and have been incorporated in this final rule:

- Provided for a customary and traditional use determination for black bear in Unit 15(C).
- Clarified the closure of Fort Richardson and Elmendorf Air Force Base to subsistence hunting.
- Revised the customary and traditional use determination for black bear in Unit 6.
- Provided for a hunt for Mentasta herd caribou in Unit 11.
- Revised the customary and traditional use determination for moose and caribou in Units 13 and 20.

Kodiak/Aleutians Region

Three proposals affecting the Kodiak/Aleutians Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board action

affects the Kodiak/Aleutians Region and has been incorporated in this final rule:

- Changed the customary and traditional use determination for brown bear in Unit 8.

Bristol Bay Region

Eleven proposals affecting the Bristol Bay Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board actions affect the Bristol Bay Region and have been incorporated in this final rule:

- Provided for a limited number of permits for brown bears in Unit 9(B).
- Opened a season for Mulchatna herd caribou in Unit 17(A).
- Continued and lengthened the season for Nushagak herd caribou in Unit 17(A).
- Revised the customary and traditional use determination for sheep in Unit 9(B).

Yukon-Kuskokwim Delta Region

Two proposals affecting the Yukon-Kuskokwim Delta Region were acted on by the Board resulting in changes to the regulations found in § _____.24. The following Board action affects the Yukon-Kuskokwim Delta Region and has been incorporated in this final rule:

- Revised the customary and traditional use determinations for black bear in Unit 18.

Western Interior Region

Six proposals affecting the Western Interior Region were acted on by the Board resulting in changes to the regulations found in § _____.25. The following Board actions affect the Western Interior Region and have been incorporated in this final rule:

- Extends the boundaries of the Northwest Alaska Brown Bear Management Area to include all of Unit 24.
- Closed to non-qualified Federal subsistence users, Federal lands within one-half mile along a portion of the Koyukuk River during a September moose season.
- Extended the moose season in a portion of Unit 24.

Seward Peninsula Region

Five proposals affecting the Seward Peninsula Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board actions affect the Seward Peninsula Region and have been incorporated in this final rule:

- Expanded the harvest limits for brown bears in Unit 22.

- Revised a customary and traditional use determination for caribou in Unit 22.
- Increased the harvest quota for muskox in Unit 22(D) to eight bulls.
- Created a hunting season for various furbearers.

Northwest Arctic Region

One proposal affecting the Northwest Arctic Region was acted on by the Board; it did not result in any changes to the regulations found in § _____.24 and § _____.25. The following Board action affects the Northwest Arctic:

- Defers for one year any changes to the Noatak Controlled Use Area.

Eastern Interior Region

Nine proposals affecting the Eastern Interior Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. The following Board actions affect the Eastern Interior Region and have been incorporated in this final rule:

- Add a winter season for caribou in Units 20(F) and 25(D).
- Add an additional moose season for Unit 12.
- Revised the customary and traditional use determination for moose for Unit 25(A).

North Slope Region

Three proposals affecting the North Slope Region were acted on by the Board resulting in changes to the regulations found in § _____.24 and § _____.25. One Request for Reconsideration from the 1995–96 regulatory cycle was also deliberated by the Board. The following Board actions affect the North Slope Region and have been incorporated in this final rule:

- Revised the season for brown bear for Subunits A and B and eliminated the requirement for a Federal registration permit in Subunit 26(A).
- Revised and clarified the customary and traditional use determination for caribou in Unit 26.
- Revised the moose season and harvest limit in Unit 26.
- Lengthened the season and harvest quota for muskox in Unit 26.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance.—A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence

management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964, published May 29, 1992) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance with Section 810 of ANILCA.—The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

Paperwork Reduction Act.—These rules contain information collection requirements subject to Office of Management and Budget (OMB)

approval under the Paperwork Reduction Act of 1995. They apply to the use of public lands in Alaska. The information collection requirements described below have been submitted to OMB for extension approval. This collection of information will not be required until it has been approved by OMB.

The collection of information will be achieved through the use of the Federal Subsistence Hunt Permit Application. This collection information will establish whether the applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and will provide a report of harvest and location of harvest.

The likely respondents to this collection of information are rural Alaska residents who wish to participate in specific subsistence hunts on Federal land. The collected information is necessary to determine harvest success and harvest location in order to make management decisions relative to the conservation of healthy wildlife populations. The annual burden of reporting and recordkeeping is estimated to average 0.25 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. The estimated number of likely respondents under this rule is less than 5,000, yielding a total annual reporting and recordkeeping burden of 1,250 hours or less.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B.

The Board finds that additional public notice and comment requirements under the Administrative Procedures Act (APA) for this final rule are impracticable, unnecessary, and contrary to the public interest. A lapse in regulatory control could seriously affect the continued viability of wildlife populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C.553(b)(B) to waive the public notice and comment procedures prior to publication of this rule. The Board finds good cause under

5 U.S.C.553(d)(3) to make this rule effective August 1, 1996.

Economic Effects.—This rule was not subject to OMB review under Executive Order 12866. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, it is estimated that 2 million pounds of meat are harvested by the local subsistence users annually and, if given a dollar value of \$3.00 per pound, would equate to \$6 million State wide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

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

The Service has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Drafting Information.—These regulations were drafted by William Knauer under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Peggy Fox, Alaska

State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are amended as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, § ____, 24 is revised to read as follows:

§ ____, 24 Customary and Traditional Use Determinations

(a) Rural Alaska residents of the listed communities and areas have been determined to have customary and traditional subsistence use of the specified species on Federal public lands in the specified areas. When there is a determination for specific communities or areas of residence in a Unit, all other communities not listed for that species in that Unit have no Federal subsistence for that species in that Unit. If no determination has been made for a species in a Unit, all rural Alaska residents are eligible to harvest fish or wildlife under this Part.

Area	Species	Determination
(1) Wildlife Determinations		
Unit 1(C)	Black Bear	Rural residents of Unit 1(C) and Haines, Gustavus, Klukwan, and Hoonah.
1(A)	Brown Bear	Rural residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Rural residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1(C)	Brown Bear	Rural residents of Unit 1(C), Haines, Hoonah, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Rural residents of 1(A) and 2.
1(B)	Deer	Rural residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Rural residents of 1(C) and (D), and residents of Hoonah and Gustavus.
1(D)	Deer	No subsistence.
1(B)	Goat	No determination, except no subsistence for residents of Petersburg, Kupreanof and outlying areas.
1(C)	Goat	Residents of Haines, Klukwan, and Hoonah.
1(B) The Stikine River drainages only	Moose	No determination.
1(B) North of the LeConte Glacier and 1(C) Berner's Bay	Moose	No subsistence.
1(D)	Moose	Residents of Unit 1(D).
Unit 2	Brown Bear	No subsistence.
2	Deer	Rural residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Moose	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, Remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No subsistence.
6(C) and (D)	Goat	Rural residents of Unit 6(C) and (D).
6	Moose	No subsistence.
6	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 7	Brown Bear	No subsistence.
7	Caribou	No subsistence.
7, Brown Mountain hunt area	Goat	Residents of Port Graham and English Bay.
7	Moose	No subsistence.

Area	Species	Determination
7	Sheep	No subsistence.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	No subsistence.
8	Goat	No subsistence.
Unit 9(D)	Bison	No subsistence.
9(A), (C) and (D)	Brown Bear	No subsistence.
9(B)	Brown Bear	Residents of Unit 9(B).
9(E)	Brown Bear	Residents of Chignik Lake, Ivanof Bay and Perryville.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(C)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, and residents of Nelson Lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(D)	Moose	No subsistence.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth.
9 Remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 10 Unimak Island	Caribou	Residents of False Pass.
10 Remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 11	Bison	No subsistence.
11	Brown Bear	No subsistence.
11	Caribou	Mentasta Herd—residents of Units 11, 12 (along Nabesna Road) and 13 (A)–(D) and the residents of Chickaloon.
11	Goat	No subsistence.
11	Moose	Residents of Unit 11, residents of Unit 12 (along Nabesna Road) and Unit 13 (A)–(D) and the residents of Chickaloon.
11	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina and Tonsina; Residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road). However, no subsistence for the communities and areas of Cantwell, Lake Louise, Paxson, North Slana Homestead, South Slana Homestead, Sourdough, Tanacross, Tok; residents along the Lake Louise Road—Milepost 0–14; residents on the Glenn Highway—Milepost 78–180 (east Glenn Highway and west Glenn Highway).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 12	Brown Bear	No subsistence.
12	Caribou-Nelchina Herd	Residents of Northway and Tetlin.
12	Caribou-40 Mile Herd	Residents of Unit 12, north of Wrangell-St. Elias National Park and Preserve and rural residents of Unit 20(D) and (E).
12 South of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel (excluding North Slana Homestead and South Slana Homestead); and residents of Unit 12, 13(A)–(D) and the residents of Chickaloon and residents of Dot Lake.
12 East of the Nabesna River, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12.
12 Remainder of Unit 12	Moose	Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.
12, Tok Management area	Sheep	No subsistence.
12 Remainder of Unit 12	Sheep	No determination.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 13	Brown Bear	No subsistence.
13	Caribou Nelchina Herd	Residents of Units 11, 13 and the residents of Chickaloon, and 12 (along Nabesna Road).

Area	Species	Determination
13(E)	Caribou	Residents of McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Goat	No subsistence.
13	Moose	Residents of Unit 13 and the residents of Chickaloon.
13(E)	Moose	Residents of McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13 Tok and Delta Management Areas	Sheep	No subsistence.
13(D)	Sheep	No subsistence.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
Unit 14(B) and (C)	Brown Bear	No subsistence.
14	Goat	No subsistence.
14	Moose	No subsistence.
14(A) and (C)	Sheep	No subsistence.
Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15 Remainder	Black Bear	No subsistence.
15	Brown Bear	No subsistence.
15(C), Port Graham and English Bay hunt areas.	Goat	Residents of Port Graham and English Bay.
15(C), Seldovia hunt area	Goat	Residents Seldovia area.
15(A)	Moose	No subsistence.
15(B) and (C)	Moose	Residents of Niniichik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No subsistence.
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
15	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 16	Brown Bear	No subsistence.
16(A)	Moose	No subsistence.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No subsistence.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
16	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 17(A)	Brown Bear	Residents of Unit 17, and residents of Goodnews Bay and Platinum.
17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B) and (C)	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills..	Caribou	Residents of Kwethluk.
17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake,.	Moose	Residents of Kwethluk.
17(A)	Moose	Residents of Unit 17, and residents of Goodnews Bay and Platinum.
17(B) and (C)	Moose	Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay and Platinum.

Area	Species	Determination
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Chuathbaluk, Aniak, Lower Kalskag, Holy Cross, Stebbins, St. Michael, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18	Caribou (Killbuck caribou herd only).	INTERIM DETERMINATION BY FEDERAL SUBSISTENCE BOARD (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills.
18 North of the Yukon River	Caribou (except Killbuck caribou herd).	Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Scammon Bay, Sheldon Point, and Stebbins.
18 Remainder	Caribou (except Killbuck caribou herd).	Residents of Kwethluk.
18	Moose	Residents of Unit 18 and residents of Upper Kalskag.
18	Muskox	No subsistence.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 19(C),(D)	Bison	No subsistence.
19(A)	Brown Bear	Residents of Unit 19(A), (D), and Residents of Tuluksak, Lower Kalskag and Kwethluk.
19(B)	Brown Bear	Residents of Kwethluk.
19(C)	Brown Bear	No subsistence.
19(D)	Brown Bear	Residents of Unit 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Unit 19(A) and (B) and Kwethluk; and residents of Unit 18 in Kuskokwim Drainage and Kuskokwim Bay during the winter season.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 20(D)	Bison	No subsistence.
20(E)	Brown Bear	No subsistence.
20(A), (C) (Delta, Yanert, and 20(C) herds) and (D).	Caribou	No determination, except no subsistence for residents of households of the Denali National Park Headquarters.
20(D) and 20(E)	Caribou 40-Mile Herd	Residents of Unit 12 north of Wrangell Park-Preserve, rural residents of 20(D) and residents of 20(E).
20(A)	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—residents of Minto and Nenana.
20(B)	Moose	Remainder—rural residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Rural residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto and Stevens Village.
20 Tok and Delta Management Areas	Sheep	No subsistence.
20	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
20(D)	Grouse, (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
20(D)	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.

Area	Species	Determination
Unit 21	Brown Bear	Rural residents of Unit 21 and 23.
21	Caribou, Western Arctic Caribou Herd only.	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of 23 and 24.
21(A) and (E)	Caribou	Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk and Takotna.
21(A)	Moose	Residents of Unit 21(A), (E), Takotna, McGrath, Aniak and Crooked Creek.
21(B) and (C)	Moose	Residents of Unit 21(B) and (C), residents of Tanana and Galena.
21(D)	Moose	Residents of Unit 21(D), and residents of Huslia and Ruby.
21(E)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.
Unit 22	Brown Bear	Residents of Unit 22
22(A)	Caribou,	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, Sheldon Point, and Alakanuk.
22 Remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.
22	Moose	Residents of Unit 22.
22(B)	Muskox	Residents of Unit 22(B).
22(C)	Muskox	Residents of Unit 22(C).
22(D)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.
22(E)	Muskox	Residents of Unit 22(E) excluding Little Diomed Island.
22	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.
22	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
22	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 23	Brown Bear	Rural residents of Units 21 and 23.
23	Caribou Western Arctic Caribou Herd only.	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Unit 23, 24, and 26(A).
23 South of Kotzebue Sound and west of, and including, the Buckland River drainage.	Caribou Western Arctic Caribou Herd only.	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Unit 22 (except residents of St. Lawrence Island), 23, 24, and 26(A).
23 Remainder	Caribou other than the Western Arctic Caribou Herd.	No determination
23	Moose	Residents of Unit 23.
23 South of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23 Remainder	Muskox	No subsistence.
23	Sheep	Residents of Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.
23	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 24	Brown Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24	Moose	Residents of Unit 24, and residents of Anaktuvuk Pass, Koyukuk and Galena.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna and Anaktuvuk Pass.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.
Unit 25	Brown Bear	No subsistence.
25(A)	Moose	Residents of Unit 25(A) and 25(D).
25(D) West	Moose	Residents of Beaver, Birch Creek and Stevens Village.
25(D) Remainder	Moose	Residents of Remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetie.
25(B) and (C)	Sheep	No subsistence.
25	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.

Area	Species	Determination
26(A)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass and Point Hope.
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Musk Oxen	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Musk Oxen	Residents of Kaktovik.
26 (A) and (B)	Sheep	Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut and Wiseman.
26(C)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, Nuiqsut and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.

(2) Fish and Shellfish Determinations

KOTZEBUE-NORTHERN AREA—Northern District.	All finfish	Residents of the Northern District, except for those domiciled in State of Alaska Unit 26-B.
Kotzebue District	Salmon, sheefish, char	Residents of the Kotzebue District.
NORTON SOUND—PORT CLARENCE AREA.	Salmon	Residents of the Norton Sound-Port Clarence Area.
YUKON AREA	Salmon	Residents of the Yukon Area, including the communities of Stebbins.
	Yukon River Fall chum salmon	Residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, and Chevak.
	Freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish.	Residents of the Yukon Area.
KUSKOKWIM AREA	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.
	Rainbow trout	Residents of the communities of Quinhagak, Goodnews Bay, Kwethluk, Eek, Akiak, and Platinum.
	Pacific cod	Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.
Waters adjacent to the western-most tip of the Naskonant Peninsula and the terminus of the Ishowik River and around Nunivak Island.	Herring and herring roe	Residents within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island.
BRISTOL BAY AREA—Nushagak District, including drainages flowing into the district.	Salmon	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichek District—Naknek River drainage.	Salmon	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichek District—Iliamna-Lake Clark drainage.	Salmon	Residents of the Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and other freshwater finfish.	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
KODIAK AREA—except the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52' North latitude) mid-stream Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57°11'22" North latitude, 156°20'30" W longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
KODIAK AREA—except the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough except those residents on the Kodiak Coast Guard base.
COOK INLET AREA—Port Graham Subdistrict.	Dolly Varden	Residents of Port Graham and English Bay.
Port Graham Subdistrict and Koyuktoik Subdistrict.	Salmon	Residents of Port Graham and English Bay.
Tyonek Subdistrict	Salmon	Residents of the village of Tyonek.

Area	Species	Determination
PRINCE WILLIAM SOUND AREA—South-Western District and Green Island.	Salmon	Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.
PRINCE WILLIAM SOUND AREA—North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
YAKUTAT AREA—Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden char, steelhead trout, and smelt.	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
SOUTH-EASTERN ALASKA AREA—District 1—Section 1—E in waters of the Naha River and Roosevelt Lagoon.	Salmon and Dolly Varden char	Residents of the City of Saxman.
District 1—Section 1—F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon and Dolly Varden char	Residents of the City of Saxman.
District 2—North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula.	Salmon and Dolly Varden char	Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132°20' W. long. and east of 132°25' W. long.
District 3—Section 3—A	Salmon and Dolly Varden char	Residents of the townsite of Hydaburg.
District 3—Section 3—B in waters east of a line from Point Ildefonso to Tranquil Point.	Salmon, Dolly Varden char, and steelhead trout.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.
District 3—Section 3—C in waters of Sarkar Lakes.	Salmon, Dolly Varden char, and steelhead trout.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.
District 5—North of a line from Point Barrie to Boulder Point.	Salmon and Dolly Varden char	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of Portage Bay boat harbor.
District 9—Section 9—A	Salmon and Dolly Varden char	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9—B north of the latitude of Swain Point.	Salmon and Dolly Varden char	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon and Dolly Varden char	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon and Dolly Varden char	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island.
District 13—Section 13—A south of the latitude of Cape Edward.	Sockeye salmon	Residents of the City and Borough of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.
District 13—Section 13—B north of the latitude of Redfish Cape.	Sockeye salmon	Residents of the City and Borough of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.
District 13—Section 13—C	Sockeye salmon	Residents of the City and Borough of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.
District 13—Section 13—C east of the longitude of Point Elizabeth.	Salmon and Dolly Varden char	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island.

Area	Species	Determination
District 14—Section 14-B and 14-C	Salmon, smelt and Dolly Varden char.	Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.
District 15—Chilkat and Chilkoot Rivers	Salmon and smelt	Residents west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River, Haines, excluding residents in the drainage of Excursion Inlet.

(b) [Reserved]

Subpart D—Subsistence Taking of Fish and Wildlife

3. In Subpart D of 36 CFR 36 part 242 and 50 CFR part 100, § _____.25 is added effective August 1, 1996, through June 30, 1997, to read as follows:

§ _____.25 *Subsistence taking of wildlife.*

(a) Definitions. The following definitions shall apply to all regulations contained in this section.

ADF&G means the Alaska Department of Fish and Game.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, or moose.

Antlered means any caribou, deer, or moose having at least one visible antler.

Antlerless means any caribou, deer, or moose not having visible antlers attached to the skull.

Bear means black bear, or brown or grizzly bear.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, or musk oxen.

Closed season means the time when wildlife may not be taken.

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Designated hunter means a Federally qualified, licensed hunter who may take all or a portion of another Federally qualified, licensed hunter's harvest limit(s) only under situations approved by the Board.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of black bear, brown and grizzly bear, caribou, deer, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption which are: the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (elbow), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed above does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera.

Federally-qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf or wolverine.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse and sharp-tailed grouse.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by

any one person in a Unit or portion of a Unit in which the taking occurs.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence. *Hunting* means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Motorized vehicle means a motor-driven land, air or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance which is toxic, or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Ram means a male Dall sheep.

Registration permit means a permit which authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action.

Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was

harvested, and measurements of the specimen submitted for sealing, or surrendering a specific portion of the animal for biological information.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eighths (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Skin, hide, pelt or fur mean any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur or pelt of a bear shall mean the entire external covering with claws attached.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Take or Taking means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or antler point refers to any point on an antler, the length of which is greater than its width and is at least one inch.

Transportation means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions herein, or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, moose, mountain goat, Dall sheep, and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Wildlife may be taken for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(1) Except for special provisions found at paragraphs (k)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(i) Shooting from, on, or across a highway;

(ii) Using any poison;

(iii) Using a helicopter in any manner, including transportation of individuals, equipment or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life threatening situation;

(iv) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(v) Using a motorized vehicle to drive, herd, or molest wildlife;

(vi) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(A) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(B) A muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, moose, musk oxen and mountain goat;

(viii) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(ix) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(x) Using a trap to take ungulates or bear;

(xi) Using hooks to physically snag, impale or otherwise take wildlife; however, hooks may be used as a trap drag;

(xii) Using a crossbow in any area restricted to hunting by bow and arrow only to take ungulates, bear, wolf or wolverine;

(xiii) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a 7/8 inch wide broadhead-tipped arrow at least 175

yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(xiv) Using bait for taking ungulates, bear, wolf, or wolverine; except, bait may be used to take wolves and wolverine with a trapping license, and, bait may be used to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (k)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(A) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(B) A person using bait shall clearly mark the site with a sign reading "black bear bait station" that also displays the person's hunting license number and ADF&G assigned number;

(C) Only biodegradable materials may be used for bait; only the head, bones, viscera, or skin of legally harvested fish and wildlife may be used for bait;

(D) No person may use bait within one-quarter mile of a publicly maintained road or trail;

(E) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(F) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(G) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods;

(H) No person may have more than two bait stations with bait present at any one time;

(xv) Taking swimming ungulates, bear, wolves or wolverine;

(xvi) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m.

following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however this restriction does not apply to subsistence taking of deer;

(xvii) Taking a bear cub or a sow accompanied by cub(s).

(2) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(3) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b)(1) of this section:

(i) Disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) Disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that firearms may be used in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(iv) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(v) Using a net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(vii) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(c) Possession and Transportation of Wildlife.

(1) Except as specified in paragraph (c)(3)(ii) or (c)(4) of this section, or as otherwise provided, no person may take a species of wildlife in any Unit, or portion of a Unit, if that person's total statewide take of that species has already been obtained under Federal and State regulations in other Units, or portions of other Units.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § ____.6(f)(3) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(3) Harvest limits.

(i) Harvest limits, including those related to ceremonial uses, authorized by this section and bag limits established in State regulations may not be accumulated.

(ii) Wildlife taken by a designated hunter for another person pursuant to § ____.6(f)(2), counts toward the individual harvest limit of the person for whom the wildlife is taken.

(4) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a harvest limit for a particular species under a trapping season may

take additional animals under the harvest limit specified for a hunting season or vice versa.

(5) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(6) A harvest limit applies to the number of animals that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(7) Unless otherwise provided, any person who gives or receives wildlife shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received wildlife, the time and place that the wildlife was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take wildlife on his or her behalf in accordance with § ____.6, the permit shall be furnished in place of a signed statement.

(8) A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with § ____.6, shall promptly deliver the wildlife to that rural Alaska resident.

(9) No person may possess, transport, give, receive or barter wildlife that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(10) Evidence of sex and identity.

(i) If subsistence take of Dall sheep is restricted to a ram, no person may possess or transport a harvested sheep unless both horns accompany the animal.

(ii) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, no person may possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, this paragraph (c)(10)(ii) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose harvest limit includes an antler size or configuration restriction, no person may possess or

transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. A person possessing a set of antlers with less than the required number of brow tines on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (c)(10)(iii) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(d) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required; in all cases, any identification equipment must be returned to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls.

(1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified below, and black bears of all color phases taken in Units 1-7, 11-16, and 20.

(2) No person may possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, no person may possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear

Management Area is removed from the area, it must first be sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area is removed from the area, it must first be sealed by an ADF&G representative in Barrow, Fairbanks, Galena, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If the skin or skull of a bear taken in Unit 5 is removed from the area, it must first be sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(v) If the skin or skull of a bear taken in Unit 9(B) is removed from the area, it must first be sealed by an ADF&G representative in Port Alsworth or King Salmon; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(f) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. No person may possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the state, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations.

(g) A person who takes a species listed in paragraph (f) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (f) of this section.

(h) Utilization of Wildlife.

(1) No person may use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse and ptarmigan; however, the breast meat of grouse and ptarmigan may not be used as animal food or bait;

(iv) Unclassified wildlife.

(2) A person taking wildlife for subsistence shall salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) Failure to salvage edible meat of ungulates, bear, or grouse and ptarmigan is prohibited.

(4) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested wildlife, unanticipated weather conditions, or unavoidable loss to another animal.

(i) The regulations found in this section do not apply to the subsistence taking and use of wildlife regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 927, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of wildlife, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(j) Rural residents, non-rural residents, and nonresidents not specifically prohibited by Federal regulations from hunting or trapping on public lands in an area, may hunt or trap on public lands in accordance with the appropriate State regulations.

(k) Unit Regulations. Subsistence taking of unclassified wildlife, all squirrel species, and marmots is allowed in all Units, without harvest limits, for the period of July 1–June 30. Subsistence taking of wildlife outside established Unit seasons, or in excess of the established Unit harvest limits, is prohibited unless otherwise modified by subsequent regulation. Taking of wildlife under State regulations on public lands is permitted, except as otherwise restricted at paragraphs (k)(1) through (26) of this section. Additional Unit-specific restrictions or allowances for subsistence taking of wildlife are

identified at paragraphs (k)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage is closed to the taking of black bear;

(D) Unit 1(C):

(1) The area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(2) The area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(vi) In Unit 1(C), Juneau area, the trapping of furbearers for subsistence

uses is prohibited on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail,

Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) Bait may be used to hunt black bear in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) The taking of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, is authorized in Units 1–5 provided that:

(1) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer: Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat: Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of the Bradfield Canal and the North Fork of the Bradfield River, excluding that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(B)—that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(A) and Unit 1(B)—Remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by State registration permit only.	
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott River.	No open season.
Remainder of Unit 1(C)—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzeihin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Remainder of Unit 1(D)—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose: Unit 1(A)—1 antlered bull	Sept. 15–Oct. 15.
Unit 1(B)—south and east of LeConte Bay and Glacier—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit.	Sept. 15–Oct. 15.
Remainder of Unit 1(B)	No open season.
Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit.	Sept. 15–Oct. 15.
Remainder of Unit 1(C)—excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1(D)	No open season.

Harvest limits	Open season
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.

Trapping

Beaver: Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) The taking of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, is authorized in Units 1–5 provided that:

(1) The person organizing the religious ceremony, or designee, contact

the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31.	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(3) *Unit 3.* (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground is closed to the taking of ungulates, bear, wolves and wolverine;

(B) The Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(C) Blind Slough draining into Wrangell Narrows and a strip one-fourth

mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) The taking of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, is authorized in Units 1–5 provided that:

(1) The person organizing the religious ceremony, or designee, contact the appropriate Federal land

management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must

obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes Lindenbug Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting. Remainder of Unit 3—2 antlered deer	Oct. 15–Oct. 31. Aug. 1–Nov. 30.
Moose: Unit 3—Mitkof and Wrangell Islands—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only. Remainder of Unit 3.	Sept. 15–Oct. 15. No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: Unit 3—Mitkof Island	Dec. 1–Apr. 15.
No limit. Unit 3—except Mitkof Island. No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10.–Apr. 30.

(4) Unit 4. (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:
(A) The Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour

Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and

Windfall Islands, is closed to the taking of bears;

(B) The Salt Lake Bay Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(C) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(D) Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay, is closed to the use of any motorized land vehicle for brown bear hunting, or for the taking of marten, mink, or weasel.

(iii) Unit-specific regulations:

(A) Boats may not be used to take bear, wolves, or wolverine, except for persons certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) The taking of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, is authorized in Units 1—5 provided that:

(1) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the

nature of the ceremony, the species and number to be taken, the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) Chichagof Island is closed to the use of any motorized land vehicle for the taking of marten, mink, and weasel.

Harvest limits	Open season
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Hunting

Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21' W. long.), to Rodgers Point (57°35' N. lat., 135°33' W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34' N. lat., 135°25' W. long.), to the entrance of Gut Bay (56°44' N. lat. 134°38' W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Remainder of Unit 4—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer:	
6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat:	
1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases):	
2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra).	
5 hares per day	Sept. 1–Apr. 30.
Lynx:	
2 lynx	Dec. 1–Feb. 15.
Wolf:	
5 wolves	Aug. 1–Apr. 30.
Wolverine:	
1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1–May 15.

Trapping

Beaver:	
Unit 4—that portion east of Chatham Strait—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
Coyote:	
No limit	Dec. 1–Feb. 15.

Harvest limits	Open season
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: Unit 4—Chichagof Island—No limit	Dec. 1–Dec. 31.
Remainder of Unit 4—No limit	Dec. 1–Feb. 15.
Mink and Weasel: Unit 4—Chichagof Island—No limit	Dec. 1–Dec. 31.
Remainder of Unit 4—No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(5) *Unit 5.* (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) Unit 5 is open to brown bear hunting by Federal registration permit in lieu of a State metal locking tag; no State metal locking tag is required for taking a brown bear in Unit 5, provided

that the hunter has obtained a Federal registration permit prior to hunting;

(D) The taking of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, is authorized in Units 1–5 provided that:

(1) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land

managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.
Deer: Unit 5(A)—1 buck	Nov.1–Nov. 30.
Unit 5(B)	No open season.
Goat: 1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose: Unit 5(A), Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5(A), except Nunatak Bench—1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 15–Oct. 21, public lands will be closed to taking of moose, except by rural Alaska residents of Unit 5(A).	Oct. 8–Nov. 15.

Harvest limits	Open season
Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.

Trapping

Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(6) *Unit 6.* (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin

drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Goat Mountain goat observation area, which consists of that

portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) The Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights.

Harvest limits	Open season
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Hunting

Black Bear: 1 bear	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.

Harvest limits	Open season
Goats:	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20—Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only ...	Aug. 20—Jan. 31.
In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG244—2 goats, RG249—2 goats, RG266—4 goats, RG252—1 goat.	
Unit 6(D) (subareas RG243 and RG245)—The taking of goats is prohibited on all public lands	No open season.
Coyote:	
Unit 6(A) and (D)—2 coyotes	Sept. 1—Apr. 30.
Unit 6(B)—No limit	July 1—June 30.
Unit 6(C)—South of the Copper River Highway and east of the Heney Range—No limit	July 1—June 30.
Remainder of Unit 6(C)—No limit	July 1—June 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe and Tundra):	
No limit	July 1—June 30.
Lynx	
Wolf:	
5 wolves	Aug. 10—Apr. 30.
Wolverine:	
1 wolverine	Sept. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
5 per day, 10 in possession	Aug. 1—May 15.
Ptarmigan (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 1—May 15.

Trapping

Beaver:	
Trapping—20 beaver per season	Dec. 1—Mar. 31.
Coyote:	
Unit 6(A), (B) and (D)—No limit	Nov. 10—Mar. 31.
Unit 6(C)—South of the Copper River Highway and east of the Heney Range—No limit	Nov. 10—Apr. 30.
Remainder of Unit 6(C)—No limit	Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 10—Feb. 28.
Marten:	
No limit	Nov. 10—Jan. 31.
Mink and Weasel:	
No limit	Nov. 10—Jan. 31.
Muskrat:	
No limit	Nov. 10—June 10.
Otter:	
No limit	Nov. 10—Mar. 31.
Wolf:	
No limit	Nov. 10—Mar. 31.
Wolverine:	
No limit	Nov. 10—Feb. 28.

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Kenai Fjords National Park is closed to all subsistence uses;

(B) The Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, grouse, ptarmigan, hares, and squirrels may be hunted with shotguns after September 1.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15; except Resurrection Creek and its tributaries.

(B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear:	
Unit 7—3 bears	July 1—June 30.
Coyote:	
No limit	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
2 foxes	Nov. 1—Feb. 15.

Harvest limits	Open season
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Wolf: Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7—Remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Trapping

Beaver: 20 Beaver per season	Dec. 1–Mar. 31.
Coyote: No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Feb. 28.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

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| <p>(i) A firearm may be used to take beaver with a trapping license in Unit 8 from Nov. 10–Apr. 30.</p> <p>(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to</p> | <p>take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and</p> | <p>must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.</p> |
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Harvest limits	Open season
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Hunting

Deer: Unit 8—that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57°52' N. lat., 152°58' W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to the mouth at Elbow Creek, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25–Oct. 31.	Aug. 1–Oct. 31.
Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south-western most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31.	Aug. 1–Dec. 31.
Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.	Aug. 1–Dec. 31.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver: 30 beaver per season	Nov. 10–Apr. 30.
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Harvest limits	Open season
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands;

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the

Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Katmai National Park is closed to all subsistence uses;

(B) The use of motorized vehicles, excluding aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts, is prohibited from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, this restriction does not apply to a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek;

(C) A firearm may be used under a trapping license to take beaver in Unit

9(B) from April 1–May 31 and in the remainder of Unit 9 from April 1–April 30;

(D) In Unit 9(B), Lake Clark National Park and Preserve only, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only, may hunt brown bear by Federal registration permit in lieu of a resident tag; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(E) The taking in Unit 9(B) by residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth of up to a total per regulatory year of 10 bull moose among the communities is allowed for ceremonial purposes, under the terms of a Federal registration permit. Bull moose may be taken from July 1 through June 30. Permits, available to all 5 communities, will be issued until all 10 permits are used to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State.

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 9(B)—Rural residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only. Unit 9(B)—1 bear every four regulatory years	Oct. 1–Oct. 21. May 10–May 25. Oct. 1–Oct. 21. (odd years only); May 10–May 25 (even years only).
Unit 9(E)—1 bear by Federal registration permit or State harvest tag	Oct. 1–Dec. 31. May 10–May 25.
Caribou: Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30. Unit 9(C)—4 caribou; however, no more than 1 may be a cow, no more than 2 caribou may be taken Aug. 10–Nov. 30, and no more than 1 caribou may be taken per calendar month between Dec. 1–Mar. 31. Unit 9(B)—5 caribou; however no more than 2 may be bulls	Aug. 10–Mar. 31. Aug. 10–Mar. 31. Aug. 1–Apr. 15. No open season. No open season.
Unit 9(D)—closed to all hunting of caribou	Aug. 10–Apr. 30.
Unit 9(E)—that portion southwest of the headwaters of Fireweed and Blueberry Creeks (north of Mt. Veniaminof) to and including the Sandy River drainage on the Bristol Bay side of the Alaska Peninsula; and that portion south of Seal Cape to Ramsey Bay on the Pacific side of the Alaska Peninsula divide is closed to all hunting of caribou. Remainder of Unit 9(E)—4 caribou	Aug. 10–Apr. 30.
Sheep: Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth only—1 ram with 7/8 curl horn by Federal registration permit only.	Aug. 10–Oct. 10.

Harvest limits	Open season
Remainder of Unit 9—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
Moose:	
Unit 9(A)—1 antlered bull	Sept. 1–Sept. 15.
Unit 9(B)—1 antlered bull	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the north—1 antlered bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the south—1 antlered bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents during seasons identified above.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Remainder of Unit 9(C)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(E)—1 antlered bull	Sept. 1–Sept. 20. Dec. 1–Dec. 31.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White):	
No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases):	
2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.
Lynx:	
2 lynx	Nov. 10–Feb. 28.
Wolf:	
5 wolves	Aug. 10–Apr. 30.
Wolverine:	
1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver:	
Unit 9(B)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31	Jan. 1–May 31.
Remainder of Unit 9—40 beaver per season; however, no more than 20 may be taken between Apr. 1–Apr. 30	Jan. 1–Apr. 30.
Coyote:	
No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White):	
No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 10–Feb. 28.
Lynx:	
No limit	Nov. 10–Feb. 28.
Marten:	
No limit	Nov. 10–Feb. 28.
Mink and Weasel:	
No limit	Nov. 10–Feb. 28.
Muskrat:	
No limit	Nov. 10–June 10.
Otter:	
No limit	Nov. 10–Mar. 31.
Wolf:	
No limit	Nov. 10–Mar. 31.
Wolverine:	
No limit	Nov. 10–Feb. 28.

(10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands.
(ii) On Otter Island in the Pribilof Islands the taking of any wildlife species for subsistence uses is prohibited.

Harvest limits	Open season
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Hunting

Caribou:	
Unit 10—Unimak Island only	No open season.
Remainder of Unit 10—No limit	July 1–June 30.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.

Harvest limits	Open season
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30
Wolf: 5 wolves	Aug. 10–Apr. 30
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf. The

designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any

number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Caribou: Unit 11—Mentasta herd, 1 bull by Federal registration permit only. Federal public lands are closed to the taking of caribou except to the residents of Chitina, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina. Up to 15 permits may be issued. Unit 11—Remainder	Aug. 1–Mar. 31. No open season.
Sheep: 1 sheep	Aug. 10–Sept. 20.
Moose: 1 antlered bull	Aug. 25–Sept. 20.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine.	

Harvest limits	Open season
Public lands are closed to the taking of wolverine except by eligible rural Alaska residents during seasons identified above.	Sept. 1–Jan. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Trapping

Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: 2 wolverine. Public lands are closed to the taking of wolverine except by eligible rural Alaska residents during seasons identified above.	Nov. 10–Jan. 31.

(12) *Unit 12.* Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Trapping of wolves in Unit 12 during April and October with a steel trap, or with a snare using cable smaller than 3/32 inch diameter, is prohibited.

(ii) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Caribou: Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek, and Totschunda Creek—The taking of caribou is prohibited on public lands.	No open Season.
Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on public lands.	No open Season.
Remainder of Unit 12—1 bull	Sept. 1–Sept. 20.
1 bull caribou may be taken by a Federal registration permit during a winter season to be announced for the rural Alaska residents of Tetlin and Northway only.	Winter season to be announced by the Board.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose: Unit 12—that portion drained by the Tanana, Nabesna, and Chisana Rivers within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull; however during the Aug. 20–Aug. 28 season only bulls with spike/fork antlers may be taken. The November season is open by Federal registration permit only.	Aug. 20–Aug. 28. Sept. 1–Sept. 15. Nov. 20–Nov. 30.
Unit 12—that portion lying east of the Nabesna River, east of the Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull; however during the Aug. 20–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 20–Aug. 28. Sept. 1–Sept. 30.
Unit 12—Remainder—1 antlered bull; however during the Aug. 20–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 20–Aug. 28. Sept. 1–Sept. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30

Harvest limits	Open season
Lynx: 2 lynx	Nov. 1–Jan. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 15 beaver per season	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona

River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Subsistence uses as authorized by this paragraph (k)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled

Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the

west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, the use of motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the

Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Caribou: 2 caribou by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 30. Jan. 5–Mar. 31.
Sheep: Unit 13—excluding Unit 13(D) and the Tok and Delta Management Areas—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
Moose: 1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household	Aug. 1–Sept. 20.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Public lands are closed to the taking of wolverine, except by eligible rural Alaska residents during seasons identified above.	
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Trapping

Beaver: 30 beaver per season	Oct. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: 2 wolverines	Nov. 10–Jan. 31.
Public lands are closed to the taking of wolverine, except by eligible rural Alaska residents during seasons identified above.	

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation, are closed to the subsistence taking of wildlife;

(B) the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek is closed to subsistence taking of wildlife for subsistence uses.

(iii) Unit-specific regulations:

(A) In Unit 14(A), bait may be used to hunt black bear between April 15 and May 25;

(B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: Unit 14(A) and (C)—1 bear	July 1–June 30.
Brown Bear: Unit 14(A)—1 bear every four regulatory years	Sept. 15–Oct. 10. May 1–May 25.
Coyote: Unit 14(A) and (C)—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): Unit 14(A)—5 hares per day. Unit 14(C)—5 hares per day	July 1–June 30.
Lynx: 2 lynx. Dec. 15–Jan. 15..	
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): Unit 14(A)—15 per day, 30 in possession. Unit 14(C)—5 per day, 10 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14(A)—10 per day, 20 in possession. Unit 14(C)—10 per day, 20 in possession Remainder of Unit 14—20 per day, 40 in possession	Aug. 10–Mar. 31.

Trapping

Beaver: Unit 14(A)—30 beaver per season. Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Nov. 10–Apr. 30.
Coyote: Unit 14(A)—No limit. Unit 14(C)—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(A)—No limit. Unit 14(C)—1 fox	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 14(A)—No limit. Unit 14(C)—No limit	Nov. 10–Mar. 31.
Wolf: Unit 14(A)—No limit.	

Harvest limits	Open season
Unit 14(C)—No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(15) *Unit 15.* (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and

Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) The Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly

along the Sterling Highway to the point of beginning, is closed to the taking of wildlife, except that grouse and ptarmigan may be taken only from October 1 - March 1 by bow and arrow only.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) The Skilak Loop Wildlife Management Area is closed to subsistence trapping of furbearers;

(C) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

(D) Taking a red fox in Unit 15 by any means other than a steel trap or snare is prohibited.

Harvest limits	Open season
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Hunting

Black Bear:	
Unit 15(C)—3 bears	July 1–June 30.
Unit 15 Remainder	No open season.
Moose:	
Unit 15(B) and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only	Aug. 10–Sept. 20.
Unit 15(A)	No open season.
Coyote:	
No limit	Sept. 1–Apr. 30.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 Wolves	Aug. 10–Apr. 30.
Unit 15—Remainder—5 Wolves	Aug. 10–Apr. 30.
Wolverine:	
1 Wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15 (A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.
Unit 15(C)—5 per day, 10 in possession	Jan. 1–Mar. 31.

Trapping

Beaver:	
20 Beaver per season	Dec. 1–Mar. 31.
Coyote:	
No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases):	
1 Fox	Nov. 10–Feb. 28.
Marten:	
Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel:	
No limit	Nov. 10–Jan. 31.
Muskrat:	
No limit	Nov. 10–May 15.

Harvest limits	Open season
Otter: Unit 15 (A), (B)—No limit Unit 15(C)—No limit	Nov. 10–Jan. 31. Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Feb. 28.
Wolverine: Unit 15 (B) and (C)—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the

Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) The Mount McKinley National Park, as it existed prior to December 2, 1980, is closed to subsistence uses. Subsistence uses as authorized by this paragraph are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:
 (A) Bait may be used to hunt black bear between April 15 and June 15.
 (B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose: Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull Remainder of Unit 16(B)—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 15. Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Trapping

Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17.* (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legally permitted hunting camps, the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), is closed from Aug. 1–Nov. 1 to the use of any motorized vehicle for hunting ungulates, bear, wolves and wolverine, including transportation of hunters and parts of ungulates, bear, wolves or wolverine;

(B) The Western Alaska Brown Bear Management Area which consists of

Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 17(A) and that portion of Unit 17(B) draining into the Nuyakuk Lake and Tikchik Lake—1 bear	Sept. 1–May 31.
Remainder of Unit 17(B)—1 bear every four regulatory years	Sept. 20–Oct. 10. May 10–May 25.
Unit 17(C)—1 bear every four regulatory years	Sept. 10–Oct. 10. Apr. 10–May 25.
Caribou: Unit 17(A)—that portion west of the Togiak River, Togiak Lake, Izavieknik River, Upper Togiak Lake, and south to Cape Newenham—2 caribou. Season to be opened by announcement when 3,000 caribou have moved into the area.	Aug. 1–Mar. 31.
Unit 17 (A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—1 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above.	Aug. 1–Aug. 31. Dec. 1–Mar. 31.
Unit 17 (B) and (C)—that portion of 17(C) east of the Nushagak River—5 caribou; however, no more than 2 caribou may be bulls.	Aug. 1–Apr. 15.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose: Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Remainder of Unit 17(B)—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 17(C)—that portion that includes the lowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Remainder of Unit 17(C)—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.

Harvest limits	Open season
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver: Unit 17(A)—20 beaver per season	Jan. 1–Feb. 28.
Unit 17 (B) and (C)—20 beaver per season	Jan. 1–Feb. 28.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag is closed to the use of aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or

wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) The Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B)

downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) A firearm may be used to take beaver under a trapping license in Unit 18 from Apr. 1–Jun. 10.

(B) [Reserved]

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Sept. 1–May 31.
Caribou: Unit 18—that portion south of the Yukon River—Kilbuck caribou herd; rural Alaska residents domiciled in Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmauthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills, only. A Federal registration permit is required. The number of permits available for these hunts will be determined at a later date. The season will be closed when the total harvest reaches guidelines as described in the approved "Oavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan."	Dec. 15–Jan. 9. Feb. 23–Mar. 15.

Harvest limits	Open season
Unit 18—that portion north of the Yukon River—5 caribou per day	Aug. 1—Mar. 31.
Remainder of Unit 18	No open season.
Moose:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreefsky River drainage—1 antlered bull.	Sept. 5—Sept. 25.
Unit 18—Goodnews River and Kanektok River drainages	No open season.
Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	Aug. 25—Sept. 25. Winter season to be announced.
Remainder of Unit 18—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	Sept. 1—Sept. 30. Winter season to be announced.
Public lands in Unit 18 are closed to the hunting of moose, except by rural Alaska residents of Unit 18 and Upper Kalskag during seasons identified above.	
Coyote:	
2 coyotes	Sept. 1—Apr. 30.
Fox, Arctic (Blue and White Phase):	
2 foxes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1—Mar. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1—June 30.
Lynx:	
2 lynx	Nov. 10—Mar. 31.
Wolf:	
5 wolves	Aug. 10—Apr. 30.
Wolverine:	
1 wolverine	Sept. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10—Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10—May 30.

Trapping

Beaver:	
No limit	Nov. 1—June 10.
Coyote:	
No limit	Nov. 10—Mar. 31.
Fox, Arctic (Blue and White Phase):	
No limit	Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 10—Mar. 31.
Lynx:	
No limit	Nov. 10—Mar. 31.
Marten:	
No limit	Nov. 10—Mar. 31.
Mink and Weasel:	
No limit	Nov. 10—Jan. 31.
Muskrat:	
No limit	Nov. 10—June 10.
Otter:	
No limit	Nov. 10—Mar. 31.
Wolf:	
No limit	Nov. 10—Mar. 31.
Wolverine:	
No limit	Nov. 10—Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and

including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from

Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by this paragraph (k)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) The Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following

the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the

Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) The Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

- (iii) Unit-specific regulations:
 - (A) Bait may be used to hunt black bear between April 15 and June 30.
 - (B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear:	
3 bears	July 1–June 30.
Brown Bear:	
Unit 19(A) and (B) that portion which is downstream of and including the Aniak River drainage—1 bear	Sept. 1–May 31.
Remainder of Unit 19(A), (B), and (D)—1 bear every four regulatory years	Sept. 10–May 25.
Caribou:	
Unit 19(A) north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30.
Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou.	Nov. 1–Feb. 28.
Unit 19(C)—1 caribou	Aug. 1–Apr. 15.
Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Oct. 10.
Remainder of Unit 19(D)—1 caribou	Aug. 10–Sept. 30.
Unit 19—Rural Alaska residents domiciled in Lime Village only; no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	Nov. 1–Jan. 31.
Unit 19—Rural Alaska residents domiciled in Lime Village only; no individual harvest limit but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	Aug. 10–Sept. 30.
Unit 19—Rural Alaska residents domiciled in Lime Village only; no individual harvest limit but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Aug. 10–Sept. 20.
Remainder of Unit 19(A)—1 bull	Sept. 1–Sept. 20.
Unit 19(B)—1 antlered bull	Nov. 20–Nov. 30.
Unit 19(C)—1 antlered bull	Jan. 1–Jan. 10.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Feb. 1–Feb. 10.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 20.
Remainder of Unit 19(D)—1 antlered bull	Nov. 20–Nov. 30.
Unit 19(B)—1 antlered bull	Jan. 1–Jan. 10.
Unit 19(C)—1 antlered bull	Feb. 1–Feb. 10.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30.
Remainder of Unit 19(D)—1 antlered bull	Dec. 1–Feb. 28.
Unit 19(B)—1 antlered bull	Sept. 1–Sept. 30.
Unit 19(C)—1 antlered bull	Dec. 1–Dec. 15.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Apr. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Mar. 15.
Remainder of Unit 19(D)—1 antlered bull	July 1–June 30.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.

Harvest limits	Open season
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver: No limit	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Mar. 31.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by this paragraph (k)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) Use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench

mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as provided below. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within

the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(D) The Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway, is closed to the use of any motorized vehicle for hunting from

August 5–September 20; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) The Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning, is open to moose hunting by permit only;

(F) The Fairbanks Management Area, which consists of the Goldstream subdivision 0SE ¼ SE ¼, Section 28 and Section 33, Township 2 North, Range 1 West, Fairbanks Meridian and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to

the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning, is open to moose hunting by bow and arrow only.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Trapping of wolves in Unit 20(E) during April and October with a steel trap, or with a snare using cable smaller than 3/32 inch diameter, is prohibited;

(C) The taking of up to three moose per regulatory year by the residents of Unit 20 and 21 is allowed for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 20—except Unit 20(E)—1 bear every four regulatory years	Sept. 1–May 31.
Caribou: Unit 20(E)—1 bull by Federal registration permit only; the season will close when a combined State/Federal harvest quota of 150 for the Fortymile herd has been reached. Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10–Sept. 30	Aug. 10–Sept. 30. Nov. 15–Feb. 28. Aug. 10–Sept. 30. Nov. 26–Dec. 10. Mar. 1–Mar. 15. Dec. 1–Dec. 31.
Unit 20(F)—south of the Yukon River—1 caribou	Aug. 10–Sept. 30.
Remainder of Unit 20(F)—1 bull	Aug. 10–Sept. 30.
Moose: Unit 20(A)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–Sept. 20. Jan. 10–Feb. 28.
Unit 20(B)—the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 antlered bull. Remainder of Unit 20(B)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken. Remainder of Unit 20(C)—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30. Nov. 15–Dec. 15.
Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9 1/2 to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 antlered bull. Remainder of Unit 20(E)—that portion draining into the Yukon River upstream from and including the Charley River drainage to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 antlered bull.	Sept. 1–Sept. 15. Sept. 5–Sept. 30.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–Sept. 25.

Harvest limits	Open season
Remainder of Unit 20(F)—1 antlered bull	Sept. 1–Sept. 25.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.
Lynx:	
Unit 20(E)—2 lynx	Nov. 1–Jan. 31.
Remainder of Unit 20—2 lynx	Dec. 1–Jan. 31.
Wolf:	
10 wolves	Aug. 10–Apr. 30.
Wolverine:	
1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse.	Aug. 25–Mar. 31.
Unit 20—Remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver:	
Unit 20(A), 20(B), Unit 20(C), Unit 20(E), and 20(D)—that portion draining into the north bank of the Tanana River, including the islands in the Tanana River—25 beaver.	Nov. 1–Apr. 15.
Remainder of Unit 20(D)—15 beaver	Feb. 1–Apr. 15.
Unit 20(F)—50 beaver	Nov. 1–Apr. 15.
Coyote:	
Unit 20(E)—No limit	Nov. 1–Feb. 28.
Remainder Unit 20—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20(A), (B), (D), (E), and (C) east of the Teklanika River—No limit	Dec. 15–Jan. 15.
Unit 20(F) and the remainder of 20(C)—No limit	Dec. 1–Jan. 31.
Marten:	
No limit	Nov. 1–Feb. 28.
Mink and Weasel:	
No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20(E)—No limit	Sept. 20–June 10.
Remainder of Unit 20—No limit	Nov. 1–June 10.
Otter:	
No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20(E)—No limit	Oct. 1–Apr. 30.
Remainder of Unit 20—No limit	Nov. 1–Mar. 31.
Wolverine:	
No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River upstream and including from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:
 (A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long.), then easterly to the south end of Solismunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area

and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;
 (B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft

between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.
 (iii) Unit-specific regulations:
 (A) Bait may be used to hunt black bear between April 15 and June 30;
 (B) A firearm may be used to take beaver with a trapping license in Unit 21(E) from Apr. 1–June 1;
 (C) The taking of up to three moose per regulatory year by the residents of Unit 20 and 21 is allowed for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;
 (D) The taking of up to three moose per regulatory year by the residents of Unit 21 is allowed for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear every four regulatory years	Sept. 1–May 31.
Caribou: Unit 21 (A), (B), (C), and (E)—1 caribou	Aug. 10–Sept. 30.
Unit 21(D)—North of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30. Winter season to be announced.
Unit 21(D)—Remainder (Western Arctic Caribou herd)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose: Unit 21(A)—1 bull	Aug. 20–Sept. 25. Nov. 1–Nov. 30.
Unit 21 (B) and (C)—1 antlered bull	Sept. 5–Sept. 25.
Unit 21(D)—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 10; moose may not be taken within one-half mile of the Yukon River during the February season. During the Sept. 1–Sept. 25 season, Federal lands within one-half mile of the Koyukuk River from 40 miles above its mouth to the lower end of the Three-Day Slough are closed to the taking of moose except by residents of Unit 21(D) and residents of Huslia and Ruby.	Sept. 1–Sept. 25. Feb. 1–Feb. 10.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Aug. 20–Sept. 25. Feb. 1–Feb. 10.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.

Harvest limits	Open season
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver:	
Unit 21(E)—No Limit	Nov. 1–June 1.
Remainder of Unit 21—No Limit	Nov. 1–Apr. 15.
Coyote:	
No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 1–Feb. 28.
Lynx:	
No limit	Nov. 1–Feb. 28.
Marten:	
No limit	Nov. 1–Feb. 28.
Mink and Weasel:	
No limit	Nov. 1–Feb. 28.
Muskrat:	
No limit	Nov. 1–June 10.
Otter:	
No limit	Nov. 1–Apr. 15.
Wolf:	
No limit	Nov. 1–Mar. 31.
Wolverine:	
No limit	Nov. 1–Mar. 31.

(22) Unit 22. (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomed Island and Fairway Rock.

(ii) Unit-specific regulations:

(A) A firearm may be used to take beaver with a trapping license in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes.

Harvest limits	Open season
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Hunting

Black Bear:	
3 bears	July 1–June 30.
Brown Bear:	
Unit 22(A)—1 bear by residents of Unit 22(A) only	Sept. 1–Oct. 31. Apr. 15–May 25.
Unit 22(B)—1 bear by residents of Unit 22(B) only	Sept. 1–Oct. 31. Apr. 15–May 25.
Unit 22(C)	No open season.
Remainder of Unit 22—1 bear every four regulatory years	Sept. 1–Oct. 31. Apr. 15–May 25.
Caribou:	
Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 22(A)—1 antlered bull; however, the period of Dec. 1–Jan. 31 is restricted to residents of Unit 22(A) only	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(C)—1 antlered bull	Sept. 1–Sept. 14.
Unit 22(D)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(E)—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.

Harvest limits	Open season
Muskox: Unit 22(D) and (E)—1 bull by Federal registration permit only. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. The season in each subunit will be closed when 8 bulls and 7 bulls are taken in Units 22(D) and (E) respectively.	Sept. 1–Jan. 31.
Remainder of Unit 22	No open season.
Beaver: Unit 22(A) and (B)—50 beaver	Nov. 1–June 10.
Unit 22(D)—50 beaver	Nov. 1–Apr. 15.
Unit 22 Remainder	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten: Unit 22(A) 22(B)—No limit	Nov. 1–Apr. 15.
Unit 22 Remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22 Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver: Unit 22(A) and (B)—50 beaver	Nov. 1–June 10.
Unit 22(C), (D), and (E)—50 beaver	Nov. 1–Apr. 15.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15 to the

use of aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species. This does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by

carriers that normally provide scheduled air service;

(B) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A) is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a

State registration permit prior to hunting; aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service

to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Caribou may be taken from a boat under power in Unit 23;

(B) Swimming caribou may be taken with a firearm using rimfire cartridges;

(C) A firearm may be used to take beaver with a trapping license in all of Unit 23 from Nov. 1–Jun. 10.

Harvest limits	Open season
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Hunting

Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear	Sept. 1–May 31.
Remainder of Unit 23—1 bear every four regulatory years	Sept. 1–Oct. 10. Apr. 15–May 25.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep: Unit 23—that portion west of Howard Pass and the Aniuk, Cutler and Redstone Rivers	No open season.
Remainder of Unit 23—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Remainder of Unit 23—1 sheep	Oct. 1–Apr. 30.
Moose: Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Sept. 15. Oct. 1–Mar. 31.
Remainder of Unit 23—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox: Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal registration permit only. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. The season will be closed when 9 bulls have been taken.	Sept. 1–Jan. 31.
Remainder of Unit 23	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 1–Jan. 15.
Wolf: 5 wolves	Nov. 10–Mar. 31.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver: Unit 23—the Kobuk and Selawik River drainages—50 beaver	Nov. 1–June 10.
Remainder of Unit 23—30 beaver	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: 3 lynx	Dec. 1–Jan. 15.

Harvest limits	Open season
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(B) The Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR, is

closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters

on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear	Sept. 1–May 31.
Caribou: Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull. Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30	Aug. 10–Sept. 30. July 1–June 30.

Harvest limits	Open season
Sheep:	
Unit 24—that portion within the Gates of the Arctic National Park—3 sheep	Aug. 1–Apr. 30.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Remainder of Unit 24—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during the periods of Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 5–Sept. 25. Dec. 1–Dec. 10. Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 1–Dec. 31. Mar. 1–Mar. 10.
Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except those portions of the John River and the Alatna River drainages within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.	Aug. 25–Sept. 25.
Remainder of Unit 24—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents during seasons identified above.	Aug. 25–Sept. 25.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.
Lynx:	
2 lynx	Nov. 1–Feb. 28.
Wolf:	
5 wolves	Aug. 10–Apr. 30.
Wolverine:	
1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver:	
No limit	Nov. 1–Apr. 15.
Coyote:	
No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 1–Feb. 28.
Lynx:	
No limit	Nov. 1–Feb. 28.
Marten:	
No limit	Nov. 1–Feb. 28.
Mink and Weasel:	
No limit	Nov. 1–Feb. 28.
Muskrat:	
No limit	Nov. 1–June 10.
Otter:	
No limit	Nov. 1–Apr. 15.
Wolf:	
No limit	Nov. 1–Mar. 31.
Wolverine:	
No limit	Nov. 1–Mar. 31.

(25) *Unit 25.* (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including

the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from

and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River

upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence

taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(B) The Arctic Village Sheep Management Area; that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for

approximately 6 miles where the stream forks into two roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River. Sheep hunting in this area is restricted to residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Caribou and moose may be taken from a boat under power in Unit 25.

	Harvest limits	Open season
Hunting		
Black Bear:		
3 bears		July 1–June 30.
Caribou:		
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year.		July 1–Apr. 30.
Unit 25(C)—that portion south and east of the Steese Highway—1 bull by Federal registration permit only; the season will close when a harvest quota for the Fortymile herd has been reached. The harvest quota will be determined by the Board after consultation with ADF&G and announced before the season opening.		Aug. 10–Sept. 30. Dec. 1–Feb. 28.
25(C)—that portion north and west of the Steese Highway—1 caribou; however, only bull caribou may be taken during the Aug. 10–Sept. 20 season. During the winter season, caribou may be taken only with a Federal registration permit.		Aug. 10–Sept. 20. Feb. 15–Mar. 15.
Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull		Aug. 10–Sept. 30. Dec. 1–Dec. 31.
Sheep:		
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area		No open season.
Unit 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik during seasons identified above.		Aug. 10–Apr. 30.
Remainder of Unit 25(A)—3 sheep by Federal registration permit only		Aug. 10–Apr. 30.
Moose:		
Unit 25(A)—1 antlered bull		Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.		Aug. 25–Sept. 30. Dec. 1–Dec. 10.
Unit 25(B)—that portion draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.		Sept. 5–Sept. 30. Dec. 1–Dec. 15.
Remainder of Unit 25(B)—1 antlered bull		Aug. 25–Sept. 25. Dec. 1–Dec. 15. Sept. 1–Sept. 15.
Unit 25(C)—1 antlered bull		Aug. 25–Feb. 28.
Unit 25(D) (West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Beaver, Birch Creek, or Stevens Village. Moose hunting on public land in this portion of Unit 25(D) (West) is closed at all times except for residents of Beaver, Birch Creek and Stevens Village during seasons identified above. The moose season will be closed when 30 antlered moose have been harvested in the entirety of Unit 25(D) (West).		
Remainder of Unit 25(D)—1 antlered moose		Aug. 25–Sept. 25. Dec. 1–Dec. 20.

Harvest limits	Open season
Beaver:	
Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25(C)	No open season.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra):	
No limit	July 1–June 30.
Lynx:	
Unit 25(C)—2 lynx	Dec. 1–Jan. 31.
Remainder of Unit 25—2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 25(A)—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—10 wolves	Aug. 10–Apr. 30.
Wolverine:	
1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Remainder of Unit 25—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Remainder of Unit 25—20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Beaver:	
Unit 25(C)—25 beaver	Nov. 1–Apr. 15.
Remainder of Unit 25—50 beaver	Nov. 1–Apr. 15.
Coyote:	
No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 25(C)—No limit	Dec. 1–Jan. 31.
Remainder of Unit 25—No limit	Nov. 1–Feb. 28.
Marten:	
No limit	Nov. 1–Feb. 28.
Mink and Weasel:	
No limit	Nov. 1–Feb. 28.
Muskrat:	
No limit	Nov. 1–June 10.
Otter:	
No limit	Nov. 1–Apr. 15.
Wolf:	
No limit	Nov. 1–Mar. 31.
Wolverine:	
Unit 25(C)—No limit	Nov. 1–Feb. 28.
Remainder of Unit 25—No limit	Nov. 1–Mar. 31.

(26) *Unit 26.* (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Unit 26(A) Controlled Use Area, which consists of Unit 26(A), is closed to the use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1–Aug. 31 and from Jan. 1–Mar. 31. No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) The Dalton Highway Corridor Management Area, which consists of

those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass,

Bettles, Evansville, Stevens Village, and residents living within the Corridor;
 (C) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area,

provided that the hunter has obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to

and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Caribou may be taken from a boat under power in Unit 26;

(B) Swimming caribou may be taken with a firearm using rimfire cartridges.

Harvest limits	Open season
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Hunting:

Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 26–1 bear	Sept. 1–May 31.
Caribou: Unit 26(A)–10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the the Killik River are closed to the the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30. Unit 26(B)–10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30. July 1–Apr. 30.
Unit 26(C)–10 caribou per day	July 1–Apr. 30.
Not more than 5 caribou per regulatory year may be transported from Unit 26 except to the community of Anaktuvuk Pass.	
Sheep: Unit 26(A)–those portions within the Gates of the Arctic National Park–3 sheep	Aug. 1–Apr. 30.
Unit 26(A)–that portion west of Howard Pass and the Etivluk River	No open season.
Unit 26(B)–that portion within the Dalton Highway Corridor Management Area–1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Remainder of Unit 26(A) and (B)—including the Gates of the Arctic National Preserve–1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)–3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season. Kaktovik residents may harvest sheep in accordance with a Federal community harvest strategy for Unit 26(C) which provides for take of up to two harvest limits of 3 sheep by designated hunter.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose: Unit 26(A)–that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River–1 bull. Federal public lands are closed to the taking of moose by non-Federally qualified subsistence users.	Aug. 1–31.
Remainder of Unit 26	No open season.
Muskox: Unit 26(C)–1 bull by Federal registration permit only; up to 15 permits may be issued to rural Alaska residents of the village of Kaktovik only. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during seasons identified above.	Sept. 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 26(A) and (B)–10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15. Nov. 1–Apr. 15.
Unit 26(C)–10 foxes.	
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.

Trapping

Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.

Harvest limits	Open season
Fox, Red (including Cross, Black and Silver Phases):	
No limit	Nov. 1–Apr. 15.
Lynx:	
No limit	Nov. 1–Apr. 15.
Marten:	
No limit	Nov. 1–Apr. 15.
Mink and Weasel:	
No limit	Nov. 1–Jan. 31.
Muskrat:	
No limit	Nov. 1–June 10.
Otter:	
No limit	Nov. 1–Apr. 15.
Wolf:	
No limit	Nov. 1–Apr. 30.
Wolverine:	
No limit	Nov. 1–Apr. 15.

4. In Subpart D of 36 CFR 36 part 242 and 50 CFR part 100, §§ _____.26 and _____.27 are added effective January 1, 1997, through December 31, 1997, to read as follows:

§ _____.26 Subsistence taking of fish.

(a) Applicability. (1) Regulations in this section apply to the taking of finfish, excluding halibut, or their parts for subsistence uses.

(2) Finfish, excluding halibut, may be taken for subsistence uses at any time by any method unless restricted by the subsistence fishing regulations found in this section.

(b) Definitions. The following definitions shall apply to all regulations contained in this section and § _____.27:

Abalone Iron means a flat device which is used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Anchor means a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Bag Limit means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); and Dolly Varden (*Salvelinus malma*).

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or

snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear means any type of hard hat or skin diving equipment, including SCUBA equipment.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed.

Drift gill net means a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

Federal lands means lands and waters and interests therein the title to which is in the United States.

Fishwheel means a fixed, rotating device for catching fish which is driven by river current or other means of power.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gill net means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork

line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish—bottomfish means any marine finfish except halibut, osmerids, herring and salmonids.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice.

Lead means either a length of net employed for guiding fish into a seine, set gill net, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net or dip net.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Public lands or public land means lands situated in the State of Alaska which are Federal lands, except—

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole.

Salmon means the following species: pink salmon (*Oncorhynchus gorbusha*); sockeye salmon (*Oncorhynchus nerka*); chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning or for travelling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Set gill net means a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel means a hand-operated implement for digging clams or cockles.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Take or Taking means to pursue, hunt, shoot, trap, net capture, collect, kill, harm, or attempt to engage in any such conduct.

To operate fishing gear means any of the following: the deployment of gear in the waters of Alaska; the removal of gear from the waters of Alaska; the removal of fish or shellfish from the gear during an open season or period; or the possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish.

Trout means the following species: cutthroat trout (*Oncorhynchus clarkii*) and rainbow trout or steelhead trout (*Oncorhynchus mykiss*).

(c) *Methods, means, and general restrictions.* (1) No person may buy or sell fish, their parts, or their eggs which have been taken for subsistence uses, unless, prior to the sale, the prospective buyer or seller obtains a determination from the Federal Subsistence Board that the sale constitutes customary trade.

(2) No person may take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(3) No person may use explosives or chemicals to take fish for subsistence uses.

(4) Each person shall plainly and legibly inscribe his or her first initial, last name, and address on any fish wheel, keg, buoy, stakes attached to gill nets, and on any other unattended fishing gear which the person has employed to take fish for subsistence uses.

(5) All pots used to take fish must contain an opening on the webbing of a sidewall of the pot which has been laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter.

(6) Persons licensed by the State of Alaska to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts.

(7) Except as provided elsewhere in this subpart, the taking of rainbow trout and steelhead trout is prohibited.

(8) Fish taken for subsistence use or under subsistence regulations may not be subsequently used as bait for commercial or sport fishing purposes.

(9) The use of live non-indigenous fish as bait is prohibited.

(10) Any fishing gear used to take fish for subsistence uses may not obstruct

more than one-half the width of any stream. A stationary fishing device may obstruct not more than one-half the width of any stream.

(11) Kegs or buoys attached to any permitted gear may be any color but red.

(12) Bag limits authorized in this section or § _____.27 may not be accumulated with bag limits authorized in State seasons.

(13) Unless specified otherwise in this section, use of a rod and reel to take fish is permitted without a subsistence fishing permit. Bag limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) Where a subsistence fishing permit issued by the ADF&G is required by this section, that permit is not required to take fish for subsistence uses with rod and reel. The bag and possession limits for taking fish for subsistence uses with a rod and reel in those areas are the same as indicated on the ADF&G permit issued for subsistence fishing with other gear types;

(ii) Where a subsistence fishing permit is not required by this section, the bag and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska sport fishing regulations in those same areas.

(14) Unless restricted in this section, or unless restricted under the terms of a required subsistence fishing permit, gear specified in definitions in paragraph (b) of this section are legal types of gear for subsistence fishing.

(15) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time.

(16) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by regulations for particular areas set forth in this section.

(17) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(18) Unlawful Possession of Subsistence Finfish. Fish or their parts taken in violation of Federal or State regulations may not be possessed, transported, given, received or bartered.

(d) *Fishery management area restrictions.* For detailed descriptions of Fishery Management Areas, see State of Alaska Fishing Regulations.

(1) *Kotzebue-Northern Area.* (i) Salmon may be taken only by gill nets, beach seines, or a rod and reel;

(ii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(2) Norton Sound-Port Clarence Area.
(i) Salmon may be taken only by gill nets, beach seines, fishwheel, or a rod and reel;

(ii) Except as provided in this paragraph (d)(2), fish may be taken for subsistence purposes without a subsistence fishing permit. A subsistence fishing permit issued by ADF&G is required, except for use of rod and reel, as follows:

(A) Pilgrim River drainage including Salmon Lake;

(B) For net fishing in all waters from Cape Douglas to Rocky Point;

(iii) Only one subsistence fishing permit will be issued to each household per year.

(3) *Yukon Area.* (i) Salmon may be taken only by set gill nets, beach seines, fishwheels, or rod and reel;

(ii) Except as provided in this paragraph (d)(3), fish may be taken for subsistence purposes without a subsistence fishing permit;

(iii) A subsistence fishing permit issued by the ADF&G is required, except for the use of rod and reel, as follows:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the ADF&G regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the United States-Canada border;

(C) For the Tanana River drainage above the mouth of the Wood River;

(D) For whitefish and suckers in the waters listed;

(E) For the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(F) For the taking of salmon in Subdistricts 6-A and 6-B;

(iv) Except as otherwise provided, and except as may be provided by the terms of a subsistence fishing permit issued by the ADF&G, there is no closed season on fish other than salmon;

(v) Only one subsistence fishing permit will be issued to each household per year;

(vi) Birch Creek of the upper Yukon drainage, and waters within 500 feet of its mouth, is closed to subsistence fishing June 10 through September 10, except that whitefish and suckers may be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G;

(vii) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River, upstream from a point five miles downstream of the State highway crossing;

(B) Fish Creek, upstream from the mouth of Bonanza Creek;

(C) Bonanza Creek;

(D) Jim River, including Prospect Creek and Douglas Creek;

(E) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(F) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(G) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek;

(viii) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20;

(ix) Waters of the Tanana River drainage are closed to the subsistence taking of pike between the mouth of the Kantishna River and Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River drainage upstream from its confluence with the Tanana River;

(x) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20;

(xi) The following locations are closed to subsistence fishing:

(A) The following rivers and creeks and within 500 feet of their mouths:

Delta Clearwater River (Clearwater Creek at 64° 06' N. lat., 145° 34' W. long), Richardson Clearwater Creek (Clear Creek at 64° 14' N. lat., 146° 16' W. long), Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Hess Creek, and Beaver Creek;

(B) Ray River and Salcha River upstream of a line between the ADF&G regulatory markers located at the mouth of the rivers;

(C) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz, and Little Harding lakes;

(D) Piledriver and Badger (Chena) sloughs;

(xii) The following waters are closed to the taking of chum salmon from August 15-December 31:

(A) Toklat River;

(B) Kantishna River from the mouth of the Toklat River to its confluence with the Tanana River;

(xiii) Salmon may be taken only by set gill nets in those locations described in below after July 19:

(A) Waters of the Black River including waters within one nautical mile of its terminus;

(B) Waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(C) Waters of Alakanuk Pass downstream from the mouth of Kuiuupak Slough;

(D) Waters of Kwiguk Pass downstream to the mouth of Kawokhawik Slough;

(E) Waters of Kawanak Pass downstream from Sea Gull Point;

(F) Waters of Apoon Pass downstream from the mouth of the Kotlik River and waters of Okwega Pass downstream from its confluence with Apoon Pass;

(G) Waters within one nautical mile seaward from any grassland bank in District 1;

(xiv) Pike may not be taken with gill nets in the waters of the Tolovana River drainage from October 15-April 14;

(xv) A commercial salmon fisherman who is registered for Districts 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village;

(xvi) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gill nets larger than 6-inch mesh after a date specified by emergency order issued between July 10-July 31;

(xvii) In Subdistricts 5-A, 5-B, 5-C, and that portion of Subdistrict 5-D downstream from Long Point, no person may possess salmon taken for subsistence purposes during a commercial fishing period, unless the dorsal fin has been immediately removed from the salmon; a person may not sell or purchase salmon from which the dorsal fin has been removed;

(xviii) Subsistence fishermen taking salmon in Subdistrict 6-C shall report their salmon catches at designated the ADF&G check stations by the end of each weekly fishing period; immediately after salmon have been taken, catches must be recorded on a harvest form provided by the ADF&G;

(xix) The annual possession limit for the holder of a Subdistrict 6-C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15, and 75 chum and coho salmon for periods after August 15;

(xx) Subsistence salmon harvest limits in Subdistrict 6-C are 750 king salmon and 5,000 chum salmon taken through August 15 and 5,200 chum and coho salmon combined taken after August 15; when either the king or chum salmon harvest limit for periods before August 16 has been taken, the subsistence salmon fishing season in Subdistrict 6-C will close; a later season will open after August 15 to allow the taking of

the harvest limit for periods after August 15; if the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for periods after August 15;

(xxi) The annual harvest limit for the holder of a Subdistrict 6-A or 6-B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15; upon request, permits for additional salmon may be issued by the ADF&G;

(xxii) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(4) *Kuskokwim Area.* (i) Salmon may only be taken by gill net, beach seine, fishwheel, or by a rod and reel, subject to the restrictions set forth in this paragraph (d)(4), except that salmon may also be taken by spear in the Holitna River drainage;

(ii) Fish may be taken for subsistence purposes without a subsistence fishing permit;

(iii) Each subsistence gill net operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line;

(iv) The aggregate length of set gill nets or drift gill nets in use by any individual for taking salmon may not exceed 50 fathoms;

(v) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak from those non-navigable drainages tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers and from those non-navigable drainages to Kuskokwim Bay north of the community of Platinum, subject to the following restrictions:

(A) Rainbow trout may be taken only by the use of gill nets, rod and reel, or jigging through the ice;

(B) The use of gill nets for taking rainbow trout is prohibited from March 15–June 15.

(5) *Bristol Bay Area.* (i) Salmon and char may only be taken by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) Only one subsistence fishing permit may be issued to each household per year;

(iii) Each gill net must be staked and buoyed;

(iv) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear;

(v) Salmon, herring, and capelin may only be taken by set gill nets and by a rod and reel, except that salmon may also be taken by spear in the Togiak River including its tributaries;

(vi) Subsistence fishing is not permitted within the boundaries of Katmai National Park;

(vii) Except for the western shore of the Newhalen River, waters used by salmon are closed to the subsistence taking of fish within 300 feet of a stream mouth;

(viii) Subsistence salmon fishing permits for the Naknek River drainage will be issued only through the ADF&G King Salmon office;

(ix) Subsistence fishing with nets is prohibited in the following waters and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14: Lower Talarik Creek, Roadhouse Creek, Nick G. Creek, Middle Talarik Creek, Alexi Creek, Copper River, Upper Talarik Creek, Tazimina River, Kakhonak River, Pete Andrew Creek, Young's Creek, Gibraltar River, Zacker Creek, Chekok Creek, Dennis Creek, Newhalen River, Tomokok Creek, Belinda Creek;

(x) Gill nets are prohibited in that portion of the Naknek River upstream from Sovonaski;

(xi) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River Section and the Togiak River drainage unless the head has been immediately removed from the salmon. It is unlawful to purchase or sell coho salmon from which the head has been removed.

(6) *Aleutian Islands Area.* (i) Salmon may be taken by seine and gill net, with gear specified on a subsistence fishing permit issued by the ADF&G, or by a rod and reel;

(ii) The Adak District is closed to the taking of salmon;

(iii) Salmon and char may be taken only by rod and reel or under the terms of a subsistence fishing permit issued by the ADF&G, except that a permit is not required in the Akutan, Umnak and Adak Districts; not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit; a record of subsistence-caught fish must be kept on the reverse side of the permit; the record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the ADF&G no later than October 31.

(7) *Alaska Peninsula Area.* (i) Salmon may be taken by seine, gill net, gear specified on a permit issued by the ADF&G, or rod and reel;

(ii) The following waters are closed to subsistence fishing for salmon:

- (A) Russell Creek and Nurse Lagoon;
- (B) Trout Creek;
- (C) Humbolt Creek;

(iii) Salmon and char may only be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G; a record of subsistence-caught fish must be kept on the reverse side of the permit; the record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the ADF&G no later than October 31.

(8) *Chignik Area.* (i) Salmon may be taken by seines and gill nets, or with gear specified on a subsistence fishing permit issued by the ADF&G, or by a rod and reel, except that in Chignik Lake, salmon may not be taken with purse seines;

(ii) Salmon may not be taken in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes;

(iii) Salmon and char may only be taken by rod and reel or under the authority of a subsistence fishing permit issued by the ADF&G. A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the ADF&G no later than October 31;

(iv) From June 10–September 30, commercial fishing license holders may not subsistence fish for salmon.

(9) *Kodiak Area.* (i) Salmon may be taken 24 hours a day from January 1 through December 31 except as provided:

(A) From June 1–September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) From June 1–September 15, purse seine vessels may be used to take salmon only with gill nets and no other type of salmon gear may be on board the vessel;

(C) Salmon may be taken only by gill net, seine, or by a rod and reel;

(D) Subsistence fishermen must be physically present at the net at all times the net is being fished;

(ii) The following locations are closed to the subsistence taking of salmon:

(A) All waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite

the Kodiak small boat harbor entrance and then to the small boat harbor entrance;

(B) All freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(C) All water closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Las Point to the tip of River Mouth Point of Afognak Bay;

(D) All waters 300 yards seaward of the terminus of Monks Creek;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island;

(G) All waters of Ouzinkie Harbor north of a line from 57°55'10" N. lat., 152°36' W. long. to 57°55'03" N. lat., 152°29'20" W. long.;

(iii) A subsistence fishing permit issued by the ADF&G is required for taking salmon, trout and char, except by rod and reel, for subsistence purposes; a subsistence fishing permit issued by the ADF&G is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from May 1–June 30; all subsistence fishermen shall keep a record of the number of subsistence fish taken each year; the number of subsistence fish shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence caught fish and must be returned to the local representative of the ADF&G by February 1 of the year following the year the permit was issued.

(10) *Cook Inlet Area.* (i) Salmon may be taken only by rod and reel, or under the authority of a subsistence fishing permit issued by the ADF&G; only one permit may be issued to a household each year; a subsistence fishing permit holder shall record daily salmon catches on forms provided by the ADF&G;

(ii) Trout, grayling, char, and burbot may not be taken in fresh water;

(iii) All public waters on the Kenai Peninsula are closed to subsistence fishing;

(iv) Smelt may be taken only with gill nets and dip nets. Gill nets used to take smelt may not exceed 50 feet in length and two inches in mesh size;

(v) Gill nets may not be used.

(11) *Prince William Sound Area.* (i) Salmon and freshwater fish species may be taken only by rod and reel or under

the authority of a subsistence fishing permit issued by the ADF&G;

(ii) Only one subsistence fishing permit will be issued to each household per year;

(iii) Use of fishwheels:

(A) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain; (B) Subsistence fishwheels must be removed from the water at the end of the permit period;

(C) Each permittee may operate only one fishwheel at any one time;

(D) No person may set or operate a fishwheel within 75 feet of another fishwheel;

(E) No fishwheel may have more than two baskets;

(F) The permit holder must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except as permitted by this part;

(G) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible;

(iv) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted;

(v) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons;

(C) 10 salmon for each additional person in a household over two;

(D) No more than five king salmon may be taken per permit;

(vi) All tributaries of the Copper River and waters of the Copper River are closed to the taking of salmon;

(vii) Crosswind Lake is closed to all subsistence fishing;

(viii) Salmon may be taken for subsistence purposes in the waters of the Southwestern District only as follows:

(A) Only pink salmon may be taken;

(B) Pink salmon may be taken by dipnets or by a rod and reel;

(C) Pink salmon may be taken only from May 15–September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon

season until September 30, seven days per week;

(E) There are no bag and possession limits for this fishery;

(F) ADF&G permits may be issued only at Chenega Bay village;

(ix) Salmon may be taken for subsistence purposes in the waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, only as follows:

(A) Only pink salmon may be taken;

(B) Pink salmon may be taken by dipnets or by a rod and reel;

(C) Pink salmon may be taken only from May 15–September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) There are no bag and possession limits for this fishery;

(F) ADF&G permits may be issued only at Tatitlek village;

(12) *Yakutat Area.* (i) Salmon, trout, and char may be taken only by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes; the holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar;

(iii) Subsistence fishermen must remove the dorsal fin from subsistence-caught salmon when taken.

(13) *Southeastern Alaska Area.* (i) Salmon, trout, char and herring spawn on kelp may be taken only by rod and reel or under authority of a subsistence fishing permit issued by the ADF&G;

(ii) No person may possess subsistence-taken and sport-taken salmon on the same day;

(iii) Salmon, trout or char taken incidentally by gear operated under the terms of an ADF&G subsistence permit for salmon are legally taken and possessed for subsistence purposes; the holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar;

(iv) Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

§ 27 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of dungeness crab,

king crab, tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of § _____.26 or this section.

(c) Methods, means, and general restrictions. (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other bag limit specified for a State season.

(2) Unless otherwise provided in this section, gear as specified in the definitions of § _____.26 is legal for subsistence taking of shellfish.

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(5) Each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent ADF&G vessel license number. The keg or buoy may be any color except red.

(6) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(7) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(8) In addition to the marking requirements in paragraph (c)(5) of this section, kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(9) No more than five pots per person and 10 pots per vessel may be used to

take crab, except as specified in paragraph (f) of this section.

(10) In the subsistence taking of shrimp in the Glacier Bay National Preserve, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Glacier Bay National Preserve, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) Subsistence take by commercial vessels. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered.

(e) Unlawful possession of subsistence shellfish. Shellfish or their parts taken in violation of Federal or State regulations may not be possessed, transported, given, received or bartered.

(f) Subsistence shellfish areas and pertinent restrictions. (1) *Southeastern Alaska-Yakutat Area*. Shellfish may be taken for subsistence purposes in the Glacier Bay National Preserve only under the authority of a subsistence shellfish fishing permit.

(2) *Cook Inlet Area*. All waters within the boundaries of the Kenai National Wildlife Refuge are closed to the taking of shellfish for subsistence purposes.

(3) *Kodiak Area*. (i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iii) The daily bag and possession limit is 12 male dungeness crab per person;

(iv) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers

removed and all doors secured fully open;

(C) No more than five crab pots may be used to take king crab; each pot can be no more than 75 cubic feet in capacity;

(D) King crab may be taken only from June 1–January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users;

(v) In the subsistence taking of tanner crab:

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15–February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location;

(C) The daily bag and possession limit is 12 male crab per person.

(4) *Alaska Peninsula-Aleutian Islands Area*. (i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iii) The daily bag and possession limit is 12 male dungeness crab per person;

(iv) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1–January 31;

(v) The daily bag and possession limit is 12 male tanner crab per person.

(5) *Bering Sea Area.* (i) In waters South of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G;

(ii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net;

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a

closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel;

(iv) In waters south of 60° N. lat., the daily bag and possession limit is 12 male dungeness crab per person;

(v) In the subsistence taking of king crab:

(A) In waters south of 60° N. lat., the daily bag and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall

have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° N. lat., crab may be taken only from June 1–January 31;

(vi) In waters south of 60° N. lat., the daily bag and possession limit is 12 male tanner crab.

Dated: June 12, 1996.

Mitch Demientieff,
Chair, Federal Subsistence Board.

Dated: June 12, 1996.

John C. Capp,
Acting Regional Forester, USDA—Forest Service.

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**Registered
Federal**

Tuesday
July 30, 1996

Part III

**Department of
Health and Human
Services**

Office of the Secretary

5 CFR Chapter XLV
Supplemental Standards of Ethical
Conduct for Employees; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES**5 CFR Chapter XLV**

RIN 3209-AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services, with the concurrence of the Office of Government Ethics (OGE), is issuing regulations for officers and employees of HHS that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch. This final rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to the Department. The rule: Designates separate agency components for purposes of the gift rules and the teaching, speaking and writing restrictions; excepts from the gift rules, subject to monetary limits, arts and crafts items received from Indian tribes or Alaska-Native organizations; prohibits the holding or acquisition of certain financial interests by employees of the Food and Drug Administration (FDA); exempts otherwise disqualifying financial interests derived from Indian or Alaska Native birthrights; prohibits certain outside employment and other outside activities; establishes HHS-wide prior approval requirements for outside employment and other outside activities, with additional rules applicable to FDA employees; authorizes certain compensated teaching, speaking and writing activities engaged in by special Government employees in the Public Health Service (PHS); and delineates restrictions on concurrent representation of tribal organizations.

EFFECTIVE DATE: July 30, 1996.

FOR FURTHER INFORMATION CONTACT: Edgar M. Swindell, Assistant Special Counsel for Ethics, or Richard M. Thomas, Assistant Special Counsel for Ethics (FDA sections), Office of the General Counsel, Ethics Division, telephone (202) 690-7258, fax (202) 690-5452.

SUPPLEMENTARY INFORMATION:**I. Background**

On August 7, 1992, the Office of Government Ethics published Standards of Ethical Conduct for Employees of the Executive Branch (OGE Standards),

codified at 5 CFR part 2635. See 57 FR 35006-35067, as corrected at 57 FR 48557 and 52583 and 60 FR 51667, with additional grace period extensions at 59 FR 4779-4780, 60 FR 6939-6391 and 66857-66858. Effective February 3, 1993, the OGE Standards established uniform rules applicable to all executive branch personnel.

Pursuant to 5 CFR 2635.105, executive branch agencies are authorized to publish, with the concurrence of OGE, supplemental regulations deemed necessary to implement their respective ethics programs. The Department and OGE have determined that the following supplemental regulations, which are being issued in a new chapter XLV, consisting of part 5501, of 5 CFR, are necessary to establish certain prior approval procedures, and to address gifts, financial holdings, outside employment and other outside activities, and other ethics issues arising out of the unique programs and operations of the Department.

In a separate rulemaking (which will have an effective date that is the same as the date of publication of this supplemental regulation), the Department, after consultation with OGE, will remove those provisions in its existing agency standards of conduct regulations at 45 CFR part 73 and 73a that have been superseded by the OGE Standards of Ethical Conduct, the OGE financial disclosure regulations at 5 CFR part 2634, and this final rule. The Department will then add a cross-reference to the OGE rules, as supplemented. Those portions of the HHS and FDA regulations regarding conduct that remain will preserve employee obligations unrelated to those subjects assigned to OGE for rulemaking and implementation, such as the political activity restrictions for uniformed service officers in the Public Health Service Commissioned Corps, the rules governing conduct on Federal property, and the standards for workplace courtesy, cooperation, and avoidance of sexual harassment.

II. Analysis of the Regulations*Section 5501.101 General*

This section states the purpose and scope of the part, incorporates the general definitions promulgated in the OGE Standards, and defines specific terms. The section specifies that the supplemental regulations apply to all officers and employees of HHS, including special Government employees (SGEs) and uniformed service officers in the Public Health

Service Commissioned Corps on active duty.

Section 5501.102 Designation of HHS Components as Separate Agencies

Section 2635.202(a) of the OGE Standards prohibits an employee from soliciting or accepting a gift offered by a prohibited source or given because of the employee's official position. A prohibited source is defined, in part, as a person who is regulated by, or has matters pending before, an employee's agency, as prescribed in 5 CFR 2635.203(d). For the purpose of identifying an employee's agency, § 2635.203(a) of the OGE Standards authorizes an executive department, by supplemental regulation, to designate as a separate agency any component of the department that exercises a distinct and separate function.

Designations made pursuant to § 2635.203(a) are used also to identify an employee's agency for purposes of applying the prohibition in 5 CFR 2635.807 on the receipt of compensation for teaching, speaking and writing that relates to an employee's official duties. In addition, under § 5501.106(d) of this part, invitations to engage in outside employment or other outside activities tendered by prohibited sources of an employee's agency, as herein defined, are subject to a prior approval requirement.

The Department has determined that each of the HHS components listed in § 5501.102 exercises distinct and separate functions. Accordingly, § 5501.102 designates the following operating divisions and components of HHS as separate agencies: (1) Administration on Aging (AOA); (2) Administration for Children and Families (ACF); (3) Agency for Health Care Policy and Research (AHCPR); (4) Agency for Toxic Substances and Disease Registry (ATSDR); (5) Centers for Disease Control and Prevention (CDC); (6) Food and Drug Administration (FDA); (7) Health Care Financing Administration (HCFA); (8) Health Resources and Services Administration (HRSA); (9) Indian Health Service (IHS); (10) National Institutes of Health (NIH); (11) Office of Consumer Affairs (OCA); (12) Program Support Center (PSC); and (13) Substance Abuse and Mental Health Services Administration (SAMHSA).

As a result of these designations, employees of a designated component have to be concerned only with the prohibited sources of their respective components when assessing the propriety of a tendered gift or invitation to teach, speak, write, or engage in outside employment or other outside

activities. Employees of a component are defined to include, in addition to employees actually within a component, employees in a division or region of the Office of the General Counsel (OGE) that principally advise or represent that component.

Any HHS employee not in one of the 13 components designated as separate agencies (including employees of the Office of the General Counsel with Department-wide responsibility) is deemed an employee of the remainder of HHS. These employees are treated as if no separate designations had been made, and, as a result, all prohibited sources of HHS are attributable to them.

Under § 5501.102, an employee of the Administration for Children and Families, for example, could receive an unsolicited gift from a hospital corporation receiving Medicare reimbursement through the Health Care Financial Administration, provided that the gift was not given because of the employee's official position. The hospital corporation would be a prohibited source of gifts as to all employees of HCFA, but likely would not be a prohibited source as to all employees of ACF or other designated agency components, unless that hospital corporation was also seeking official action from, were doing business with, were regulated by, or otherwise had a matter pending before that separate designated agency component.

A hospital corporation receiving Federal funds, however, would be a prohibited source of gifts for all employees in the Office of the Assistant Secretary for Public Affairs because such employees are deemed part of the remainder of HHS and, as such, are charged with all prohibited sources of the Department. Employees of the Business and Administrative Law Division of the Office of the General Counsel, which has Department-wide responsibilities, would be treated similarly. However, employees of the Children, Families, and Aging Division of the Office of the General Counsel, which serves ACF and AOA, would receive the benefit of the separate agency designations.

Section 5501.103 Gifts from Federally Recognized Indian Tribes or Alaska Native Villages or Regional or Village Corporations

Section 2635.204(k) of the OGE Standards permits employees to accept any gift that is specifically authorized by a supplemental agency regulation. The Office of Government Ethics is authorized by 5 U.S.C. 7353(b)(1) to permit "such reasonable exceptions as may be appropriate" from the general

ban on gifts to Federal employees given by prohibited sources or because of their official position. Section 5501.103 permits HHS employees to accept unsolicited gifts of native artwork or crafts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations valued up to and including \$200 per source per calendar year. Such gifts may include art, jewelry, pottery, rugs, carvings, beadwork, and native dress.

Indian tribes and Alaska Native villages often offer gifts of artwork and crafts as a matter of custom and tradition. Many employees throughout HHS, most notably in the Indian Health Service, the Administration for Native Americans within the Administration for Children and Families, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration, interact with Native Americans. Cognizant of the unique status of tribal organizations, this exception is intended to effectuate harmonious and respectful relations between HHS and the governing bodies of Indian tribes and Alaskan Native villages. The Department of the Interior concurs in this approach and plans to promulgate an identical provision for its employees.

The \$200 per source per year threshold is appropriate in light of the recognized value of handcrafted artwork. The figure reflects that tribal art on occasion may be expected to exceed the current \$20 maximum permitted by the gift rules, but is set low enough to exclude antiquities, collectibles, or similar items having a significant commercial value. Moreover, the \$200 figure is consistent with the monetary threshold contained in § 2635.204(d) of the OGE Standards relating to receipt of gifts for meritorious public service or achievement.

This section does not authorize employees to accept such gifts from individual tribe or organization members. In addition, the limitations on the use of exceptions to the gift rules, contained in 5 CFR 2635.201 through 2635.205, apply to this section. If the donor is a tribe or village that has interests that may be substantially affected by the performance or nonperformance of the recipient's official duties, the employee may accept the gifts authorized by this section only where there is a written finding by the agency designee that acceptance of the gift is in the agency's interest and will not violate any of the limitations on the use of exceptions contained in 5 CFR 2635.202(c). Gifts valued over \$200 may be accepted on behalf of HHS, where appropriate, if authorized by applicable

statutory gift acceptance authority, e.g., 42 U.S.C. 238.

Section 5501.104 Prohibited Financial Interests Applicable to Employees of the Food and Drug Administration and the Office of the Chief Counsel

In 1972, the Department of Health, Education and Welfare, the predecessor of the Department of Health and Human Services, determined that, because the Food and Drug Administration "is a unique consumer protection and regulatory agency within the Department," the Department's standards of conduct needed "further supplementation to reflect this role." 37 FR 24347, 24348 (November 16, 1972). Therefore, the Department adopted additional activities and financial interests, applicable only to employees of FDA (and later to employees of the then Food and Drug Division of the Office of the General Counsel), codified at 45 CFR part 73a. The Department amended the FDA supplemental regulations in 1978, again "to re-enforce public confidence in the integrity of decisions rendered by FDA employees." 43 FR 7618, 7619 (February 24, 1978).

Over two decades since the FDA supplemental regulations were first promulgated, the work of FDA still poses unique challenges for an agency ethics program. FDA employees participate in regulatory and product approval matters that substantially affect significant sectors of the United States economy, including the food, pharmaceutical, medical device, veterinary medicine, biotechnology, and cosmetics industries. Many FDA employees have access to confidential commercial information and trade secrets, the misuse of which can have serious financial consequences. Moreover, many FDA employees participate in, or have access to information about, pending enforcement matters, such as seizures, injunctive actions, and criminal investigations and prosecutions. Unethical conduct in this context, including misuse of information, could have serious public health consequences. In sum, FDA has a compelling need to monitor, and impose reasonable restrictions on, the financial and employment ties between FDA employees and the vast number of entities regulated by FDA. Such restrictions not only serve the interests identified above, but also relieve FDA of the significant administrative burden of resolving many conflict of interest problems on a case by case basis.

Therefore, § 5501.104 will preserve the substance of FDA's historic restrictions on the acquisition and holding of financial interests in

regulated organizations. (See the explanation of § 5501.106(c)(3) and § 5501.106(d)(2) for a discussion of the provisions governing outside employment of FDA employees.) Like FDA's prior financial interest restrictions, § 5501.104 is narrowly tailored in two important respects:

First, § 5501.104, like the prior FDA rule, distinguishes between interests in organizations that are significantly regulated by FDA, and interests in organizations that are only incidentally regulated by FDA. Only interests in "significantly regulated organizations" are restricted. "Significantly regulated organization" is defined, at § 5501.101(c)(2), to include any organization that derives ten percent or more of its annual gross sales from the sale of FDA-regulated products. The new rule adds a necessary modification to FDA's prior definition: companies that have no record of sales, but which are operating solely within a field regulated by FDA, also will be deemed to be "significantly regulated." This modification is necessary to cover companies that are subject to significant regulation by FDA but which do not yet have any products on the market. The rule would cover, for example, start-up biotechnology companies that may exist for several years before obtaining FDA approval to market any product.

Second, § 5501.104, like the prior FDA rule, places the most strict limitations on employees whose duties carry the greatest potential for conflict of interest. In the past, FDA used various tests to determine which employees should be covered by the most strict prohibitions on financial interests. Compare 37 FR 24349 with 43 FR 7621. Under § 5501.104, the test is simplified: The most strict prohibition applies to those employees required to file either a public financial disclosure statement or a confidential financial disclosure statement, pursuant to 5 CFR part 2634. With certain exceptions, such employees are prohibited from holding or acquiring any interest in a significantly regulated organization. All other employees are allowed, pursuant to § 5501.104(b)(2), to hold or acquire such interests, subject to essentially the same limitations contained in the prior FDA rule.

Section 5501.104 excepts interests in certain investment and pension funds from the financial interest restrictions. To qualify for this exception, the fund must not be self-directed and must not have an express policy or practice of concentrating its investments in significantly regulated organizations. For example, a widely diversified mutual fund generally would be a

permissible holding, even though the fund holds some stocks of significantly regulated organizations whereas a sector fund that focused on the pharmaceutical industry would not.

The new rule also excepts pensions arising from employment with a significantly regulated organization. This exception does not appear in the prior FDA rule, but it does codify an FDA policy that has been in effect since 1976. The Food and Drug Administration has determined that such an exception is necessary to facilitate recruitment of qualified scientific and professional personnel, many of whom may have begun their careers in industry.

Furthermore, § 5501.104 provides FDA employees with the opportunity to request an individual exception in cases involving exceptional circumstances. Where the employee can demonstrate exceptional circumstances, FDA may grant an individual exception, provided that the application of the financial interest prohibition is not necessary to ensure public confidence in the impartiality or objectivity with which FDA programs are administered or to avoid a violation of 5 CFR part 2635.

Finally, consistent with prior FDA policy, the prohibition relating to financial interests would continue to apply to the spouses and minor children of FDA employees. FDA has made the determination, pursuant to 5 CFR 2635.403(a), that there is a direct and appropriate nexus between this prohibition as applied to spouses and minor children and the efficiency of the service. It should be noted, however, that § 5501.104 is not intended to prohibit employment by spouses and minor children in regulated industry, although any actual or apparent conflicts of interests created as to FDA employees by such employment must be resolved under other applicable provisions of 5 CFR part 2635.

Section 5501.105 Exemption For Otherwise Disqualifying Financial Interests Derived From Indian or Alaska Native Birthrights

Section 208(a) of title 18 of the United States Code prohibits an employee of the executive branch from participating personally and substantially as a Government employee in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which the employee, the employee's spouse, minor child, or organization in which the individual is employed, otherwise serving, or seeking other employment, has a financial interest.

The Ethics Reform Act of 1989 amended 18 U.S.C. 208(b)(4) to provide that the conflict of interest prohibition does not apply to a financial interest resulting solely from the interest of the employee or the employee's spouse or minor child in birthrights in a federally recognized Indian tribe or Alaska Native village corporation, in an Indian allotment held in trust by the United States, or in an Indian claims fund held in trust or administered by the United States, if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe or village corporation as a specific party or parties. Section 5501.105 incorporates the statutory exemption referenced in the OGE Standards at 5 CFR 2635.402(d).

Section 5501.106 Outside Employment and Other Outside Activities

Section 5501.106 establishes supplemental regulations concerning the outside employment and other outside activities of HHS employees, other than special Government employees. The section covers both compensated and uncompensated activities and addresses traditional outside employment relationships, as well as other outside activities. The Department is authorized by §§ 2635/802(a) and 2635.803 of the OGE Standards, respectively, to prohibit its employees from engaging in certain outside employment or other outside activities and to require prior approval before engaging in other defined outside employment or activities.

(a) *Applicability.* The outside employment and activity prohibitions and the prior approval requirements imposed by paragraphs (c) and (d), respectively, do not apply to special Government employees. Nevertheless, special Government employees remain subject to other statutory and regulatory authorities governing their outside activities, including the criminal representation statutes, 18 U.S.C. 203 and 205, and other applicable provisions of 5 CFR part 2635 and this part.

(b) *Definitions.* Section 5501.106(b) sets forth definitions of the terms used in the section.

(c) *Prohibited Outside Employment and Activities.* Section 5501.106(c) prohibits certain outside employment and activities that, if engaged in by an HHS employee, would pose a conflict with the employee's official duties, would cause a reasonable person to question the impartiality with which agency programs are administered, or would otherwise compromise agency interests.

(1) *Prohibited Assistance in the Preparation of Grant Applications or Contract Proposals.* More specifically, § 5501.106(c)(1) prohibits an HHS employee from engaging in consultative or professional services, for compensation, to prepare, or assist in the preparation of, grant applications, contract proposals, program reports, or any other matters that are intended to be the subject of dealings with HHS. Such conduct, if undertaken on an uncompensated basis, though not expressly prohibited by paragraph (c)(1), is subject to the prior approval requirement in paragraph (d). This provision carries forward longstanding policy reflected in the now superseded HHS Standards of Conduct at 45 CFR 73.735-704(a)(2).

(2) *Prohibited Employment in HHS-Funded Activities.* Section 5501.106(c)(2) prohibits an HHS employee from engaging in compensated work on an HHS-funded grant, contract, cooperative agreement, cooperative research and development agreement, or other similar project or arrangement authorized by statute. The paragraph precludes the provision of personal services, whether as an employee, consultant, contractor, or otherwise, that are rendered in the performance of a particular grant, contract, or agreement for which the project derives funding from HHS. This provision does not *per se* bar employment with an entity that receives HHS funds, but rather if focuses on discrete matters for which the employee's services and attendant compensation can be attributed to a defined HHS-funded project or contractual arrangement.

This provision codifies prior HHS policy, as implemented by the HHS Form 520, "Request for Approval of Outside Activity." The prohibition was deemed necessary to preclude the appearance that a compensated employment or business opportunity may have been obtained through the use of the employee's official position and to address a number of other potential ethics concerns. Given that millions of dollars in HHS grants and contracts are awarded annually, the Department has determined that maintaining the policy against compensated outside employment in grant or contract implementation is critical to protect against questions arising regarding the impartiality and objectivity of its employees and the administration of the Department's programs. In fulfilling its mission, the Department would be hindered if members of the public were to question whether HHS employees were using their public position or

workplace connections for private remunerative gain attributable, directly or indirectly, to appropriated funds.

(3) *Prohibited Outside Activities Applicable to Employees of the Food and Drug Administration and the Office of the Chief Counsel.*

Under FDA's prior rule, originally adopted in 1972, those employees whose duties pose the greatest potential for conflict of interest generally could not engage in employment with significantly regulated organizations. 45 CFR 73a.735-401(b). The basis for this rule was essentially the same as the basis for the rule restricting financial interests in significantly regulated organizations (see discussion of § 5501.104 above). Not only are such employees in a position to affect the financial interests of these organizations through the performance of their official duties, but the employees may have access to nonpublic information that could be used to the advantage of the organizations. Therefore, § 5501.106(c)(3) will substantially preserve this prohibition, with respect to employees who are required to file public or confidential financial disclosure reports.

The new rule provides two exceptions to the prohibition on employment with a significantly regulated organization. The first exception, at paragraph (c)(3)(ii)(A), essentially continues an exception found in FDA's prior rule. The purpose of the exception is to allow employees who are licensed to practice various medical professions to remain current in their professions, including the maintenance of licenses or certifications. The list of practices in the exception (medicine, dentistry, veterinary medicine, pharmacy, nursing) is not exclusive, but illustrative. The practice of the various medical professions usually is precisely defined and highly regulated by State law, and FDA cannot give a definition of each practice that is covered by the exemption. However, the exception is intended to cover only employment that involves the provision of medical professional services. Thus, for example, the exception would not cover the practice of law or accounting. Moreover the exception is not intended to allow FDA employees to be employed by a medical product manufacturer in the conduct of biomedical research.

The second exception, in paragraph (c)(3)(ii)(B), will allow clerical or similar employment (such as cashier or janitorial work) with retail stores that are significantly regulated by FDA. Normally, such positions would pose little risk for abuse of nonpublic information obtained from FDA, and

any potential conflicts of interest can be dealt with on a case by case basis.

In addition to employment with a significantly regulated organization, the new rule also prohibits certain self-employed business activities. Certain sole proprietorships in fields subject to significant FDA regulation may not constitute "employment," within the meaning of 5 CFR 2635.603(a), but such activities pose the same, if not greater, risks. Therefore, public and confidential disclosure report filers would be prohibited from engaging in self-employed business activities where the sale or promotion of FDA-regulated products is expected to constitute ten percent or more of annual gross sales or revenues.

(4) *Prohibited Outside Practice of Law Applicable to Attorneys in the Office of the General Counsel.*

Summary. Section 5501.106(c)(4) prohibits attorneys in or supervised by the Office of the General Counsel from practicing law outside their official positions where the activity, in fact or in appearance, may require the assertion of a legal position that conflicts with the interests of the Department. Office of the General Counsel attorneys are also prohibited from engaging in any outside law practice that might require the interpretation of a statute, regulation, or rule administered or issued by the Department.

Exceptions. Consistent with Federal policy embodied in the exceptions to the representational bans contained in 18 U.S.C. 203 and 205, nothing in the section precludes representation or advice, if approved by the appropriate official or supervisor, that is: (1) Rendered, with or without compensation, to specified relatives or an estate for which an employee serves as a fiduciary; or (2) provided, without compensation, to an employee subject to disciplinary, loyalty, or other personnel administration proceedings.

In order to take advantage of the exceptions to 18 U.S.C. 203 and 205 or representing family members or an estate, both statutes expressly require the approval of the Government official responsible for the employee's appointment. See 18 U.S.C. 203(d) and 205(e). The parallel provision in 18 U.S.C. 205(d) that permits an employee to provide uncompensated legal assistance to another employee in disciplinary, loyalty, or other personnel administration proceedings does not explicitly contain an authorization requirement, but specifies that the activity must not be "inconsistent with the faithful performance of [the employee's] duties." The Office of Government Ethics has issued an

opinion concluding that an employee may not unilaterally make this finding; as a result, supervisory approval is required. OGE Informal Advisory Letter 82 X 19 (December 9, 1982), as published in "The Informal Advisory Letters and Memoranda and Formal Opinions of the United States Office of Government Ethics," (the "OGE Advisory Publication"), 313 (1979-1988), which is available for purchase from the Government Printing Office. As an outside professional activity, such representation would be subject, in any event, to the prior approval procedures in § 5501.106(d) of this part.

Paragraph (c)(4)(ii)(C) makes explicit that neither the ban on asserting contrary positions nor the prohibition on interpreting agency statutes is intended to proscribe the giving of testimony under oath.

Assetting Contrary Legal Positions. Paragraph (c)(4)(i)(A) is consistent with the rules of professional conduct governing the attorney-client relationship. Precluding outside law practice that may require the assertion of legal positions adverse to the Department derives from the unique and sensitive relationship between an attorney and a client, which for attorneys in the Office of the General Counsel, is the Department of Health and Human Services.

Moreover, the Department has a legitimate interest in maintaining the consistency and credibility of the Department's position before the Federal courts. For the most part, the representational bans contained in 18 U.S.C. 203 and 205 would preclude outside practice by Department attorneys in the Federal courts because nondiversity cases within the Federal jurisdiction generally involve controversies in which the United States is a party or has a direct and substantial interest. However, cases may arise involving the interpretation or application of Federal statutes or regulations that do not necessarily implicate the direct and substantial interests of the United States.

The Office of Government Ethics and the Office of Legal Counsel at the Department of Justice have opined that the combined involvement of a Federal statute and a Federal forum in and of itself does not create a direct and substantial interest on the part of the United States for purposes of sections 203 and 205. OGE 94 X 7 (February 7, 1994), as published in the 1994 Supplement to the "OGE Advisory Publication"; 14 Op. O.L.C. 139 (June 7, 1990). As a consequence, Department attorneys representing private clients might appear in front of the same judges

before whom they appear in their official capacities and argue different interpretations of Federal statutes or regulations. Depending upon the visibility of the issues and any attendant controversy, asserting conflicting legal positions may diminish the persuasiveness of the advocate and undermine the credibility of both clients. Paragraph (c)(4)(i)(A) is intended, therefore, to safeguard the interests of the Department as the primary client to which the attorney employee owes a professional responsibility.

Concededly, while representing a private client, a Department attorney might take legal positions on a myriad of issues not directly related to Federal interests or agency programs—such as jurisdiction, service of process, standing, evidence, or statutory construction—that differ from those the attorney might have asserted while acting in a governmental capacity. The section is not intended to proscribe instances of outside practice merely because such issues would have been handled differently if the matters arose in the prosecution or defense of an agency case. Advocacy with respect to ancillary issues unrelated to substantive legal positions or agency administered statutes would only rarely have an impact sufficiently adverse to agency interests to be proscribed by the regulation.

Interpreting Agency Administered Statutes. Paragraph (c)(4)(i)(B) is intended to effectuate the prohibition on the use of public office for private gain, to preclude inconsistent legal positions on core issues affecting the interests of the Department, and to protect the public interest by preventing any lay perception that an attorney's employment with the Department signifies extraordinary competency on agency related issues, or that an agency attorney's interpretation implicitly is sanctioned or approved by the Department.

For the most part, outside practice involving agency administered statutes would be precluded as a conflicting activity. If the subject matter of the proposed representation and the assigned duties of the attorney correlate, the outside activity potentially would require, under the standards set forth in 5 CFR 2635.402 and 2635.502, the employee's disqualification from matters so central or critical to the performance of the employee's official duties that the employee's ability to perform the duties of the employee's position would be materially impaired. Similarly, representation on matters involving the application of agency

statutes may implicate direct and substantial interests of the United States, thus contravening the representational bans in 18 U.S.C. 203 and 205.

Although the regulation to some extent covers areas that are subject to existing prohibitions, paragraph (c)(4)(i)(B) reaches situations not specifically addressed in the existing standards. Absent the prohibition contained in this section, a Department attorney principally engaged in advising a client component conceivably could obtain outside employment advising, as opposed to representing, a private client on areas of agency law to which the attorney is not assigned. In these circumstances, there is considerable risk that the employment position held by the individual may convey an impression of authoritativeness or access to agency experts that may not necessarily be warranted. Moreover, private clients, and those aware of the agency attorney's involvement, may assume incorrectly that the agency attorney's interpretation has been vetted through the Department and is effectively a Departmental interpretation as well. Rendering legal services that may require the interpretation of any statute, regulation, or rule administered or issued by the Department creates an appearance that the employee has used the employee's official position to obtain an outside business opportunity. Further, if counsel were engaged in law practice that involved agency statutes, the potential for asserting legal positions adverse to the interests of the Department would be heightened.

Other Prohibitions and Procedures. As a professional activity within the meaning of 5 CFR 2636.305(b)(1), the outside practice of law must be authorized in advance under the prior approval provisions contained in section 5501.106(d). If an outside activity is expected to involve conduct prohibited by a statute or Federal regulation, including 5 CFR part 2635 and this part, approval must be denied.

The prohibitions contained in the criminal law, the OGE Standards and this supplement constitute considerable impediments to outside law practice. Subject to such exceptions as are contained in the cited authorities, permission cannot be granted, for example, if the activity:

(1) Creates an actual or apparent conflict with the employee's official duties under the criminal conflict of interest provisions in 18 U.S.C. 208 or the standards set forth in 5 CFR 2635.402 and 2635.502;

(2) Involves compensated representational services before any

department, agency, or court, in relation to any proceeding or other particular matter in which the United States is a party or has a direct and substantial interest, as proscribed by 18 U.S.C. 203; or

(3) Entails, irrespective of compensation, prosecution of claims against the Government or service as an agent or attorney before any department, agency, or court, in connection with any covered matter in which the United States is a party or has a direct and substantial interest, in contravention of 18 U.S.C. 205.

Further, if the proposed outside activity would reflect adversely upon the Department so as to constitute conduct prejudicial to the Government within the meaning of 5 CFR 735.203, approval would be denied. In addition, any approved outside activity requiring absence from duty is subject to the denial or cancellation of leave due to exigencies of staffing and workload.

Alternatives Considered. In developing this regulation, the Department considered several options. The confluence of the many restrictions outlined above point in the direction of banning all outside practice of law. However, public interest considerations require rejection of such a policy. Attorneys in the Federal government can play a significant role in providing legal assistance to those in need without running afoul of these provisions. In keeping with their ethical obligation to the system of justice, Department attorneys may provide legal services *pro bono publico* in areas such as landlord-tenant disputes, State criminal defense work, and State workers' compensation claims, that are unlikely to pose a conflict or other ethical concern. Indeed, the Department encourages such volunteer activities, if not inconsistent with the laws and regulations described above. Executive Order 12988 specifically directs that all Federal agencies "develop appropriate programs to encourage and facilitate pro bono legal and other volunteer service by government employees to be performed on their own time, including attorneys, as permitted by statute, regulation, or other rule or guideline."

The Department considered a proposal to ban compensated practice of law. The availability of pecuniary gain could increase instances of outside representation or induce the continuous practice of law with concomitant administrative, management, and conflicts avoidance burdens that are not implicated by the infrequent or occasional uncompensated activities currently permitted on behalf of indigent clients, specified relatives and

estates, and individuals subject to disciplinary, loyalty, or other personnel administration proceedings. On the other hand, the Department recognizes that many compensated activities—such as preparing a will, drafting Subchapter S incorporation documents, searching real estate titles, advising on State law contract disputes, or representing a client in traffic court—can generally be undertaken without detriment to the agency's interests, provided that the employee adheres to the limitations of this rule. The Department, therefore, opted for the less restrictive approach embodied in this regulation.

(d) *Prior Approval for Outside Employment and Other Outside Activities.* Section 2635.803 of the OGE Standards provides that an agency, by supplemental regulation, may require its employees to obtain advance administrative approval before engaging in certain types of outside employment or other outside activities, where the agency has determined that such a requirement is necessary or desirable for the purpose of administering its ethics program. Provisions in the HHS Standards of Conduct and the FDA Supplement, 45 CFR parts 73 and 73a (which are superseded by this rule), have long required employees to obtain written approval prior to engaging in certain outside employment or other outside activities. Section 5501.106(d) continues this requirement.

The prior approval requirement has been an integral part of the HHS ethics program. Its continuance is deemed necessary to ensure that an employee's participation in outside employment or other outside activities does not adversely affect operations within the employing component or place the employee at risk of violating applicable statutes and regulations governing employee conduct.

(1) *General Approval Requirement.* Section 5501.106(d)(1) enumerates the employment or activities, with or without compensation, for which prior approval is required: (i) Providing consultative or professional services, including service as an expert witness; (ii) engaging in teaching, speaking, writing or editing that relates to an employee's official duties or that is undertaken as a result of an invitation from a prohibited source; and (iii) providing services to a non-Federal entity as an officer, director, or board member, or as a member of a group, however denominated, that renders advice, counsel, or consultation.

Paragraph (d)(1)(iii), however, does not require prior approval for uncompensated (other than reimbursement of expenses) service as

an officer, director, board member, or advisory group member in a political, religious, social, fraternal or recreational organization, unless the position held by the employee requires the provision of professional services. For example, an HHS employee trained as an accountant may serve, without prior approval, on a church board and keep the church's books. Providing accounting services is not a requirement of service on the board. However, if the church were to hire the employee, with or without compensation, as its accountant, prior approval would be required.

Prior approval is required for service as an officer, director, board member, or advisory group member in a professional association or similar organization. Officeholding in a professional association may raise "representation" issues and other ethics concerns not usually encountered in the context of political, religious, social, fraternal or recreational organizations.

(2) *Additional approval requirement applicable to employees of the Food and Drug Administration and the Office of the Chief Counsel.*

Under FDA's prior rule, adopted in 1972, all FDA employees have been required to obtain prior approval for all outside employment, with limited exceptions. 45 CFR 73a.735-401. This requirement proved to be an ineffective mechanism for preventing inadvertent conflicts of interest among FDA employees. Section 5501.106(d)(2) will continue this requirement.

FDA estimates that approximately 25% of all consumer spending in the United States is on products regulated by FDA. FDA can take actions that affect enterprises as diverse as grocery retailers, home appliance manufacturers, cosmetics distributors, and dairy farmers. Even non-profit organizations, such as patient advocacy groups or blood banks, can have an interest in FDA actions. In light of the pervasiveness and variety of FDA-regulated and FDA-affected organizations in the United States, there is a significant risk that employees engaged in outside employment or self-employed business activity may confront actual or apparent conflicts of interest.

The prior approval requirement in § 5501.106(d)(2) will allow FDA to assist employees in identifying organizations that are regulated by FDA or significantly involved in FDA issues. Ultimately, prior approval helps FDA employees to avoid conflicting activities with such organizations.

Section 5501.106(d)(2) codifies existing practice by applying the prior approval requirement to employees of

the FDA Office of the Chief Counsel. The rule also codifies current practice by requiring prior approval for self-employed business activity.

Consistent with the other prior approval provisions applicable to all HHS employees, § 5501.106(d)(2) will not require approval for participation in the activities of a political, religious, social, fraternal, or recreational organization, unless the position requires the provision of professional services, or is rendered for compensation (other than reimbursement of expenses). Moreover, the prior approval requirement will not apply to those categories of employment that have been exempted, pursuant to § 5501.106(d)(5), based on a determination that such employment activities generally would be approved and are not likely to involve conduct prohibited by statute or regulation.

(3) *Submission of Requests for Prior Approval.* This paragraph specifies that requests for approval of outside activities must be submitted to the employee's supervisor a reasonable time in advance of the proposed activity. Prior approval requests must include information sufficient to assess the activity, such as: the employee's name, organizational location, position title, and grade or rank; the name of the person or organization for whom the outside work is to be performed; a description of the type and location of such work; the method of compensation; the duration of the activity, and the number of hours the employee expects to be engaged in such work.

In order to implement the prohibitions contained in paragraphs (c) (1) and (2) of this section relating to HHS grant and contract activities, the employee must provide additional information as currently required on the HHS Form 520, "Request for Approval of Outside Activity." An employee who renders consultative or professional services must state whether the client or outside employer is a current or prospective HHS grantee or contractor. And, an employee, irrespective of the type of services to be provided, must identify any HHS funding sources for the specific activity in which the employee proposes to engage.

For activities involving teaching, speaking, writing, or editing, the employee must submit the proposed text of any disclaimer that is required by either the OGE Standards or the agency instructions or manual issuances authorized by paragraph (d)(5) of § 5501.106. Section 2635.807(b)(2) of the OGE Standards permits an employee who is engaged in outside teaching,

speaking or writing, to use, or permit the use of, the employee's title or position in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer satisfactory to the agency. The disclaimer must indicate that the views expressed in the article do not necessarily represent the views of the agency or the United States.

(4) *Standard for Approval.* Paragraph (d)(4) specifies the standard for approval of outside employment or other activities. An activity that is not expected to involve conduct prohibited by statute or regulation, including part 2635 and the agency supplemental, shall be approved. However, a note following the paragraph cautions that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated, that, nevertheless, pose ethical concerns.

(5) *Responsibilities of the Designated Agency Ethics Official and Component Agencies.* Section 5501.106(d)(5) authorizes the Designated Agency Ethics Official (DAEO) or the separate agency components, with the concurrence of the DAEO, to issue instructions or manual issuances exempting categories of employment or other activities from the prior approval requirement based on a determination that the employment or activities within those categories would generally be approved and are not likely to involve conduct prohibited by statute or Federal regulation, including the OGE Standards and this supplemental regulation.

Through these instructions or manual issuances, agency components may specify internal procedures governing the submission of prior approval requests, designate appropriate officials to act on such requests, and include examples of outside employment or other outside activities that are permissible or impermissible consistent with the OGE Standards and this part.

The OGE Standards also recognize that agencies may have policies requiring advance agency review, clearance, or approval of certain speeches, books, articles, or similar products to determine whether the material contains an appropriate disclaimer, discloses nonpublic information, or otherwise complies with the teaching, speaking and writing provisions of 5 CFR 2635.807. Because the need for preclearance and/or disclaimers may differ depending upon the activities and missions of the various components of the Department, the rule authorizes inclusion of such

policies within the instructions or manual issuances.

The Department will continue to employ HHS Form 520 as both a prior approval request form and a record of the disposition by the approval official. Paragraph (d)(5)(iii) of the section requires officials responsible for the administrative aspects of these regulations to make provisions for the filing and retention of these forms.

No provision is made in these regulations, however, for an annual reporting of outside activities submitted on HHS Form 521, as previously required by 45 CFR 73.735-709. That section elicited an annual written verification whether the work or activity described in the original request was actually performed and required the employee to specify the amount of time spent and whether the activity would continue unchanged. Because the HHS Form 520 contains a blank for specifying duration and any substantive change in the scope of the approved activity would constitute a new activity requiring submission of another HHS Form 520, the annual report appears to be unnecessarily duplicative. Moreover, the information requested would, in any event, form the basis of a responsible dialogue between employees and supervisors concerning workload allocation and the avoidance of conflicts. The minimal benefit to be derived from an annual report does not outweigh the considerable burden involved in collecting, tracking, and reviewing the forms. Accordingly, the requirement for filing an annual HHS Form 521 expires upon the effective date of this rule.

Section 5501.107 Teaching, Speaking and Writing by Special Government Employees in the Public Health Service

Section 5501.107 is intended to deal with a common situation presented by special Government employees in the health agencies of the Department who participate as speakers in continuing medical education (CME) courses and similar activities. These health agencies must rely on special Government employees who are experts in various biomedical fields. Such individuals tend to be active in private CME programs, which frequently are sponsored or underwritten by the medical product industry. At FDA, in particular, it is very common to find that advisory committee members, in their private capacity as recognized experts in various biomedical fields, receive regular requests to participate in CME courses from medical product manufacturers. Sometimes these manufacturers will have interests that

may be affected substantially by official matters to which the special Government employee already has been assigned. This provision makes clear that such employees may accept offers of compensation to participate in CME courses and similar events only when the employee recuses from the particular matter that would affect the interests of the manufacturer.

Section 5501.108 Exception to the Prohibition Against Assisting in the Prosecution of Claims Against, or Acting as an Agent or Attorney Before, the Government, Applicable Only to Employees Assigned to Federally Recognized Indian Tribes or Alaska Native Villages or Regional or Village Corporations Pursuant to the Intergovernmental Personnel Act

Section 2635.902 of the OGE Standards contains a list of statutory provisions to which an employee's conduct must conform. Among these provisions is the criminal prohibition of 18 U.S.C. 205, which generally bans representational activities, whether or not for compensation, performed by any employee in claims against, or in other matters affecting, the Government.

The Indian Self-Determination Act (25 U.S.C. 450i(f)), however, permits Federal employees detailed or assigned to Indian tribes or Alaska Native villages or regional or village corporations, pursuant to the Intergovernmental Personnel Act (5 U.S.C. 3372), to act as agents or attorneys for, or appear on behalf of, such tribes or Alaska Native villages or corporations in connection with any matter pending before any department, agency, court, or commission, in which the United States is a party or has a direct and substantial interest; provided that each such employee advises in writing the head of the department, agency, court, or commission before which the individual appears, of any personal and substantial involvement the individual may have had as an employee of the United States in connection with the matter. Section 5501.108 is added, therefore, to make explicit this exception to 18 U.S.C. 205, as referenced in §§ 2635.801(d)(4) and 2635.902(d) of the OGE Standards.

III. Matters of Regulatory Procedure *Administrative Procedure Act*

The Department of Health and Human Services has found that good cause exists under 5 U.S.C. 553(b) and (d) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to this final rule. Similar regulations have been

applicable to Department employees under the now superseded HHS Standards of Conduct and FDA Supplement contained at 45 CFR parts 73 and 73a. An immediate effective date is necessary to effect a smooth regulatory transition and to avoid a lapse in applicable procedural and substantive rules relating to prior approval of outside activities and prohibited financial interests that could otherwise occur due to the expiration of "grandfathering" provisions contained in the OGE Standards. See 60 FR 66857.

Moreover, the proposed rulemaking requirements of the Administrative Procedure Act are not applicable because this rule deals with agency organization, procedure, or practice, 5 U.S.C. 553(b), and relates to matters of agency management and personnel, 5 U.S.C. 553(a)(2). The rule also contains several substantive provisions that grant or recognize an exemption or relieve a restriction such that an immediate effective date is permitted under 5 U.S.C.(d)(1).

Executive Order 12866, Regulatory Planning and Review

In issuing this rule, the Department of Health and Human Services has adhered to the regulatory philosophy and the applicable principles of regulations set forth in section 1 of Executive Order 12866 of September 30, 1993. This rule is limited to agency organization, management, or personnel matters, and thus is not a "significant regulatory action," as defined in sections 3(d) through (f) of the Executive order.

Regulatory Flexibility Act

The Department of Health and Human Services has determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant economic impact on a substantial number of small business entities because it affects only HHS employees.

Paperwork Reduction Act

The Department of Health and Human Services has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not impose any new information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 5501

Conflict of interests, Government employees.

Dated: July 17, 1996.
Donna E. Shalala,
Secretary, Department of Health and Human Services.

Approved: July 22, 1996.
Stephen D. Potts,
Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Department of Health and Human Services, with the concurrence of the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations by adding a new chapter XLV, consisting of part 5501, to read as follows:

5 CFR CHAPTER XLV—DEPARTMENT OF HEALTH AND HUMAN SERVICES

PART 5501—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec.

5501.101 General.

5501.102 Designation of HHS components as separate agencies.

5501.103 Gifts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations.

5501.104 Prohibited financial interests applicable to employees of the Food and Drug Administration and the Office of the Chief Counsel.

5501.105 Exemption for otherwise disqualifying financial interests derived from Indian or Alaska Native birthrights.

5501.106 Outside employment and other outside activities.

5501.107 Teaching, speaking and writing by special Government employees in the Public Health Service.

5501.108 Exception to the prohibition against assisting in the prosecution of claims against, or acting as an agent or attorney before, the Government, applicable only to employees assigned to federally recognized Indian tribes or Alaska Native villages or regional or village corporations pursuant to the Intergovernmental Personnel Act.

Authority: 5 U.S.C. 301, 7301, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); 25 U.S.C. 450i(f); 42 U.S.C. 216; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.203, 2635.403, 2635.802, 2635.803.

§ 5501.101 General.

(a) *Purpose.* The regulations in this part apply to employees of the Department of Health and Human Services (HHS) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635. In addition to 5 CFR part 2635 and this part, employees are required to comply with implementing guidance and procedures issued by HHS components

in accordance with 5 CFR 2635.105(c). Employees are also subject to the executive branch-wide financial disclosure regulations at 5 CFR part 2634, the Employee Responsibilities and Conduct regulations at 5 CFR part 735, and the HHS regulations regarding conduct at 45 CFR part 73.

(b) *Applicability.* The regulations in this part apply to individuals who are "employees" within the meaning of 5 CFR 2635.102(h). The regulations thus apply to special Government employees, except to the extent they are specifically excluded from certain provisions, and to uniformed service officers in the Public Health Service Commissioned Corps on active duty.

(c) *Definitions.* Unless a term is otherwise defined in this part, the definitions set forth in 5 CFR part 2635 apply to terms in this part. In addition, for purposes of this part:

(1) *Federally recognized Indian tribe or Alaska Native village or regional or village corporation* means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.*, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) *Significantly regulated organization* means an organization for which the sales of products regulated by the Food and Drug Administration (FDA) constitute ten percent or more of annual gross sales in the organization's previous fiscal year; where an organization does not have a record of sales of FDA-regulated products, it will be deemed to be significantly regulated if its operations are solely in fields regulated by FDA.

§ 5501.102 Designation of HHS components as separate agencies.

(a) *Separate agency components of HHS.* Pursuant to 5 CFR 2635.203(a), each of the thirteen components of HHS listed below is designated as an agency separate from each of the other twelve listed components and, for employees of that component, as an agency distinct from the remainder of HHS. However, the components listed below are not deemed to be separate agencies for purposes of applying any provision of 5 CFR part 2635 or this part to employees of the remainder of HHS:

- (1) Administration on Aging;
- (2) Administration for Children and Families;

(3) Agency for Health Care Policy and Research;

(4) Agency for Toxic Substances and Disease Registry;

(5) Centers for Disease Control and Prevention;

(6) Food and Drug Administration;

(7) Health Care Financing

Administration;

(8) Health Resources and Services Administration;

(9) Indian Health Service;

(10) National Institutes of Health;

(11) Office of Consumer Affairs;

(12) Program Support Center; and

(13) Substance Abuse and Mental Health Services Administration.

(b) *Definition*—(1) *Employee of a component* includes, in addition to employees actually within a component, an employee in a division or region of the Office of the General Counsel that principally advises or represents that component.

(2) *Remainder of HHS* means employees in the Office of the Secretary and Staff Divisions, employees of the Office of the General Counsel with Department-wide responsibility, and any HHS employee not in one of the 13 components designated as separate agencies in paragraph (a) of this section.

(c) *Applicability of separate agency designations.* The designations in paragraph (a) of this section identify an employee's "agency" for purposes of:

(1) Determining when a person is a prohibited source within the meaning of 5 CFR 2635.203(d) for purposes of applying:

(i) The regulations at subpart B of 5 CFR part 2635 governing gifts from outside sources; and

(ii) The regulations at § 5501.106 requiring prior approval of outside employment and other outside activities; and

(2) Determining whether teaching, speaking or writing relates to the employee's official duties within the meaning of 5 CFR 2635.807(a)(2)(i).

§ 5501.103 Gifts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations.

(a) *Tribal or Alaska Native gifts.* In addition to the gifts which come within the exceptions set forth in 5 CFR 2635.204, and subject to all provisions of 5 CFR 2635.201 through 2635.205, an employee may accept unsolicited gifts of native artwork or crafts from federally recognized Indian tribes or Alaska Native villages or regional or village corporations, provided that the aggregate market value of individual gifts received from any one tribe or village under the authority of this paragraph shall not exceed \$200 in a calendar year.

(b) *Limitations on use of exception.* If the donor is a tribe or village that has interests that may be substantially affected by the performance or nonperformance of an employee's official duties, the employee may accept the gifts authorized by paragraph (a) of this section only where there is a written finding by the agency designee that acceptance of the gift is in the agency's interest and will not violate any of the limitations on the use of exceptions contained in 5 CFR 2635.202(c).

§ 5501.104 Prohibited financial interests applicable to employees of the Food and Drug Administration and the Office of the Chief Counsel.

(a) *General prohibition.* Except as permitted by paragraph (b) of this section, no employee or spouse or minor child of an employee, other than a special Government employee or the spouse or minor child of a special Government employee, of the Food and Drug Administration or of the Office of the Chief Counsel shall have a financial interest in a significantly regulated organization.

(b) *Exceptions.* Notwithstanding the prohibition in paragraph (a) of this section:

(1) An employee or spouse or minor child of an employee may hold a pension arising from employment with a significantly regulated organization.

(2) An employee who is not required to file a public or confidential financial disclosure report pursuant to 5 CFR part 2634, or the spouse or minor child of such employee, may hold a financial interest in a significantly regulated organization if:

(i) The total cost or value, measured at the time of acquisition, of the combined interests of the employee and the employee's spouse and minor children in the regulated organization was \$5,000 or less;

(ii) The holding, if it represents an equity interest, constitutes less than 1 percent of the total outstanding equity of the organization; and

(iii) The total holdings in significantly regulated organizations account for less than 50 percent of the total value of the combined investment portfolios of the employee and the employee's spouse and minor children.

(3) An employee or spouse or minor child of an employee may have an interest in a significantly regulated organization that constitutes any interest in a publicly traded or publicly available investment fund (e.g., a mutual fund), or a widely held pension or similar fund, which, in the literature it distributes to prospective and current

investors or participants, does not indicate the objective or practice of concentrating its investments in significantly regulated organizations, if the employee neither exercises control nor has the ability to exercise control over the financial interests held in the fund.

(4) In cases involving exceptional circumstances, the Commissioner or the Commissioner's designee may grant a written exception to permit an employee, or the spouse or minor child of an employee, to hold a financial interest in a significantly regulated organization based upon a determination that the application of the prohibition in paragraph (a) of this section is not necessary to ensure public confidence in the impartiality or objectivity with which HHS programs are administered or to avoid a violation of part 2635 of this title.

Note: With respect to any excepted financial interest, employees are reminded of their obligations under 5 CFR part 2635, and specifically their obligation under subpart D to disqualify themselves from participating in any particular matter in which they, their spouses or minor children have a financial interest. Furthermore, the agency may prohibit or restrict an individual employee from acquiring or holding any financial interest or a class of financial interests based on the agency's determination that the interest creates a substantial conflict with the employee's duties, within the meaning of 5 CFR 2635.403.

§ 5501.105 Exemption for otherwise disqualifying financial interests derived from Indian or Alaska Native birthrights.

(a) Under 18 U.S.C. 208(b)(4), an employee who otherwise would be disqualified may participate in a particular matter where the otherwise disqualifying financial interest that would be affected results solely from the interest of the employee, or the employee's spouse or minor child, in birthrights:

(1) In an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(2) In an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States; or

(3) In an Indian claims fund held in trust or administered by the United States.

(b) The exemption described in paragraph (a) of this section applies only if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, or Alaska Native village corporation as a specific party or parties.

§ 5501.106 Outside employment and other outside activities.

(a) *Applicability.* This section does not apply to special Government employees.

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

(1) *Compensation* has the meaning set forth in 5 CFR 2635.807(a)(2)(iii).

(2) *Consultative services* means the provision of personal services by an employee, including the rendering of advice or consultation, which requires advanced knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital, or other similar facility.

(3) *Professional services* means the provision of personal services by an employee, including the rendering of advice or consultation, which involves the skills of a profession as defined in 5 CFR 2636.305(b)(1).

(c) *Prohibited outside employment and activities—(1) Prohibited assistance in the preparation of grant applications or contract proposals.* An employee shall not provide consultative or professional services, for compensation, to or on behalf of any other person to prepare, or assist in the preparation of, any grant application, contract proposal, program report, or other document intended for submission to HHS.

(2) *Prohibited employment in HHS-funded activities.* An employee shall not, for compensation, engage in employment, as defined in 5 CFR 2635.603(a), with respect to a particular activity funded by an HHS grant, contract, cooperative agreement, cooperative research and development agreement, or other funding mechanism authorized by statute.

(3) *Prohibited outside activities applicable to employees of the Food and Drug Administration and the Office of the Chief Counsel.* An employee of the Food and Drug Administration or the Office of the Chief Counsel who is required to file a public or confidential financial disclosure report pursuant to 5 CFR part 2634 shall not:

(i) Engage in any self-employed business activity for which the sale or promotion of FDA-regulated products is expected to constitute ten percent or

more of annual gross sales or revenues; or

(ii) Engage in employment, as defined in 5 CFR 2635.603(a), whether or not for compensation, with a significantly regulated organization, as defined in § 5501.101(c)(2), unless the employment meets either of the following exceptions:

(A) The employment consists of the practice of medicine, dentistry, veterinary medicine, pharmacy, nursing, or similar practices, provided that the employment does not involve substantial unrelated non-professional duties, such as personnel management, contracting and purchasing responsibilities (other than normal "out-of-stock" requisitioning), and does not involve employment by a medical product manufacturer in the conduct of biomedical research; or

(B) The employment is limited to clerical or similar services (such as cashier or janitorial services) in retail stores, such as supermarkets, drug stores, or department stores.

(4) *Prohibited outside practice of law applicable to attorneys in the Office of the General Counsel.*

(i) An employee who serves as an attorney in or under the supervision of the Office of the General Counsel shall not engage in any outside practice of law that might require the attorney to:

(A) Assert a legal position that is or appears to be in conflict with the interests of the Department of Health and Human Services, the client to which the attorney owes a professional responsibility; or

(B) Interpret any statute, regulation or rule administered or issued by the Department.

(ii) *Exceptions.* Nothing in this section prevents an employee from:

(A) Acting, with or without compensation, as an agent or attorney for, or otherwise representing, the employee's parents, spouse, child, or any person for whom, or for any estate for which, the employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary to the extent permitted by 18 U.S.C. 203 and 205, or from providing advice or counsel to such persons or estate; or

(B) Acting, without compensation, as an agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings to the extent permitted by 18 U.S.C. 205, or from providing uncompensated advice or counsel to such person; or

(C) Giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(iii) *Specific approval procedures.*

(A) The exceptions to 18 U.S.C. 203 and 205 described in paragraph (c)(4)(ii)(A) of this section do not apply unless the employee obtained the approval of the Government official responsible for the appointment of the employee to a Federal position.

(B) The exception to 18 U.S.C. 205 described in paragraph (c)(4)(ii)(B) of this section does not apply unless the employee has obtained the approval of a supervisory official who has authority to determine whether the employee's proposed representation of another person in a personnel administration matter is consistent with the faithful performance of the employee's duties.

(d) *Prior approval for outside employment and other outside activities*—(1) *General approval requirement.* Except to the extent that an employment or other activity has been exempted under paragraph (d)(5) of this section, an employee shall obtain written approval prior to engaging, with or without compensation, in the following outside employment or activities:

(i) Providing consultative or professional services, including service as an expert witness.

(ii) Engaging in teaching, speaking, writing, or editing that:

(A) Relates to the employee's official duties within the meaning of 5 CFR 2635.807(a)(2)(i)(B) through (E); or

(B) Would be undertaken as a result of an invitation to engage in the activity that was extended to the employee by a person who is a prohibited source within the meaning of 5 CFR 2635.203(d), as modified by § 5501.102.

(iii) Providing services to a non-Federal entity as an officer, director, or board member, or as a member of a group, such as a planning commission advisory council, editorial board, or scientific or technical advisory board or panel, which requires the provision of advice, counsel, or consultation, unless the service is provided without compensation other than reimbursement of expenses to a political, religious, social, fraternal, or recreational organization and the position held does not require the provision of professional services within the meaning of paragraph (b)(3) of this section.

(2) *Additional approval requirement for employees of the Food and Drug Administration and the Office of the Chief Counsel.*

(i) In addition to the general approval requirements set forth in paragraph (d)(1) of this section, an employee of the Food and Drug Administration or the Office of the Chief Counsel shall obtain written approval prior to engaging in

any outside employment, as defined in 5 CFR 2635.603(a), whether or not for compensation, or any self-employed business activity.

(ii) The requirement of paragraph (d)(2)(i) of this section does not apply to participation in the activities of a political, religious, social, fraternal, or recreational organization, unless the position held requires the provision of professional services or is performed for compensation other than the reimbursement of expenses.

(iii) The requirement of paragraph (d)(2)(i) of this section shall not apply to the extent that an employment activity has been exempted, pursuant to paragraph (d)(5) of this section.

(3) *Submission of requests for approval.* An employee seeking to engage in any of the activities for which advance approval is required shall make a written request for approval a reasonable time before beginning the activity. This request should be directed to the employee's supervisor who will forward it to the official authorized to approve outside employment and activities requests for the employee's component. All requests for prior approval shall include the following information:

(i) The employee's name, organizational location, occupational title, grade, and salary;

(ii) The nature of the proposed outside employment or other outside activity, including a full description of the specific duties or services to be performed;

(iii) A description of the employee's official duties that relate in any way to the proposed activity;

(iv) The name and address of the person or organization for whom or with which the work or activity will be done, including the location where the services will be performed;

(v) The estimated total time that will be devoted to the activity. If the proposed outside activity is to be performed on a continuing basis, a statement of the estimated number of hours per year; for other employment, a statement of the anticipated beginning and ending date;

(vi) A statement as to whether the work can be performed entirely outside of the employee's regular duty hours and, if not, the estimated number of hours of absence from that will be required;

(vii) The method of basis of any compensation (e.g., fee, per diem, honorarium, royalties, stock options, travel and expenses, or other);

(viii) A statement as to whether the compensation is derived from an HHS

grant, contract, cooperative agreement, or other source of HHS funding;

(ix) For activities involving the provision of consultative or professional services, a statement indicating whether the client, employer, or other person on whose behalf the services are performed is receiving, or intends to seek, an HHS grant, contract, cooperative agreement, or other funding relationship; and

(x) For activities involving teaching, speaking, writing or editing, the proposed text of any disclaimer required by 5 CFR 2635.807(b)(2) or by the instructions or manual issuances authorized under paragraph (d)(5) of this section.

(4) *Standard for approval.* Approval shall be granted unless it is determined that the outside employment or other outside activity is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

Note: The granting of approval for an outside activity does not relieve the employee of the obligation to abide by all applicable laws governing employee conduct nor does approval constitute a sanction of any violation. Approval involves an assessment that the general activity as described on the submission does not appear likely to violate any criminal statutes or other ethics rules. Employees are reminded that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated, that, nevertheless, pose ethical concerns.

Example 1: A clerical employee with a degree in library science volunteers to work on the acquisitions committee at a local public library. Serving on a panel that renders advice to a non-Federal entity is subject to prior approval. Because recommending books for the library collection normally would not pose a conflict with the typing duties assigned the employee, the request would be approved.

Example 2: While serving on the library acquisitions committee, the clerical employee in the preceding example is asked to help the library business office locate a missing book order. Shipment of the order is delayed because the publisher has declared bankruptcy and its assets, including inventory in the warehouse, have been frozen to satisfy the claims of the Internal Revenue Service and other creditors. The employee may not contact the Federal bankruptcy trustee to seek, on behalf of the public library, the release of the books. Even though the employee's service on the acquisitions committee had been approved, a criminal statute, 18 U.S.C. 205, would preclude any representation by a Federal employee of an outside entity before a Federal court or agency with respect to a matter in which the United States is a party or has a direct and substantial interest.

(5) *Responsibilities of the designated agency ethics official and component agencies.* (i) The designated agency

ethics official or, with the concurrence of the designated agency ethics official, each of the separate agency components of HHS listed in § 5501.102 may issue an instruction or manual issuance exempting categories of employment or other outside activities from a requirement of prior written approval based on a determination that the employment or activities within those categories would generally be approved and are not likely to involve conduct prohibited by statute or Federal regulations, including 5 CFR part 2635 and this part.

(ii) HHS components may specify internal procedures governing the submission of prior approval requests and designate appropriate officials to act on such requests. The instructions or manual issuances may include examples of outside employment and other outside activities that are permissible or impermissible consistent with 5 CFR part 2635 and this part. With respect to teaching, speaking, writing, or editing activities, the instructions or manual issuances may specify preclearance procedures and/or require disclaimers indicating that the views expressed do not necessarily represent the views of the agency or the United States.

(iii) The officials within the respective HHS components who are responsible for the administrative aspects of these regulations and the maintenance of records shall make provisions for the filing and retention of requests for approval of outside employment and other outside activities and copies of the notification of approval or disapproval.

§ 5501.107 Teaching, speaking and writing by special Government employees in the Public Health Service.

(a) *Applicability.* This section applies to special Government employees in the Public Health Service who otherwise are prohibited from accepting compensation for teaching, speaking or writing that is related to their official duties, within the meaning of 5 CFR 2635.807(a)(2)(i)(C), because the invitation or the offer of compensation for the activity was extended at a time when the special Government employee was assigned to perform official duties that may substantially affect the interests of the inviter or offeror.

(b) *Permissible compensation.* A special Government employee may accept compensation for teaching, speaking or writing in circumstances described in paragraph (a) of this section only where the special Government employee recuses from the official assignment that may substantially affect the interests of the person who extended the invitation to engage in the activity or the offer of compensation.

§ 5501.108 Exception to the prohibition against assisting in the prosecution of claims against, or acting as an agent or attorney before, the Government, applicable only to employees assigned to federally recognized Indian tribes or Alaska Native villages or regional or village corporations pursuant to the Intergovernmental Personnel Act.

(a) *18 U.S.C. 205.* Section 205 of title 18 of the United States Code prohibits an employee, whether or not for compensation, from acting as an agent

or attorney for anyone in a claim against the United States, or from acting in such capacity on behalf of another before any department, agency, or other specified entity, in any particular matter in which the United States is a party or has a direct and substantial interest.

(b) *Exception applicable only to employees assigned to federally recognized Indian tribes or Alaska Native villages or regional or village corporations pursuant to the Intergovernmental Personnel Act.* Notwithstanding the provisions of 18 U.S.C. 205, the Indian Self-Determination Act (25 U.S.C. 450i(f)) authorizes Federal employees detailed or assigned to Indian tribes or Alaska Native villages or regional or village corporations, pursuant to the Intergovernmental Personnel Act (5 U.S.C. 3372), to act as agents or attorneys for, or appear on behalf of, such tribes or Alaska Native villages or corporations in connection with any matter pending before any department, agency, court, or commission, in which the United States is a party or has a direct and substantial interest. Such employees must advise, in writing, the head of the agency, with which they are dealing on behalf of an Indian tribe or Alaska Native village or corporation, of any personal and substantial involvement they may have had as an officer or employee of the United States in connection with the matter concerned.

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Final Rule
Registration

Tuesday
July 30, 1996

Part IV

**Department of
Transportation**

Coast Guard

33 CFR Part 157

46 CFR Parts 31 and 35

**Operational Measures To Reduce Oil
Spills From Existing Tank Vessels
Without Double Hulls; Final Rule**

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 157****46 CFR Parts 31 and 35**

[CGD 91-045]

RIN 2115-AE01

Operational Measures To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard issues regulations that will require the owners, masters, or operators of tank vessels of 5,000 gross tons (GT) or more that do not have double hulls and that carry oil in bulk as cargo to comply with certain operational measures. This final rule contains requirements for bridge resource management and vessel specific policy and procedures, enhanced survey programs, maneuvering performance capability tests, and other measures aimed at reducing the likelihood of an oil discharge from these vessels. Additionally, the Coast Guard is amending requirements for the carriage of onboard emergency lightering equipment and has addressed animal fat, vegetable oil, and other non-petroleum oil in separate sections as required by the Edible Oil Regulatory Reform Act. These requirements will be effective until all existing vessels without double hulls are phased out in 2015.

DATES: This rule is effective on November 27, 1996, except for §§ 157.415 and 157.420 of 33 CFR part 157 which are effective on February 1, 1997; and §§ 157.445 and 157.460(a) of 33 CFR part 157 which are effective on July 29, 1997. The incorporation by reference of certain publications listed in §§ 157.430, 157.435, 157.450 of 33 CFR part 157 is approved by the Federal Register as of November 27, 1996. The incorporation by reference of certain publications listed in § 157.445 of 33 CFR part 157 is approved by the Federal Register as of July 29, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the Office of the Executive Secretary, Marine Safety Council (C-LRA/3406) (CGD 91-045), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 930 a.m. and 2 p.m., Monday through Friday, except Federal

holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: LCDR Suzanne Englebert, Project Manager, Office of Standards Evaluation and Development, at (202) 267-6490.

SUPPLEMENTARY INFORMATION:

Regulatory History

Section 4115(b) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380, 104 Stat. 520), which appears as a statutory note following 46 U.S.C., 3703a, directs the Coast Guard to develop structural and operational requirements for tank vessels of 5,000 gross tons (GT) or more without double hulls to serve as regulations until 2015, when all tank vessels operating in U.S. waters are required to have double hulls under section 4115(a) of OPA 90 (46 U.S.C. 3703a). Any requirements issued under the authority of section 4115(b) must provide as substantial protection to the environment as is economically and technologically feasible.

On November 1, 1991, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) (56 FR 56284), which discussed structural and operational measures intended to meet section 4115(b) of OPA 90. The ANPRM included a request for data on the technical and economic feasibility of those measures for use on vessels covered by section 4115(b). Eighty-eight comments were received by the close of the extended comment period, which ended on January 30, 1992 (57 FR 1243).

After reviewing the comments, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Structural and Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls" (Existing Vessels) on October 22, 1993 (58 FR 54870). The Coast Guard issued two subsequent correction notices on November 19, 1993 (58 FR 61143), and December 14, 1993 (58 FR 65298), which made technical corrections to the NPRM. In response to several comments received on the NPRM, the Coast Guard published, on December 16, 1993, a notice of public meeting and extension of comment period (58 FR 65683).

The Coast Guard held a public meeting on January 20, 1994, to obtain information from the public on the proposed regulations. Topics addressed by speakers included applicability, differences between tank barges and tankships, exemptions, and economic and technical feasibility of the proposed regulations. Some of the basic assumptions of the proposed regulations addressed certain structural measures, particularly their reliance on Regulation

13G of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). Information on the public meeting is available for public review at the address under **ADDRESSES**.

In light of the comments received at the public meeting and in response to the written comments received on the NPRM, the Coast Guard reviewed the proposed requirements for structural and operational measures. To expedite the implementation of section 4115(b) of OPA 90, the Coast Guard developed a three-pronged approach which encompassed three separate rulemaking projects. First, the Coast Guard issued a final rule on August 5, 1994, requiring the carriage of emergency lightering equipment and the inclusion of the vessel's International Maritime Organization (IMO) number in the advance notice of arrival report (59 FR 40186); second, on November 3, 1995, it issued a supplemental notice of proposed rulemaking (SNPRM) regarding additional operational measures (60 FR 55904); and third, on December 28, 1995, it reviewed comments on the NPRM for major structural measures, revised the Regulatory Assessment (RA), and issued an SNPRM regarding structural requirements for single-hull tank vessels (60 FR 67227). Structural measures addressed in this third project included hydrostatic loading requirements, structural refit of existing hull areas, emergency cargo off-loading capabilities, and other structural adaptations or major cargo carrying adjustments.

Background and Purpose

Section 4115 of OPA 90 mandates regulations to provide improved protection from oil spills from tank vessels in waters subject to the jurisdiction of the United States due to collisions and groundings. This section applies to tank vessels that are constructed, adapted to carry, or that carry oil in bulk as cargo or cargo residue.

The Coast Guard has determined that the applicability of these regulations should reflect section 4115(a) of OPA 90, which requires certain existing tank vessels without double hulls to be phased out of operation by 2015. The Navigation and Vessel Inspection Circular (NVIC) 10-94, "Guidance for Determination and Documentation of the Oil Pollution Act of 1990 (OPA 90) Phaseout Schedule for Existing Single-Hull Vessels Carrying Oil in Bulk," provides a detailed explanation of the applicability of section 4115(a).

To clarify how each of these regulations apply to foreign flag vessels, the Coast Guard has amended the applicability section of 33 CFR part 157. This amendment ensures, consistent with international law, that the regulations do not impede freedom of navigation by foreign flag vessels in the Exclusive Economic Zone (EEZ) of the United States or in innocent passage in the territorial sea of the United States. However, they do apply to foreign flag vessels engaging in lightering operations or off-loading oil at a deepwater port in the U.S. territorial sea or the EEZ.

This final rule also requires a barge owner to assume additional responsibility for ensuring the towing vessel has the information and equipment needed to safely operate. Barge operations for loading cargo are generally handled by company representatives or facility personnel. However, navigational control of the tank barge has historically been the responsibility of the towing vessel. Although section 4115(b) of OPA 90 did not specifically recognize the towing vessel's shared role in tank barge operations, the towing vessel's role in the navigation and control of the tank barge must be addressed to reduce accident risk from tank barges. This final rule requires the tank barge owner or operator to ensure that operation of the towing vessel meets certain standards comparable to those required for tankships.

Discussion of Comments and Changes

The Coast Guard received a total of 187 comment letters on the operational measures SNPRM (60 FR 55904; November 3, 1995). These comment writers addressed various issues, and more than 350 comments were presented. This discussion is divided into the following sections: general comments; solicited comments; personnel training and information; surveys; navigation and maneuverability; additional requirements for tank barges; and emergency lightering requirements. All comments received on this rulemaking are available for inspection in docket (CGD 91-045) at the address under ADDRESSES. For the purposes of this preamble discussion, the term "single-hull" means an existing tank vessel without a double hull.

General Comments

1. Authorized Classification Societies

One comment writer requested clarification of the term "recognized classification society" used in §§ 157.430 and 157.445 of the SNPRM.

This comment writer presumed that the term meant a classification society that is recognized by the flag administration of the ship concerned. The Coast Guard notes that the comment writer's interpretation of an authorized classification society is correct and is described in 46 CFR 31.10 and 33 CFR 157.04.

2. Communications

One comment addressed issues pertaining to vessel communications. This comment writer stated that the Coast Guard and the Federal Communications Commission (FCC) should work together to clear frequencies of interference from overpowered transmitters, cellular telephones, and paging systems because improved communications would assist in avoiding environmental damage caused by collisions. While the Coast Guard will continue to work with the FCC on marine frequency issues, this is not the thrust of the present rulemaking. In this rulemaking, vessel watchstanding communication effectiveness has been and remains the focus. While communication hardware is vital and already regulated, an individual's ability to effectively communicate with bridge watchstanders and other vessel traffic requires further regulation because timely feedback can significantly reduce the risk of an accident.

3. Navigational Charts

One comment addressed the issue of updating coastal navigational charts and suggested that the Coast Guard work with the National Oceanic and Atmospheric Administration (NOAA) in this process. The comment cited the grounding of the *M/V Alvenus* which was caused by a shoal that was not indicated on U.S. navigational charts even though the charts were properly updated. The majority of the vessels affected by this rulemaking are required to have pilots on board when entering port or getting underway. These pilots, along with updated charts and broadcast notice to mariners, all work in conjunction to provide mariners with timely information. The Coast Guard is working with NOAA and is continuing to upgrade vessel traffic systems and other navigation information systems.

4. Fairways and Anchorages

One comment writer urged the Coast Guard to develop regulations that would protect fairways and anchorages from obstruction. Drilling operations and poorly buried pipelines were cited as causes for obstructions. The Coast Guard regulates these areas in 33 CFR

subchapter P. Specific problems of this nature should be brought to the attention of local Captains of the Port (COTPs) and are not within the scope of this rulemaking.

5. International Regulations and Standards

Twenty-one comments addressed issues of international regulations and standards. Two comment writers stated that established International Maritime Organization (IMO) guidelines should be mandatory, not optional. Other criticisms in these comments included: perceived redundancy of the proposed regulations because provisions of the SNPRM already have been covered in international standards, and compliance with these international standards would promote uniformity as well as decreased redundancy, costs, and confusion for the shipping industry; the Coast Guard is undermining the international process; that competency and manning requirements fall under flag state jurisdiction; and the SNPRM goes beyond international requirements in some cases.

The Coast Guard understands the value of international standards and has incorporated them into this rulemaking where appropriate. The manning and competency requirements proposed in the SNPRM have been revised or removed because they have been included in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), and the 1995 amendments to the STCW; these will be implemented by the signatory flag states. Implementation of the International Safety Management Code (ISM Code) in 1998 will ensure that these requirements are effectively implemented and reviewed by company management, as well as by the Coast Guard, to further improve safety.

Where international standards do not address certain operations, the Coast Guard has met the intent of Congress by issuing these rules to ensure that specific vessels reduce their accident risk. The Coast Guard has imposed requirements in conformity with STCW, MARPOL 73/78, and other international guidelines where international standards only recommend certain conduct rather than prescribe it.

6. Human Factors

Eleven comments addressed the issue of human factors. These comments suggested that the regulations complement STCW as well as the Coast Guard's plan to address human factor issues in its Prevention Through People (PTP) program. The comments also

supported the PTP program asserting that the program promotes more effective environmental protection at reasonable costs to shipowners. Other comments asserted that a prevention program requires fully implemented international regulations, clear rules, and industry standards; the Coast Guard adopt a stronger position regarding drug and alcohol testing; and the Coast Guard focus on researching human factors so that regulations do not become, without basis, too focused on social engineering.

The Coast Guard notes the support of some of the comment writers for incorporating human factors into these regulations and is committed to ensuring that tank vessels fully implement this rule, as well as international standards. The Coast Guard has implemented requirements for companies to have drug and alcohol testing programs for their employees in 46 CFR, subchapter B. These programs are appropriate and it is not within the scope of this rulemaking to revise them.

7. Congressional Intent

One comment writer asserted that the Coast Guard improperly divided this rulemaking into three separate phases when Congress enacted a single provision requiring operational and structural measures. Because of this rulemaking separation, the comment writer accuses the Coast Guard of denying the public the opportunity to comment in violation of the Administrative Procedure Act (5 U.S.C. § 552, *et seq.*). This comment writer also asserted that the Coast Guard has not complied with OPA 90 because it has intentionally delayed the rulemakings, has addressed mishap risk reduction and ignored oil outflow mitigation reduction (especially hydrostatic balanced loading (HBL) requirements), and that the proposed operational measures only reflect minor adjustments to current industry practice.

The Coast Guard disagrees with the assertion that it has not provided appropriate opportunities to comment. This rulemaking project has resulted in the publication of an ANPRM, NPRM, and two SNPRMs. At each stage, notice and an opportunity to comment have been provided to the public. By breaking the implementation of 4115(b) into three parts, the public has actually been given more opportunity to comment and specifically focus those comments on the economic feasibility of each segment of this diverse rulemaking. The Coast Guard notes the comment pertaining to the OPA 90 deadline. Oil outflow mitigation requirements are thoroughly discussed in the SNPRM for Structural Measures

To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls (60 FR 67226; December 28, 1995), including a discussion on HBL. While the operational requirements in this rule complement some current industry "best" practice, in other cases, they add requirements where current international requirements are silent or are only recognized as guidance. The Coast Guard continues to require these operational measures because they clearly support operational safety and environmental conservation.

8. Deployable Oil Booms

One comment writer suggested that requirements be added to provide deployable oil booms and oil-scrubbing equipment, to remove spilled oil within the boom, on board vessels carrying oil. The comment writer stated that the savings in insurance costs should offset the cost of providing these booms and equipment. Onboard discharge removal equipment has been required on vessels since June 20, 1994, and is deemed sufficient as a minimum standard. While deployable booms and scrubbing equipment are effective in many circumstances, the Coast Guard does not intend to require additional equipment in this final rule.

9. Collection of Information

The Coast Guard received three comments on the proposed collection of information requirements which included the following: documentation and logging may prove too burdensome for inland water voyages; documentation requirements for proposed § 157.420 are not necessary since they are already covered in proposed § 157.415; and the posting of minimum rest hour requirements in crew lounge areas and work spaces is needed as proposed in § 157.425(d) and should be expanded to include the wheelhouse and lounge areas.

The Coast Guard has revised the collection of information requirements because some proposed requirements have changed or been eliminated in this rule. No training or rest hours are required in this rule; therefore, the logging and posting requirements have been removed. As a logical outgrowth of the training requirement, tank vessel owners and operators will be required to provide vessel personnel with policy and procedures on bridge resource management and vessel orientation. This is a less burdensome collection requirement than logging or tracking individual vessel personnel training completion. COTP reporting requirements have also been removed in this rule. This reporting requirement

was replaced with a less burdensome collection requirement to consult with the pilot and, in some cases, the tank vessel owner or operator prior to a port transit.

10. Exemptions of Certain Vessels

Four comments suggested that tankers calling exclusively at deepwater ports be exempt because these requirements are an unnecessary burden for these vessels. Another comment suggested that the Coast Guard clarify that single-hull tank vessels engaged exclusively in oil spill response are exempt. The operational measures in the regulations are economically feasible for all vessels transporting oil and, therefore, there is no exemption for vessels calling at deepwater ports. Vessels that are solely engaged in oil spill response are already exempt from these requirements in 33 CFR part 157.08.

11. Application to Additional Vessel Types

Thirteen comments suggested expanding the applicability of these regulations to encompass vessel types and sizes other than single-hull tank vessels 5,000 GT or more. Nine of these 13 comments suggested applying these regulations to all vessels; six of these nine comments suggested implementing this application through the international process. These comments suggested that the operational requirements should apply to all vessels, as well as double hull tankers and cargo ships carrying only bunker fuel, because improved operational safety of all vessels will result in less accident risk to single-hull tank vessels.

The Coast Guard is acting under the authority of section 4115(b) of OPA 90 and does not intend by these regulations to extend the rules to vessels other than vessels of 5,000 GT or more that do not have double hulls and that carry oil in bulk as cargo in this rulemaking. Implementing these operational requirements on vessels, regardless of type or size, is prudent and will be beneficial. Because of this, the Coast Guard may consider applying these requirements to other vessels in future rulemakings.

12. State Regulation

Three comment writers addressed two federal preemption issues. The suggestions included the following: the Coast Guard should state that the rule does not alter the relationship between State and Federal governments regarding pilotage requirements; and the requirements should be exclusively under Federal domain because, under *Ray v. Atlantic Richfield Co.*, 435 U.S.

151 (1978), any regulations on tankers issued by the Coast Guard should preempt State regulations on the same subject. The Coast Guard believes these Federal requirements are preeminent.

13. Other Comments

The Coast Guard also received several other comments which included the following: Clarify the definition of a double bottom hull; incorporate the strengthened operating procedures and personnel policies used by the Washington State Office of Marine Safety (OMS) because these procedures and policies offer a higher level of protection than Coast Guard regulations; make IMO regulations mandatory rather than optional.

The Coast Guard notes these comments and has reviewed the Washington State Office of Marine Safety procedures and policies. Many of the requirements in this rule complement or parallel these Washington State requirements. Other Washington State requirements are outside the scope of this rulemaking. Certain IMO requirements are made mandatory in this rule; others are not because they are outside the scope of this rulemaking. The term "double bottom hull" is not used in this rule. A vessel that has a double bottom covering the length of the cargo tanks is one that meets the requirement of 33 CFR 157.10.

Solicited Comments

In the preamble of the SNPRM, the Coast Guard solicited comments on various issues relating to this rulemaking. The following discussion addresses the comments made in response to this request.

1. Non-Petroleum Oil

The Coast Guard requested comments on the SNPRM's regulatory impact on vessels that carry only non-petroleum oil. Of the two comments received, one comment writer asserted that the Coast Guard's treatment of animal fat and vegetable oil in the same manner as petroleum oil directly conflicts with the provisions of the Edible Oil Regulatory Reform Act (Pub. L. 104-55, 109 Stat. 546-547 [1995]) and, therefore, animal fat and vegetable oil carriers should be exempt. The other comment writer, however, supported extending these regulations to all existing tank vessels carrying non-petroleum oil and remarked that it is economically feasible and environmentally beneficial for these vessels to meet the requirements.

The Coast Guard has addressed animal fat, vegetable oil, and other non-petroleum oil separately in this final rule as required by the Edible Oil

Regulatory Reform Act. The Edible Oil Regulatory Reform Act requires federal agencies to differentiate between classes of oils and consider different treatment of these classes, if appropriate. The law does not mandate exemptions. Subparts H and I are now included in 33 CFR part 157 to address these cargoes. The Coast Guard has considered the differences between these cargoes and petroleum cargoes with respect to appropriate operational measures to reduce the risk of an accident on single-hull tank vessels. The development of these operational measures included the presumption that the accidents prevented or mitigated through these measures may result in the loss of the content of an entire cargo tank at one time. As discussed in the SNPRM and in the final rules on Vessel Response Plans (61 FR 1052; January 12, 1996) and Response Plans for Marine Transportation-Related Facilities (61 FR 7890; February 29, 1996), the Coast Guard has determined that bulk spills of animal fat, vegetable oil, and other non-petroleum oil can be damaging to the environment; therefore, the operational requirements for vessels carrying these products are similar to those requirements for petroleum oil carrying vessels in this final rule.

2. Towing Vessel Requirements

The Coast Guard requested comments on the extension of certain towing vessel requirements to the tank barge industry. One comment writer agreed with the Coast Guard and asserted that an owner of a tank barge should be ultimately responsible in the event of a spill and should establish a screening system for selecting safe towing vessels. Several other comments suggested the following: The Coast Guard does not have the legal authority under 4115(b) to place legal obligation upon the tank vessel owner or operator to ensure the competency of individuals assigned to certain duties on primary towing vessels; the minimum rest hour, training, navigational and additional tank barge requirements raise liability questions for tank barge owners who charter a tug and crew from another company and should not shift the burden of compliance to the tank barge owner exclusively; the minimum rest hour requirements, as proposed, are too onerous on towing vessel operators; operational requirements should be included directly into other rulemaking or the final rule should state that the requirement is applicable to the towing vessel with no tank barge owner or operator implication; and barge owners or operators should not be held

responsible for the compliance of a primary towing vessel.

The Coast Guard has reviewed these comments and finds that the responsibility of implementing operational measures on tank barges has been appropriately applied to tank barge owners or operators. The ease of implementing these requirements and showing their implementation for tank barge owners and operators, especially as it pertains to leased towing vessel operators, has been addressed in this rule by revising certain sections. The tank barge owner or operator remains responsible for ensuring that certain information is available to the towing vessel master or operator and that certain equipment is onboard the towing vessel. Because the Coast Guard requires the barge owner to be liable for the operation of the barge, the barge owner will actively screen towing vessel operator quality, thus reducing the risk of oil spills from the barge.

3. Economic Impact on Remote Geographic Areas, Tourism, and Fishing

The Coast Guard requested comments on the impact of the SNPRM on areas that are geographically remote, or economically dependent on tourism or fishing. One comment writer, a representative for the Commonwealth of the Northern Mariana Islands (CNMI), a cluster of islands in the Pacific, stated that while the CNMI's economy is heavily dependent upon tourism and fishing and would, therefore, benefit from oil spill prevention, its economy also is dependent upon oil importation for the energy resources needed to maintain its tourism and local economy. This comment writer asserted that if these regulations were applied to vessels serving ports within the CNMI, they would either eliminate their service or raise their prices significantly, causing substantial damage to CNMI's economy. The comment writer requested that the Coast Guard exempt the CNMI or modify the regulations to consider local conditions in remote areas.

The Coast Guard has revised the operational measures, such as under-keel clearance requirements, to ensure that local port conditions are considered. Because the revisions will reduce the risk of an accident from single-hull tank vessels and also be cost effective for tank vessel owners or operators servicing remote locations, an exemption for vessels serving the CNMI is not contained in this rulemaking.

4. Vessel Resource Management Training

The Coast Guard requested comments on whether vessel resource management training should be required or recommended in these regulations. One comment supported the Coast Guard's proposal to require vessel resource management training. Another comment suggested that senior officers and engineers have this training available as an alternative to the proposed bridge resource management training. The Coast Guard has reviewed the training requirements proposed in the SNPRM in conjunction with STCW. STCW requires training for watchstanders that, if implemented correctly, will improve the quality of mariners throughout the industry. Because STCW is being implemented in the U.S. and internationally, the training requirements have been removed from this rule. Company guidance requirements have been included in this rule to ensure that bridge resource management philosophy and vessel specific training requirements are supported in, and made effective by, company policy. Companies that train their employees in vessel resource management are gaining valuable employees and should be commended for their commitment to improving operational safety and environmental conservation.

5. Rest Hours and Travel Time

The Coast Guard requested comments on travel time factors in the rest hour requirements proposed in the SNPRM. One comment writer asserted that air travel, jet lag, and time zone changes should be factored into minimum rest hour standards. Another comment suggested that the need to consider travel time before a crew member assumes responsibility is legitimate. The Coast Guard notes these concerns and has added them to the current rulemaking project entitled "International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW): Implementation of 1995 Amendments" (CGD 95-062) (61 FR 13284; March 26, 1996). Because the rest hour requirement is being implemented as part of STCW, the Coast Guard has removed the minimum rest hour requirements from this final rule.

6. Expansion of Work and Rest Hour Restrictions

The Coast Guard requested comments on the feasibility of expanding the application of work hour and rest hour restrictions of section 4114 or the

adoption of similar IMO provisions, under the authority of section 4115(b) of OPA 90. Several comment writers responded to this request and their comments included the following: The requirements should conform with the work and rest hour provisions of STCW and should not go beyond them; the requirement should be more inclusive and require rest hours before departure as well as rest hours before arrival; and the rest hour requirements should include engineers supervising in bunkering and internal oil transfers.

The Coast Guard notes these comments and has determined that expanding the work hour or rest hour requirements beyond STCW requirements is not appropriate. Because another rulemaking is implementing STCW, this rulemaking no longer includes rest hour requirements. The work hours originally required by section 4114 of OPA 90 remain in effect.

7. Vital Systems

The Coast Guard requested comments on reporting requirements for the failure of specific components within the proposed vital systems. No comments were received regarding whether the failure of a system should or should not warrant COTP notification. The Coast Guard has retained the vital systems requirement in this rule without mandating a reporting requirement if a system fails; however, mariners are encouraged to follow the common practice of good seamanship and the existing reporting requirements in 33 CFR subchapter P remain in effect.

8. Autopilot Use on Towing Vessels

The Coast Guard requested comments on the inclusion of a requirement for primary towing vessels to have a restriction on the use of the autopilot similar to 33 CFR 164.13(d). One comment writer responded to this request, stating that vessels towing tank barges should not be allowed to use autopilot systems in rivers and restricted waters. The Coast Guard agrees that it is not a recommended practice for a towing vessel to use the autopilot while operating in restricted waters. However, there are times when the use of an autopilot is necessary because some towing vessels are designed to be operated by a single person.

9. Pilot Cards

The Coast Guard requested comments on whether the pilot card should have additional information. One comment suggested that information on the pilot card could be combined with the

maneuvering information. The Coast Guard has retained the pilot card requirement, as proposed in the SNPRM, because the format is inclusive and reflects international standards.

10. Voyage Data Recorder Equipment

The Coast Guard requested comments on requiring the use of voyage data recorder equipment, inclusion of an early warning capability in a recording device, and recommending provisions for near miss data collection. One comment was received and suggested that all vessels over 1,600 GT operating in U.S. waters be required to carry voyage data recorders (VDRs) because they would help pinpoint the cause of an accident and assist companies in monitoring bridge watchstanding performance. Although this final rule does not include a requirement for a VDR, the Coast Guard is researching the application of this type of equipment and intends to work further with IMO on this issue.

11. Bow Thrusters

The Coast Guard requested comments on the feasibility of requiring bow thrusters on single-hull tankships. One comment writer disagreed with a bow thruster requirement, stating that bow thrusters were very expensive to retrofit, ineffective at higher speeds, and could not substitute for escort tugs. The Coast Guard notes this comment and is not including requirements for bow thrusters in this final rule.

12. Routing Restriction Requirements

The Coast Guard requested comments on establishing routing restriction requirements. Five comments were received, four of which suggested that the Coast Guard establish requirements for pilot passage plans and included the following comments: implementation of passage plans should not wait for IMO development; and plans should require pilots to advise the master of the intended passage because passage plans would reduce accidents. Reference was made to a study done by the Transportation Safety Board of Canada regarding the operational relationship between ship masters, watchkeeping officers, and marine pilots. This study found that 200 out of 273 accidents taking place between 1981 and 1992 involved human factors. Of these 200 human factor related accidents, 84 involved miscommunication between the pilot and the master. An opposing view, by the remaining comment writer, stated that the development of a passage plan would be ineffective and time-consuming, whereas information

provided by the Army Corps of Engineers would be much more useful.

The Coast Guard supports and recommends the use of pilot passage plans. With the implementation of STCW and this rule, the conference between the master and the pilot prior to getting underway or entering port should be, or will shortly evolve into, a valuable exchange of transit specific information. This rulemaking reflects certain elements of passage planning but does not specifically mandate that the pilot plans the voyage because the tank vessel owner or operator is liable for the vessel and its cargo.

13. Empty Wing Tanks

The Coast Guard requested comments on the economic and technical feasibility of significant structural refit to reinforce bulkheads between empty wing tanks and cargo tanks, possible piping refit, and substantial stability reassessment. One comment writer suggested that empty wing tanks be considered. Another comment writer asserted that keeping wing tanks empty or partially full to reduce the likelihood of oil outflow in collisions would make trading in the U.S. economically disadvantageous for tankers because empty wing tanks would not only reduce storage flexibility, but would also reduce storage capacity, resulting in an increase of traffic and the risk of pollution.

The Coast Guard notes that requiring a vessel to fit structural reinforcement and piping results in a long out-of-service period for the vessel and cause significant cargo shutout costs. The benefits achieved by implementing empty wing tanks are from post-accident oil outflow reduction. A vessel will be higher in the water with its wing tanks empty and its cargo, if released, will have a higher outflow rate because of the increased hydrostatic pressure difference between the oil and the sea. Therefore, in a grounding, a vessel with empty wing tanks could actually have a higher rate of oil outflow than single-hull tank vessels ballasted properly and carrying oil in all cargo tanks. The Coast Guard notes these comments and has not included a requirement for empty wing tanks in this rule because they are not cost-effective.

Personnel Training and Information

1. General

Several comments are received that addressed general applicability aspects of the training and rest hour proposed requirements, which included the following: Training should be required as part of the licensing process for all

mariners, not just personnel on single-hull tank vessels; training and manning requirements should not be unilaterally applied to licensed officers on U.S. foreign vessels; towing vessel personnel should be clearly indicated and required to complete the training requirements; and training should be mandatory for all vessels, including small tank vessels used to lighter.

Several comments remarked on the relationship between the proposed training and rest hour requirements and international standards. Twenty-four comment writers urged the Coast Guard to work within the international process, and to conform with international standards such as STCW; Article 21 (2) of the United Nations Convention on the Law of the Sea (UNCLOS); Articles 5, 6, and 10 of the Convention on High Seas of 1958; and International Labor Organization (ILO) Convention No. 147. Other comments suggested that the requirements of this section exceed the Coast Guard's jurisdiction under international standards and represent unacceptable interference to international shipping operations.

Because of the implementation of STCW, the Coast Guard has revised this rule and no longer requires training or rest hours for watchstanders on single-hull tankships or primary towing vessels of tank barges. Mariner licensing requirements are being revised extensively in another rulemaking and will include training requirements similar to those proposed in the SNPRM; therefore, both foreign and U.S. mariners, operating all commercial vessel types, will soon have additional required training and be required to have rest hours. The requirements of STCW must be implemented by each vessel's flag state. STCW also contains provisions for port state control to allow the effective assessment of foreign mariner competence. These provisions will allow the Coast Guard to ensure that competent mariners are operating both foreign and U.S. single-hull tank vessels.

Other comments include specific recommendations for rising the proposed requirements as follows: emphasize company standing orders, policy and procedures, and the use of case studies; consider the effects of circadian rhythm on vessel personnel when developing training programs; clarify course validation or certification requirements; require an interactive computer or video training program because it would enhance safety, and would be more ship, cargo, and route specific; and require at least two

English-speaking people on the bridge whenever a vessel is in U.S. waters.

The Coast Guard agrees that any company policy and procedures that support bridge resource management principles, new crew member orientation, or any other company standing orders are effective and essential to safe vessel operation. The policy and procedure requirements in this rule reflect STCW and have been included because of their benefit in reducing accident risk. Any computer training or other state of the art training techniques may also be beneficial; however, due to STCW training implementation, the Coast Guard has not included these types of requirements in this rulemaking. The Coast Guard has not specifically required that personnel speak English; however, it is not in keeping with the standards of prudent seamanship if bridge personnel cannot effectively communicate with the pilot, other vessels, or vessel traffic system (VTS) personnel, due to language difficulties.

Other comments noted that because independent operators may not have adequate resources to provide effective training programs, they should be required to attend commercial training programs. Another comment noted that course completion does not necessarily ensure watchstander proficiency and the Coast Guard should be more proactive in supporting proficiency assessment requirements at IMO. Several comment writers asserted that this proposed section is biased against single-hull vessels, and urged the Coast Guard to conform solely to OPA 90 restriction. Another comment writer also requested definitions of the terms "owner" or "operator".

The Coast Guard notes that smaller companies may not be able to train personnel as cost effectively as larger companies; however, by setting minimum standards of proficiency within the licensing requirements, as STCW does, even small companies should have competent employees. The Coast Guard's support of training at IMO was key in the development of STCW; the Coast Guard will continue to work toward comprehensive competence standards for mariners. OPA 90 conveyed the need to regulate existing vessels without double hulls prior to their phaseout dates. This rule implements that Congressional mandate and uses the definitions of "owner" or "operator" as stated in OPA 90.

2. Bridge Resource Management Training

One comment writer supported proposed § 157.415 as written. Other

comments suggested revising the requirement as follows: include simulator training; change the name of this section to Bridge Team Management Training since courses in Europe on Bridge Resource Management Training do not reflect the provisions of § 157.415 of the SNPRM; and ensure that the requirement does not limit training to a commercial course.

Thirteen comment writers asserted that the proposed 12-month implementation of this training was too short and suggested that the implementation period be increased to 36 months or 1 year after STCW enters into force because the number of personnel who need training would exceed present training facility capacity and cumulative expenses would be difficult to meet. Similarly, another comment requested that foreign mariners be allowed to complete Coast Guard-approved commercial or company courses within 5 years rather than 36 months. Two refresher training requirement revisions were suggested: one suggested every 3 years; one supported the 5-year training requirement as proposed.

The Coast Guard has revised this section in this final rule to reflect the requirements in STCW, Section B-VIII/2, Part 3. Training is not required in this particular final rule; however, it has been proposed in a separate rulemaking entitled "International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW): Implementation of 1995 Amendments" (61 FR 13284; March 26, 1996). This rule does include a requirement for owners or operators to provide policy and procedures addressing the bridge resource management issues in STCW. The Coast Guard has detailed the need for concise company guidance in its PTP program to reduce the risk of accidents. The Company guidance required by this rule will give the master and officers in charge of the navigational watch clear instructions of company expectations and emphasize the serious ramifications of poor bridge resource management. Although this guidance was placed in Section B of STCW, and is not part of the mandatory requirements of STCW, the Coast Guard has determined that masters and officers in charge of a navigational watch need to be familiar with this guidance to ensure the environmental protection of U.S. waters from single-hull tank vessels. Because the hazard of bulk oil spills due to tank barges can also be reduced through implementation of bridge resource management policy, the requirement, which ensures that towing vessel

operators are also provided with barge owner and operator guidance, has been included. Implementation of this requirement coincides with the STCW timeline of February 1, 1997.

3. Vessel Specific Watch Training

Seventeen comments addressed requirements as proposed in § 157.420, four of which supported this provision; although one noted that confirmation of completion of training would be difficult for barge owners or operators that lease towing vessels. Other comments included the following: clarify how academic training is to be received; apply academic training to the master and the officer in charge of a navigational watch only, instead of applying it to all watchstanders, which is excessive § 157.415); make a distinction between onboard training and academic instruction and include both in training programs; emphasize specific vessel attributes instead of general requirements; and remove the requirement for error trapping because it is a term more appropriately applied to system safety engineers rather than mariners.

Of seven comments received that urged only onboard training be given, four suggested that supervising officers conduct the training. Another comment suggested that training ashore be conducted by supervisory personnel. Other comments received indicated that refresher training be linked to a mariner's license renewal (every 5 years) while another comment suggested eliminating the refresher training requirement.

The Coast Guard is revising this section in this final rule to reflect the requirement in STCW, Section A-I/14. In the final rule, Owners or operators are required to provide policy and procedures addressing the vessel specific watch training issues in STCW. This complements the requirements in STCW and ensures that companies implement them. The requirement also ensures that barge owners or operators provide policy and procedures to towing vessel personnel to ensure that the company policy is clear. The Coast Guard intends to enforce this requirement by reviewing the policies and procedural guidance provided to towing vessel personnel by the barge owner or operator. An oversight program, or other management system, should be developed by the barge owner or operator to ensure that the policy and procedures are clear and implemented effectively. The implementation of this requirement coincides with the STCW implementation date of February 1, 1997.

4. Minimum Rest Hour Requirements

Thirty-two comments addressed requirements as proposed in § 157.425, two of which supported this provision. The other comments included the following: Clarify the phrase "prior to cargo transfer operations"; clarify the rest hour requirements for shifting between piers; remove the rest hour requirement because it does not imply a reduction in a mariner's fatigue; remove the rest hour requirement because the additional crew needed to meet this requirement would have less expertise and increase the risk of an accident; ensure that the rest hour requirement does not include monitoring a pilot's rest time; and ensure that the rest hour requirement does not allow owners or operators to assess a crew member's fitness for duty in the event the crew member's rest hours are interrupted by drills or emergencies.

Several comments questioned the Coast Guard's narrow application of this section to masters and recommend that the rest hour requirements be applied to masters at all times. Others recommend that the rest hour requirement be applicable to watchstanders both before port arrival as well as before port departure. Some comments recommended the rest hour requirements' applicability to be expanded to all crew members supervising bunkering or internal oil transfers. Another comment recommended that the Coast Guard pursue a change to 46 U.S.C. 8104, which would allow rest periods and coincide with the provisions in STCW.

As noted by many of the comment writers, STCW addresses rest hour requirements. Because it is effective and beneficial to include all mariners in the rest hour requirement, not just mariners on single-hull tank vessels, the proposed rest hour requirement has been removed from this rule. Implementation of STCW is well underway and, therefore, mariners on both U.S. and international vessels will be subject to rest hour requirements by February 1, 1997. In addition to these requirements, the work hour requirements of section 4114 of OPA 90 remain in effect.

Surveys

1. Enhanced Survey Requirements

Sixteen comment writers responded to proposed § 157.430, two of whom supported the requirements as written. Other comments included the following: Clarify how the enhanced survey implementation coincides with 46 CFR part 31; clarify how the enhanced

survey implementation coincides with classification special survey requirements; apply the Critical Area Inspection Plan (CAIP) program to all single-hull tank vessels 5,000 GT or larger; apply requirements of this section to all tankers and bulk carriers; conform the proposed section to Regulation 13G of MARPOL 73/78; and harmonize the section with the requirements adopted by the International Association of Classification Societies' (IACS) members.

One comment writer recommended eliminating the proposed alternative enhanced survey option for smaller tankships and tank barges because it complicates the requirements. Two comments recommended that the Coast Guard clarify the approval procedures for independent auditing authorities within the alternative provision. Four comment writers recommended considering shipowners' self-assessment programs as an alternative to the enhanced survey requirement.

Regulation of all tank vessels and bulk carriers is not within the scope of this rulemaking. The Coast Guard has revised the enhanced survey requirement in this final rule to clarify that the survey program will begin at a vessel's next regularly scheduled drydock exam. For U.S. tank vessels, this revision means that the next time the vessel is required by 46 CFR 31.10-21 to complete a drydock examination, as defined in 46 CFR 31.10-20, it must implement an enhanced survey program. For foreign tank vessels, the enhanced survey program must be implemented at the next drydock required by the flag administration. This implementation should not conflict with special surveys required under classification society rules. IACS has implemented these enhanced survey requirements since 1995 on most existing tankships because they are also required by MARPOL 73/78 to meet Regulation 13G. A vessel complies with this rule if it meets the enhanced survey requirements of Regulation 13G of MARPOL 73/78. Requiring the CAIP program, in addition to the enhanced survey program, would be costly and redundant; however, the CAIP program implemented for some tankships is comparable to international enhanced survey requirements. Therefore, this rule has been revised to include an equivalency provision for vessels enrolled in CAIP program. A Coast Guard review of the program has been included in this revision to ensure that it is comparable to the enhanced survey requirements prior to an equivalency determination.

The provision for smaller tankships and tank barge owners or operators to have an alternative survey program remains in the rule to reduce cost to small business owners and those not subject to MARPOL 73/78 requirements. Revisions to the alternative survey requirements were made to reflect the acceptance of a professional engineer as a third party oversight to the program. Not only will this revision ensure that the program is implemented and kept active through the vessel's life, but it will clarify and recognized the value of independent auditing by knowledgeable individuals.

2. Vital Systems Surveys

Seventeen comment writers responded to proposed § 157.435, one of whom supported the requirement. Other comments included the following: Conform the proposed section with the ISM Code; remove proposed § 157.435 because the ISM Code and industry already conform with this requirement; remove proposed § 157.435 because the requirement are already covered by the Federal Declaration of Inspection; revise proposed § 157.435 to include only the checklist requirements; develop a uniform list of elements for each system noted in this section rather than incorporating industry standards; include communication system and navigation system surveys in the requirement; inspect all vessel moorings twice a year instead of the proposed frequency; require that logbook entries, including surveys and checks, be done in the deck logbook, and not the Oil Record Book.

Several comments recommended adding the requirement to inspect mooring lines and emergency towing lines before arrival or departure, as appropriate. One comment recommended using standby tugs while moored in extreme areas and suggested that research be conducted on mooring a vessel to a pier using a magnetic field. Another comment suggested that the following activities be conducted more frequently: Hydro-pressure testing of cargo handling equipment; calibration of safety pressure relief devices in cargo pumping systems, and tank pressure and vacuum devices; and exercising of critical components of the system such as crude oil wash, inert gas, tank level indicators or alarms. This comment writer asserted that these recommendations, if implemented, would reduce the risk of spills.

The Coast Guard has reviewed the requirements proposed in the SNPRM and has revised them slightly. This rule goes beyond the requirements of the Federal Declaration of Inspection

requirements and also reflects current recommended safety practices developed by the International Chamber of Shipping, Oil Companies International Marine Forum, and the International Association of Ports and Harbors. No checklists were proposed in the SNPRM and none have been developed for this final rule. The International Safety Guide for Oil Tankers and Terminals (ISGOTT), which is incorporated by reference, contains sufficient, valuable safety guidance to personnel in charge of transfer operations. The Coast Guard has incorporated the fourth edition of ISGOTT rather than the proposed second edition. This newer edition contains format changes and includes safety measures for loading at terminals having vapor-emission control systems.

The ISM Code does not specifically address or require companies to develop the safety measures detailed in this rule. It is anticipated that this requirement will become part of the company's Safety Management System when it implements the ISM Code.

This rule was also revised to allow personnel on tank vessels to inspect mooring, emergency towing, and anchoring gear either prior to entering port or prior to getting underway. The survey frequency in this rule, rather than a less frequent survey, is appropriate due to the propensity for severe weather to shift or damage this typically exposed gear. Communication and navigation surveys were not proposed in the SNPRM and are not included in this rule because they are required by 33 CFR part 164 for vessels 1,600 GT or more and are proposed in a separate rulemaking for towing vessels (60 FR 55890; November 3, 1995). The logging requirement for this rule has been revised to reflect entry of vital systems surveys in the deck logbook or other onboard documentation. The Coast Guard notes that measures such as magnetizing or requiring additional tugs at pier facilities may have some benefit, but these measures are not included in this rule because the cost to implement them would be prohibitive to many ports.

Navigation and Maneuverability

1. Autopilot Alarm or Indicator

Thirteen comment writers responded to proposed § 157.440, five of whom supported the requirement as written. Other comments suggested that the requirement should not allow the usage of the autopilot in rivers or restricted waterways. One comment writer, however, asserted that the requirements of this section are unnecessary because

a properly trained watch officer always knows the status of his or her course.

Autopilot use is specifically limited for tank vessels 1,600 GT or more in 33 CFR 154.13 and currently includes most restricted waterways and rivers. The Coast Guard has not specified additional autopilot restrictions because this autopilot alarm or indicator requirement will effectively reduce the misuse of autopilot when close to shore or in vessel traffic systems. Some companies have installed these alarms and have found that, even with highly skilled watchstanders, the alarm has sounded in waters where a disengaged autopilot was required. The Coast Guard is retaining the autopilot alarm or indicator requirements in this final rule because ensuring the autopilot is engaged only in certain waters is beneficial.

2. Maneuvering Performance Capability

Nineteen comment writers responded to proposed § 157.445, five of whom supported the requirement. Some of the comments suggested applicability changes including the following: Apply proposed § 157.445 to all vessels, regardless of their flags; extend application of the proposed § 157.445 to double hull vessels; work within IMO to apply IMO Resolution A.751(18) to all vessels and include internationally agreed upon compliance stipulations; remove proposed § 157.445 because the maneuvering capability measurements of IMO Resolution A.751(18) are intended only for new vessels, many existing vessels would fail the capability criteria, and it is unreasonable to require certain maneuvers at 90 percent of full speed; and remove the requirement because it is costly, difficult to complete, and not beneficial.

One comment writer asserted that proposed § 157.445 is too complex and considered current regulations adequate. Other comments for revisions to proposed § 157.445 included the following: Accept Annex 1.2.1 in addition to proposed Annex 1.2.2; specify that tests be conducted on only one vessel of the class; clarify that if a vessel fails to meet the maneuvering criteria, the vessel owner or operator will not be liable for allowing the vessel to enter port; remove the reporting requirement in proposed § 157.445 because it is burdensome and misinterpretation could occur; provide criteria to the COTP on applying restrictions; revise the list of criteria that COTPs can impose by removing proposed tug escort and speed limit options and including operational restrictions, such as reduced speed operation.

Regulation of all vessels or double hull tank vessels is not within the scope of this rulemaking. The Coast Guard has considered the applicability of these maneuvering performance tests to existing vessels and has retained the test requirements. The maneuvering capability standard has been removed because the standards are for new construction while the testing of the vessel's maneuvering capability is the focus of this rulemaking. By eliminating the requirement to meet the maneuvering capability standard, there is no longer an issue of vessel failure. The requirement has also been revised to allow the test methods of either Annex 1.2.1 or 1.2.2 of IMO Resolution A.751(18) to complete the tests. Therefore, scale model tests or computer predictions, validated by full-scale trials, or full-scale trial results are acceptable. Those vessel owners or operators that contend that the vessel's full-scale trials would be unsafe, can now use other technological means to meet this requirement. Additionally, this rule allows tankship owners or operators to substitute the test results of a sister vessel if its hydrodynamic and propulsion design characteristics are the same. By retaining this requirement, the Coast Guard ensures that the vessel's maneuvering capability, including valuable overshoot angle information and detailed stopping capabilities, are posted and discussed prior to port entry or departure. The COTP reporting requirement proposed in the SNPRM has been removed and replaced with a requirement for the master to discuss the maneuvering test results with the pilot. The Coast Guard anticipates that a transit specific discussion of maneuvering capability between the pilot and the master is sufficient to reduce the risk of accidents.

3. Maneuvering and Vessel Status Information

Thirteen comment writers responded to proposed § 157.450, five of whom supported the requirement and the incorporated standards. Other comments included the following: Combine pilot card and maneuvering information requirements into one document; reconcile the proposed section with 33 CFR 164.35(g) and 46 CFR 35.20-40 to eliminate conflicting requirements; remove the maneuverability booklet requirement because it is of little value; retain the information on the tanker's particulars recorded on the pilot card because it is valuable; delete the entire proposed § 157.450 because it is not practical; and apply the requirements to all new and

existing U.S. and foreign vessels over 1,600 GT entering U.S. waters.

The Coast Guard has retained the maneuvering and vessel status information requirement in this final rule and has made it applicable to the vessels covered by section 4115(b) of OPA 90; however, the maneuverability booklet requirement in IMO Resolution A.601 Annex 3.3 is not required. Combining the pilot card with other maneuvering information is not required because the format of the pilot card, maneuvering poster, and other maneuvering information has been accepted by the international community. The maneuvering poster requirement of this rule is more detailed than the requirements of 33 CFR part 164 and 46 CFR part 35 in that they require squat and other engine information to be displayed along with the general turning circle information. The format of the required maneuvering poster is also standardized to enable quick review of this data and to prevent omission of important information. Meeting the requirements of IMO Resolution A.601(15) does not necessarily ensure that the requirements of 33 CFR part 164 and 46 CFR part 35 have also been met.

4. Minimum Under-Keel Clearance

The Coast Guard received 169 comments that responded to proposed § 157.455, four of which supported this section. Many of the comments suggested removal of proposed § 157.455 for the following reasons: most unintentional groundings are caused by operator error or mechanical failure rather than inadequate clearance; each port already as draft limits based on its own geography; calculations are unreliable because of variable environmental factors and vessel schedules; the public may perceive proposed § 157.455 as "a quick fix" and, in some cases, if implemented, may actually be detrimental to marine safety; a vessel operator's own safety program is sufficient; studies have not indicated that this requirement would result in increased safety; tank vessel owners and operators may be unable to calculate clearances based on lack of local knowledge; it is more appropriate to include under-keel clearance awareness and calculation requirements as a training requirement; a vessel's liability cap may be broken if it is grounded outside the navigational channel; the authority of the COTP is undermined and proposed § 157.455 is contrary to PTP's partnership policy; proposed § 157.455 replaces the valuable local knowledge of the mariner with the COTP; and proposed § 157.455, if

implemented, could wrongly extend to all vessels.

Other comments suggested that the calculation of the anticipated under-keel clearance was acceptable; however, the COTP reporting requirement was unacceptable for the following reasons: The role of the COTP, as an independent authority able to enforce clearance requirements without being a party to the decision, should be preserved; proposed § 157.455 should be revised to prohibit the passage of vessels unable to navigate the channel without touching the bottom because it would be clear, enforceable, and not require COTP approval; and authority of the COTP is illusory and would not be used because of the COTP's unwillingness to depart from the official Coast Guard standard.

One key issue, addressed by 143 comment writers, was that under-keel clearance levels should be determined locally because of the variety of local conditions and expertise. Another comment suggested that because shoals establish a maximum loading draft that could vary daily, the local minimum under-keel requirements should be set on a daily basis. Several comments suggested that the Coast Guard allow the COTP to grant exceptions in situations where there might be a need to deviate from the minimum under-keel clearance regulations because of safety or other compelling port operation purposes. Other comment writers recommended that the requirement either exclude or make clearance-reduction allowances for the facility. Another comment suggested that the Coast Guard should only intervene in the event of intentional overloading, misstating, or understating of the draft.

Four comments specifically recommended reducing the frequency of calculating under-keel clearance and designating a local authority, other than the COTP, to set minimum under-keel clearance requirements and provide water depth data. Other comments suggested that the calculation include more detail such as squat, size of the vessel, ship handling, swell, tidal conditions, type of seabed, and salinity.

In contrast, several comments suggested expanding the minimum under-keel clearance requirement to include the following: Double hull tank vessels; double bottom tank vessels; and all vessels. Other comments suggested the following: provide precedence over other commercial vessels for fully-laden, heavy beam, self-propelled tank vessels; prescribe convoy-transit-times for potentially high-risk vessels; require escort tugs be used wherever possible; and require more than just the vessel

personnel to calculate the under-keel clearance.

Because OPA 90 section 4115(b) addresses existing vessels without double hulls, expanding this requirement to include all vessels, double hull vessels or bulk carriers is not within the scope of this rulemaking. The Coast Guard has revised the anticipated under-keel clearance requirement. The requirement no longer has a standard of .5 meter; however, the rule retains under-keel calculations and review of port requirements because the need for single-hull tank vessels to ensure good safety practices relating to under-keel clearance while transiting port is particularly essential. The proposed .5 meter reporting requirement has also been revised in this rule because the Coast Guard recognizes that many ports have effectively set guidelines followed by most vessels. Instead of the COTP reporting requirement, the master and pilot must review the anticipated clearance. The pilot acts as an advisor, not as a regulator. Partnerships and other civic groups all assist the Coast Guard in its effort to make the industry safe; however, owners and operators continue to ignore cooperatively developed safety practices when profits are favorable. Oil spills have occurred because tank vessels enter port with drafts too deep for the facility and then "find" an anchor or rock as they intentionally ground at the facility. Because this rulemaking emphasizes risk reduction, grounding any vessel at the facility, especially an existing tank vessel without a double hull or double bottom, is not deemed prudent.

The factors used to calculate anticipated under-keel clearance remain general because the Coast Guard has emphasized the planning and review of the Calculation by the master, pilot, and owner or operator. The Coast Guard anticipates that a mariner, especially one that has met the competency requirements of STCW, will use the appropriate factors such as salinity, tide, and sinkage to complete the anticipated under-keel clearance calculation. This rule specifically requires the master to review the calculations with the pilot in order to ensure that a valuable exchange of relevant information occurs prior to the transit. This rule also ties the owner or operator into the decision-making process. If owners or operators influence the master to enter port with under-keel clearances that are imprudent or not in line with pilot safety guidance, the vessel owner or operator may risk the loss of the limits on liability if the vessel grounds during transit.

Additional Requirements for Tank Barges

Of the few comments received addressing additional requirements for tank barges, two supported the proposed requirements as written. Another comment suggested that proposed § 157.460(a) be removed because two engines, a single screw, and duplicate controls have proven to be safe. Other comments expressed concern that the tank barge owner or operator would have a difficult time ensuring that the towing vessel meets the proposed steering and fendering requirements. The Coast Guard has retained these requirements to ensure the safe operation of tank barges. If a towing vessel owner has duplicate controls, but not an alternate power unit, positive steering control cannot be maintained. Barge owners or operators should be able to screen towing vessels for these requirements, either by physically checking that this equipment is in place, or using a contractual agreement as a basis for hiring appropriate towing vessels.

Emergency Lightering Requirements for Tank Vessels

Eleven comment writers responded to proposed § 157.410, six of whom supported the requirement as written. The remaining five comment writers requested clarification on why this proposed lightering equipment requirement also addressed the piping that would be directly connected to it. It was not the intent of proposed § 157.410 to require complete on-deck piping refits on those existing vessels that have installed malleable iron cargo piping. This rule was developed to ensure that the equipment was on board and available for use in an emergency. It was not developed to require a complete reconfiguration or a new piping system. Surveys and regular maintenance should ensure that piping systems on existing vessels constructed of malleable iron remain intact and safe. The Coast Guard has revised this requirement slightly to simply require that the reducers, bolts, and gaskets not be constructed of cast iron or malleable iron.

Discussion of Definitions and Subparts

This final rule has added several definitions to meet the requirements of the Edible Oil Regulatory Reform Act (Pub. L. 104-55, 109 Stat. 546 [1995]) which requires different oil types to be categorized separately. The definitions of "petroleum oil," "vegetable oil," "animal fat," and "other non-petroleum oil" have been added to this rule to

delineate the differences between these cargoes. The definition of "departing port" has been removed because it was used to reduce the impact of the proposed rest hour requirement on small tankship and tank barge companies. In measures that include port entry or departure requirements such as vital systems survey and under-keel clearance, the term "getting underway" is used in this rule because it is appropriate and logical to require these calculations or surveys to be done prior to vessel movement.

Two subparts have been added to this final rule. New subpart H was created to separate animal fats or vegetable oils from other oils. Subpart I was created to separate out other non-petroleum oils. The Coast Guard has determined that a discharge of animal fat, vegetable oil, or other non-petroleum oil from a vessel could reasonably be expected to cause harm to the environment. Therefore, vessels that carry animal fat, vegetable oil, or non-petroleum oil in bulk are required to comply with the operational measures in subpart G.

Amendments to 46 CFR Part 31

To ensure cross reference to the enhanced survey requirements, tables (a) and (b) in 46 CFR 31.10-21 have been revised to direct individuals using 46 CFR part 31 to § 157.430; however, it does not change existing drydock requirements.

Amendments to 46 CFR Part 35

To ensure cross reference to part 157, § 35.01-40(c) of title 46 of the CFR is revised to refer individuals using 46 CFR part 35 to the applicable pollution prevention requirements.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 157.02 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Assessment

This final rule is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB) under that order. It requires an assessment of potential costs and benefits under section 6(a)(3) of that order. It is significant under the regulatory policy and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

An Assessment has been prepared and is available in the docket for inspection or copying where indicated under ADDRESSES. The Assessment is

summarized in the following discussion.

This rulemaking applies to all existing vessels of 5,000 GT or more that do not have double hulls and that carry oil, animal fat, vegetable oil, and other non-petroleum oil, in bulk as cargo. An estimated 1,359 existing tank vessels (190 U.S. tankships, 1,080 foreign tankships, 86 U.S. tank barges, and 3 foreign tank barges) currently operating on U.S. navigable waters are affected by this rulemaking.

Comments on the SNPRM Assessment

1. Methodology of Assessment

The Coast Guard requested comments on the methodology used for the preliminary benefit analysis in the SNPRM as well as each measure's anticipated benefits and economic feasibility. One comment suggested that the "fault trees" used to represent data in the preamble of the SNPRM were excellent, but recommended that grounding be separated into its own category for this analysis. The Coast Guard has reviewed all accidents in its database that involved single-hull tank vessels and occurred between 1989 through 1994. Groundings were researched as well as other types of accidents. Although the "fault trees" were not reconstructed for this final rule, the effectiveness factors were estimated with respect to the risk of grounding and further field data was collected to compare and adjust the projected oil spilled benefit numbers estimated due to groundings.

2. General Comments on Costs and Benefits

One comment writer asserted that the cost-benefit analysis inflated certain costs, discounted certain benefits, and inflated the estimated costs. Another comment writer stated that travel and accommodations for additional crew members would result in higher industry costs than the costs estimated in the SNPRM assessment. Several comment writers remarked on the costs of compliance with the minimum under-keel clearance provision of this rulemaking by asserting the following: a detailed cost-benefit analysis of the under-keel clearance requirement should be completed; the potential impact on local trade should be factored into the cost analysis; the increase in traffic due to the under-keel clearance requirement would reduce the benefits; and the under-keel clearance requirement would not improve safety, add economic benefits, or raise environmental protection. Some comments also suggested that the costs

for the rest hour requirement were underestimated because 46 U.S.C. 8104(a) only applies to the officer taking the vessel out of port, not, as the SNPRM estimated, both the officer and the master.

The Coast Guard has reassessed the benefits from each of the measures in this rule and has considered remote locations within its flexibility assessment. The costs were carefully assessed for each measure and were not overinflated. The costs for rest hours have been removed in this assessment because the rule no longer requires rest hours. Benefits have been estimated based on an assessment of each measure's effectiveness and the actual historical data that suggests the likelihood of the type of accident the measure mitigates. Some requirements have been revised and the cost-benefits have been reviewed and changed to reflect these cost and benefit adjustments. In some cases, measure's cost has been reduced, an its estimated effectiveness at mitigating an accident has been reduced as well. This results in little to no change in the measure's present value cost-effectiveness. The Coast Guard has kept operational safety and environmental conservation paramount during the development of these operational measures and has effectively balanced the Congressional restriction to only mandate economically and technically feasible requirements.

3. Comments on Under-Keel Clearance Cost and Benefits

The cost associated with the proposed under-keel clearance requirement was discussed in many comments. The overriding statement of concern, endorsed by 117 comments, was that proposed § 157.455, if implemented for all vessels, would have a negative economic effect on ports and shipping due to the reduction in carrying capacity of vessels, costs associated with dredging, and tug costs. The comments suggested that costs, due to an all encompassing national under-keel standard, would result in the following: for the West Gulf ports, the economic impact would be \$110 million annually; the economic impact of this .5 meter requirement would negatively impact Texas, Florida, Louisiana, and Virginia; port costs such as dredging or costs due to lost customers would place significant economic pressure on the ports; costs would be higher than estimated because delay times must be allowed for oil redistribution after partial discharge operations; the shutout costs to one barge unit, associated with a .5 meter clearance, would be \$600,000

per year; and the 15 percent reduction of capacity of Aframax lightering vessels would result in an additional lightering vessel operation for each very large crude carrier (VLCC) discharge. In contrast, other comment writers remarked that 10 percent of the draught in fairways is standard practice inside ports, and that the cost assessment appears to be too high since under-keel clearance restrictions are already established in most ports.

Ninety-eight comments suggested that the benefit estimates for proposed § 157.455 were overestimated by noting the following: the oil spill from the vessel *World Prodigy* was not caused by inadequate under-keel clearance, but by the vessel being on the wrong side of the buoy and in shallow water; pollution would not be minimized on the Mississippi River, Delaware River, or any other river because there has never been an incident; the proposal would result in an increased risk to the environment from vessel traffic increases due to lightering and the added danger of spills from the transfer of oil at sea; and because groundings occur outside the channel, benefits from proposed § 157.455 would be minimal or nonexistent.

The Coast Guard extensively reviewed the estimated cost and the anticipated benefit for this measure. A review of the port of New Orleans records revealed that 1 percent of vessels have entered port in the last 3 years with drafts exceeding the water depth or entered port ignoring local pilot guidance. There are records of in-channel groundings from these vessels, and it is not uncommon to find vessels aground at the facility prior to off-load operations. Oil spills, such as the *World Prodigy*, indicate that lack of passage planning, specifically lack of under-keel clearance planning, has contributed to accidents. The majority of comment writers mistakenly assumed that the proposed under-keel clearance requirement prohibited port entry and was applicable to all vessels. This rule applies to each single-hull tank vessel that is not fitted with a double bottom that covers the entire cargo tank length. It does not extend to all vessels. The cost to ports was not included in the estimate because the majority of comments and the Coast Guard's review revealed that most ports already have under-keel clearance guidance. This rule addresses the small percentage of single-hull tank vessel owners or operators who knowingly allow their vessels to enter port at drafts deeper than port guidance recommends or knowingly ground at the facility. By requiring the master and pilot to review

the anticipated under-keel clearance calculation and compare or review it with the owner's or operator's guidance, the risk of a grounding will be reduced.

Industry Cost

Some of the operational measures require actions prior to each port transit or cargo transfer. As a result, vessels on coastwise or frequent transit schedules will incur higher expenses than vessels with a lower frequency of port calls. In contrast, the decrease in fleet size as vessels arrive at their phaseout date results in a downward trend in estimated annual costs from 1996 through 2014.

First-year compliance cost of this final rule will total about \$60.5 million. Annual costs of the rule will trend downward, leveling out annually at \$539,054 during 2012 to 2014, the final years that the rule will be in effect. The present value of this rule is discounted at 7 percent throughout this assessment in accordance with current OMB guidance to reflect the costs or benefits as they would have been in the year the Oil Pollution Act of 1990 (OPA 90) was enacted. The estimated present value of this rule, discounted at 7 percent, will total \$106.3 million. U.S. tankships and tank barges account for an estimated one-third of the total cost, and foreign tank vessels and barges account for the remainder. A discussion of costs for each requirement follows.

The costs associated with each operational measure were developed based on vessel type, vessel use, and average vessel size. The cost analysis was applied to tankships and tank barges. Cost analysis calculations were based upon the following assumptions: (1) the rulemaking comes into effect in 1996; (2) the recurring cost of this rulemaking reflects the future vessel population decrease as required by the phaseout schedule in section 4115(a) of OPA 90; (3) costs and benefits developed for this rulemaking are discounted at 7 percent back to 1990; and (4) all recurring costs are calculated for the year 2001.

Emergency Lightering Equipment

Lightering equipment costs were based on the costs used in the final rule entitled "Emergency Lightering Equipment and Advanced Notice of Arrival Requirements for Existing Tank Vessels Without Double Hulls" (59 FR 40186; August 5, 1994). The vessel population affected by the emergency lightering equipment rule is small. Section 157.410 of title 33 of the Code of Federal Regulations requires oil tankers to have this equipment. It is not common industry practice to allow cast

iron flanges and fittings on tank vessels; therefore, only tank vessels with exclusive animal fat, vegetable oil, or other non-petroleum cargo carriage authority were included in the cost of this rule. Approximately 114 foreign tankships and 2 foreign tank barges carry non-petroleum cargo and may be affected by this change. No U.S. vessels are indicated under this measure.

The onetime cost for this requirement for foreign tankships is estimated to be \$456,000 to \$1.1 million and the cost for foreign tank barges will be \$8,000 to \$19,000. Based on the average onetime cost for foreign tankships and tank barges, the present value of point-estimate costs for emergency lightering, discounted at 7 percent to 1990, is \$530,000.

Bridge Resource Management Policy and Procedures

The cost for bridge resource management policy and procedures reflects a 5-month implementation period in order to be in line with the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW).

Development of company specific bridge resource management policy and procedures was estimated to cost \$5,000 per vessel per company and is representative of the initial first-year costs of this requirement. The cost for a company to review the policy and procedures, including vessel personnel oversight to ensure that the watchstanders understand and follow guidance, is estimated to be \$1,000 per vessel per year.

The first-year costs imposed are estimated to total \$4.7 million. Recurring costs are estimated to total \$5.5 million over the 19-year life of this rule. Total costs of development and continued review of bridge resource management policy and procedures, discounted at 7 percent, will be approximately \$10.17 million.

Vessel Specific Watch Policy and Procedures

The Coast Guard estimates the additional cost incurred by this requirement to be negligible. The cost attributed to time lost due to this policy and procedures requirement is negligible because implementing this type of policy falls within the scope of a master's present responsibility to ensure that the crew is "fit for duty" and this requirement is already mandated by STCW.

Enhanced Survey Requirements

Those tankships regulated by flag administrations that have adopted Regulation 13G of annex I of MARPOL 73/78 are presently required to meet this enhanced survey requirement; therefore, no cost was attributed to them for this rule. U.S. tankships currently are not required to meet Regulation 13G of Annex I of MARPOL 73/78; however, if they have a current classification by a classification society that is a member of IACS, they have been in an enhanced survey program since 1995. Under this rule, those U.S. and foreign tank vessels not covered by MARPOL 73/78 Regulation 13G and those not classed by an IACS member, will incur costs associated with developing or augmenting current survey programs to meet this requirement.

Cost attributed to the enhanced survey requirement includes the fee for the surveyor's time to conduct the survey and document it. Additional costs include making approximately two tank interiors accessible to the surveyor through the use of scaffolding, ladders, lines, or other arrangements and additional gauging requirements. Some additional repair costs may also be incurred after a review of the survey is completed. These repair costs were estimated in this assessment but were not increased due to vessel age because thorough, frequent hull surveys should detect repairs before they come comprehensive—even as the vessel approaches its phaseout. Cost estimates do not include the costs to drydock the vessel, gas free it for inspection, or keep it in the drydock because these costs are already incurred with present drydocking requirements.

Tank barges are not required to meet Regulation 13G of Annex I of MARPOL 73/78. This rule allows tank barges and vessels smaller than the MARPOL 73/78 cutoff to substitute comparable company programs for the enhanced survey requirements. Because the company program clause assumes the owner has an established survey program and will not need to conduct extensive additional repairs, the cost of these company programs will be less than a classification survey. The cost for this equivalency is estimated to be half the expense of a classification society to document an enhanced survey, and half the expense of a MARPOL 73/78 tankship owner to gauge, scaffold, and make repairs to two cargo tanks.

The total estimated cost for this rule reflects a 30-month initial implementation period which coincides with most vessels' regularly scheduled drydock examinations. Because the

frequency of the drydock examination is once every 2.5 years, an implementation adjustment of .4 was multiplied by the cost for one survey to calculate annual costs. The Coast Guard assumes that the owners or operators will spread survey costs evenly over the 2.5-year interval. The Coast Guard estimates the total estimated first-year annual cost for this rule to be \$2.4 million for U.S. tankships; \$10.3 million for foreign tankships; \$2.3 million for U.S. tank barges; and \$80,000 for foreign tank barges. Because the cost estimates have been averaged and it has been assumed that vessels affected by this rulemaking will be in service for at least two drydock enhanced surveys prior to their phaseout, recurring costs will be the same as the first-year costs. The estimated present value enhanced survey cost, discounted at 7 percent in 1990, will total \$28.2 million.

Vital Systems Surveys

The cost of this measure will vary based on port departure frequency, crew salary, and the estimated time required for each survey. A survey is required before a tank vessel begins cargo transfer operations or prior to a vessel either entering port or getting underway. An estimate of port arrivals was calculated based on 1993 Coast Guard data and reflects an average arrival frequency of 28 for U.S. tankships, 32 for U.S. tank barges, 6 for foreign tankships, and 7 for foreign tank barges. Three surveys were estimated for each port arrival.

Crew members affected by this requirement will be senior personnel. For tank barge surveys, an average towing vessel master's wage was used for cost evaluation. For tankship surveys, an average chief mate's wage and a chief engineer's wage were used for cost evaluation. Survey time was estimated at 1 hour on a tankship (0.5 hour each for both the chief mate and chief engineer) and approximately 48 minutes for the master of a primary towing vessel or a senior tank barge representative. The survey cost is estimated for U.S. tankships to be \$660,000. The estimated survey cost to foreign tankships will be \$465,000. The estimated survey cost to foreign tankships will be \$465,000; to U.S. tank barges, \$289,000; to foreign tank barges, \$2,500. By 2001, the estimated cost of this rule to U.S. tankships will be \$472,000; to foreign tankships \$322,000; to U.S. tank barges, \$208,000; and to foreign tank barges, \$1,500. The present estimated value of the costs of vital system surveys during each year the rule will be in effect, discounted at 7 percent to 1990, will total \$6.0 million.

Autopilot Alarm or Indicator

The cost for this measure was calculated based on the assumption for this measure was calculated based on the assumption that 10 percent of the U.S. tankships presently meet this requirement, none of the foreign tankships presently have this capability, and three towing vessels will require an indicator for every two tank barges affected by this final rule. It was also assumed that the tank barge company owned the towing vessel and, therefore, will incur the cost of this requirement. The estimated installation cost of a visual and audible autopilot alarm is \$5,000 on electronic tankship steering systems and the estimated autopilot indicator cost is \$100. Negligible additional costs are attributed to the testing of this alarm because the test is short and there is a preexisting requirement to test this type of equipment under 33 CFR part 164. This rule will have a onetime estimated cost to U.S. tankships of \$855,000; to foreign tankships, \$5.4 million; to U.S. tank barges, \$12,900; and to foreign tank barges, \$500. The estimated present value of autopilot alarm cost, discounted at 7 percent to 1990, will total \$4.2 million.

Maneuvering Performance Capability

Under this final rule, foreign and domestic tankships of 5,000 GT or greater without double hulls will be required to conduct additional maneuvering tests and also recalculate or confirm other maneuvering characteristic datum. Required performance tests can be done with the vessel in operation or with computer simulation. Test costs are based on an independent subcontractor coming on board a tankship to conduct the tests and provide the documentation required. This estimate reflects industry cost for test preparation, equipment, personnel, transportation, vessel operational delay, data processing, and final report collation. It was assumed that no tankships affected by this rule have conducted these tests. Because sister vessel test substitutions are allowed in this rule, no cost was attributed to 20 percent of the vessel population. Model testing was assumed to be similar in cost to actual testing.

The total onetime estimated cost to the U.S. tankship industry will be \$2.8 million and the cost to the foreign tankship industry will be \$15.9 million. The estimated present value maneuvering performance capability cost, discounted at 7 percent to 1990, will total \$12.46 million.

Maneuvering and Vessel Status Information

No additional maneuvering tests will be required for § 157.450; however, some recalculation of data from the original tests used to develop the wheelhouse poster of 33 CFR 164.35(g) may be required. A cost estimated of \$1,080 was developed to reflect the recalculation of original maneuvering data and the fee of an average U.S. licensed naval architect. Vessel population estimates indicated that 75 percent of both foreign and U.S. tankships presently meet the wheelhouse poster requirement. The cost attributed to the pilot card requirement will be negligible because the time spent completing the pilot cards is within the scope of the officer in charge of a navigational watch's normal duties.

This requirement has a onetime cost attributed to the wheelhouse poster. For the 190 U.S. tankships, the estimated cost of the wheelhouse poster will be \$10,000. For the 1,080 foreign tankships, the estimated cost of the wheelhouse poster will be \$58,000. The estimated present value maneuvering and vessel status information cost, discounted at 7 percent to 1990, will total \$43,995.

Minimum Under-Keel Clearance

The cost of the measure was based on several assumptions. This requirement anticipates that the under-keel clearance calculation will be completed by the vessel master or tug operator, reviewed with the pilot, and compared with company port specific guidance or reviewed with the vessel owner or operator prior to port entry or getting underway. For tank vessels, it was assumed that this calculation will be done at least twice for each port transit. It was assumed that this measure will affect approximately 1 percent of the tankship population and 10 percent of the tank barge population. Of the affected population, it was estimated that this rule will result in a 9 percent reduction in cargo carrying capacity. The cost attributed to the recording requirement will be negligible because the time spent completing the vessel log entry or other similar documentation is within the scope of the officer of a navigational watch's normal duties.

As a result of the reduced cargo capacity for the affected vessels, the first-year under-keel clearance cost is estimated for U.S. tankships to be \$2.5 million. Foreign tankship costs will be about \$3.6 million, U.S. tank barge cost will be about \$4.2 million, and foreign tank barge costs will be about \$142,000.

By 2001, the estimated recurring cost of this rule to U.S. tankships will be \$1.3 million; to foreign tankships, \$2.5 million; to U.S. tank barges, \$2.8 million; and to foreign tank barges, \$142,000. The estimated present value of the costs of under-keel clearance during each year the rule will be in effect, discounted at 7 percent to 1990, will total \$43.97 million.

Emergency Steering Capability

Section 157.460(a) applied to the primary towing vessels engaged in towing tank barges of 5,000 GT or more without a double hull. An estimated total of 134 towing vessels will be affected by this final rule. Of these vessels, research indicates 80 percent presently meet this requirement. It was assumed that the towing vessels that do not meet this requirement are owned by the tank barge company. The cost to reconfigure the towing vessel's steering gear will be \$25,000 based on an independent subcontractor installing additional piping and tankage on an existing hydraulic steering system.

The onetime emergency steering requirement cost is estimated to be \$645,000 for U.S. tank barge companies, and \$25,000 for foreign tank barge owners or operators. The estimated present value emergency steering capability cost, discounted at 7 percent to 1990, will total \$446,000.

Fendering Systems

Section 157.460(b) applies to primary towing vessels and the fleet or assist towing vessels engaged in maneuvering tank barges of 5,000 GT or more without double hulls. A total of 312 towing vessels will be affected by this final rule. Of these vessels, 80 percent presently have adequate fendering systems. It was assumed that those towing vessels that do not meet this requirement are owned by the tank barge company or the tank barge company will realize a cost increase in the leasing of an adequately fendered towing vessel. The cost to add or reconfigure the towing vessel's fendering system will be \$1,320 based on a towing vessel's personnel installing an additional 8 linear feet of commercial fenders during a routine maintenance period.

This requirement is estimated to have an initial cost to U.S. tank barge companies of \$79,500, and a cost to foreign tank barge companies of \$3,000. Estimated recurring costs, reflecting the diminishment of the single-hull tank barge fleet by 2001, will be \$57,000 for U.S. tank barge companies and \$2,000 for foreign tank barge companies. The estimated present value of the cost of

fendering systems, discounted at 7 percent to 1990, will total \$329,000.

Government Cost

Federal Government cost will include Coast Guard personnel time and resources to review survey records and documentation required by this rule during annual tank vessel examinations (foreign vessels) or annual inspections (U.S. vessels). It does not include Federal Government cost to vessels in the National Defense Reserve Fleet (NDRF), because under Pub. L. 104-106, NDRF vessels are exempt from the provisions of section 3703a of title 46, United States Code.

The length of time added to a typical examination or inspection varies based on the type of service in which the vessel engages. The Coast Guard estimates that these requirements will increase the time of examination or inspection by an average of 0.5 hours for any given requirement. The various requirements range from 0.25 hours to inspect log entries to 8 hours to review documentation of an enhanced survey on a U.S. tankship or tank barge.

Government costs attributable to implementation of this rule are based on 11 requirements. The Coast Guard examination or inspection will evaluate relevant documentation on several measures. These measures are as follows: bridge resource management policy and procedures, vessel specific policy and procedures, enhanced surveys, vital systems surveys, maneuvering performance capability test information, maneuvering information, and minimum under-keel clearance. During an annual examination or random port inspection, the Coast guard will also ensure that the emergency lightening equipment, the autopilot alarm or indicator, the emergency steering gear, and the fendering systems meet the requirements.

The maneuvering performance capability requirement specifies that a tankship master shall discuss the vessel's test results with the pilot prior to port entry or getting underway. Coast Guard personnel will not have any oversight obligation for this requirement.

Therefore, the government cost analysis assumes annual inspection time will average 6.95 hours for U.S. tank vessels and 4.75 hours for foreign tank vessels. Based on a \$35.00 per hour wage estimate for a Coast Guard inspector, the Coast guard expects that the 7,062 additional man-hours of inspection time will cost \$247,179 annually.

Cost—Benefit Evaluation

Costs

Cost estimates were based on the forecasted 19-year life of this regulation. For all requirements, the undiscounted cost of compliance is projected to be \$209 million. The estimated present value cost of this rule, discounted at 7 percent to 1990, will total \$106.3 million.

Benefits

Pollution mitigation benefits from these operational measures will accrue mainly in areas around loading terminals, narrow channels, and in open waters during lightering operations.

A benefit analysis for each measure was completed after reviewing the 107 tank vessel casualties that have occurred to vessels without double hulls within the last 6 years. Casualty information was reviewed from the Coast Guard's marine safety information system as well as from National Transportation Safety Board (NTSB) reports, if available. Appendix C (available in the docket) contains details on the 107 casualties reviewed for this benefit analysis and ordering information on casualty case reports completed by NTSB.

The estimated benefits for each measure were calculated by reviewing the casualty report, analyzing each casualty's root causes, and estimating a percentage of the recorded or probable spillage associated with each root cause. The actual and potential amounts of oil spilled were then broken down from these estimated root cause percentages and accredited to each of the measures, if applicable.

An annual actual and potential oil spill estimate for each vessel was calculated for each measure. The actual amount of oil spilled and the actual dollar amount of damage done to the vessel, pier, or other structures was tabulated. A potential amount of oil spilled and damage was also estimated for each accident. These potential amounts are an estimate of how much additional spilled oil or damage could have occurred if there had been slight change in accident circumstances such as the amount of cargo in the damaged tank(s); the potential amounts do not reflect the worst-case scenario. By cumulating the actual oil spill and damage amounts over the 19-year rulemaking period and correlating these amounts with the phase-out schedule for single-hull tank vessels, mean values for spills and damages for each measure were established. An estimate of the variance in oil spills and damages over the next 19 years was developed by

tracking the difference between the potential and actual oil spill and damage amounts. The anticipated volume of oil spilled and damage to vessels and equipment was determined to be slightly higher than the mean values because this assessment only reviewed 6 years of data.

Comparison with other long-term oil spill studies reveals that the 107 accidents studied in this assessment are not necessarily representative. Therefore, further analysis was done to estimate, using the variance values calculated for the 107 accidents, the appropriate increase in benefits attributable to each measure. To compare the data from the 107 accidents in this assessment, each accident was correlated with a general incident type (structural failure, collision, grounding, fire, or explosion). The benefits for those measures correlated with structural or fire and explosion incidents were not increased because these incidents occur randomly and their adverse effects within the 19-year period of this rulemaking are unpredictable. The benefits correlated with collisions, groundings, and operational spills were increased because the mean values determined from the 107 accidents were lower than estimates extrapolated from oil spill studies done between 1976 through 1989. To calculate the appropriate increase in benefits, the sum of all measures apportioned to each incident type was compared to an estimated of incident spill volumes from long-term oil spill studies. An iterative process was used to adjust the portion of the variance added to each benefit and compare the summed incident values to ensure that they remained below the estimated long-term spill volume amounts.

A risk effectiveness factor range was developed using figures 3 through 6 in the preamble of the SNPRM for each measure. This factor range estimates the percentage of causal factors leading to an accident that will be eliminated if the measures are followed. An estimated range of future barrels of avoided oil spilled and avoided damages, based on the qualitative risk assessment, was developed for each measure by multiplying the adjusted mean oil spill and damage amounts with the risk effectiveness factor range.

Each measure's actual benefit range, with the dollar figures adjusted to reflect the present value in 1990 dollars, are as follows:

Emergency lightering equipment. The estimated risk effectiveness factor range for this measure was established to be between 1 percent and 3 percent. The number of vessels used for the benefit

calculations was assumed to be the same as the affected vessel population using the phase-out estimate described in the cost section. Because this requirement mitigates oil outflow and does not reduce accident risk, the benefits were estimated based on the amount of oil actually spilled (without any damage numbers included) from the 107 researched casualties. By cumulating the amount of actual oil spilled in the 107 casualties and dividing by the average number of single-hull vessels operating between 1989 and 1994, a per vessel oil spill amount was calculated. This oil spill amount was then divided by the 6-year period to give an estimated annual oil spilled per tank vessel amount of 43.33 barrels. A benefit total was calculated by cumulating this oil spill per vessel amount multiplied by the anticipated vessel population over the 19-year period. The cumulative benefit total was then multiplied by the estimated risk effectiveness factor range to provide the final benefit range. For the emergency lightering equipment requirement, the estimated present value benefit range is 485 to 1,456 barrels of unspilled oil for the 19-year life of this rule.

Bridge resource management policy and procedures. The estimated risk effectiveness factor range for bridge resource management policy and procedures was established to be between 5 percent and 8 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by making the master and watch officers aware of the need to effectively manage bridge personnel. Research on the 107 accidents attributed approximately \$21 million in vessel damage and 94,161 barrels of oil spilled from 1989 to 1994 to poor bridge resource management practices. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The bridge resource management policy and procedures requirement benefits will range from 16,349 to 26,159 barrels of unspilled oil and \$1,607,091 to \$2,571,346 dollars of undamaged property for the 19-year life of this rule.

Vessel specific policy and procedures. The estimated risk effectiveness factor range for vessel specific policy and procedures was established to be between 2 percent and 10 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by ensuring new crew members are given the time and training they need to be effective. Research on the 107 accidents attributed approximately \$22,050 in vessel damage

and 1,256 barrels of oil spilled from 1989 to 1994 to lack of crew knowledge in emergency procedures or equipment. These damage and oil spill estimates were cumulated per vessel per year, and the risk effectiveness factor range was then used to predict the final benefits. The vessel specific policy and procedures requirement benefits will range from 115 to 575 barrels of unspilled oil and \$685 to \$3,426 dollars of undamaged property for the 19-year life of this rule.

Enhanced survey requirement. The estimated risk effectiveness factor range for the enhanced survey requirement was established to be between 6 percent and 12 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by ensuring that the vessel's structure has a detailed inspection on a regular schedule. Research on the 107 accidents attributed approximately \$1 million in vessel damage and 79,694 barrels of oil spilled from 1989 to 1994 to undetected structural flaws which led to major catastrophes. These damage and oil spill estimates were cumulated per vessel per year, and the risk effectiveness factor range was then used to predict the final benefits.

The benefit anticipated from this enhanced survey requirement is not from the actual survey, but from the timely repairs made to the vessel based on the survey. Although this assessment attributed some cost to repairs for each survey, this requirement, in and of itself, does not mandate repair. The requirement implies that a tank vessel owner or operator will review the survey reports and ensure that appropriate repairs are made to the vessel to prevent a major structural catastrophe. In some, but not all, cases the Coast Guard or the classification society will review the enhanced survey reports and oversee appropriate repairs, but the responsibility to ensure that appropriate repairs are done rests on the vessel owner or operator.

This assessment does not quantify the added benefits anticipated from savings realized from making only needed repairs. With this requirement a tank vessel will be subject to close scrutiny; therefore, extensive general repairs done because the surveyor is uncertain of specific damaged areas, will be scaled down to fix the appropriate area or eliminated since the added gauging and close-up examination will reveal more defined information on the structure's soundness.

Taking into account the anticipated effectiveness of this requirement, the enhanced survey program requirement benefits will range from 7,280 to 14,559

barrels of unspilled oil and \$95,313 to \$190,626 dollars of undamaged property for the 19-year life of this rule.

Vital system surveys. The estimated risk effectiveness factor for vital system surveys was established to be between 8 percent and 13 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by ensuring that systems are working properly prior to cargo transfers and port transits. Research on the 107 accidents attributed approximately \$3.3 million in vessel damage and 3,920 barrels of oil spilled from 1989 to 1994 because critical pumping, piping, and deck gear were not maintained. These damage and oil spill estimates were cumulated per vessel per year and the risk effectiveness factor range was then used to predict final benefits. The vital systems survey requirement benefits will range from 1,153 to 1,874 barrels of unspilled oil and \$402,125 to \$653,454 dollars of undamaged property for the 19-year life of this rule.

Autopilot alarm or indicator. The estimated risk effectiveness factor range for autopilot alarms or indicators was established to be between 4 percent and 9 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by making sure that the tankship's master or the tug's master knows that the autopilot is engaged and that it must be turned off before maneuvering the vessel. Research on the 107 accidents attributed approximately \$1.25 million in vessel damage and 12,900 barrels of oil spilled from 1989 to 1994 because the autopilot was engaged while the master or watch officer was trying to maneuver the vessel. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The autopilot alarm or indicator requirement benefits will range from 818 to 1,841 barrels of unspilled oil and \$75,937 to \$170,857 dollars of undamaged property for the 19-year life of this rule.

Maneuvering and vessel status information. The risk effectiveness factor range for this measure was estimated to be between 9 percent and 14 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by making sure the tankship's master understands the status of the vessel's equipment and maneuvering characteristics, including squat. Research on the 107 accidents attributed approximately \$11.3 million in vessel damage and 3,333 barrels of oil spilled from 1989 to 1994 because the pilot or master was not aware of the equipment status. The estimated risk effectiveness factor range was

multiplied by the cumulated benefits to estimate the requirement's benefit. The maneuvering and vessel status information requirement benefits will range from 2,025 to 3,150 barrels of unspilled oil and \$1,569,018 to \$2,440,695 dollars of undamaged property for the 19-year life of this rule.

Maneuvering performance capability tests. The risk effectiveness factor range for this measure was estimated to be between 8 percent and 13 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident by making sure the tankship's master and the pilot discuss the vessel's maneuvering capabilities and know how the vessel's limitations may impact the transit. Research on the 107 accidents attributed approximately \$5 million in vessel damage and 3,337 barrels of oil spilled from 1989 to 1994 because masters and pilots failed to properly predict the vessel's capability to maneuver to tight turns or difficult approaches. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The maneuvering performance capability test requirement benefits will range from 3,960 to 6,435 barrels of unspilled oil and \$65,592 to \$106,587 dollars of undamaged property for the 19-year life of this rule.

Minimum under-keel clearance. The risk effectiveness factor range for the minimum under-keel clearance requirement was estimated to be between 10 percent and 23 percent. This reflects the anticipated effectiveness in reducing the risk of an accident by making sure the tankship or tug master understood the under-keel clearance of the vessel and do not bring the vessel into areas that are shallow or shoaling. Research on the 107 accidents attributed approximately \$13.8 million in vessel damage and 7,176 barrels of oil spilled from 1989 to 1994 because the pilot or master did not correctly gauge the vessel's draft in relationship to the transit depths or ignored port specific draft guidance. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The under-keel clearance requirement benefits will range from 5,279 to 12,142 barrels of unspilled oil and \$2,102,584 to \$4,835,943 for the 19-year life of this rule.

Emergency steering capability. The estimated risk effectiveness factor range for the emergency steering capability requirement was established to be between 4 percent and 9 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an

accident by making sure the tug has steering while working with tank barges of 5,000 GT or more. Research on the 107 accidents attributed approximately \$1.6 million in vessel damage and 428 barrels of oil spilled from 1989 to 1994 because the tug lost steering control while maneuvering tank barges of 5,000 GT or more. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The emergency steering capability requirement benefits will range from 67 to 150 barrels of unspilled oil and \$79,766 to \$179,474 dollars of undamaged property for the 19-year life of this rule.

Fendering systems. The estimated risk effectiveness factor range for fendering systems was established to be between 5 percent and 9 percent. This estimate reflects the anticipated effectiveness in reducing the risk of an accident due to damage by ensuring that the tank barge is protected from maneuvering tugs. Research on the 107 accidents attributed approximately \$85,888 in vessel damage and 768 barrels of oil spilled from 1989 to 1994 because tugs ram the barge and either promote or create cracking. The estimated risk effectiveness factor range was multiplied by the cumulated benefits to estimate the requirement's benefit. The fendering system requirement benefits will range from 128 to 230 barrels of unspilled oil and \$5,351 to \$9,632 dollars of undamaged property for the 19-year life of this rule.

Cost-Benefit. The estimated cost-benefit for each measure was calculated by dividing the measure's present value net cost by the measure's present value barrels of unspilled oil. Net cost was calculated by subtracting the present value range of undamaged property, in dollars, from the present value cost of each measure. Estimates of damages to natural resources are not included in the net cost for this final rule. The net present value of the costs of various measures will range from \$0 to \$7,931 per barrel of unspilled oil. The overall mean present value of these operational measures is \$2,025 per barrel of unspilled oil.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with

populations of less than 50,000. The Coast Guard has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The operational measures will affect several small businesses within the maritime industry until 2015, a period of about 19 years. The Coast Guard has made this finding of no significant economic impact, however, after having determined that the flexibility in this rulemaking balances the requirements placed on tank barges and tankships and provides equitable treatment of U.S. and foreign flag vessels.

This rulemaking considered small business impact for vessels privately held by independent companies that have an estimated capital investment value of less than \$500 million or have less than 500 employees. State and local governments, which altogether own less than a dozen tank vessels, will not be significantly affected. Not-for-profit organizations do not engage in the transportation of oil in bulk by water.

There are a number of companies meeting the definition of a small business operating in each segment of industry (tankship, tank barge, and towing vessel.) Of the 190 U.S. tankships affected by this final rule, 16 are owned by 6 small businesses. Many of these company's tankships are over 30 years old, have less cargo carrying capacity than their competition, and are laid up due to market or company financial conditions. Six small businesses own or operate 32 of the affected U.S. tank barge population. No foreign small businesses own or operate foreign tank vessels that will be affected by this final rule. Tank barge companies are required under this rule to enlist towing vessels with certain capabilities and trained personnel. Indirectly, some towing vessel companies may also be affected by these requirements; however, the Coast Guard has determined that most tank barge owners also own their towing vessels or regularly contract with a limited number of towing companies.

An economic impact is unavoidable because the statute clearly targets existing vessels of 5,000 GT or more that carry oil in bulk as cargo and do not have double hulls. The present value of the total cost to the industry of this rule, discounted at 7 percent to 1990, will total \$106.3 million. However, the Coast Guard has several measures within this final rule to accommodate small business needs and provide flexibility to small entities affected by this final rule.

Flexibility and small business needs are accommodated in the enhanced survey requirement by allowing

companies owning tank barges or tank vessels less than 30,000 deadweight tons (dwt) to conduct their own surveys and to choose among various organizations for program oversight. It also phases in this requirement over a 2.5-year period to enable small businesses to research their needs and plan for the implementation of an inspection program.

To accommodate small businesses in the tank barge industry, the cost of reconfiguring a towing vessel owned by the tank barge company was minimized by requiring the autopilot alarm to be an indicator; a simple sign placed on the wheel will suffice. This requirement gives a comparable warning in the small confines of the one-man towing vessel wheelhouse as will an alarm for the larger, multiple-person, complex bridge of a tankship. The emergency steering capability requirement accommodates a range of designs by allowing for either a secondary steering system or twin propulsion capability. This requirement allows the majority of tank barge companies to continue using their vessels or the vessels they typically lease; however, it also ensures that the master or operator will have some maneuvering capability in an electrical, hydraulic, or engine failure, which will be a benefit to all operators.

Smaller tankship companies should have the capability to conduct the maneuvering performance standard tests of IMO Resolution A.751(18). While the assessment cost of this item is for a commercial company to conduct the maneuvering tests, this rulemaking in no way prohibits a company from conducting the tests in-house. The guidelines and technical details of the tests are well documented and are within the capabilities of a licensed master or pilot. The equipment needed for these types of maneuvering tests, such as a Differential Global Positioning System (DGPS), is available on the commercial market at low cost.

Unfunded Mandate

Under the Unfunded Mandates Reform Act (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million (adjusted annually for inflation). The Act also requires (in Section 205) that the Coast Guard identify and consider a reasonable number of regulatory alternatives and, from those alternatives, select the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule.

The cost analysis completed for this rule estimates first-year compliance costs to be \$60.5 million. Annual costs of this rule will trend downward, leveling out annually at \$539,054 during 2012 through 2014, the final years that the rule will be in effect. This rule will not result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The cost-benefit analysis done for this rule addresses expected cost-effectiveness for each measure. For those measures that were estimated to be the most costly, alternative requirements, extended implementation periods, or provisions for the company to determine appropriate implementation on a case-by-case basis were included in this rule.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This rule contains collection-of-information requirements in the following sections: §§ 157.415, 157.420, 157.430, 157.435, 157.445, 157.450, and 157.455. The following particulars apply:

DOT No.: 2115.

Administration: U.S. Coast Guard.

Title: Operational Measures to Reduce Oil Spills From Existing Tank Vessels Without Double Hulls

Need For Information: Without adequate operational measures on tank vessels, the potential for spills as a result of human error is greatly increased. This rule requires the mariner to log or otherwise record information that is necessary for the safe operation of the vessel including: (1) documentation for company management and the Coast Guard to ensure personnel are informed and systems are being surveyed both frequently and thoroughly; (2) accessibility to certain vessel specific maneuvering characteristics so that personnel navigating the vessel have a quick reference to critical information; (3) documentation of a vessel's command and control status to ensure a pilot receives accurate information prior to maneuvering evolutions; and (4) notification to company management (unless the company provides written guidance) of the vessel's anticipated under-keel clearance so that the

company can ensure prudent clearance is maintained. These recordkeeping requirements are consistent with good commercial practice and the dictates of good seamanship for safe navigation and maintenance of vital equipment.

Proposed Use of Information: The primary use of this information will be for Coast Guard inspectors to determine if a vessel is in compliance or, in the case of a casualty, whether failure to meet these regulations contributed to the casualty. The Coast Guard has no specific plan to collect this data for statistical analysis.

Frequency of Response: Owners, master, or operators of tank vessels subject to this rule will be required to record or maintain the following documentation: (1) under § 157.415, develop bridge resource management policy and procedures; (2) under § 157.420, develop vessel specific watch policy and procedures; (3) under § 157.430, complete an enhanced survey during each drydock examination (this information must also be provided to the Coast Guard upon its request); (4) under § 157.435, by vessel log entry or similar means on board the vessel, record the results of each required vital systems survey; (5) under § 157.445(d), post test results for maneuvering performance capability; (6) under § 157.450, post the standardized IMO maneuvering information in the wheelhouse and complete a pilot card before entering the port or place of destination and prior to getting underway; (7) under § 157.455, calculate anticipated under-keel clearance before entering the port or place of destination and prior to getting underway.

Burden Estimate: 73,411 hours.

Respondents: 1,404.

Average Burden Hours Per

Respondent: 52.29.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act, however, OMB approval has not been finalized. Individuals and organizations may submit comments by August 29, 1996 on the information collection requirements in this final rule and should direct them to the Executive Secretary, Marine Safety Council as indicated under **ADDRESSES** and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., room 10235, 725 17th St. NW., Washington, DC 20503, Attention: Desk Officer for DOT. The Coast Guard will publish a notice in the Federal Register of OMB's decision to approve, modify,

or disapprove the information collection requirements.

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 (October 26, 1987) and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and a Finding of No Significant Impact are available in the docket for inspection or copying where indicated under **ADDRESSES**.

The additional operational considerations required by this rule will enhance navigation safety and thereby reduce the likelihood of an oil spill or other environmental damage.

Two comments specifically addressed the issue of treating edible oils in the same manner as petroleum oil in the Environmental Assessment. One comment stated that the Coast Guard should exempt addressing animal fat, vegetable oil, and other non-petroleum oil carriers in the same manner as petroleum oil in the regulation based on the provisions of the Edible Oil Regulatory Reform Act (Pub. L. 104-55, 109 Stat. 546-547 [1995]). Another comment supported extending these regulations to existing tank vessels carrying non-petroleum oils and remarked that it is economically feasible and environmentally beneficial for these vessels to meet the operational requirements. The Coast Guard contends that bulk spills of animal fat, vegetable oil, and other non-petroleum oil can be damaging to the environment.

The Coast Guard has attempted to balance environmental protection with a recognition of the diverse requirements called for by different substances, such as non-petroleum oils. These substances are clearly harmful; and therefore, are regulated in a manner that recognizes their differences from other more toxic materials such as petroleum oils. Interpretations of statutes are governed by legal decisions which have granted agencies discretionary authority in areas committed to agency jurisdiction. The Coast Guard, as well as other agencies, have exercised this discretion. For these reasons, the Coast Guard has determined that a discharge of animal fat, vegetable oil, or other non-petroleum oil from a tank vessel could

reasonably be expected to cause harm to the environment.

As discussed in the Environmental Assessment, this rulemaking is expected to have no significant effect on the environment.

List of Subjects

33 CFR Part 157

Cargo vessels, Incorporation by reference, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and Health, Reporting and recordkeeping requirements, Seaman.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 157 and 46 CFR parts 31 and 35 as follows:

International Maritime Organization (IMO)—4 Albert Embankment, London SE1 7SR, England.

IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvring Information on Board Ships, Annex sections 1.1, 2.3, 3.1, and 3.2 with appendices, adopted on 19 November 1987	157.450
IMO Assembly Resolution A.744(18), Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, Annex B sections 1.1.3–1.1.4, 1.2–1.3, 2.1, 2.3–2.6, 3–8, Annexes 1–10 with appendices, adopted 4 November 1993	157.430
IMO Assembly Resolution A.751(18), Interim Standards for Ship Manoeuvrability, Annex sections 1.2, 2.3–2.4, 3–4.2, and 5, adopted 4 November 1993 with Explanatory Notes in MSC/Circ. 644 dated 6 June 1994	157.445
<i>Oil Companies International Marine Forum (OCIMF)</i> —15th Floor, 96 Victoria Street, London, SW1E 5JW, England.	
International Safety Guide for Oil Tankers and Terminals, Fourth Edition, Chapters 6, 7, and 10, 1996	157.435

4. In § 157.03, the following definitions are added in alphabetical order to read as follows:

§ 157.03 Definitions.

* * * * *

Animal fat means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

* * * * *

Fleeting or assist towing vessel means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

* * * * *

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

* * * * *

Officer in charge of a navigational watch means any officer employed or engaged to be responsible for navigating

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

1. The authority citation for 33 CFR part 157 is revised to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703, 3703a (note); 49 CFR 1.46. Subparts G, H, and I are also issued under section 4115(b), Pub. L. 101–380, 104 Stat. 520; Pub. L. 104–55, 109 Stat. 546.

2. Section 157.01(a)(2) is revised to read as follows:

§ 157.01 Applicability.

(a) * * *

(2) Any other vessel that enters or operates in the navigable waters of the United States, or that operates, conducts lightering under 46 U.S.C. 3715, or receives cargo from or transfers cargo to a deepwater port under 33 U.S.C. 1501 *et seq.*, in the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8).

* * * * *

or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

* * * * *

Other non-petroleum oil means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

* * * * *

Petroleum oil means petroleum in any form including crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Primary towing vessel means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

* * * * *

Vegetable oil means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

* * * * *

5. The subpart heading of subpart G is revised to read as follows:

3. Section 157.02 is added to read as follows:

§ 157.02 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Operating and Environmental Standards (G–MSO), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

Subpart G—Structural And Operational Measures For Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

6. Section 157.400 is revised to read as follows:

§ 157.400 Purpose and applicability.

(a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(b) This subpart applies to each tank vessel specified in § 157.01 of this part that—

- (1) Is 5,000 gross tons or more;
- (2) Carries petroleum oil in bulk as cargo or cargo residue; and
- (3) Is not equipped with a double hull meeting § 157.10d of this part, or an equivalent to the requirements of § 157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

7. Section 157.410(c) is revised to read as follows:

§ 157.410 Emergency lightering requirements for tank vessels.

* * * * *

(c) Reducers, bolts, and gaskets must meet the requirements of 46 CFR subpart 56.25. Cast iron and malleable iron must not be used.

8. Section 157.415 is added to read as follows:

§ 157.415 Bridge resource management policy and procedures.

(a) Not later than February 1, 1997, a tankship owner or operator shall provide written policy and procedures to masters and officers in charge of the navigational watch concerning the need for continuously reassessing how bridge-watch resources are being allocated and used, based on bridge resource management principles. This written policy and procedures must include vessel and crew specific examples that address the following:

(1) The number of qualified individuals that should be on watch to ensure that all duties can be performed effectively.

(2) The appropriate qualifications of all members of the navigational watch, the importance of confirming that all members of the watch are fit for duty, and the need to ensure that all members of the navigational watch are not impaired by fatigue.

(3) The need to take into account any known limitation in qualifications or fitness of individuals when making navigational and operational decisions.

(4) The need to be clear and unambiguous in assigning duties and the need to establish that the individual understands his or her responsibilities.

(5) The need to perform tasks in a clear order of priority and to adjust the priority of tasks as circumstances may require.

(6) The importance of assigning and reassigning members of the watch to locations where they can perform their duties most effectively.

(7) Conditions that warrant task reassignment among members of the watch.

(8) The instruments and equipment necessary for the effective performance of each task and appropriate actions if the instruments and equipment are not available or not functioning properly.

(9) The need for, and examples of, clear, immediate, reliable, and relevant communication among members of the navigational watch.

(10) The action to be taken to suppress, remove, and avoid nonessential activity and distractions on the bridge.

(11) The importance of collecting, processing, and interpreting all essential

information and making it conveniently available to other members of the navigational watch and the pilot, as necessary to perform their duties.

(12) The need to ensure that nonessential materials are not placed on the bridge.

(13) The need to ensure that members of the navigational watch are prepared to respond at all times efficiently and effectively to changes in circumstances.

(b) Beginning not later than February 1, 1997, a tank barge owner or operator shall not permit the barge to be towed unless those individuals assigned to duties that are similar to the duties of the officer in charge of a navigational watch on the primary towing vessel have been provided written bridge resource management policy and procedures as specified in paragraph (a) of this section.

9. Section 157.420 is added to read as follows:

§ 157.420 Vessel specific watch policy and procedures.

(a) Not later than February 1, 1997, the owner or operator of a tankship shall provide written policy and procedures to masters concerning the need for each individual who is newly employed on board the vessel to have a reasonable opportunity to become familiar with the shipboard equipment, operating procedures, and other arrangements needed for the proper performance of their duties, before being assigned to such duties. This written policy and procedures shall be followed by the master and shall include the following:

(1) Allocation of a reasonable and appropriate time period for each newly employed individual to allow him or her the opportunity to become acquainted with the following:

(i) The specific equipment the individual will be using or operating; and

(ii) The vessel specific watchkeeping, safety, environmental protection, and emergency procedures and arrangements the individual needs to know to perform the assigned duties properly.

(2) Designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed individual to receive essential information in a language the individual understands.

(b) Beginning not later than February 1, 1997, a tank barge owner or operator shall not permit the barge to be towed unless those individuals assigned to duties as master or operator on the primary towing vessel have been provided written policy and procedures

as specified in paragraph (a) of this section.

10. Section 157.430 is added to read as follows:

§ 157.430 Enhanced survey requirements.

Beginning at each tank vessel's next regularly scheduled drydock examination and continuing as required under 46 CFR part 31, or, for each foreign flagged tank vessel, beginning at the next drydock and continuing as required under the foreign vessel's flag administration, a tank vessel owner or operator shall—

(a) Implement an enhanced survey program that complies with the standards of IMO Resolution A.744(18), Annex B sections 1.1.3–1.1.4, 1.2–1.3, 2.1, 2.3–2.6, 3–8, and Annexes 1–10 with appendices;

(b) Implement a vessel specific survey program that provides a level of protection equivalent to the requirements in paragraph (a)(1) of this section and is approved by the Commandant (G–MOC). A written request for program equivalency under this paragraph must be submitted to the Commandant (G–MOC); or

(c) For a tankship of less than 20,000 deadweight tons (dwt) carrying crude oil, a tankship of less than 30,000 dwt carrying product, or a tank barge, implement an enhanced survey program that—

(1) Includes oversight of the program by the Coast Guard, the vessel's flag administration, an authorized classification society as described in § 157.04 of this part, or a licensed professional engineer;

(2) Has the frequency of survey which is no less than the inspections required by 46 CFR subpart 31.10;

(3) Has survey scope and recordkeeping requirements that are comparable to the requirements of paragraph (a)(1) of this section; and

(4) Includes keeping a copy of the most recent survey on board the vessel or, upon request by the Coast Guard, making the surveys available within 24 hours for examination.

11. Section 157.435 is added to read as follows:

§ 157.435 Vital systems surveys.

(a) A tank vessel owner or operator shall ensure that surveys of the following system are conducted:

(1) *Cargo systems.* The survey must include the examination and testing of the items listed in chapters 6, 7, and 10 of the International Safety Guide for Oil Tankers and Terminals, if applicable, prior to cargo transfer operations.

(2) *Mooring systems.* The survey must include a visual examination of the

emergency towline, the anchor releasing mechanism, and mooring lines prior to entering the port or place of destination, if weather permits, or prior to getting underway.

(b) Surveys must be conducted by company management personnel, company designated individuals, or vessel officers knowledgeable about the equipment operating parameters and having the authority, capability, and responsibility to initiate corrective action when the equipment is not functioning properly.

(c) The results of the survey required in paragraph (a) of this section, including the material condition of each system, must be recorded in the tank vessel's deck log or other onboard documentation.

12. Section 157.440 is added to read as follows:

§ 157.440 Autopilot alarm or indicator.

(a) A tankship owner or operator shall ensure that each installed autopilot unit without automatic manual override has an audible and visual alarm, which is distinct from other required bridge alarms, that will activate if the helm is manually moved while the autopilot is engaged.

(b) A tank barge owner or operator shall ensure that each autopilot unit without automatic manual override installed on the primary towing vessel has a means to clearly indicate the autopilot status and warns personnel of the requirement to disengage the autopilot if positive rudder control is needed.

13. Section 157.445 is added to read as follows:

§ 157.445 Maneuvering performance capability.

(a) A tankship owner or operator shall ensure that maneuvering tests in accordance with IMO Resolution A.751(18), section 1.2, 2.3–2.4, 3–4.2, and 5 (with Explanatory Notes in MSC/Circ.644) have been conducted by July 29, 1997. Completion of maneuvering performance tests must be shown by—

(1) For a foreign flag tankship, a letter from the flag administration or an authorized classification society, as described in § 157.04 of this part, stating the requirements in paragraph (a) of this section have been met; or

(2) For a U.S. flag tankship, results from the vessel owner confirming the completion of the tests or a letter from an authorized classification society, as described in § 157.04 of this part, stating the requirements in paragraph (a) of this section have been met.

(b) If a tankship undergoes a major conversion or alteration affecting the

control systems, control surfaces, propulsion system, or other areas which may be expected to alter maneuvering performance, the tankship owner or operator shall ensure that new maneuvering tests are conducted as required by paragraph (a) of this section.

(c) If a tankship is one of a class of vessels with identical propulsion, steering, hydrodynamic, and other relevant design characteristics, maneuvering performance test results for any tankship in the class may be used to satisfy the requirements of paragraph (a) of this section.

(d) The tankship owner or operator shall ensure that the performance test results, recorded in the format of Appendix 6 of the Explanatory Notes in MSC/Circ.644, are prominently displayed in the wheelhouse.

(e) Prior to entering the port or place of destination and prior to getting underway, the tankship master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible impact of the tankship's maneuvering capability on the transit.

14. Section 157.450 is added to read as follows:

§ 157.450 Maneuvering and vessel status information.

A tankship owner, master, or operator shall comply with IMO Resolution A.601(15), Annex sections 1.1, 2.3, 3.1, and 3.2, with appendices.

15. Section 157.455 is added to read as follows:

§ 157.455 Minimum under-keel clearance.

(a) Prior to entering the port or place of destination and prior to getting underway, the master of a tankship that is not fitted with a double bottom that covers the entire cargo tank length shall meet the following requirements:

(1) The tankship's deepest navigational draft must be calculated and include—

(i) The mean draft;

(ii) The trim and list characteristics; and

(iii) The intended transit speed and the corresponding squat characteristics, if known.

(2) The anticipated controlling depth must be calculated and include—

(i) Tide and current conditions;

(ii) Present sea state conditions;

(iii) Past weather impact on water depth;

(iv) The depth at the facility or anchorage; and

(v) The depth of the transit area found in the publication and chart materials required to be on board the tankship by 33 CFR part 164.

(3) The anticipated under-keel clearance must be calculated by subtracting the tankship's deepest navigational draft from the anticipated controlling depth. The tankship's calculated deepest navigational draft, anticipated controlling depth, and the calculated anticipated under-keel clearance must be recorded in the tankship's log or in other onboard documentation.

(4) The tankship shall discuss with the pilot the anticipated under-keel clearance calculation and its possible impact on the tankship's planned transit.

(5) The tankship master shall—

(i) Inform the tankship owner or operator of the calculated anticipated under-keel clearance, unless the owner or operator has provided the master with written port specific under-keel clearance guidance.

(ii) Record the communication with the owner or operator in the tankship's log or other documentation, if there is no written port specific under-keel clearance guidance provided by the owner or operator.

(6) Having been informed by the master of the anticipated under-keel clearance, the owner or operator shall not allow the tankship to proceed if the tankship's transit would not be prudent considering, but not limited to, the anticipated under-keel clearance, any COTP under-keel clearance guidance, and the pilot's recommended clearance.

(b) The owner or operator of a tank barge, that is not fitted with a double bottom that covers the entire cargo tank length, shall not permit the barge to be towed unless the primary towing vessel master or operator has been provided with written port specific under-keel clearance guidance that includes—

(1) Port specific minimum under-keel clearance requirements;

(2) Factors to consider when calculating the tank barge's deepest navigational draft;

(3) Factors to consider when calculating the anticipated controlling depth;

(4) Consideration of port specific weather or environmental conditions; and

(5) Conditions which mandate when the tank barge owner or operator shall be contacted prior to port entry or getting underway; if no such conditions exist, the guidance must contain a statement to that effect.

16. Section 157.460 is added to read as follows:

§ 157.460 Additional operational requirements for tank barges.

(a) *Emergency steering capability.* The owner or operator of each tank barge

shall not permit the barge to be towed unless, by November 27, 1997, the primary towing vessel has—

(1) A steering gear system with a main power unit, an alternative power unit, and two remote steering gear control systems, except that separate steering wheels or steering levers are not required. The steering gear control systems must be arranged so that if the system in operation fails, the other system can be brought into immediate operation from a position on the navigating bridge; or

(2) Twin screw propulsion with separate control systems for each propeller.

(b) *Fendering system* An owner or operator of a tank barge shall not permit the barge to be towed unless the primary towing vessel and any fleetings or assist towing vessels have a fendering system that is of substantial size and composition to prevent metal to metal contact between the towing vessel and the barge during maneuvering operations.

17. Subpart H, consisting of §§ 157.500 and 157.510, is added to read as follows:

Subpart H—Structural and Operational Measures for Certain Tank Vessels Without Double Hulls Carrying Animal Fat or Vegetable Oil

Sec.
157.500 Purpose and applicability.
157.510 Operational measures.

Subpart H—Structural and Operational Measures for Certain Tank Vessels Without Double Hulls Carrying Animal Fat or Vegetable Oil

§ 157.500 Purpose and applicability.

(a) The purpose of this subpart is to establish mandatory safety and

operational requirements to reduce environmental damage resulting from the discharge of animal fat or vegetable oil.

(b) This subpart applies to each tank vessel specified in § 157.01 of this part that—

(1) Is 5,000 gross tons or more;

(2) Carries animal fat or vegetable oil in bulk as cargo or cargo residue; and

(3) Is not equipped with a double hull meeting § 157.10d of this part, or an equivalent to the requirements of § 157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

§ 157.510 Operational measures.

An owner or operator of a tank vessel that carries animal fat or vegetable oil in bulk as cargo or cargo residue shall comply with the requirements in all sections of subpart G of this part.

18. Subpart I, consisting of §§ 157.600 and 157.610, is added to read as follows:

Subpart I—Structural and Operational Measures for Certain Tank Vessels Without Double Hulls Carrying Other Non-Petroleum Oil

Sec.
157.600 Purpose and applicability.
157.610 Operational measures.

Subpart I—Structural and Operational Measures for Certain Tank Vessels Without Double Hulls Carrying Other Non-Petroleum Oil

§ 157.600 Purpose and applicability.

(a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from the discharge of other non-petroleum oil.

(b) This subpart applies to each tank vessel specified in § 157.01 of this part that—

(1) Is 5,000 gross tons or more;

(2) Carries other non-petroleum oil in bulk as cargo or cargo residue; and

(3) Is not equipped with a double hull meeting § 157.10d of this part, or an equivalent to the requirements of § 157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

§ 157.610 Operational measures.

An owner or operator of a tank vessel that carries other non-petroleum oil in bulk as cargo or cargo residue shall comply with the requirements in all sections of subpart G of this part.

PART 31—INSPECTION AND CERTIFICATION

19. The authority citation for 46 CFR part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21a also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

20. In § 31.10–21, table (a) is revised to read as follows:

BILLING CODE 4910–14–M

TABLE 31.10-21(a).--SALT WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Ship and single hull barge ⁹	Double hull barge with internal framing ¹	Double hull barge with external framing ²	Single hull barge with independent tanks ^{3,9}	Wood hull ship and barge	Ship and single hull barge Grade D and E cargoes only ^{4,9}	Double hull barge Grade D and E cargoes only ⁵	Single hull asphalt barge ^{6,9}	Double hull asphalt barge ⁷
Drydock.....	2.5	5.0	5.0	5.0	2.5	2.5	5.0	2.5	5.0
Internal structural.....	2.5	2.5	2.5	2.5	5.0	5.0	2.5	10.0	2.5
Cargo tank internal..	⁸ 2.5	⁸ 5.0	⁸ 10.0	⁸ 10.0	⁸ 2.5	5.0	10.0	10.0	15.0

Notes:

- ¹Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
- ²Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms, and other similar spaces.
- ³Applicable to single hull tank barges with independent cargo tanks where the cargo tanks are not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.
- ⁴Applicable to single hull tankships and tank barges certificated for the carriage of Grade D and E cargoes only.
- ⁵Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of Grade D and E cargoes only.
- ⁶Applicable to single hull tank barges certificated for the carriage of asphalt only.
- ⁷Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.
- ⁸Or as specified in part 38 or 151 as applicable
- ⁹Enhanced survey requirements apply as specified in 33 CFR part 157.

21. In §31.10-21, table (b) is revised to read as follows:

TABLE 31.10-21(b).-- FRESH WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Ship and single hull barge ⁹	Double hull barge with internal framing ¹	Double hull barge with external framing ²	Single hull barge with independent tanks ^{3,9}	Wood hull ship and barge	Ship and single hull barge Grade D and E cargoes only ^{4,9}	Double hull barge Grade D and E cargoes only ⁵	Single hull asphalt barge ^{6,9}	Double hull asphalt barge ⁷
Drydock.....	5.0	10.0	10.0	10.0	2.5	5.0	10.0	5.0	10.0
Internal structural....	5.0	5.0	5.0	5.0	5.0	5.0	5.0	10.0	5.0
Cargo tank internal..	⁹ 5.0	⁹ 5.0	⁸ 10.0	⁸ 10.0	⁸ 2.5	5.0	10.0	10.0	15.0

Notes:

- ¹Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
- ²Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms, and other similar spaces.
- ³Applicable to single hull tank barges with independent cargo tanks where the cargo tanks are not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.
- ⁴Applicable to single hull tankships and tank barges certificated for the carriage of Grade D and E cargoes only.
- ⁵Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of Grade D and E cargoes only.
- ⁶Applicable to single hull tank barges certificated for the carriage of asphalt only.
- ⁷Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.
- ⁸Or as specified in part 38 or 151 as applicable
- ⁹Enhanced survey requirements apply as specified in 33 CFR part 157.

PART 35—OPERATIONS

22. The authority citation for 46 CFR part 35 continues to read as follows:

Authority 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 DRR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

23. Section 35.01–40(c) is revised to read as follows:

**§ 35.01–140 Prevention of oil pollution—
TB/ALL.**

* * * * *

(c) 33 CFR parts 151, 155, 156, 157, and 164.

Dated: July 24, 1996.

R.D. Herr,

*Vice Admiral, U.S. Coast Guard, Acting
Commandant.*

[FR Doc. 96–19236 Filed 7–25–96; 11:16 am]

BILLING CODE 4910–14–M

Final Report to the Colorado State Board of Education

Tuesday
July 30, 1996

Part V

Department of Education

Office of Vocational and Adult Education;
Intent To Repay the Colorado State
Board for Vocational Education Funds
Recovered as a Result of Two Final
Audit Determinations; Notice

DEPARTMENT OF EDUCATION**Office of Vocational and Adult Education; Intent To Repay the Colorado State Board for Vocational Education Funds Recovered as a Result of Two Final Audit Determinations****AGENCY:** Department of Education.**ACTION:** Notice of intent to award grantback funds.

SUMMARY: Under section 459 of the General Education Provisions Act (GEPA), 20 U.S.C. 1234h, the U.S. Secretary of Education (Secretary) intends to repay to the Colorado Community College and Occupational Education System (Colorado), under a grantback arrangement, an amount equal to 75 percent of the principal amount of funds recovered by the U.S. Department of Education (Department) as a result of final audit determinations (ACNs: 08-72109 and 08-82000). The Department's recovery of funds followed a settlement reached between the parties under which Colorado refunded \$87,500 to the Department in full resolution of the Department's final audit determinations for fiscal years (FYs) 1985 and 1986. This notice describes Colorado's plan for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. This notice invites comments on the proposed grantback.

DATE: All comments must be received on or before August 29, 1996.**ADDRESSES:** All written comments should be addressed to Dr. Marcel R. DuVall, Chief, Finance Branch, Division of Vocational-Technical Education, Office of Vocational and Adult Education, U.S. Department of Education, 600 Independence Avenue S.W., Mary E. Switzer Building, Room 4320, MS-7324, Washington, D.C. 20202.**FOR FURTHER INFORMATION CONTACT:** Dr. Marcel R. DuVall, U.S. Department of Education, 600 Independence Avenue S.W., Mary E. Switzer Building, Room 4320, MS-7324, Washington, D.C. 20202, telephone: (202) 205-9502. 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. Internet address: Marcel __ DuVall@ed.gov.**SUPPLEMENTARY INFORMATION****A. Background**

Under a settlement agreement between the Department and Colorado,

the Department recovered \$87,500 from Colorado in full resolution of all claims arising from audits of Colorado covering FYs 1985 and 1986.

The Department's original claims of \$538,930.30 (ACN: 08-72109 (FY 1985)) and \$395,085.10 (ACN: 08-82000 (FY 1986)) were contained in final letters of determination issued by the Assistant Secretary for Vocational and Adult Education on August 31, 1989 and June 28, 1990 respectively. These claims arose from findings related to Colorado's administration of its vocational education program under the provisions of the Carl D. Perkins Vocational Education Act, 20 U.S.C. 2301 *et seq.* (1988) (Perkins I).

In both the August 31, 1989 and June 28, 1990 letters, the Assistant Secretary determined that, among other things, Colorado violated the Federal regulations governing payroll expenditures and maintenance of time distribution records. For the applicable programs, Colorado improperly allocated payroll expenditures based on predetermined budgets and failed to maintain appropriate time distribution records for employees who worked on more than one cost objective, thus violating provisions of the cost principles implemented at 34 CFR Part 74, Appendix C, II, B., 10., b (1985).

The settlement negotiations resulting from Colorado's appeal of the Assistant Secretary's August 31, 1989 and June 28, 1990 determinations culminated in a single settlement agreement for a total repayment of \$87,500. The settlement agreement was executed on March 28, 1994. The Department received full payment for the determinations on March 29, 1994.

B. Authority for Awarding a Grantback

Section 459(a) of GEPA, 20 U.S.C. 1234(h), provides that whenever the Secretary has recovered funds following a final audit determination with respect to any applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay, to the State or local educational agency (LEA) affected by that determination, an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback arrangement if the Secretary determines that the—

(1) Practices or procedures of the recipient that resulted in the violation have been corrected, and that the recipient is, in all other respects, in compliance with the requirements of the applicable program;

(2) Recipient has submitted to the Secretary a plan for the use of those funds pursuant to the requirements of

that program and, to the extent possible, for the benefit of the population that was affected by the failure to comply or by the misexpenditures that resulted in the recovery of funds; and

(3) Use of the funds, in accordance with that plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 459(a)(2) of GEPA, Colorado has applied for a grantback of \$65,625, or 75 percent, of the \$87,500 repaid to the Department under the settlement agreement, and has submitted a plan for use of the proposed grantback funds, consistent with the Carl D. Perkins Vocational and Applied Technology Education Act (Perkins II), which is the successor statute to Perkins I and is currently in effect. Colorado plans to purchase curriculum materials that will support the integration of academic and vocational education.

Specifically, Colorado plans to utilize the requested grantback funds, totaling \$65,625 to—

(1) Purchase an applied economics curriculum package entitled *Workplace Economics* from the Agency for Instructional Technology (AIT). The package will contain: instructional videodiscs; instructional video cassettes, including a teacher training video and a teleconference video; student, teacher, and workshop resource guidebooks; computer software; duplication licenses for the right to copy video cassettes and computer software; preferred pricing for additional copies of instructional materials; pre-paid travel and accommodations for two Colorado representatives to attend an AIT National Consortium Meeting; one pre-paid site registration for the North American Teleconference held for teacher trainers and curriculum coordinators across North America; and four pre-paid individual registrations to attend the Workplace Economics Education Institutes (\$22,226);

(2) Purchase a Workplace Readiness curriculum package, entitled *Workplace Readiness: Education for Employment* from AIT, that teaches skills such as problem solving, teamwork, and goal setting. The curriculum is designed primarily for secondary vocational education students but may be utilized for post-secondary students as well. The package will contain: one master set of project materials that includes instructional video programs for both instructors and students; computer software; instructional videodiscs; printed materials; and unlimited,

unrestricted rights to duplicate course materials for distribution to LEAs (\$31,399); and

(3) Purchase an applied mathematics curriculum package entitled *Applied Geometry* from the Center for Occupational Research and Development (CORD). This package will augment *Applied Math I* and *Applied Math II*, two other CORD curriculum packages which the State has purchased and which are currently in use by a large number of the State's LEAs. *Applied Geometry* will enhance the geometry-related concepts contained in *Applied Math II* by focusing greater attention on the areas of logic, spatial visualization, coordinate geometry, and transformations (geometric operations and congruity). These four units will enhance the algebra and geometry content of vocationally focused mathematics courses currently offered by the State. The curriculum package will contain: an introductory motivational video that demonstrates how the curriculum relates to the world of work; student texts that use "real world" examples and activities that facilitate understanding of the mathematical concepts being taught; and a selection of three hands-on laboratories that use measuring equipment in applications relevant to the mathematic concepts (\$12,000).

Colorado plans to disseminate copies of each of the above curriculum programs to its LEAs at a low cost, allowing LEAs that could not otherwise afford to purchase the curriculum to do so. Large numbers of vocational education students will benefit from these curriculum programs, advancing the quality of programs delivered by, and coordinated throughout, the secondary and post-secondary State system, resulting in statewide benefit to vocational education, and maximizing the impact of the grantback funds.

D. The Secretary's Determination

The Secretary has carefully reviewed the plan, amendment, and other relevant documentation submitted by Colorado. Based upon that review, the Secretary has determined that the conditions under section 459 of GEPA have been met.

This determination is based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action at a later date. In finding that the conditions of section 459 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 459(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the Federal Register a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Colorado State Board for Community Colleges and Occupational Education under a grantback arrangement. The grantback award would be in the amount of \$65,625, which is 75 percent—the maximum percentage authorized by the statute—of the principal recovered to date by the Department as a result of the final audit determinations and the settlement in this matter.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

Colorado Community College and Occupational Education System agrees

to comply with the following terms and conditions under which payment under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that was submitted and any amendments in that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1997, in accordance with section 459(c) of GEPA and Colorado's plan.

(3) Colorado will, no later than December 30, 1997, submit a report to the Secretary which—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget; and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(Catalog of Federal Domestic Assistance Number 84.048, Basic State Grants for Vocational Education)

Dated: July 23, 1996.

Patricia W. McNeil,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 96-19273 Filed 7-29-96; 8:45 am]

BILLING CODE 4000-01-P

Federal Register

Tuesday
July 30, 1996

Part VI

**Department of
Justice**

Bureau of Prisons

28 CFR Part 552

**Use of Force and Application of
Restraints; Annual Determination of
Average Cost of Incarceration; Final Rule
and Notice**

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 552

[BOP-1053-F]

RIN 1120-AA41

Use of Force and Application of Restraints

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on Use of Force and Application of Restraints to require staff checks on inmates in four-point restraints at least every 15 minutes. Additional changes have been made for clarification or for editorial purposes. This amendment is intended to provide for the continued security and good order of the institution and the safety and well-being of inmates.

EFFECTIVE DATE: July 30, 1996.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on Use of Force and Application of Restraints (28 CFR 552, subpart C, which was published in the Federal Register May 17, 1989 (54 FR 21394) and amended June 13, 1994 (59 FR 30468).

In accordance with revised American Correctional Association standards, the Bureau is increasing the frequency to at least every 15 minutes for staff monitoring of an inmate in four-point restraints. Previously, staff were required to check the inmate at least every 30 minutes (see former § 552.24(d)). Additional changes to the Bureau's regulations being made for clarification or editorial purposes are described below.

Section 552.20 is amended to reduce repetitious use of "inmate" in paragraphs (a) through (e). Section 552.21 is amended to include the phrase "using sound correctional judgment" as a qualifier rather than the previous phrase "with correctional experience". The revised phrase more accurately describes the qualitative nature of the standard and is used more consistently in the Bureau's regulations. In § 552.22, paragraph (c) is amended to include further paragraph designations (1) through (3) for the sake of clarity; the

opening sentence of paragraph (g) of the section is amended for stylistic reasons. In § 552.24, the introductory paragraph is amended to clarify that the determination on the use of four-point restraints is made by the Warden. Paragraph (a) of the section is revised to include further paragraph designations (1) and (2) for the sake of clarity. Section 552.26 and paragraphs (f) and (g) of § 552.24 are revised to remove unnecessary passive constructions and to revise staff nomenclature ("qualified health personnel" rather than "medical staff").

Because these changes either are administrative or editorial in nature, or provide for the continued safety and well-being of inmates and do not impose further restrictions on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register. The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget pursuant to E.O. 12866. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects in 28 CFR Part 552

Prisoners.
 Kathleen M. Hawk,
Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), 28 CFR part 552 is amended as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 552—CUSTODY

1. The authority citation for 28 CFR part 552 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. In § 552.20, the last sentence of the introductory text and paragraphs (a) through (e) are revised to read as follows (the concluding text to the section remains unchanged):

§ 552.20 Purpose and scope.

* * * Staff are authorized to apply physical restraints necessary to gain control of an inmate who appears to be dangerous because the inmate:

- (a) Assaults another individual;
- (b) Destroys government property;
- (c) Attempts suicide;
- (d) Inflicts injury upon self; or
- (e) Becomes violent or displays signs of imminent violence.

* * * * *

§ 552.21 [Amended]

3. In § 552.21, paragraph (d) is amended by revising the phrase "with correctional experience" to read "using sound correctional judgment".

4. In § 552.22, paragraph (g) is amended by revising the opening phrase "Except where" to read "Except when" and paragraph (c) is revised to read as follows:

§ 552.22 Principles governing the use of force and application of restraints.

* * * * *

(c) Staff shall use only that amount of force necessary to gain control of the inmate. Situations when an appropriate amount of force may be warranted include, but are not limited to:

- (1) Defense or protection of self or others;
- (2) Enforcement of institutional regulations; and
- (3) The prevention of a crime or apprehension of one who has committed a crime.

* * * * *

5. In § 552.24, the introductory text and paragraphs (a), (f) and (g) are revised, and paragraph (d) is amended by revising the first sentence to read as follows:

§ 552.24 Use of four-point restraints.

When the Warden determines that four-point restraints are the only means available to obtain and maintain control

over an inmate, the following procedures must be followed:

(a) Soft restraints (e.g., vinyl) must be used to restrain an inmate, unless:

(1) Such restraints previously have proven ineffective with respect to that inmate, or

(2) Such restraints are proven ineffective during the initial application procedure.

* * * * *

(d) Staff shall check the inmate at least every 15 minutes, both to ensure that the restraints are not hampering circulation and for the general welfare of the inmate. * * *

* * * * *

(f) When the inmate is placed in four-point restraints, qualified health personnel shall initially assess the inmate to ensure appropriate breathing and response (physical or verbal). Staff shall also ensure that the restraints have not restricted or impaired the inmate's circulation. When inmates are so

restrained, qualified health personnel ordinarily are to visit the inmate at least twice during each eight hour shift. Use of four-point restraints beyond eight hours requires the supervision of qualified health personnel. Mental health and qualified health personnel may be asked for advice regarding the appropriate time for removal of the restraints.

(g) When it is necessary to restrain an inmate for longer than eight hours, the Warden (or designee) or institution administrative duty officer shall notify the Regional Director or Regional Duty Officer by telephone.

6. Section 552.26 is revised to read as follows:

§ 552.26 Medical attention in use of force and application of restraints incidents.

(a) In immediate use of force situations, staff shall seek the assistance of mental health or qualified health personnel upon gaining physical control of the inmate. When possible, staff shall

seek such assistance at the onset of the violent behavior. In calculated use of force situations, the use of force team leader shall seek the guidance of qualified health personnel (based upon a review of the inmate's medical record) to identify physical or mental problems. When mental health staff or qualified health personnel determine that an inmate requires continuing care, and particularly when the inmate to be restrained is pregnant, the deciding staff shall assume responsibility for the inmate's care, to include possible admission to the institution hospital, or, in the case of a pregnant inmate, restraining her in other than face down four-point restraints.

(b) After any use of force or forcible application of restraints, the inmate shall be examined by qualified health personnel, and any injuries noted, immediately treated.

[FR Doc. 96-19260 Filed 7-29-96; 8:45 am]
BILLING CODE 4410-05-P

DEPARTMENT OF JUSTICE**Bureau of Prisons****Annual Determination of Average Cost of Incarceration****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Notice.**SUMMARY:** For fiscal year 1996, the fee to cover the cost of incarceration for Federal inmates is \$22,922.**EFFECTIVE DATE:** July 30, 1996.**ADDRESSES:** Office of General Counsel, HOLC 754, Federal Bureau of Prisons, 320 First St., NW., Washington, DC 20405.**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, phone (202) 514-6655.**SUPPLEMENTARY INFORMATION:** Provisions in 28 CFR part 505 allow for the assessment and collection of a fee to cover the cost of incarceration for Federal inmates. This fee is calculated by dividing the number representing the obligation encountered in Bureau facilities (excluding activation costs) by

the number of inmate-days incurred for preceding fiscal year, and then by multiplying the quotient by 365.

Pursuant to § 505.2(b), the Director of the Bureau of Prisons has reviewed the amount of the fee and has determined that, for fiscal year 1996, the fee to cover the cost of incarceration for Federal inmates is \$22,922.

Kathleen M. Hawk,

Director, Bureau of Prisons.

[FR Doc. 96-19261 Filed 7-29-96; 8:45 am]

BILLING CODE 4410-05-P

**United States
Federal Register**

Tuesday
July 30, 1996

Part VII

**Environmental
Protection Agency**

**40 CFR Parts 403
Streamlined Procedures for Modifying
Approved Publicly Owned Treatment
Works Pretreatment Programs; Proposed
Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 403

[FRL-5541-4]

RIN 2040-AC57

Streamlined Procedures for Modifying Approved Publicly Owned Treatment Works Pretreatment Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to revise the procedures for modifying the requirements of approved Publicly Owned Treatment Works (POTW) Pretreatment Programs incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued to POTWs. The new regulations are designed to reduce the administrative burden and cost associated with maintaining approved pretreatment programs without affecting environmental protection.

DATES: Written comments on this proposed rule must be submitted on or before September 30, 1996. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 P.M. (Eastern time) September 30, 1996.

ADDRESSES: Commenters are requested to submit three copies of their comments to the Comment Clerk for the Pretreatment Program Amendments; Water Docket; MC-4101, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Commenters who would like acknowledgment of receipt of their comments should include a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epamail.epa.gov.

This document has also been placed on the Internet for public review and downloading at the following location: gopher.epa.gov.

The public may inspect the administrative record for this rulemaking at EPA's Water Docket, 401 M Street, S.W., Washington, D.C. 20460, Room L-102 between the hours of 9 a.m. and 3:30 p.m. on business days. For access to docket materials, please call (202) 260-3027 for an appointment during the aforementioned hours. A reasonable fee will be charged for copying.

FOR FURTHER INFORMATION CONTACT: Louis Eby, EPA, Office of Wastewater

Management (OWM), Permits Division (4203), 401 M Street, S.W., Washington, D.C. 20460, (202) 260-6814.

SUPPLEMENTARY INFORMATION:

Electronic Submission of Comments

As EPA is experimenting with electronic commenting, commenters may want to submit both electronic comments and duplicate paper comments. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission.

Regulated Entities

Entities potentially regulated by this action are governmental entities responsible for implementation of the National Pretreatment Program. Regulated entities include:

Category	Examples of regulated entities
Local government	Publicly Owned Treatment Works with Approved Pretreatment programs.
State government	States that act as Pretreatment Program Approval Authorities.
Federal government	EPA Regional Offices that act as Pretreatment Program Approval Authorities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your organization is regulated by this action, you should carefully examine the applicability criteria in § 403.18 and other applicable criteria in Part 403 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Information in this preamble is organized as follows:

- I. Background
 - A. Existing Approved POTW Pretreatment Program Requirements

- B. Existing § 403.18 Program Modification Requirements
- C. Concerns With Existing Procedures
- D. EPA Straw Proposal
- II. Description of Proposed Rule
 - A. Types of Modifications Considered Substantial
 - B. Public Notice Procedures for Substantial Modifications
 - C. Procedures for Non-substantial Modifications
 - D. Time for Review of Non-substantial Modifications
 - E. Changes to Industrial User Inventory
- III. Regulatory Requirements
 - A. Executive Order 12866
 - B. Executive Order 12875
 - C. Regulatory Flexibility Act
 - D. Paperwork Reduction Act
 - E. Unfunded Mandates Reform Act

I. Background

EPA is today proposing to simplify the process for modifying the pretreatment program requirements included in POTW NPDES permits pursuant to Clean Water Act (CWA) sections 307 and 402 and 40 CFR Part 403.

A. Existing Approved POTW Pretreatment Program Requirements

POTWs that meet certain requirements must develop pretreatment programs to control industrial discharges into their sewage systems. CWA section 402(b)(8); 40 CFR 403.8(a). EPA or the State (in States approved by EPA to act as the pretreatment program "Approval Authority") must approve the POTW's pretreatment program request according to the procedures in 40 CFR 403.11.

Regulations at 40 CFR 403.8 and 403.9 describe the substantive content of and documentation required for the POTW's pretreatment program submission. Under 40 CFR 403.8(f), the POTW pretreatment program submission must reflect specified legal authorities, compliance assurance procedures, adequate funding, a local limit development demonstration, an enforcement response plan (ERP), and a list of significant industrial users. The entire approved pretreatment program is then incorporated as an enforceable condition of the POTW's NPDES permit. 40 CFR 122.44(j)(2) and 403.8(c). Under CWA sec. 402(j) and 40 CFR 403.11(f) and 403.14(c), the Approval Authority must ensure that the approved pretreatment program documentation is available to the public for inspection and copying.

B. Existing § 403.18 Program Modification Requirements

Regulations at 40 CFR 403.18 specify the procedures used to modify approved POTW programs. EPA promulgated

those procedures on October 17, 1988. 53 FR 40562, 40615. Section 403.18(a) requires the POTW to follow program modification procedures whenever there is a "significant change" in the approved POTW pretreatment program. Section 403.18(b) outlines specific procedures for Approval Authority review and approval of "substantial program modifications" and other non-substantial program modifications. Section 403.18(c) contains a list of nine changes which are "substantial program modifications" and gives the Approval Authority power to designate other modifications as substantial modifications. The nine specified substantial program modifications in the existing regulations are: (1) Changes to legal authorities, (2) changes resulting in less stringent local limits, (3) changes to the POTW's mechanism to control significant industrial users, (4) changes in the POTW's method for implementing categorical pretreatment standards, (5) decreases in the frequency of industrial user self monitoring or reporting, (6) decreases in the frequency of the POTW's inspection or sampling of the industrial user, (7) changes to the POTW's confidentiality procedures, (8) significant reduction in the POTW's resources, and (9) changes in the POTW's sewage sludge disposal and management practices.

Section 403.18(b)(1) describes the procedure for Approval Authority approval of "substantial program modifications." Under this section, the POTW submits specified documents; the Approval Authority uses the procedures in 40 CFR 403.11(b) through (f) to approve or disapprove the modification; and the approved modification is incorporated into the POTW's permit as a minor permit modification under 40 CFR 122.63(g).

The procedures in 40 CFR 403.11(b) through (f) are the same procedures the Approval Authority uses to approve the POTW's original pretreatment program submission. Under these procedures, the Approval Authority determines whether the submission is complete, issues public notice of the complete request for substantial program modification, approves or denies the submission within 90 days, and publishes notice of approval or disapproval.

To provide notice of the request for approval, the Approval Authority mails notices to specified individuals, publishes notice of the request in the largest daily newspaper within the jurisdiction served by the POTW, provides a 30-day public comment period, provides an opportunity to request a public hearing, and holds a

public hearing at the POTW's request or if there is significant public interest in doing so. 40 CFR 403.11(b)(1). To provide notice of the approval or disapproval decision, the Approval Authority notifies all persons who submitted comments or participated in the public hearing if held, and publishes notice in the same newspaper as the original notice of request for approval was published. 40 CFR 403.11(e).

Under the existing § 403.18(b)(2) procedures for approval of non-substantial program modifications, the POTW must notify the Approval Authority at least 30 days prior to implementation of a non-substantial modification. The modification is considered approved unless the Approval Authority decides within 90 days that the change is substantial and initiates the procedures for approval of substantial program modifications. Once again, the approved non-substantial change is incorporated into the NPDES permit as a minor permit modification under 40 CFR 122.63(g).

The Agency pursued several goals in promulgating § 403.18. One was to assure consistency with federal pretreatment requirements by requiring Approval Authorities to review "substantial modifications" and by providing opportunity for public comment. A second was to assure that changes are considered part of the Approved Pretreatment Program and, therefore, are enforceable. Under CWA section 309, EPA may enforce any requirement imposed in an approved pretreatment program.

C. Concerns With Existing Procedures

The existing procedures have created problems and raised concerns among Approval Authorities, POTWs, and industrial users. Concerns have been raised about the requirement for Approval Authorities to publish notice of the request to approve a modification and then a second notice of its approval. As described above, these notices are required to be in the largest daily newspaper within the jurisdiction served by the POTW and can be expensive. The notices have generally elicited little or no public comment.

It has been EPA's experience that interested parties with relevant comments were generally already aware of, and involved in, the modification process at the local level. Thus, the required Approval Authority notices frequently duplicate notice that has already been given by POTWs. By the time modifications are forwarded to Approval Authorities for review, issues have generally been worked out at the local level. While notice given by

POTWs may not be the same in every respect as that required by § 403.18, EPA has little evidence that the § 403.18 notices have resulted in a corresponding benefit.

The existing approval process also places a resource burden on many Approval Authorities. Some Approval Authorities have experienced a backlog of program modifications awaiting review. POTWs may be reluctant to implement the submitted modifications until the modifications are incorporated into the POTW's NPDES permit.

When program modifications have not been processed by the Approval Authority, there is also uncertainty about the requirements to which industrial dischargers are subject under federal law. As noted previously, EPA may enforce against industrial users any requirement included in an approved pretreatment program. The industrial user could be subject to state or federal enforcement action for the "old" requirements that are still part of the approved pretreatment program, while also being subject to enforcement by POTWs for "new" requirements that the POTW has implemented prior to processing by the Approval Authority. Modifications that result in new or more stringent local limits on industrial users that are developed pursuant to 40 CFR 403.5(c) are immediately enforceable against the industrial users under 40 CFR 403.5(d) regardless of whether 40 CFR 403.18 modification procedures have been commenced or completed.

Today's proposal is intended to address these problems. The new procedures will expedite POTW implementation of many program changes, while providing for review and approval of modifications that relax the POTW's approved program.

D. EPA Straw Proposal

EPA solicited preliminary input on a "straw proposal" from various stakeholders, including States, POTWs, trade associations and environmental groups. Today's proposals are an outgrowth of that process.

The straw proposal would have streamlined the program modification process by taking most pretreatment program requirements out of POTW NPDES permits. Under the straw proposal, only the POTW's legal authority, local limits and Enforcement Response Plan would have been specifically identified in the POTW's permit.

Other program requirements would have been incorporated by general reference to the pretreatment regulations in 40 CFR Part 403. The straw proposal would have required the POTW to

maintain a publicly available up-to-date Program Description of what it was doing to satisfy Part 403 rather than to submit modified program descriptions to the Approval Authority as is currently required. Several commenters objected strongly to the program description requirement.

II. Description of Proposed Rule

While structured similar to the straw proposal, today's proposal would not remove the Approved Program from the POTW's NPDES permit and would not require the program description discussed above. Today's proposal addresses the concern that the Approved Program needs to remain in the permit because Part 403 standing alone may not be sufficiently specific to create objective, enforceable requirements that could be directly implemented by (and enforced against) the POTW as a permit condition. EPA is interested in comments on how it might implement the pretreatment regulations directly without the need to incorporate the entire Approved Programs in POTW permits. EPA is particularly interested in comments on how the regulations might be clarified or made more specific so that they could be directly implemented by and enforced against POTWs.

Today's proposal would revise 40 CFR Part 403 in three ways: (1) The number of changes that are considered substantial modifications would be reduced; (2) substantial modifications could be implemented after one public notice in certain circumstances, provided that no substantive comments are received on the notice; and (3) the period of notice that POTWs must provide of non-substantial modifications and the time for review by Approval Authorities will both be 45 days. EPA is also soliciting comment on additional revisions. These proposals and alternatives are discussed below.

A. Types of Modifications Considered Substantial

Under today's proposal, only modifications to the POTW's pretreatment program legal authority and local limits that relax the requirements applicable to industrial users in the POTW's existing approved program would continue to be processed as substantial modifications. This means that only for these modifications would Approval Authorities be required to follow the detailed public notice procedures of 40 CFR 403.11, prior to Approval Authority action on the proposed modification.

EPA believes that the POTW's legal authority and local limits are the local

pretreatment program elements of greatest interest because they are the federal requirements with which the industrial users of the POTW must comply. EPA is proposing that only changes that relax those requirements be subject to substantial modification procedures, because changes that are more stringent than the POTW's current permit requires do not require an immediate change to the POTW's permit and requiring public notice procedures might delay their implementation.

To put this concept in perspective, it is important to understand that a POTW is always free to do more than is required by the Approved Pretreatment Program in its NPDES permit. Subject to any constraints of local law and the notice requirements of 40 CFR 403.5, it is free to impose more restrictive requirements on its industrial users. However, if a POTW modifies its legal authority or local limits so as to relax the requirements applicable to its industrial users, the modification would be considered substantial and subject to the corresponding approval procedures.

Although most modifications that relax legal authority and local limits would continue to be substantial modifications, EPA is further proposing that three subsets of these categories be considered non-substantial modifications. The first are changes to POTW legal authority that are less prescriptive but which directly reflect a revision to the federal pretreatment regulations (e.g., when the federal regulations are streamlined). These modifications would have already undergone public notice and comment when promulgated by EPA.

The second category that EPA proposes be treated as non-substantial modifications are revisions to local limits for the conventional pollutant pH down to the minimum of 5.0 specified in 40 CFR 403.5(b). Approval Authorities have generally not found grounds to object to POTWs changing their minimum pH limit to equal the federal minimum.

The third category is modifications to local limits resulting from reallocations of the Maximum Allowable Industrial Loading (MAIL) for a given pollutant that do not increase the total MAIL for that pollutant. Some POTWs' local limits are expressed in terms of a MAIL for a pollutant, which is then allocated to individual industrial users as limits on the total mass of the pollutant that each user may discharge. Those mass limits are placed in the industrial users' permits or other individual control mechanisms and are enforceable under 40 CFR 403.5(d). Under today's proposal, those POTWs could reallocate

the MAIL to individual industrial users without seeking approval as long as the MAIL is not increased.

Under today's proposal, therefore, a modification to a local limit would be a substantial modification only when it increases the pollutant loadings that industrial users are allowed to discharge to the POTW. This could be an increase in a concentration limit applicable to all industrial users, or an increase in the MAIL for a pollutant. When POTWs allocate the MAIL to individual industrial users, they generally maintain a safety factor so that new industrial users coming on line can be given a mass allocation out of the existing MAIL. Such an allocation to a new industrial user would not constitute a substantial modification. Today's rule would specify that a reallocation of an existing MAIL would not be a substantial modification. Only where the total mass of a pollutant that industrial users could be authorized to discharge is increased would the modification be considered substantial.

Although today's proposal would authorize changes to Enforcement Response Plans (ERPs) to be processed as non-substantial modifications, the Agency is particularly interested in comment on this issue. EPA is also generally interested in comments on whether fewer or more categories of modifications should be processed as substantial modifications.

B. Public Notice Procedures for Substantial Modifications

Section 403.18(b)(1) currently requires the issuance of one public notice of a proposed modification and a second public notice once the modification is approved. Both notices must comply with the procedures in § 403.11 (b)-(f). Under today's proposed § 403.18(b)(2), however, the Approval Authority would not need to publish a second notice of decision if the following conditions were met: (1) The first notice states that the modification will be approved without further notice if no comments are received; (2) the Approval Authority receives no substantive comments on that notice; and (3) the modification request is approved without change. EPA believes that, in such circumstances, the original request for approval would also serve as the "notice of approval or disapproval" required by § 403.11(e). This provision would relieve the Approval Authority of the obligation to publish a second notice of approval in circumstances where it is clearly unnecessary.

EPA issued guidance on the implementation of 40 CFR 403.18 in a Memorandum dated July 22, 1993, from

Cynthia Dougherty, then Director of the Permits Division in the Office of Wastewater Management. That guidance stated that modifications could be adopted without the second notice in the above described circumstances. Today's proposal would codify that guidance.

The EPA guidance also suggested that Approval Authorities could consider local notice by the POTW to be adequate notice of receipt of request for approval and notice of decision under § 403.11 (b)-(f). EPA is not proposing any regulatory changes covering local notice because the Agency continues to believe this option is available under the existing regulations.

Approval Authorities are ultimately responsible for publishing the notice. EPA does not require POTWs to provide the notices. Today's proposal would leave POTWs and Approval Authorities free to negotiate arrangements for the publication of the required notice. In the absence of voluntary adequate notice by the POTW, the Approval Authority would still be required to provide the notice.

In order for a local POTW public notice to eliminate the need for an Approval Authority notice, the local notice must meet the requirements of § 403.11(b)(1). EPA is interested in receiving public comment on the sufficiency of this approach as well as any other comment concerning whether it is appropriate to consider local notice sufficient to satisfy the requirements of § 403.11.

EPA would appreciate comment on other ways that the § 403.11 procedures may be made more appropriate for pretreatment program modifications. In particular, EPA solicits comments on the appropriateness of the detailed public notice procedures in § 403.11(b)(1).

C. Procedures for Non-substantial Modifications

As a consequence of reducing the number of substantial modifications, today's proposal would expand the category of non-substantial modifications. Under the existing regulation, non-substantial modifications are deemed approved unless, within 90 days from their submission, the Approval Authority decides to review them as substantial modifications. Under today's proposal, non-substantial modifications would not be deemed approved but would require affirmative approval by the Approval Authority. The proposal would not require the Approval Authority to comply with any specific public notice procedures prior to

approving or disapproving a non-substantial modification.

EPA is soliciting comment on whether specific public notice requirements should be required for non-substantial modifications. For example, evidence of notice by the POTW might be required. Regardless of the public notice provided at the time of the modification, the public could still challenge an inadequate program when the POTW's NPDES permit is proposed for renewal. One commenter has suggested that the public should be educated as to the importance of Pretreatment Program requirements, so that public input will occur in response to notice of program modifications. EPA is interested in receiving comments on how this could be accomplished.

EPA is also soliciting comment on whether some modifications should be reported retroactively by the POTW to the Approval Authority in the POTW's annual report rather than in advance. Modifications that would not need to be submitted in advance might include, for example, modifications that do not result in the POTW doing less than its existing NPDES permit specifically requires.

D. Time for Review of Non-substantial Modifications

Under today's proposal, the time period for submittal of non-substantial program modifications to the Approval Authority prior to implementation would be extended from 30 to 45 days. The Approval Authority would be directed to notify the POTW within this 45-day period of its decision to approve or disapprove the modification, rather than the 90 days currently allowed under existing § 403.18(b)(2).

EPA is proposing this change in response to comments that the existing procedure for submittal of non-substantial program changes can be disruptive to approved pretreatment program operations. Because the Approval Authority has a longer period of time in which to decide whether to initiate substantial modification procedures, POTWs have chosen to wait until the 91st day to implement the change to avoid the risk that the Approval Authority may seek review of a change the POTW considered non-substantial. To avoid these results, EPA proposes to require the Approval Authority to approve or disapprove a proposed non-substantial modification within the same 45 day period of time the POTW must wait to implement the program change.

EPA solicits comment on the issue of whether non-substantial modifications should continue to be deemed approved

if not disapproved within 45 days. Under the existing regulations, non-substantial modifications submitted by the POTW are deemed approved unless the Approval Authority disapproves them within the specified time. 40 CFR 403.18(b)(2). Because the proposed list of non-substantial modifications includes categories that were previously considered substantial, it might not be appropriate for them to be deemed approved if the Approval Authority does not act upon them.

In the alternative, only certain categories of non-substantial modifications could be deemed approved if not disapproved by the Approval Authority within 45 days. For example, decreases in frequency of industrial self-monitoring and reporting, and decreases in the frequency of industrial user inspections and sampling could be implemented only after they are actually approved by the Approval Authority. Other modifications could be implemented after 45 days if the Approval Authority does not respond. (This approach, however, would not change any applicable public notice requirements of local law otherwise applicable to the POTW.)

E. Changes to Industrial User Inventory

EPA is proposing today to allow POTWs to submit changes to their industrial user inventory at the time they submit their Annual Report. Current regulations require that such changes be submitted as non-substantial modifications, and also require that the industrial user inventory be updated in the POTW's Annual Report to the Approval Authority.

EPA believes that it is appropriate to eliminate the double reporting currently required by the regulation. There is little value in requiring Approval Authorities to approve changes to SIU designations in advance. All industrial users that are subject to national categorical pretreatment standards currently must be designated as Significant Industrial Users (SIUs), so there is no flexibility in such designations. On the other hand, POTWs already have considerable flexibility in designating non-categorical industrial users as SIUs, and should be able to exercise that flexibility without receiving prior approval. Moreover, most requirements relative to POTW regulation of SIUs are annual requirements, so Approval Authorities should be able to provide adequate oversight even if notification of the changes to the IU inventory is not immediate. EPA invites comment on this approach.

III. Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Executive Order 12875

Under Executive Order 12875 [58 FR 58093 (October 28, 1993)], entitled "Enhancing the Intergovernmental Partnership," the Agency is required to develop an effective process to permit elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals.

EPA sought the involvement of those persons who are intended to benefit from or expected to be burdened by this proposal before issuing a notice of proposed rulemaking. Following informal consultation, in May 1994, EPA circulated a draft proposal to interested persons, including States, POTWs and organizations. EPA received approximately 20 comments, which have been addressed in today's rule. Several presentations outlining possible revisions to the pretreatment regulations were made to a number of stakeholder groups, including Regional, State and POTW personnel. These groups were encouraged to provide formal input to the proposed regulatory streamlining process. In addition, notice of the availability of the draft proposal for

review and comment was provided in the September, 1994 issue of the "Water Environment & Technology," the principal publication of the Water Environment Federation. Copies of all comments received, relating to this rulemaking, will be included in the docket to the proposed rule.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., EPA must prepare a Regulatory Flexibility Analysis for all regulations that have a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

—Small governmental jurisdictions—any government of a district with a population of less than 50,000.

—Small business—any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.

—Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field (e.g., private hospitals and educational institutions).

Under section 605(b) of the Act, if an agency can certify that a rule will not have a "significant impact on a substantial number of small entities," then no further analysis under the Act is required.

The only "small entity," as defined under the Regulatory Flexibility Act (RFA), potentially affected by the proposed rulemaking would be a small governmental jurisdiction having a population of less than 50,000. Most POTWs with Approved Pretreatment Programs serve communities with populations greater than 50,000 citizens. There is no known negative impact that will be imposed by this rulemaking on any small communities and their subordinate POTWs. Therefore, I certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The proposed regulations are designed specifically to streamline the regulatory process and will not impose any additional information collection requirements on either the Approval Authorities or the POTWs. Therefore, EPA did not prepare an Information Request document for approval by the Office of Management and Budget.

Should any reviewers feel that the proposed rulemaking will require

additional information collection activities, they should send their comments regarding the burden estimate or any other aspect pertaining to collection of information, including suggestions for reducing this burden to Director, Regulatory Information Division; EPA; 401 M St., S.W. (Mail Code 2137); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on any information collection requirements generated by this proposal.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The proposed rulemaking is basically "deregulatory" in nature and does not impose any additional burdens on the affected State, local or tribal governments. As the preceding preamble language clearly demonstrates, EPA actively is soliciting comments on any and all alternatives to the proposed changes in the regulations governing modification of a POTW's pretreatment program. To the extent enforceable duties arise as a result of today's proposed rule, such enforceable duties do not result in a significant regulatory action being imposed upon governmental entities or the private sector.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. As previously stated, EPA believes that the rule will reduce the regulatory burden on all governmental agencies operating POTWs. This overall reduction will be applied across the board to all POTWs, with attendant benefits being provided to both large and small governments. Although EPA can not document the effects for each and every POTW, smaller governments may benefit the most from the proposed modifications as the avoided compliance costs attendant with modifying their programs may be a larger percent of their total operating budget than those costs borne by the larger POTWs.

In compliance with E.O. 12875 and section 203 of the UMRA, EPA conducted a wide outreach effort and actively sought the input of representatives of state, local and tribal governments in the process of developing the proposed regulation. Agency personnel have communicated with State and local representatives in a number of different forums.

This proposed rule will provide flexibility to the regulated community. It does not impose any new requirements so costs to the regulated community should remain unchanged or be minimal. Therefore, EPA has determined that an unfunded mandates statement is unnecessary.

List of Subjects in 40 CFR Part 403

Environmental protection, Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: July 16, 1996.

Fred Hansen,
Acting Administrator.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

1. The authority citation for part 403 continues to read as follows:

Authority: Sec. 54(c)(2) of the Clean Water Act of 1977, (Pub. L. 95-217) sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(b)(2)(C), 301(h)(5), 301(l)(2), 304(e), 304(g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act (Pub. L. 92-500) as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 (Pub. L. 100-4).

2. Section 403.3 is amended by redesignating paragraphs (j) through (u) as paragraphs (k) through (v) and by adding a new paragraph (j) to read as follows:

§ 403.3 Definitions.

* * * * *

(j) The term *Maximum Allowable Industrial Load* means the total mass of a pollutant that all industrial users of a POTW may discharge pursuant to a limit developed under § 403.5(c).

* * * * *

2a. In addition § 403.3 is amended in newly designated paragraph (u)(1) introductory text by removing the reference "(t)(2)" and adding in its place "(u)(2)"; and in newly designated paragraph (l)(2) by removing the references "(k)(1)(ii), or (k)(1)(iii)" and adding in its place "(l)(1) (i) or (iii)"; and in newly designated paragraph (u)(2) by removing the reference "(t)(1)(ii)" and adding in its place "(u)(1)(ii)".

3. Section 403.8 is amended by revising paragraphs (c) and (f)(6) to read as follows:

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

* * * * *

(c) *Incorporation of approved programs in permits.* A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of the Permit. The modification of a POTW's NPDES

Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedures in § 403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63.

* * * * *

(f) * * *

(6) The POTW shall prepare a list of its industrial users meeting the criteria in § 403.3(u)(1). The list shall identify the criteria in § 403.3(u)(1) applicable to each industrial user and, for industrial users meeting the criteria in § 403.3(u)(1)(ii), shall also indicate whether the POTW has made a determination pursuant to § 403.3(u)(2) that such industrial user should not be considered a significant industrial user. The initial list shall be submitted to the Approval Authority pursuant to § 403.9 or as a non-substantial modification pursuant to § 403.18(b)(2). Modifications to the list shall be submitted to the Approval Authority pursuant to § 403.12(i)(1).

* * * * *

4. Section 403.12 is amended by redesignating paragraph (i)(4) as paragraph (i)(5), revising paragraph (i)(3), and adding a new paragraph (i)(4) to read as follows:

§ 403.12 Reporting requirements for POTW's and industrial users.

* * * * *

(i) * * *

(3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;

(4) A summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority; and

* * * * *

5. Section 403.18 is revised to read as follows:

§ 403.18 Modification of POTW Pretreatment Programs.

(a) *General.* Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under § 403.11.

(b) *Approval procedures.* POTW Pretreatment Program modifications shall be accomplished as follows:

(1) *Substantial modifications.* (i) Substantial modifications mean:

(A) Modifications that relax POTW legal authorities (as described in

§ 403.8(f)(1)), except for modifications that directly reflect a revision to this part 403 and are reported pursuant to paragraph (b)(2) of this section; or

(B) Modifications that relax local limits, except for the following, which are reported pursuant to paragraph (b)(2) of this section: Modifications to local limits for pH, and reallocations of the Maximum Available Industrial Loading of a pollutant that do not increase the total headworks loadings for the pollutant.

(ii) For substantial modifications:

(A) The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description (see § 403.9(b)), or such other documents the Approval Authority determines to be necessary under the circumstances.

(B) The Approval Authority shall approve or disapprove the Modification based on the requirements of § 403.8(f) and using the procedures in § 403.11(b) through (f), except as provided in paragraph (b)(1)(ii)(C) of this section.

(C) The Approval Authority need not publish a notice of decision under § 403.11(e) provided: The notice of

request for approval under § 403.11(b)(1) states that the request will be approved if no comments are received by a specified date notice; no substantive comments are received; and the request is approved without change.

(2) *Non-substantial modifications.* (i) Non-substantial modifications mean:

(A) Modifications to legal authorities as described in § 403.9(f)(1) not subject to paragraph (b)(1)(i)(A) of this section;

(B) Modifications to local limits not subject to paragraph (b)(1)(i)(B) of this section;

(C) Modifications to the POTW's control mechanism (as described in § 403.8(f)(1)(iii));

(D) Modifications to the POTW's Enforcement Response Plan;

(E) A decrease in the frequency of self-monitoring or reporting required of industrial users;

(F) A decrease in the frequency of industrial user inspections or sampling by the POTW;

(G) Modifications to the POTW's confidentiality procedures;

(H) Significant reductions in the POTW's Pretreatment Program resources (including personnel commitments, equipment, and funding levels);

(I) Changes in the POTW's sludge disposal and management practices; and

(J) Any other modifications not specified in paragraph (b)(1) of this section that would result in the POTW not being in compliance with its Approved Program.

(ii) For non-substantial modifications:

(A) The POTW shall notify the Approval Authority of the non-substantial modification at least 45 days prior to implementation by the POTW, in a statement similar to that provided for in paragraph (b)(1)(ii)(A) of this section.

(B) Within 45 days after the submission of the POTW's statement, the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g).

[FR Doc. 96-18658 Filed 7-29-96; 8:45 am]

BILLING CODE 6560-50-P

Federal Register

Tuesday
July 30, 1996

Part VIII

**Department of
Housing and Urban
Development**

24 CFR Chapter IX

**Office of the Assistant Secretary for
Public and Indian Housing; Strengthening
the Role of Fathers in Public Housing
Families, Advance Notice; Proposed Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Chapter IX

[Docket No. FR-4087-N-01]

RIN 2577-AB68

**Office of the Assistant Secretary for
Public and Indian Housing;
Strengthening the Role of Fathers in
Public Housing Families, Advance
Notice of Proposed Rulemaking**

AGENCY: Office of the Assistant
Secretary for Public and Indian
Housing, HUD.

ACTION: Advance notice of proposed
rulemaking.

SUMMARY: In his 1996 State of the Union
Address, President Clinton said "Our
first challenge is to cherish our children
and strengthen America's families.
Family is the foundation of American
life. If we have stronger families, we
will have a stronger America.

HUD is committed to cooperating
with other Federal agencies and with
State and local entities to identify and
pursue policies and to support activities
that will encourage reuniting families
and strengthen the role of fathers in
American families.

This notice announces HUD's
intention (1) To develop a regulatory
package concerning measures, practices,
and authorizations to local public
housing agencies and Indian Housing
Authorities (hereinafter referenced
collectively as HAs) in support of efforts
to encourage husbands and/or fathers to
play a more responsible role in the lives
of families in HA-owned or assisted
developments, and (2) to solicit public
comment on this subject prior to
publication of a proposed rule.

Issues for which HUD specifically
requests comment from the public are
identified in Section II of the
Supplementary Information portion of
this Notice.

DATES: *Comment Due Date:* September
13, 1996.

FOR FURTHER INFORMATION CONTACT:
MaryAnn Russ, Deputy Assistant
Secretary for Public and Assisted
Housing Operations, HUD, Room 4204,
451 Seventh Street SW., Washington,
DC 20410-5000, telephone (202) 708-
1380 (this is not a toll-free number). A
telecommunications device for hearing-
and speech-impaired persons (TTY) is
available at 1-800-877-8339 (Federal
Information Relay Services). (This is a
toll-free number.)

ADDRESSES: Interested persons are
invited to submit comments in response
to this notice to the Rules Docket Clerk,

Office of the General Counsel, Room
10276, Department of Housing and
Urban Development, 451 Seventh Street,
SW., Washington, DC 20410-0500.
Comments should refer to the above
docket number and title. A copy of each
comment submitted will be available for
public inspection and copying during
regular business hours at the above
address. Facsimile (FAX) comments are
not acceptable.

SUPPLEMENTARY INFORMATION:

I. Background

In a June 1995 memorandum to the
heads of all Executive Branch
departments and agencies, President
Clinton charged the Federal government
to review every policy, program, and
initiative that pertains to families, to

- Ensure, where appropriate, and
consistent with program objectives,
that these policies, programs and
initiatives seek to engage and
meaningfully include fathers;
- Proactively modify those programs
that were designed to serve primarily
mothers and children, where
appropriate, and consistent with
program objectives, to explicitly
include fathers and strengthen their
involvement with their children;
- Include evidence of father[s']
involvement and participation, where
appropriate, in measuring the success
of the program; and
- Involve fathers, where appropriate, in
government initiated research
regarding children and their families.

HUD has demonstrated its
commitment to strengthening families
through its public and assisted housing
programs, affordable housing and
homeownership initiatives, and services
for homeless people. For homeless
women and children—America's fastest-
growing homeless population—HUD
has implemented a rental assistance
certificate/voucher program to move
women and children out of shelters and
into safer, long-term transitional
housing. HUD provides premiums to
shelters that help keep families intact.
Working families also find it more
advantageous to stay together in public
housing under new rent computation
procedures that permit optional
deductions from, or exemptions of,
earned income. Additionally, HUD
works to strengthen families through
employment initiatives that incorporate
conditions for participation,
encouraging workers to adopt positive
behaviors toward their families and
their communities.

HUD has undertaken two major pilot
programs involving outreach to absent
fathers, using a combination of job

opportunities and housing benefits to
encourage uniting or reuniting of
families, and more active and positive
participation of fathers in their families.
These two pilot efforts were described
in detail by the Secretary at the Vice
President's May 3, 1996, "Federal
Conference on Strengthening the Role of
Fathers in Families."

In Baltimore, Maryland, the housing
authority has developed a Healthy Head
Start Men's Service Program, which
links employment in a housing
rehabilitation project, including training
in lead-based paint and asbestos
removal, with requirements that
participants accompany their families
on obstetric and pediatric visits.

In Hartford, Connecticut, a public
housing Family Restoration Program at
Charter Oak Terrace apartments is using
a portion of a \$20.8 million project
redevelopment grant to redevelop
families. Absent fathers are eligible for
on-site construction jobs paying up to
\$22/hour, but qualification for
employment is premised on the father's
commitment to behavior that is positive
for themselves and their families; such
positive behaviors include agreeing to
work on a high school diploma or
equivalency certificate, participating in
counseling on parenting and
communications skills, and agreeing to
become and/or remain free from
substance abuse. At a very early stage of
this initiative, there are twenty families
participating; the Hartford Housing
Authority has established a goal of
reuniting 100 families.

While these two pilot programs have
concentrated on providing training and
employment opportunities to absent
fathers, HUD recognizes that an absent
spouse or parent may be a mother as
well. As a result any future programs of
this type will be administered in a
gender neutral fashion to permit these
opportunities for women as well as
men.

II. Solicitation of Public Comments

HUD is requesting public comment in
several areas to be addressed by the
regulation. In developing this
regulation, HUD will work closely with
HAs and their associations and with
residents and community organizations
to ensure that HUD has heard as many
viewpoints as possible.

Based on the comments that HUD
receives in response to this notice and
any written guidance received from
additional communications with
industry groups and others, HUD will
publish a proposed rule. Following
careful consideration of the comments
received on the proposed rule, HUD will
issue a final regulation.

The areas for which HUD specifically requests comment from the public include the following:

1. The basic principle underlying this initiative is that families ought to be reunited. Fathers living apart from mothers and children, or living-in only intermittently, should be encouraged to rejoin their families and accept a role in the upbringing of the children. To the extent that it may be necessary to encourage such responsible behavior by an absent parent (who may also be mother, we acknowledge) HAs would be encouraged, but not necessarily required, to

a. Provide a priority for transfer among HA properties;

b. Offer a priority for a Section 8 certificate or voucher (consistent with the principles of the Family Unification program);

c. Exempt from rent determinations the incremental income of the returning parent for a period of up to three years without adverse effect on the HA's eligibility for operating subsidy under the PFS.

HUD is interested in public comments on whether such encouragements are necessary, or sufficient.

2. To obtain any benefits or incentives offered by an HA program, a returning parent would be required to enter into a formal agreement or contract, binding him or her to comply with the requirements of the HA lease and to

make and honor commitments to their family and to the HA community. HUD is interested in public comments on the nature of such an agreement, and on the range of obligations that could reasonably be demanded of a returning parent. Should HUD create a model form of agreement for this purpose? Are there certain minimum requirements that HUD could itemize, and permit HAs to make additions to reflect local interests? Or should HAs be given maximum latitude to develop their own standards and agreements?

3. HUD's position is that participants must be subject to admissions screening, to assure the rest of the community that the new or re-joining family member would not constitute any special treat to the peace and quiet of the neighborhood.

4. Returning parents, or a parent newly accepting a responsible role in a family, would be required to participate in a parenting and/or counseling program. To the extent that some returning parents may have been involved in domestic violence or abuse, such counseling or training must have been completed before admission or re-admission to the HA housing. Parenting training or counseling would be allowable budget costs for the HA.

5. The Hartford Family Reunification model includes an explicit requirement that returning parents be and remain drugfree, including provisions for pre-

admission drug testing and subsequent random testing. Testing is at the expense of the housing authority. HUD is interested in public comments on drug abstinence and drug testing requirements and policies.

6. HUD is soliciting public input on any other matters, ideas, recommendations, or any other form of comment relevant to the issue of re-integrating absent parents and strengthening the role of fathers and husbands in public housing families. In addition to comments, HUD is also requesting any reports, documents, or other material that will assist the Department in evaluating issues to be addressed in the regulation.

HUD requests that, in submitting comments on any of the foregoing issues, the commenter please cite the item number of the issue addressed by the comment. HUD also welcomes comments on issues not specifically included in the foregoing list, but related to involving husbands and fathers, and strengthening the role of husbands and fathers in families living in public and assisted housing.

Dated: July 15, 1996.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

[FR Doc. 96-19238 Filed 7-29-96; 8:45 am]

BILLING CODE 4210-33-M

**United States
Federal Register**

Tuesday
July 30, 1996

Part IX

**Environmental
Protection Agency**

**Certain Chemicals; Premanufacture
Notices**

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-51846; FRL-5381-8]

Certain Chemicals; Premanufacture Notices**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the Federal Register each month reporting premanufacture notices (PMN), both pending and expired. The information contained in this document clears a backlog of notices received from October 1995 to December 15, 1995.

ADDRESSES: Written comments, identified by the document control number "[OPPTS-51846]" and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG-099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS-51846]. No 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 under "SUPPLEMENTARY INFORMATION" of this document.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5

reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs, polymer exemption notices and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number "[OPPTS-51846]" (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 confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this 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.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals. EPA shall provide a

consolidated report in the Federal Register reflecting the dates PMNs and TME application requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical has been claimed confidential. Generic use information on these substances will be provided. Additionally, in this same report EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260-1553, TDD (202) 554-0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0001	10/02/95	12/30/95	CBI	(S) Polyurethane foam manufacture	(G) Mono-amine/acid salt carboxylates
P-96-0002	10/02/95	12/30/95	Lonza, Inc	(G) Processing aid, dispersive use	(S) 1,2,3-propanetriol, homopolymer, ester with a C ₁₄₋₁₈ and C ₁₄₋₁₈ unsaturated fatty acids
P-96-0003	10/03/95	12/30/95	CBI	(G) Open, non-dispersive	(G) Polyborosilazane
P-96-0004	10/02/95	12/31/95	CBI	(S) Urethane foam catalyst	(G) Mono and di-amine salt carboxylate
P-96-0005	10/02/95	12/31/95	E.I. Dupont De Nemours and Company	(S) Textile fiber manufacture	(G) Polyethylene terephthalate copolymer containing lithium sulfo isophthalate
P-96-0006	10/02/95	12/31/95	E.I. dupont De Nemours and Company	(S) Textile fiber manufacture	(G) Polyethylene terephthalate copolymer containing lithium sulfo isophthalate
P-96-0007	10/03/95	12/30/95	BASF Corporation	(G) Fiber manufacturing	(G) Modified melamine-formaldehyde resin
P-96-0008	10/03/95	12/30/95	BASF Corporation	(G) Fiber manufacturing	(G) Modified melamine-formaldehyde resin
P-96-0009	10/03/95	12/31/95	LaRouche Industries, Inc.	(S) Blowing agent for rigid & flexible foam; solvent	(S) Ethane, 1,1-dichloro-1-fluoro
P-96-0010	10/03/95	12/31/95	Stepan Company	(G) Elastomer	(G) Modified polyol
P-96-0011	10/04/95	06/29/96	CBI	(S) Catalyst for water-blown rigid polyurethanes	(S) Tin, bis(2-aminobenzoato- α,σ')dibutyl
P-96-0012	10/03/95	02/31/95	Milliken Chemical Company	(G) Polymeric colorant	(G) Polymeric colorant of 9,10-dihydro-9,10-dioxo-1,4-anthracenediamine
P-96-0013	10/03/95	12/31/95	CBI	(G) Component in polyurethane adhesive	(G) Polyurethane prepolymer
P-96-0014	10/04/95	01/01/96	Spies Hecker, Inc.	(S) Binder for paints	(S) Neodecanoic acid, ethenyl ester, polymer with butyl 2-methyl-2-propenoate, cyclohexyl 2-methyl-2-propenoate, 1,1-dimethylethyl 2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate, 2-methylpropyl 2-methyl-2-propenoate, 1,2-propanediol mono(2-methyl-2-propenoate) and 2-propenoic acid
P-96-0015	10/05/95	01/01/96	Ciba-Geigy Corporation	(G) Intermediate for textile dye	(G) Naphthalene sulfonic acid azo substituted naphthalene
P-96-0016	10/05/95	03/16/96	Boehme filatex, Inc.	(S) Fat-liquoring agent for automobile leather	(S) Soybean oil, polymd., oxidized, bisulfited, sodium salts
P-96-0017	10/05/95	01/02/96	CBI	(G) Wetting and dispersing additive to prevent sedimentation and flooding of pigments	(G) High molecular weight carboxylic acid salts
P-96-0018	10/05/95	02/02/96	CBI	(G) Chemical solution with contained use	(G) Adipic acid salt
P-96-0019	10/06/95	05/21/96	Saft America, Inc.	(S) Positive active material in rechargeable batteries	(G) Lithiated metal oxide
P-96-0020	10/10/95	02/14/96	Houghton International	(S) Yankee dryer coating	(S) Collagens, hydrolyzates, N-[3-(C ₁₂₋₂₄ -alkyldimethylammonio)-2-hydroxypropyl T3N'-[3-(di-C ₁₂₋₂₄ -alkylmethylammonio)-2-hydroxypropyl], reaction products with caprolactam-diethylenetriamine-itaconic acid polymer and epichlorohydrin, chlorides
P-96-0021	10/10/95	01/30/96	CBI	(G) Lubricant Additive	(G) Polyalkenyl succinic anhydride, reaction products with polyethylenepolyamine and alkylaldehyde; metalated
P-96-0022	10/10/95	01/30/96	CBI	(G) Lubricant Additive	(G) Polyalkenyl succinic anhydride, reaction products with polyethylenepolyamine and alkylaldehyde
P-96-0023	10/10/95	01/30/96	CBI	(G) Ingredients for use in consumer products; highly dispersive use	(G) Alkyne
P-96-0024	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0025	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0026	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0027	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0028	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0029	10/10/95	01/30/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0030	10/12/95	02/01/96	Rohm Tech Inc.	(G)	(G) Acrylic polymer on the basis of 2-ethyl hexyl acrylate
P-96-0031	10/13/95	02/02/96	E.I. duPont De Nemours and Company	(G) Surfactant for emulsion polymerizations	(G) Fluoroalkyl sulfonic acid mixture
P-96-0032	10/13/95	02/02/96	CBI	(G) Macromonomer used in specialty polymer	(G) Monoalkenyl ester of methoxy-poly(ethylene glycol)
P-96-0033	10/12/95	07/17/96	Eastman Chemical Company	(S) Chemical intermediate	(S) Cyclopropanecarboxaldehyde
P-96-0034	10/13/95	02/02/96	CBI	(G) Macromonomer used in specialty polymer	(G) Monoalkenyl ester of poly(ethylene glycol)
P-96-0035	10/13/95	02/02/96	CBI	(S) Chemical intermediate	(G) Fluoroalkyl thiocyanate
P-96-0036	10/16/95	02/05/96	CBI	(G) Anti punking thermosetting resin for insulation	(G) Stabilized phenol formaldehyde melamine urea resin
P-96-0037	10/16/95	02/05/96	CBI	(G) Anti punking thermosetting resin for insulation	(G) Stabilized phenol formaldehyde melamine resin
P-96-0038	10/16/95	02/05/96	CBI	(G) Coating component	(G) Styrene maleic anhydride (sma) ammonium salt
P-96-0039	10/17/95	02/06/96	Eastman Kodak Company	(G) Contained use in an article	(G) Substituted amino phenoxy alkanolic acid derivative
P-96-0040	10/16/95	02/05/96	CBI	(G) Additive, open, non-dispersive use	(G) Styrene-maleic anhydrid copolymer, reaction products with alcoholic compounds, salt with alkanolamine
P-96-0041	10/16/95	02/05/96	CBI	(G) Laminating adhesive	(G) Epoxy-terminated polyester polymer
P-96-0042	10/17/95	02/06/96	H.B. Fuller Company	(S) Structural adhesive for assembling recreational vehicles	(G) Isocyanate-terminated polyester polyurethane prepolymer
P-96-0043	10/17/95	02/06/96	Huls America, Inc.	(S) Flash rust inhibitor	(S) Morpholine benzoate
P-96-0044	10/16/95	02/05/96	CBI	(G) Anti-punking agent for thermosetting resins	(G) Stabilized melamine formaldehyde polymer
P-96-0045	10/16/95	02/05/96	CBI	(G) Binder for moisture-resistant manufactured board products	(G) Modified melamine, formaldehyde, urea polymer
P-96-0046	10/18/95	02/07/96	CBI	(G) Open, non-dispersive	(G) Organo metallic compound
P-96-0047	10/19/95	02/08/96	CBI	(G) Open, non-dispersive use in a coatings application	(G) Fatty acid modified polymer, amine salt
P-96-0048	10/18/95	02/07/96	3M Company	(G) Tape coating	(G) Acrylate polymer, ammonium salt
P-96-0049	10/19/95	02/08/96	S.C. Johnson and Sn, Inc.	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0050	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0051	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0052	10/19/95	02/08/96	S.C. Johnson and Son, Inc.	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0053	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0054	10/19/95	02/08/96	S.C Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0055	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0056	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0057	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0058	10/19/95	02/08/96	S.C. Johnson and Son, Inc.	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0059	10/19/95	02/08/96	S.C. Johnson and Son, Inc.	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0060	10/19/95	02/08/96	S.C. Johnson and Son, Company	(G) Open, non-dispersive use	(G) Styrene acrylic emulsion
P-96-0061	10/20/95	02/09/96	CBI	(S) Ingredient in antifoulant formulations for aqueous systems	(G)
P-96-0062	10/20/95	02/09/96	CBI	(S) Ingredient in antifoulant formulations for aqueous systems	(G)
P-96-0063	10/23/95	02/12/96	3M Company	(G) Adhesive	(G) Copolymer with 2-propenoic acid
P-96-0064	10/23/95	06/15/96	Henkel Corporation	(S) Deinking agent	(G) Complex ester alkoxylate

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0065	10/23/95	02/12/96	Henkel Corporation	(S) Intermediate	(G) Complex ester
P-96-0066	10/20/95	02/09/96	CBI	(G) 10% dispersive use. 90% destructive use	(G) Hydroxy functional polyester
P-96-0067	10/23/95	02/12/96	Stepan Corporation	(G) Elastomer	(G) Modified polyol
P-96-0068	10/20/95	02/09/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0069	10/20/95	02/02/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0070	10/20/95	02/02/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0071	10/20/95	02/02/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0072	10/20/95	02/02/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0073	10/20/95	02/09/96	CBI	(G) Light duty detergent	(G) Polyoxyethylene alkyl citrate sulfosuccinate
P-96-0074	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0075	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0076	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0077	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0078	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0079	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0080	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0081	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0082	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0083	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0084	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0085	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0086	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0087	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0088	10/20/95	02/9/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0089	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0090	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0091	10/20/95	02/09/96	CBI	(S) Site-limited production intermediate	(G) Fatty alcohol esters
P-96-0092	10/20/95	02/09/96	CBI	(G) Internal component of manufactured contained use-consumer article	(G) Complex reaction product of 1,4-benzenediol, 2-(1,1,3,3-tetramethylbutyl)-and bis(dimethylaminosubstituted) carbomonocycle
P-96-0093	10/23/95	02/12/96	Lonza, Inc.	(G) Industrial: open non-dispersive use; commercial: non-dispersive or destructive use	(S) Benzenamine, 4,4'-methylenebis[2-methyl-6-(1-methylethyl)]
P-96-0094	10/23/95	02/12/96	Far Research, Inc.	(S) Fluorinating agent for synthetic chemical production; cleaning agent for electronics applications	(S) N,N-diethylethanamine trihydrofluoride
P-96-0095	10/24/95	02/13/96	American Koyo Bearing Corporation	(S) Ingredients for industrial lubricating grease	(G) Di-urea compounds
P-96-0096	10/24/95	02/13/96	American Koyo Bearing Corporation	(S) Ingredients for industrial lubricating grease	(G) Di-urea compounds
P-96-0097	10/24/95	02/13/96	American Koyo Bearing Corporation	(S) Ingredients for industrial lubricating grease	(G) Di-urea compounds

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0098	10/24/95	02/13/96	American Koyo Bearing Corporation	(S) Ingredients for industrial lubricating grease	(G) Di-urea compounds
P-96-0099	10/24/95	02/13/96	American Koyo Bearing Corporation	(S) Ingredients for industrial lubricating grease	(G) Di-urea compounds
P-96-0100	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0101	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0102	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0103	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0104	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0105	10/24/95	02/3/96	Akron, Inc.	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0106	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0107	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0108	10/24/95	02/13/96	CBI	(G) Synthetic base stock	(G) Polyalphaolefins
P-96-0109	10/24/95	02/13/96	CBI	(G) Synthetic base stock	(G) Polyalphaolefins
P-96-0110	10/24/95	02/13/96	CBI	(G) Synthetic base stock	(G) Polyalphaolefins
P-96-0111	10/24/95	02/13/96	CBI	(G) Synthetic base stock	(G) Polyalphaolefins
P-96-0112	10/24/95	02/13/96	CBI	(G) Destructive use	(G) Silane intermediate
P-96-0113	10/24/95	02/13/96	CBI	(G) Destructive use	(G) Silane intermediate
P-96-0114	10/24/95	02/13/96	E.I. DuPont De Nemours and Company, Inc.	(G) Open, non-dispersive use	(G) Silane functional diluent
P-96-0115	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0116	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0117	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0118	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0119	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0120	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0121	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0122	10/24/95	02/13/96	CBI	(G) Automotive paint	(G) Acid-functional, hydroxy acrylic polymer
P-96-0123	10/25/95	01/26/96	CBI	(G) Coating additive	(S) 2-propanol, 1,3-bis(ethenylsulfonyl)-
P-96-0124	10/24/95	02/13/96	CBI	(S) Acid curable coatings for wooded or fiberboard panels and paper laminates.	(G) Plasticized urea-formaldehyde
P-96-0125	10/24/95	02/13/96	CBI	(S) Acid curable coatings for wooded or fiberboard panels and paper laminates.	(G) Plasticized urea-formaldehyde
P-96-0126	10/24/95	02/13/96	CBI	(G) Open, non-dispersive use	(G) Polyester resin
P-96-0127	10/25/95	02/14/96	FMC Corporation	(G) Chemical intermediate	(G) Halophenyl substituted triazolinone (benzotriazole)
P-96-0128	10/25/95	02/14/96	FMC Corporation	(G) Chemical intermediate	(G) Halophenyl substituted triazolinone (benzotriazole)
P-96-0129	10/25/95	02/14/96	FMC Corporation	(G) Chemical intermediate	(G) Nitrophenyl substituted triazolinone
P-96-0130	10/25/95	02/14/96	FMC Corporation	(G) Chemical intermediate	(G) Aminophenyl substituted triazolinone
P-96-0131	10/25/95	02/14/96	FMC Corporation	(G) Chemical intermediate	(G) Halophenyl substituted triazolinone (halobenzotriazole)
P-96-0132	10/25/95	02/14/96	CBI	(G) Sie-limited intermediate	(G) Alkenyl nitrile
P-96-0133	10/25/95	02/14/96	E.I. DuPont De Nemours and Company, Inc.	(G) Molding resin	(G) Ethylene interpolymer
P-96-0134	10/25/95	02/14/96	E.I. De Nemours and Company, Inc.	(G) Molding resin	(G) Ethylene interpolymer
P-96-0135	10/25/95	02/14/96	DyStar L.P.	(S) Coloration of cellulosic fibers	(G) Substituted triphenodioxazinedisulfonic acid salt

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0136	10/25/95	02/14/96	DyStar L.P.	(S) Coloration of cellulosic fibers	(G) Substituted triphenodioxazinedisulfonic acid salt
P-96-0137	10/25/95	02/14/96	DyStar L.P.	(S) Coloration of cellulosic fibers	(G) Substituted triphenodioxazinedisulfonic acid salt
P-96-0138	10/26/95	04/30/96	CBI	(G) Open non-dispersive use	(G) Polyester polyol
P-96-0139	10/25/95	04/21/96	CBI	(G) Wet end paper additive	(G) Starch alkanoate ester, tri-alkylammoniumpropyl ether, chloride
P-96-0140	10/25/95	06/20/96	CBI	(G) Wet end paper additive	(G) Amylopectin, alkanoate ester, tri-alkylammoniumpropyl ether, chloride
P-96-0141	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0142	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0143	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0144	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0145	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0146	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0147	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0148	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0149	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0150	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0151	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0152	10/27/95	02/16/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0153	10/27/95	02/16/96	Bostik, Inc.	(G) Open, non-dispersive use	(G) Water-based polyurethane
P-96-0154	10/30/95	02/19/96	Percy International, Ltd.	(S) Drying agent for solvents, pigments, polyols and plasticisers	(S) 2-(3 heptl)-N-butyl-1,3-oxazolane
P-96-0155	10/27/95	02/16/96	CBI	(G) Additive, open, non-dispersive use	(G) Epoxy resin-fatty acids copolymer
P-96-0156	10/26/95	02/16/96	Lonza	(G) Processing aid, dispersive use	(S) 1,2,3-propanetriol, homopolymer, ester with C ₁₄₋₁₈ and C ₁₄₋₁₈ unsaturated fatty acids
P-96-0157	10/31/95	02/20/96	CBI	(S) Graphic arts printing plate	(G) Oxirane, alkyl-, polymer with diisocyanatomethyl benzene, hydroxy poly(oxy-1,4-butanediyl), hydroxy poly[oxy(methyl-1,2-ethanediyl)]and hydroxy alkyl methacrylate-blocked
P-96-0158	10/25/95	02/14/96	Reichhold Corporation	(G) Polyurethane hot melt reactive adhesive	(G) Polyurethane adhesive
P-96-0159	10/25/95	02/14/96	Reichhold Corporation	(G) Polyurethane hot melt reactive adhesive	(G) Polyurethane adhesive
P-96-0160	10/25/95	02/14/96	Reichhold Corporation	(G) Polyurethane hot melt reactive adhesive	(G) Polyurethane adhesive
P-96-0161	10/27/95	02/16/96	Percy International, Inc.	(S) Modifying resin used in the manufacture of leather/fabric coatings, printing inks and plastic coatings	(S) Hezanedioic acid, polymer with 1,4-butanediol, 2,2 dimethyl-1,3-propanediol, 1,2-ethanediamine, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compound with ethanamine, N,N-diethyl-
P-96-0162	10/30/95	08/01/96	CBI	(G) Oil field treatment additive; detergent additive; metal working fluid additive	(G) Polyamino acid salt
P-96-0163	10/30/95		CBI	(G) Synthetic high temperature lubricant base stock	(G) Pentaerythritol tetraesters with mixed fatty acids

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Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0164	10/30/95	02/19/96	Shin-Etsu Silicones of America, Inc.	(S) Coating materials	(S) Polymer of: 2-propenoic acid, 2-methyl, 2-hydroxy ethyl ester; 2-propenoic acid, 2-methyl, methyl ester; 2-propenoic acid, 2-methyl, octadecyl ester
P-96-0165	10/30/95	02/19/96	NYF America Corporation New York	(S) Organic filler for irregular refraction	(G) Acrylate copolymer
P-96-0166	10/30/95	02/19/96	Asahi Chemical Industry America, Inc.	(S) Lubricant for refrigerators and air conditioners	(G) Polyfluoroalkoxy-phenylalkane
P-96-0167	11/01/95	02/21/96	Huls America, Inc.	(G) Chemical intermediate	(G) Isophorone diurethane
P-96-0168	10/31/95	02/20/96	CBI	(S) Laminating resins, low cost and low voc.	(G) Unsaturated maleic acid modified polymer of mixed polyols and mixed dibasic acids
P-96-0169	10/31/95	02/20/96	AKZO Nobel Resins	(S) Resin used to mfg. industrial ctgs.	(G) Hydroxy acrylic resin
P-96-0170	10/31/95	02/20/96	AKZO Nobel Resins	(S) Resin used to mfg. industrial ctgs.	(G) Hydroxy acrylic resin
P-96-0171	10/31/95	02/20/96	AKZO Nobel Resins	(S) Resin used to mfg. industrial ctgs.	(G) Hydroxy acrylic resin
P-96-0172	11/01/95	02/21/96	CBI	(S) Urethane foam catalyst	(G) Mono and di-amine salt carboxylate
P-96-0173	10/31/95	02/20/96	Nittobo america, Inc.	(G) Polymeric binder	(G) Propenyl amine, polymer
P-96-0174	10/31/95	02/20/96	Henkel Corporation	(S) Hot melt adhesive for footwear assembly; hot melt adhesive for general product assembly	(G) Reactive polyurethane hot melt adhesive
P-96-0175	10/31/95	04/17/96	Chemetals Chemical	(S) Cathode material for li-ion batteries	(S) Lithium manganese oxide
P-96-0176	11/02/95	02/22/96	CBI	(S) Filler for thermoplastic resin	(G) Organosilane surface-treated silicate
P-96-0177	11/02/95	02/22/96	Callaway Chemical Company	(G) Surfactant	(G) Alkoxylated fatty acid salt
P-96-0178	11/03/95	02/23/96	Mitsubishi Gas Chemical America, Inc.	(S) Semi-conductor cleaning solution	(G) Quaternary ammonium salt
P-96-0179	11/06/95	02/26/96	CBI	(S) Paper dye	(G) Bis(substituted)carbomonocyclic azo)-carbomonocyclic
P-96-0180	11/06/95	02/26/96	CBI	(G)	(G) Bis(substituted)carbomonocyclic azo)-carbomonocyclic
P-96-0181	11/06/95	02/26/96	CBI	(G)	(G) Bis(substituted)carbomonocyclic azo)-carbomonocyclic
P-96-0182	11/06/95	02/26/96	CBI	(S) As a component of personal care lip balm.	(G) Complex reaction product of hydrogenated vegetable oil and synthetic c18 triglyceride
P-96-0183	11/07/95	02/27/96	Hoechst Celanese Corporation	(S) Pigment for printing ink; pigment for plastic compounding	(G) Substituted europium acetate
P-96-0184	11/07/95	02/27/96	Ver-Tecj, Inc.	(G) Resin component in an epoxy based paint; polymer component in a structural epoxy plastic	(S) Fats and glyceridic oils, vernonia galamensis seed
P-96-0185	11/06/95	07/06/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0186	11/06/95	07/06/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0187	11/06/95	07/06/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0188	11/08/95	02/28/96	CBI	(G) Papermaking chemical	(G) Copolymer of tetra alkylammonium chloride and dialkylammonium chloride
P-96-0189	11/07/95	02/27/96	DIC Trading (USA) Inc.	(S) Automobile parts coatings	(G) Epoxy resin ester of acrylic acid and phosphoric acid
P-96-0190	11/09/95	02/29/96	Ashland Chemical Company	(G) Open, dispersive use in molding operations	(G) Unsaturated polyester
P-96-0191	11/13/95	03/04/96	Wacker Chemical Company	(G) Masonry water repellent	(S) Silane, triethoxyoctyl-, branched
P-96-0192	11/13/95	03/04/96	CBI	(G) Dye	(G) Dihydropyrrol-2-ylidene derivative
P-96-0193	11/13/95	03/04/96	DIC Trading Company, Inc.	(G) Adhesive	(G) Polyester polyurethane
P-96-0194	11/13/95	03/04/96	Henkel Corporation	(G) Concrete admixture	(G) Plant acid salt
P-96-0195	11/09/95	02/29/96	CBI	(S) Intermediate for dye manufacture	(G) Alkyldiurea
P-96-0196	11/09/95	02/29/96	CBI	(S) Intermediate for dye manufacture	(G) 2,4,6-trisubstituted -pyrimidine, 1,1'-(alkylidyl)bis-
P-96-0197	11/09/95	02/29/96	CBI	(S) Paper dye	(G) 1,1'-[alkanebic [(hexahydro-2,4,6-substituted-pyrimidinediyl)azo-phenylene]]bis[alkyl substituted hetrocyclic sulfonic acid

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Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0198	11/09/95	02/29/96	CBI	(S) Paper dye	(G) 1,1'-[alkanebic [(hexahydro-2,4,6-substituted-pyrimidinediyl)azo-phenylene]]bis[alkyl substituted heterocyclic sulfonic acid, alkanealkanolamine salt
P-96-0199	11/20/95	03/11/96	CBI	(G) Dye	(G) Mixed sodium/lithium salt of a substituted naphthalene disulfonic acid
P-96-0200	11/20/95	03/11/96	CBI	(G) Printing ink resin	(G) Polyurethane-urea
P-96-0201	11/20/95	03/11/96	CBI	(G) Lubricant additive	(G) Substituted sulfide
P-96-0202	11/20/95	03/11/96	CBI	(G) Open, non-dispersive coating additive	(G) Polyester resin
P-96-0203	11/20/95	03/11/96	CBI	(G) Resin for molded parts	(G) Polyurethane prepolymer
P-96-0204	11/20/95	02/17/96	Huls America Inc.	(S) Pigment dispersant for color dispersion	(S) Poly(oxy-1,2-ethanediyl), alpha-isotridecyl-omega-hydroxy-, phosphate, compound with <i>N,N</i> -dimethylsyclohexanamine
P-96-0205	11/20/95	03/11/96	H.B. Fuller Company	(S) Intermediate for the production of a coating	(G) Acrylate functionalized hexane derivative
P-96-0206	11/20/95	05/30/96	H.B. Fuller Company	(S) Intermediate for the production of a coating	(G) Acrylate and alkyl functionalized triazine derivative
P-96-0207	11/20/95	03/11/96	CBI	(G) Intermediate for manufacture of protective coatings	(G) Aralkylphenolic
P-96-0208	11/20/95	03/11/96	CBI	(G) Intermediate for manufacture of protective coatings	(G) Propoxylated aralkyl phenolic
P-96-0209	11/20/95	03/11/96	CBI	(G) Pigment dispersant	(G) Ammonium poly acrylate
P-96-0210	11/20/95	03/11/96	CBI	(S) Resin for printing inks	(G) Phenolic modified hydrocarbon resin
P-96-0211	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0212	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0213	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0214	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0215	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0216	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0217	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0218	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0219	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0220	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0221	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0222	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0223	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0224	11/20/95	03/11/96	CBI	(S) Resin for printing	(G) Phenolic modified hydrocarbon resin
P-96-0225	11/20/95	03/11/96	CBI	(S) Colorant for thermoplastic resins	(G) Substituted phthaloperine
P-96-0226	11/20/95	03/11/96	CBI	(G) Site limited reaction intermediate	(G) Unsaturated cyclic ether
P-96-0227	11/21/95	03/12/96	CBI	(G) Industrial intermediate compounded with pigments and binders which is heat treated when coated onto substrates (open, non-disperse use: coating).	(G) Metalated alkylphenol copolymers
P-96-0228	11/22/95	03/13/96	CBI	(G) Open, non-dispersive	(G) Water thinnable polyacrylate containing hydroxyl groups.
P-96-0229	11/22/95	03/13/96	CBI	(G) Consumer article component	(G) <i>N</i> -(3-phenylpropyl) alkyl pyridinium bromide

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0230	11/22/95	03/13/96	CBI	(S) Component of an industrial coating that cures under exposure to ultra-violet or electron beam.	(S) 2,5-furandione, reaction products with butyl alcohol and 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[ethanol]
P-96-0231	11/22/95	03/13/96	CBI	(G) Additive, open, non-dispersive	(G) Acrylic acid ester copolymer, polyoxyethylene modified
P-96-0232	11/22/95	03/13/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0233	11/22/95	03/13/96	CBI	(G) Open, non-dispersive use	(G) Modified acrylic polymer
P-96-0234	11/22/95	03/13/96	Nagese America Corporation	(S) Developer for thermal printing paper	(S) Benzamide, 2,4,-dihydroxy-N-(2-methoxyphenyl)
P-96-0235	11/21/95	03/12/96	CBI	(S) Auxiliary finishing for leather	(G) Polyurethane
P-96-0236	11/22/95	03/12/96	Shin-Etsu Silicones of America, Inc.	(S) Ingredient for rubber compounds	(S) 1-tridecyn-3-ol, 3-methyl-
P-96-0237	11/22/95	03/13/96	Shin-Etsu Silicones of America, Inc.	(S) Ingredient for rubber compounds	(S) 3,5-tetrasiloxanediol, 1,1,1,3,5,7,7,7-octamethyl
P-96-0238	11/24/95	03/15/96	CBI	(G) Dye	(G) An azo monochloro triazine reactive dye
P-96-0239	11/24/95	03/15/96	CBI	(G) Open non-dispersive	(G) Sulfonated polystyrene
P-96-0240	11/28/95	03/19/96	Amoco Corporation	(S) Engineering polymers for use in the manufacture of articles	(G) Polyamide-styrenic elastomer block copolymer
P-96-0241	11/28/95	03/19/96	Amoco Corporation	(S) Engineering polymers for use in the manufacture of articles	(G) Polyamide polyolefin block copolymer
P-96-0242	11/28/95	03/19/96	Amoco Corporation	(S) Engineering polymers for use in the manufacture of articles	(G) Polyamide polyphthalamide block copolymer
P-96-0243	11/27/95	03/18/96	Allied Signal Corporation	(G) Fluorinated coating	(G) Fluorinated, isocyanate terminated polyurethane prepolymer
P-96-0244	11/24/95	03/15/96	Werner G. Smith, Inc.	(S) To be bi-sulfited for use in leather treating chemicals	(S) Oils, sunflower, oxidized
P-96-0245	11/22/95	03/13/96	CBI	(G) Consumer article component	(G) N-2(1,3-dioxanyl)-ethyl, alkyl pyridinium bromide
P-96-0246	11/29/95	03/20/96	CBI	(S) Reactive adhesive for metal working industry; reactive adhesive for plastics industry	(G) Polyurethane methacrylate
P-96-0247	11/29/95	03/20/96	Dow Corning Corporation	(S) Silicone fabric softener	(G) Ammonium-functional siloxane
P-96-0248	11/29/95	03/20/96	CBI	(S) Leather finishing	(G) Alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with alkylamine, hydroxyhydroxy[poly(alkyl-1,2-alkanediyl)], and 1,1'-methylenebis (isocyanato cycloalkane), compound with alkyldiamine
P-96-0249	11/27/95	05/15/96	CBI	(G) Friction material	(G) Potassium titanate
P-96-0250	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0251	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0252	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0253	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0254	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0255	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0256	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0257	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0258	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0259	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0260	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0261	11/29/95	03/20/96	CBI	(G) Component of coating with open use	(G) Neutralized waterborne acrylic polymer
P-96-0262	12/04/95	05/24/96	CBI	(S) Bifunctional crosslinking agent	(G) Acryl allyloxy peg 400 alpha, omega-bis(alkenyl)polyglycol

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0263	12/04/95	03/25/96	CBI	(G) Macromonomer used in specialty polymer	(G) Monoalkenyl ester of poly(ethylene glycol)
P-96-0264	12/05/95	03/26/96	CBI	(G) Additive for oil well cement	(S) Ethylenediaminetetramethylenephosphonic acid, penta sodium salt
P-96-0265	12/04/95	03/25/96	Bedoukian Research, Inc.	(S) Chemical intermediate, use of intermediate discussed separately	(G) Trialkoxy substitute alkane
P-96-0266	12/04/95	03/25/96	Henkel Corporation	(G) Concrete admixture	(G) Plant acid salt
P-96-0267	12/05/95	10/3/26/96	Goldschmidt Chemical Corporation	(G) Open, none dispersive use	(G) Alkyl modified polyacrylate
P-96-0268	12/05/95	03/26/96	Goldschmidt Chemical Company	(G) Open, none dispersive use	(G) Alkyl modified polyacrylate
P-96-0269	12/05/95	03/26/96	Goldschmidt Chemical Company	(G) Open, none dispersive use	(G) Acryl modified polysiloxane
P-96-0270	12/05/95	03/26/96	Goldschmidt Chemical Corporation	(G) Open, none dispersive use	(G) Acrylmodified polysiloxane
P-96-0271	12/05/95	03/26/96	Goldschmidt Chemical Company	(G) Open, none dispersive use	(G) Organommodified polysiloxane
P-96-0272	12/04/95	03/25/96	Uniroyal Chemical Company	(S) Industrial parts-squeegees; industrial rollers	(G) Mdi polyester prepolymer
P-96-0273	12/05/95	03/26/96	E.I. DuPont De Nemours and Company	(G) Destructive use - raw material	(G) Chlorocarbon
P-96-0274	12/05/95	03/26/96	Dow Chemical Company	(G) Additive for polyurethane elastomers	(G) Polymeric isocyanate prepolymer
P-96-0275	12/05/95	03/26/96	Dow Chemical Company	(S) Flexible shoe bladders; flexible hydraulic bladder	(G) Thermoplastic mdi based polyurethane resin
P-96-0276	12/05/95	03/26/96	Exxon Chemical Company	(S) Polymerization catalyst	(G) Aluminum organometallic compound
P-96-0277	12/04/95	03/25/96	Percy International, LTD	(S) Epoxy resin curing agent in water	(S) Polymer of 1,2-ethanediamine, <i>N</i> -(2-aminoethyl)- <i>N'</i> -[2-[(2-aminoethyl)amino]ethyl]-; <i>a</i> -(oxiranylmethyl)- <i>w</i> -(oxiranylmethoxy)poly[oxy(methyl-1,2-ethanediyl)]; oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis-; oxirane, 2,2'-[methylenebis(4,1-phenyleneoxymethylene)]bis-; oxirane, [(2-methylphenoxy)methyl]-; 1,2-ethanediamine, <i>N,N'</i> -bis(2-aminoethyl)-
P-96-0278	12/06/95	03/27/96	Unichema North America	(S) Lubricant base fluid	(S) Hexanoic acid, 2-ethyl-, 1,2,3-propanetriyl ester
P-96-0279	12/06/95	03/27/96	Unichema North America	(G)	(S) Decanedioic acid, mixed 2-ethylhexyl and 3,5,5-trimethylhexyl esters
P-96-0280	12/06/95	03/27/96	Unichema North America	(S) Lubricant base fluid	(S) Fatty acids, C ₄₋₁₈ and C ₁₈ -unsatd., branched and linear, 2-ethylhexyl esters
P-96-0281	12/06/95	03/27/96	Unichema North America	(S) Lubricant base fluid	(S) Fatty acids, C ₁₈ -unsaturated, dimers, hydrogenated, diisooctadecyl esters
P-96-0282	12/06/95	03/27/96	Unichema North America	(S) Lubricant base fluid	(S) Fatty acids, C ₁₈ -unsaturated, dimers, hydrogenated, diisooctadecyl esters
P-96-0283	12/06/95	03/27/96	Asaahi Chemical Industry America, Inc.	(S) Antistatic agent for plastics	(S) Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-; 1,2,4-benzenetricarboxylic acid; 2 <i>h</i> -azepin-2-one, hexahydro-; benzene, 1,1'-methylenebis[4-isocyanato-
P-96-0284	12/08/95	03/29/96	CBI	(G) Electrostatic powder coating	(G) Saturated polyester
P-96-0285	12/11/95	06/30/96	CBI	(G) Low foam nonionic surfactant	(G) Alcohol alkoxylate
P-96-0286	12/11/95	04/01/96	Olin Corporation	(S) Chemical intermediate	(G) Hydroxyaromatic alkyl ketone
P-96-0287	12/08/95	03/29/96	CBI	(S) Reactive adhesive for metalworking industry; reactive adhesive for plastics industry	(G) Polyurethane methacrylate
P-96-0288	12/08/95	03/29/96	Allied Signal Inc.	(S) Ion exchange material	(S) Sodium titanium oxide (Na4Ti9O20)

I. 311 Premanufacture Notices Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Use	Chemicals
P-96-0289	12/08/95	03/29/96	CBI	(G) Open, non-dispersive	(G) Polyester polyol
P-96-0290	12/12/95	04/02/96	CBI	(G) Ingredient for use in consumer products; highly dispersive use.	(G) Alkenal
P-96-0291	12/13/95	06/29/96	Unichema North America	(S) Lubricant base fluid	(S) Fatty acids, coco, 2-ethylhexyl esters
P-96-0292	12/12/95	04/02/96	H.B. Fuller Company	(S) Powder-coating catalyst	(G) Substituted aminium carboxylic acid salt
P-96-0293	12/12/95	04/02/96	H.B. Fuller Company	(S) Powder-coating catalyst	(G) Substituted aminium carboxylic acid salt
P-96-0294	12/12/95	04/02/96	H.B. Fuller Company	(S) Powder-coating catalyst	(G) Substituted aminium carboxylic acid salt
P-96-0295	12/12/95	04/02/96	H.b. Fuller Company	(S) Powder-coating catalyst	(G) Substituted aminium carboxylic acid salt
P-96-0296	12/12/95	04/02/96	E.I. DuPont De Nemours and Company	(G) Chemical intermediate	(G) Bis substituted amino carboxylic acid salt
P-96-0297	12/12/95	05/30/96	E.I. DuPont De Nemours and Company	(G) Paper fluoridizer	(G) Substituted amino carboxylic acid salt
P-96-0298	12/13/95	04/03/96	United Color Manufacturing, Inc.	(G) Dye for organic solvent systems, especially lubricating oils (automatic transmission fluid) and thermoplastic polymers, especially polystyrene, acrylics and polycarbonates	(G) 9,10 anthracenedione, 1,5-diamino-,N,N'-mixed alkyl derivatives.
P-96-0299	12/14/95	04/04/96	Shin-Etsu Silicones of America, Inc.	(S) Textile finishing agent	(S) Polymer of: siloxanes and silicones, 3-[(2-aminoethyl)amino]propyl me, di-me, methoxy-terminated; poly(oxy-1,2-ethanediy), .alpha. -butyl- .omega.-(oxiranylmethoxy)-
P-96-0300	12/12/95	04/02/96	Shell Chemical Company	(S) Heavy duty liquid laundry detergent	(S) Ethanol, 2-amino-, compounds. with polyethylene glycol hydrogen sulfate C ₁₂₋₁₅ -alkyl ethers
P-96-0301	12/12/95	04/02/96	CBI	(G) Organic semiconductor	(G) Bisazopigment
P-96-0302	12/11/95	04/01/96	Olin Corporation	(S) Chemical intermediate	(G) Poly(hydroxyphenyl) alkene
P-96-0303	12/12/95	04/02/96	CBI	(G) Electrodeposition coating	(G) Acrylic-epoxy polymer salt
P-96-0304	12/12/95	04/02/96	CBI	(G) Electrodeposition coating	(G) Acrylic-epoxy polymer salt
P-96-0305	12/15/95	04/05/96	3M	(G) Adhesive	(G)
P-96-0306	12/15/95	04/05/96	CBI	(G) Chemical intermediate with destructive use	(G) Amine diol
P-96-0307	12/15/95	04/05/96	CBI	(G) Chemical intermediate with destructive use	(G) Amine diol
P-96-0308	12/15/95	04/30/96	CBI	(G) Chemical intermediate with destructive use	(G) Amine diol
P-96-0309	12/15/95	04/05/96	CBI	(G) Chemical intermediate with destructive use	(G) Amine diol
P-96-0321	12/13/95	04/03/96	CBI	(G) Open, non-dispersive uses	(G) Polyisocyanate polyol prepolymer; polyurethane adhesive
P-96-0355	12/14/95	04/09/95	Nagese America Corporation	(G) Texture finish	(G) 2-butanone oxime blocked isocyanate

II. 176 Notices of Commencement Received From 10/01/95 to 12/15/95

Case No.	Received Date	Commencement Date	Chemical
P-85-1195	11/13/95	10/24/95	(G) Partially silylated aliphatic isocyanate oligomer
P-90-0157	10/13/95	09/21/95	(S) 1,4-Benzenedicarboxylic acid, polymer with 1,1'-(1-methyl- ethylidene)bis (4,1-phenylene)bis (2-propanol)
P-91-0757	10/10/95	09/16/95	(G) Alkyldialkoxysilane
P-92-0060	09/20/95	08/28/95	(S) Dipentene, polymer with other terpenes, hydrogenated
P-92-1131	11/20/95	11/09/95	(G) Polyoxyalkylene substituted aromatic azo colorant
P-92-1132	11/20/95	11/09/95	(G) Polyoxyalkylene substituted aromatic azo colorant
P-92-1452	12/12/95	11/17/95	(G) Alkarylsubstituted benzofuranone
P-92-1460	10/31/95	10/14/95	(G) Polyester resin
P-92-1461	10/31/95	10/14/95	(G) Polyester resin salt
P-93-0337	11/28/95	11/14/95	(G) Modified polymeric MDI
P-93-0508	10/05/95	08/28/95	(G) Alkyl silane ester
P-93-0528	10/26/95	10/23/95	(G) Acrylic copolymer

II. 176 Notices of Commencement Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Commencement Date	Chemical
P-93-0669	11/13/95	10/27/95	(G) Silylated aliphatic polyurea lacquer
P-93-0750	11/07/95	10/11/95	(G) 2 <i>H</i> -pyran-4-ol, tetrahydro-alkyl-disubstituted-, alkanooate
P-93-0886	12/05/95	11/21/95	(G) Substituted resorcinol
P-93-0951	11/22/95	10/20/95	(G) Polyurethane salt
P-93-1607	10/25/95	08/16/95	(G) Peroxy carboxylic acid
P-93-1653	10/13/95	09/12/95	(G) Saturated polyester
P-94-0058	08/31/94	08/23/94	(G) Trisubstituted naphthalene disulfonic acid
P-94-0321	10/13/95	08/18/95	(S) Phosphorus acid, bis [2,4-bis(1,1-dimethylethyl)-6-methylphenyl] ethyl ester
P-94-0273	10/23/95	09/28/95	(G) Fluorinated acrylic copolymer
P-94-0335	11/28/95	11/16/95	(G) Acrylic copolymer
P-94-0510	10/11/95	09/06/95	(G) Hydroxy acrylic polymer
P-94-0657	10/31/95	10/19/95	(G) Oil free polyester
P-94-0925	11/07/95	10/04/95	(G) Polyol ester
P-94-0926	11/07/95	10/04/95	(G) Polyol ester
P-94-1453	11/20/95	10/19/95	(G) Hydrochlorofluorocarbon
P-94-1487	12/04/95	11/06/95	(G) Thia alkanethiol
P-94-1516	12/12/95	11/28/95	(G) Polyolefin phenolic amide
P-94-1635	12/14/95	12/05/95	(S) Fatty acids, C ₁₆₋₁₈ and C ₁₈ -unsatd., branched and linear, methyl esters
P-94-1783	11/03/95	10/24/95	(G) Short oil alkyl resin
P-94-1875	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1876	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1877	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1878	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1879	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1880	11/21/95	11/03/95	(G) Sulfonated acrylate polymer
P-94-1924	10/31/95	10/12/95	(G) Isocyanate terminated polyurethane
P-94-2031	10/17/95	09/25/95	(G) Formaldehyde, polymer with branched 4-nonyl phenol and substituted phenol
P-94-2034	10/17/95	09/25/95	(G) Formaldehyde, polymer with branched 4-nonyl phenol, substituted phenol methyl oxirane and oxirane
P-94-2104	11/07/95	10/19/95	(G) Polyalkylpolymethacrylate
P-94-2215	12/04/95	11/03/95	(G) Unsaturated alkyl aromatic ether
P-94-2216	12/04/95	11/03/95	(G) Substituted phenol
P-94-2217	12/04/95	11/03/95	(G) Substituted phenol
P-94-2238	11/07/95	10/09/95	(G) Water borne polyurethane dispersion
P-95-0086	10/20/95	10/13/95	(G) Benzenesulfonic acid amino substituted phenyl azo
P-95-0091	10/20/95	09/15/95	(S) Poly (oxy-1,2-ethanediyl, alpha-phosphono-omega-(hexyloxy)-, diammonium, salt and, Poly (oxy-1,2-ethanediyl), [alpha, alpha'-phosphonicobis] omega-(hexyloxy)-, ammonium salt
P-95-0095	11/08/95	10/23/95	(G) Urethane adduct of polyvinyl butyral polymer and isocyanatoethyl methacrylate
P-95-0145	10/06/95	09/29/95	(G) Hexanedioic acid dialkyl ester
P-95-0146	10/06/95	10/03/95	(G) Molybdenum dialkyl dithiophosphate
P-95-0148	10/06/95	09/29/95	(G) Poly (quarternary ammonium salt) grafted styrene acrylate copolymer
P-95-0167	10/06/95	10/03/95	(G) Alkenyl succinic acid, ester with polyhydric alcohol
P-95-0168	10/26/95	10/18/95	(S) Phosphonic acid, 1,1-methylenebis-tetrakis(1-methylethyl) ester
P-95-0175	12/04/95	11/03/95	(G) Substituted purine, metal salt
P-95-0179	12/05/95	11/03/95	(S) A polymer of: terephthalic acid; 2,6-naphthalene dicarboxylic acid; 1,4-hydroquinone; p-hydroxybenzoic acid; acetic anhydride
P-95-0244	11/20/95	10/18/95	(G) Sodium group iva metal hydroxyalkanoate
P-95-0259	12/05/95	11/16/95	(S) A polymer of: dichlorosilane; ammonia
P-95-0324	10/17/95	09/22/95	(G) Substituted benzene metal halide salt
P-95-0325	10/17/95	09/22/95	(G) Substituted benzene metal halide salt
P-95-0326	10/17/95	09/22/95	(G) Substituted benzene metal halide salt
P-95-0342	10/17/95	09/21/95	(G) Modified amidoamine
P-95-0358	11/20/95	11/10/95	(G) Cyclohexyl alkyl ether propionate
P-95-0410	10/06/95	09/27/95	(G) Allyl ester oligomer
P-95-0429	12/14/95	11/16/95	(G) Polyurethane polymer
P-95-0446	10/13/95	10/06/95	(G) Amime epoxy curing agent
P-95-0513	11/08/95	10/10/95	(G) <i>N</i> -[2-[(substituted dinitrophenyl)azo]-diallylamino-4-substituted phenyl]-acetamide
P-95-0518	10/19/95	10/03/95	(G) Water soluble polymer containing oxazoline group
P-95-0538	10/11/95	10/02/95	(S) 2-naphthalenol, 1-[(4-phenylazo)phenyl]azo-, ar-heptyl, ar',ar''-methyl derivatives
P-95-0539	10/16/95	09/18/95	(G) Acrylate functional polyurethane resin
P-95-0541	10/17/95	10/07/95	(G) Aspartic ester
P-95-0546	10/10/95	05/05/95	(S) 2-Propenoic acid, 2-methyl-, butyl ester, polymer with 2-ethylhexyl 2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and propenoic acid

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Case No.	Received Date	Commencement Date	Chemical
P-95-0615	11/28/95	11/08/95	(S) Polymer of rosin, maleated, polymer with bisphenol a, and formaldehyde; potassium hydroxide
P-95-0617	10/24/95	10/06/95	(G) Methacrylic acid copolymer salt
P-95-0625	11/29/95	10/23/95	(G) Acrylic resin
P-95-0731	12/12/95	11/06/95	(G) Chloroalkyl alcohol
P-95-0751	11/13/95	10/26/95	(S) A polymer of: linseed oil fatty acid; bisphenol a-diglycidyl ether; versatic acid diglycidyl ester; toluenediisocyanate; ammonia water; 2,2-dimethylolpropionic acid
P-95-0884	11/01/95	08/31/95	(G) Dioctylthiophosphorylpolysulfide
P-95-0897	10/17/95	10/03/95	(G) Fatty acids, C ₁₈ -unsatd., dimers, polymers with ethylenediamine, dibasic acid and a diamine
P-95-0950	11/22/95	10/23/95	(G) Polymer of polyisocyanate, blocked with hydroxy ester of carbamic acid and alcohol
P-95-1031	10/13/95	09/24/95	(S) 7H (1)benzopyrano (3', 2':3,4) pyrido (1,2a) benzimidazole-6-carbonitrile, 3-(diethylamino)-7-oxo-
P-95-1034	10/17/95	10/07/95	(G) Aqueous polyester polyurethane dispersion
P-95-1035	10/05/95	09/23/95	(G) Aqueous aliphatic urethane stoving resin
P-95-1043	12/12/95	12/07/95	(G) Bis (substituted) carbomonocyclic azo)-carbomonocyclicol
P-95-1044	12/12/95	12/07/95	(G) Bis (substituted) carbomonocyclic azo)-carbomonocyclicol
P-95-1045	12/12/95	12/07/95	(G) Bis (substituted) carbomonocyclic azo)-carbomonocyclicol
P-95-1046	12/15/95	12/08/95	(G) Aryl alkyl phosphite
P-95-1056	11/08/95	10/07/95	(G) Epoxy resin salt
P-95-1058	12/07/95	11/07/95	(G) Epoxy resin salt
P-95-1102	10/04/95	09/12/95	(G) Novolac-resin from substituted phenols and formaldehyde
P-95-1103	10/04/95	09/15/95	(G) Substituted resorcinol
P-95-1104	10/04/95	09/15/95	(G) Substituted resorcinol
P-95-1106	10/25/95	11/20/95	(S) 2,2,4-trifluoro-5-trifluoromethoxy-1,3-dioxole
P-95-1111	10/20/95	07/20/95	(G) Functionalized elastomeric-epoxy copolymer
P-95-1199	11/22/95	11/02/95	(G) Aqueous emulsion of octyltriethoxysilane
P-95-1200	10/04/95	09/15/95	(G) Novolac-resin from substituted phenols and formaldehyde
P-95-1203	11/22/95	10/24/95	(S) A polymer of: N,N-diethylethanolamine (deea) 2-diethylaminoethanol: poly(isobutylene)-succinic anhydride
P-95-1207	12/05/95	11/17/95	(G) Poly(alkylmethacrylate)
P-95-1232	11/22/95	11/07/95	(G) Epoxy curing agent
P-95-1238	11/08/95	10/27/95	(G) Cobalt chelated salt
P-95-1239	11/08/95	10/27/95	(G) Cobalt chelated salt
P-95-1243	10/12/95	10/03/95	(G) Substituted alkylbenzene
P-95-1333	12/15/95	12/14/95	(S) FL-7 contains 15-25% dipotassium pentafluoro aluminate monohydrate and 75-85% potassium aluminum fluoride
P-95-1339	10/24/95	10/08/95	(G) Ethoxylated fatty imidazoline salt
P-95-1348	12/11/95	11/30/95	(S) Glycerides, C ₈₋₂₁ and C ₈₋₂₁ unsaturated mono- and di-, acetates
P-95-1349	11/20/95	10/18/95	(G) Heterocyclic aromatic ester
P-95-1351	10/03/95	09/15/95	(G) Substituted polyoxyalkylene colorant
P-95-1355	12/06/95	11/21/95	(G) Modified alkyl resin, salt with dimethyl ethanol amine
P-95-1357	10/17/95	09/20/95	(S) Hydrolyzed polymer of N-vinylformamide, with acrylonitrile and hydrochloric acid
P-95-1364	10/03/95	09/18/95	(G) Copolymer of acrylic and methacrylic esters
P-95-1378	11/28/95	11/15/95	(G) 2-Ethylhexylacrylate, polymer with methacrylic acid, acrylic acid, styrene and methylmethacrylate
P-95-1387	10/13/95	08/31/95	(G) Organopolysiloxane
P-95-1388	10/13/95	08/31/95	(G) Organopolysiloxane
P-95-1389	10/17/95	09/29/95	(G) Mixed esters of poly(hydroxyphenyl)alkane and diazonaphthalene sulfonyl chloride
P-95-1391	12/05/95	11/21/95	(G) Substituted pyrogallol
P-95-1392	10/04/95	09/15/95	(G) Substituted xylenol
P-95-1393	10/06/95	09/29/95	(G) Fatty acids, dimers, reaction products with fatty acids, trimers and polyamine
P-95-1401	10/23/95	09/27/95	(G) Pyrrolidinobenzimidazolium salt
P-95-1420	12/13/95	11/17/95	(G) Polyhydroxy polyphosphate ester salt
P-95-1426	11/02/95	10/06/95	(G) Acid functional acrylic polymer
P-95-1427	10/17/95	09/15/95	(G) Acid functional acrylic polymer
P-95-1428	11/22/95	10/24/95	(G) Acid functional acrylic polymer
P-95-1434	10/10/95	09/21/95	(G) Acid functional acrylic polymer
P-95-1437	10/17/95	09/22/95	(G) Hydroxy functional acrylic
P-95-1449	10/19/95	10/04/95	(G) Neutralized water basied acid functional polymer
P-95-1466	12/04/95	11/06/95	(G) Substituted aromatic aldehyde
P-95-1506	10/30/95	10/03/95	(G) Triazinylamino-substituted sulfonated bisazobenzene compound
P-95-1512	12/07/95	11/17/95	(G) Monosubstitutedtetrazole
P-95-1516	11/01/95	10/25/95	(G) Fatty acids, unsaturated, reaction products with unsaturated heterocycle, compds. with alkanolamine

II. 176 Notices of Commencement Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Commencement Date	Chemical
P-95-1517	10/06/95	09/25/95	(G) Fatty acids, unsaturated, reaction products with alkylamine and unsaturated heterocycle
P-95-1518	10/18/95	10/16/95	(G) Fatty acids, unsaturated, reaction products with unsaturated heterocycle and ethoxylated alkylamine
P-95-1520	10/24/95	09/26/95	(G) Disubstituted phenylaminobenzene azo substituted phenol
P-95-1522	10/05/95	09/15/95	(G) Polyurethane polyurea dispersion
P-95-1528	10/06/95	09/24/95	(G) Metallized azo yellow pigment
P-95-1529	10/17/95	09/27/95	(G) Gas generant
P-95-1559	12/13/95	11/28/95	(S) Phenol, 2-(1-methyl-1-phenylethyl)-6-[(nitrophenyl) azo]-4-(1,1,3,3,3-tetramethylbutyl)-
P-95-1562	11/07/95	10/24/95	(G) Amine functional epoxy resin salted with an organic acid
P-95-1568	11/01/95	10/23/95	(S) 1-naphthalenepropanol, alpha-ethenyldecahydro-alpha, 5,5,8a-tetramethyl-2-methylene-, ((S-[1alpha(s),4beta,8aalpa])-
P-95-1569	11/01/95	10/23/95	(S) (5s,8r,9r,10s,13r)-8,20-epoxy-13-hydroxy-14-labdane
P-95-1570	11/01/95	10/23/95	(S) (5s,8r,9r,10s)-8,20-epoxy-14,15-bisnorlabdane-13-one
P-95-1571	11/01/95	10/27/95	(G) Substituted-dialkyl benzenedicarboxylate
P-95-1573	11/28/95	11/14/95	(G) Substituted-dialkyl benzenedicarboxylate
P-95-1575	10/20/95	10/10/95	(G) Substituted monocycle)azo- (hydroxy-sulfonamidophenyl)azo-hydroxy-sulfonaphthalene, chromium complex, sodium salts
P-95-1576	10/20/95	10/10/95	(G) (substituted monocycle)azo- (hydroxy-sulfonamidophenyl)azo-hydroxy-sulfonaphthalene, chromium complex, sodium salts
P-95-1577	10/20/95	10/10/95	(G) (substituted monocycle)azo- (hydroxy-sulfonamidophenyl)azo-hydroxy-sulfonaphthalene, chromium complex, sodium salts
P-95-1587	10/24/95	10/01/95	(S) 1 <i>h</i> -indene, 3,3'-(1,2-ethanediyl)bis-
P-95-1588	11/20/95	10/24/95	(G) Polysulfo-trisubstituted heteromonocycle heteromonocycle, [(substituted)-disubstituted-heteromonocycle]alkenylidene]-, alkali metal salt
P-95-1594	11/24/95	11/03/95	(G) Thermoplastic mdi based polyurethane resin
P-95-1597	10/24/95	10/04/95	(G) Naphthaquinone diazide sulfonyl ester mixture of a phenol aldehyde condensate
P-95-1649	11/07/95	10/19/95	(G) Nonylphenoxypoly(oxyalkylene)
P-95-1651	11/20/95	11/07/95	(G) Alkylphenylpolyetheramine
P-95-1653	11/22/95	11/14/95	(G) Alkylphenylpolyetheramidoalkanolamine
P-95-1657	10/24/95	10/01/95	(S) Zirconium, dichloro[1,2-ethanediylbis[(1,2,3,3a,7abeta)-1 <i>h</i> -inden-1-ylidene
P-95-1659	11/22/95	11/14/95	(G) Aminolalkyl alkanolamine
P-95-1664	10/11/95	09/29/95	(G) Modified polyacrylamide
P-95-1665	10/11/95	09/29/95	(G) Modified polyacrylamide
P-95-1666	10/11/95	09/29/95	(G) Modified polyacrylamide
P-95-1668	11/06/95	10/18/95	(G) Heterocyclic amine carboxylic acid
P-95-1669	10/11/95	10/02/95	(G) Modified polyacrylamide
P-95-1670	10/11/95	10/02/95	(G) Modified polyacrylamide
P-95-1671	10/11/95	10/02/95	(G) Modified polyacrylamide
P-95-1678	11/30/95	11/14/95	(G) Acrylic acid, alkyl ester, polymer with monocarbocyclicalkene
P-95-1682	12/12/95	11/16/95	(G) Isocyanate-terminated polyester polyurethane prepolymer
P-95-1700	11/07/95	11/03/95	(S) A polymer of: tetraethylene pentamine; polyoxypropylene diglycidyl ether; cresyl glycidyl ether
P-95-1704	11/03/95	10/30/95	(G) Amino alkoxy polydimethyl siloxane
P-95-1712	11/22/95	10/26/95	(G) Polyurethane adhesive
P-95-1732	11/20/95	10/23/95	(G) <i>N</i> -substitutedhaloaromatic benzotriazole aryl ester
P-95-1733	10/31/95	10/16/95	(G) Polyurethane polymer
P-95-1740	11/20/95	11/02/95	(G) Alkylthio substituted naphthalene carboxamide
P-95-1743	11/08/95	10/30/95	(S) 3,6,9,12-tetraoxaeicosan-1-ol methanesulfonate
P-95-1744	12/14/95	12/03/95	(S) 3,6,9,12-tetraoxaeicosan-1-ol
P-95-1757	11/08/95	11/01/95	(S) Cyclohexanol, formate
P-95-1763	11/03/95	10/27/95	(G) Sulfo alkyl esters, sodium salts
P-95-1765	11/20/95	10/29/95	(S) Butanoic acid, 3-oxo-, ethyl ester, polymer with 2,2-dimethyl-1,3-propanediol and 2-propanol aluminum salt
P-95-1766	11/20/95	11/06/95	(G) Substituted acrylic polymer
P-95-1768	11/07/95	10/30/95	(G) Inorganic palladium salt
P-95-1804	12/07/95	11/15/95	(G) Alkyl substituted sulfonylalkanoic acid
P-95-1810	11/07/95	10/31/95	(S) Benzene, methyl(phenylmethyl)-disproportionated
P-95-1840	12/12/95	11/21/95	(G) Oil free aromatic polyester
P-95-1871	11/21/95	11/20/95	(G) Aromatic polyester polyol
P-95-1882	12/12/95	11/27/95	(G) TDI polyester prepolymer
P-95-1883	12/12/95	11/27/95	(G) TDI polyester prepolymer
P-95-1959	12/06/95	12/04/95	(G) Alkenyl substituted phenyl amino substituted triazinyl amino substituted phenyl compound
Y-90-0236	11/22/95	10/09/95	(G) Alkanediols, polymer with polyethylene terephthalate and alkenedioic anhydride
Y-95-0048	11/01/95	09/26/95	(G) Organically modified polysiloxane

II. 176 Notices of Commencement Received From 10/01/95 to 12/15/95—Continued

Case No.	Received Date	Commencement Date	Chemical
Y-95-0082	11/20/95	10/23/95	(S) Poly [oxy(1-oxo-1,6-hexanediy)], .alpha.-hydro.-omega.-hydroxy-, ester with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, polymer with 1,6-diisocyanatohexane and 1,3,5-tris(6-isocyanatohexyl)1,3,5-triazine-2,4,6(1 <i>h</i> ,3 <i>h</i> ,5 <i>h</i>)-trione, methylethylketone oxime-blocked
Y-95-0096	11/02/95	10/25/95	(G) Acrylic emulsion polymer
Y-95-0106	10/13/95	09/26/95	(G) Cyclo olefinic copolymer
Y-95-0107	10/23/95	10/02/95	(G) Polyether-ester-amide block copolymer

List of Subjects

Environmental protection,
Premanufacture notices, and Test
marketing exemption applications.

Dated: July 22, 1996.

George A. Bonina,
*Acting Director, Information Management
Division, Office of Pollution Prevention and
Toxics.*

[FR Doc. 96-19331 Filed 7-29-96; 8:45 am]

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Environmental
Protection
Agency

Tuesday
July 30, 1996

Part X

**Environmental
Protection Agency**

Thirty-Eighth Report of the TSCA
Interagency Testing Committee to the
Administrator Receipt of Report, Request
for Comments, Solicitation of Use and
Exposure Data

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-41045; FRL-5379-2]

Thirty-Eighth Report of the TSCA Interagency Testing Committee to the Administrator Receipt of Report, Request for Comments, Solicitation of Use and Exposure Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The TSCA Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Thirty-Eighth Report to the Administrator of the EPA on May 31, 1996. In its Thirty-Eighth Report, which is included with this notice, the ITC revises the *Priority Testing List* by adding a group of 18 nonylphenol ethoxylates to the *List* for consideration by the EPA Administrator for promulgation of test rules under section 4(a) of the Act. The ITC also removes two previously recommended High Production Volume Chemicals (HPVC), two previously designated Oxygenated Fuel Additives and previously recommended white phosphorus. The ITC's reasons for removing these chemicals from the *List* are described in the Thirty-Eighth Report. There are no designated or recommended with intent-to-designate chemicals or chemical groups in the Thirty-Eighth Report. EPA invites interested persons to submit written comments on the Report.

DATES: Written comments on the Thirty-Eighth ITC Report should be submitted by August 29, 1996.

ADDRESSES: Comments on the Thirty-Eighth Report should be submitted to both the ITC and the TSCA Public Docket. Send one copy of written submissions to: John D. Walker, ITC Executive Director, U.S. EPA (7401), 401 M St., SW., Washington, DC 20460. Send six copies of written submissions to: TSCA Public Docket Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. B-607 NEM, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All

comments and data in electronic form must be identified by the docket number OPPTS-41045. No "Confidential Business Information" (CBI) should be submitted through e-mail. Electronic comments on the Thirty-Eighth Report may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III of this document.

The public record supporting this action, including comments, is available for public inspection in Rm. B-607 NEM at the address noted above from 12:00 noon to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M Street, SW., Rm. ET-543B, Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.
SUPPLEMENTARY INFORMATION: EPA has received the TSCA Interagency Testing Committee's Thirty-Eighth Report to the Administrator.

I. Background

TSCA (Pub. L. 94-469, 90 Stat. 2003 et seq; 15 U.S.C. 2601 et seq.) authorizes the Administrator of the EPA to promulgate regulations under section 4(a) requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the Interagency Testing Committee (ITC) to recommend chemicals and chemical groups to the Administrator of the EPA for priority testing consideration. Section 4(e) directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months. The most recent revisions to this *List* are included in the ITC's Thirty-Eighth Report. The Report was received by the Administrator on May 31, 1996, and is included in this Notice. The Report recommends a group of 18 nonylphenol ethoxylates to the list and removes white phosphorus, 2 High Production Volume Chemicals (HPVC) and 2 Oxygenated Fuel Additives from the list.

II. Status of List

The current TSCA section 4(e) *Priority Testing List* contains 2 chemicals and 10 chemical groups; of these 2 chemicals and 3 chemical groups were designated for testing.

A notice will be published at a later date in the Federal Register adding

certain of the substances recommended in the ITC's Thirty-Eighth Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716), which requires the reporting of unpublished health and safety studies on the listed chemicals. That notice will also add certain of the chemicals to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

III. Electronic and Oral Comments

The EPA invites interested persons to submit detailed comments on the ITC's Report.

A record has been established for this notice under docket number [OPPTS-41045] (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 contain any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Non-confidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC, 20460. Electronic comments can be sent directly to the ITC at walker.john@epamail.epa.gov and to the EPA at: ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the Thirty-Eighth report, 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 EPA address in "ADDRESSES" at the beginning of this document.

Authority: 15 U.S.C. 2603.

Dated: July 18, 1996.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Thirty-Eighth Report of the Interagency Testing Committee to the Administrator Summary

This is the 38th Report of the TSCA Interagency Testing Committee (ITC) to the Administrator of the U.S.

Environmental Protection Agency (EPA). In this Report, the ITC is revising its TSCA section 4(e) *Priority Testing List* by recommending 18 nonylphenol ethoxylates and removing white

phosphorus, 2 High Production Volume Chemicals (diethylene glycol monoethyl ether acetate and diethylene glycol dimethyl ether), and 2 Oxygenated Fuel Additives (ethyl tert-butyl ether and

tert-amyl methyl ether). Comments on this Report should be submitted both to the ITC and the TSCA Public Docket. The revised TSCA section 4(e) *Priority Testing List* follows as Table 1.

TABLE 1.—THE TSCA SECTION 4(e) *Priority Testing List* (May 1996)

Report	Date	Chemical/Group	Action
26	May 1990	10 Isocyanates	Recommended with intent-to-designate
27	November 1990	62 Aldehydes	Recommended with intent-to-designate
28	May 1991	Acetone	Designated
28	May 1991	Thiophenol	Designated
29	November 1991	10 Alkyl-, bromo-, chloro-, hydroxymethyl diaryl ethers	Recommended
30	May 1992	13 Siloxanes	Recommended
31	January 1993	24 Chemicals with no dermal toxicity data	Designated
32	May 1993	32 Chemicals with insufficient dermal absorption data	Designated
35	November 1994	24 Chemicals with insufficient dermal absorption data	Designated
36	May 1995	10 High Production Volume Chemicals	Recommended
37	November 1995	28 Alkylphenols and Ethoxylates	Recommended
38	May 1996	18 Nonylphenol Ethoxylates	Recommended

I. Background

The TSCA Interagency Testing Committee (ITC) was established by section 4(e) of the Toxic Substances Control Act (TSCA) "to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of a rule for testing under section 4(a).... At least every 6 months..., the Committee shall make such revisions in the List as it determines to be necessary and to transmit them to the Administrator together with the Committee's reasons for the revisions" (Pub. L. 94-469, 90 Stat. 2003 et seq., 15 U.S.C. 2601 et seq.). Since its creation in 1976, the ITC has submitted 37 semi-annual Reports to the EPA Administrator transmitting the *Priority Testing List* and its

revisions. These Reports have been published in the Federal Register and are also available from the ITC. The ITC meets monthly and produces its revisions of the List with the help of staff and technical contract support provided by EPA. ITC members and support personnel are listed at the end of this Report.

Following receipt of the ITC's Report and the addition of chemicals to the *Priority Testing List*, EPA's Office of Pollution Prevention and Toxics adds new chemicals from the List to TSCA section 8(a) and 8(d) rules that require manufacturers and importers of these chemicals to submit TSCA section 8(a) production and exposure data and manufacturers, importers and processors of the listed chemicals to submit TSCA section 8(d) health and safety studies within 60 days of the rule's effective date. The submissions

are indexed and maintained by EPA. The ITC reviews the TSCA section 8(a) and 8(d) information and other available data on chemicals and chemical groups (e.g., TSCA section 8(e) "substantial risk" studies, "For Your Information" (FYI) submissions to EPA, and published papers) to determine if revisions to the List are necessary. Revisions can include changing a general recommendation to a specific designation for testing action by the EPA Administrator within 12 months, modifying the recommended testing, or removing the chemical or chemical group from the List.

II. Revisions to the TSCA Section 4(e) *Priority Testing List*

Revisions to the TSCA section 4(e) *Priority Testing List* are summarized in Table 2.

TABLE 2.—REVISIONS TO THE TSCA SECTION 4(E) *Priority Testing List*

CAS No.	Chemical Name	Action	Date
.....	Nonylphenol ethoxylates (NPEs)	Recommended	5/96
07311-27-5	Ethanol, 2-[2-[2-(p-nonylphenoxy) ethoxy]ethoxy]ethoxy]-		
09016-45-9	Nonylphenol polyethylene glycol ether		
20636-48-0a			
26027-38-3a			
26064-02-8a			
27177-01-1a			
37205-87-1a			
20427-84-3	Ethanol, 2-[2-(p-nonylphenoxy)ethoxy]-		
26027-38-3	p-Nonylphenol polyethylene glycol ether		
27986-36-3a			
37205-87-1a			
98113-10-1a			
26571-11-9	Nonylphenol octa(oxyethylene)ethanol		
27176-93-8	Nonylphenoxydiglycol		
27177-05-5	Nonylphenol hepta(oxyethylene)ethanol		
27177-08-8	Nonylphenol nona(oxyethylene)ethanol		
27986-36-3	Nonylphenoxy ethanol		
37205-87-1	Poly(oxy-1,2-ethanediyl),alpha-(isononylphenyl)-omega-hydroxy		
51938-25-1	Poly(oxy-1,2-ethanediyl),alpha-(2-nonylphenyl)-omega-hydroxy		

TABLE 2.—REVISIONS TO THE TSCA SECTION 4(E) *Priority Testing List*—Continued

CAS No.	Chemical Name	Action	Date		
65455-72-3	Decaethylene glycol, isononylphenyl ether				
68412-54-4	Nonylphenoxypropoxyethanol				
152143-22-1 ^a					
127087-87-0	Nonylphenol polyethylene glycol ether				
NA ^b	Nonoxynol-2				
NA	Nonoxynol-3				
NA	Nonoxynol-7				
NA	alpha-(p-Nonylphenol)-omega-hydroxypoly(oxyethylene)				
7723-14-0	White phosphorus			Remove previously designated chemical	5/96
12185-10-3 ^a					
.....	High Production Volume Chemicals	Remove previously recommended chemicals	5/96		
111-96-6	Diethylene glycol dimethyl ether				
112-15-2	Diethylene glycol monoethyl ether acetate				
.....	Oxygenated Fuel Additives	Remove previously recommended chemicals	5/96		
637-92-3	Ethyl tert-butyl ether				
994-05-8	Tert-amyl methyl ether				

^a Alternate CAS number.

^b Not Assigned

III. Rationale for the revisions

A. ITC's Activities During this Reporting Period

Alkylphenols and ethoxylates, isocyanates and siloxanes. During the six months covered by this Report, the ITC evaluated several chemicals and chemical groups and the ITC's Subcommittees met with two Chemical Manufacturers Association (CMA) Panels and the Silicones Environmental Health and Safety Council (SEHSC). To facilitate communication between U.S. Government organizations needing data on alkylphenols and ethoxylates and the manufacturers, importers, processors, users and distributors of these chemicals, an ITC Subcommittee and the CMA's Alkylphenols and Ethoxylates Panel established the ITC-CMA Alkylphenols and Ethoxylates Dialog Group. To learn more about potential consumer uses of isocyanates, the ITC's Isocyanates Subcommittee met with the CMA's Diisocyanates Panel. To promote cogent discussions of siloxanes health and safety data the ITC's Siloxanes Subcommittee continued to meet with SEHSC.

Diaryl ethers. The ITC is evaluating published and unpublished data for the diaryl ethers recommended in its 29th Report (56 FR 67424, December 30, 1991). The ITC is interested in meeting with manufacturers, importers, processors, and users of these chemicals to discuss use and exposure data and to develop Structure Activity Relationships for predicting potential degradability and safety.

B. Specific Rationales

1. Recommended chemicals— a. Nonylphenol ethoxylates.

Recommendation. Nonylphenol ethoxylates are being added to the *Priority Testing List* to obtain TSCA section 8(a) exposure information and TSCA section 8(d) health and safety studies.

Rationale for recommendation. Nonylphenol ethoxylates are being recommended to meet the data needs of the Department of the Interior, the EPA, and the Food and Drug Administration. Currently, these needs include data on chemical composition of components and impurities, environmental fate of components and impurities and health and ecological effects, toxicokinetics and potential endocrine-modulating effects. The ITC will consider information discussed during meetings of the ITC-CMA Alkylphenols and Ethoxylates Dialog Group and review documents submitted under TSCA section 8 before determining if these chemicals should be removed from the *Priority Testing List* or designated for testing to meet U.S. Government data needs.

Nonylphenol ethoxylates are also being recommended to supplement the list of alkylphenols and ethoxylates that was recommended in the 37th Report (61 FR 4188, February 2, 1996)(FRL-4991-6). The rationale described in the 37th Report for alkylphenols and ethoxylates also applies to the nonylphenol ethoxylates listed in Table 2.

Supporting information—

Nonylphenol ethoxylates. The Substructure-based Computerized Chemical Selection Expert System (SuCCSES) is used to identify chemicals with shared substructures and associated health or ecological effects and similar TSCA production or importation volumes (Ref. 16). SuCCSES was used to identify the alkylphenols and ethoxylates that were added to the *Priority Testing List* in the 37th Report.

After the 37th Report was transmitted to the EPA Administrator, the ITC-CMA Alkylphenols and Ethoxylates Dialog Group developed a strategy to identify important nonylphenol ethoxylates. First, a nonylphenol ethoxylate substructure from SuCCSES and a nonylphenol ethoxylate name fragment was used to search the original TSCA Inventory. Second, the nonylphenol ethoxylates identified by this search were compared to those listed in the Code of Federal Regulations title 21, parts 174-186 (indirect food additives), the Cosmetic Toiletries and Fragrances Association Dictionary, the U.S. Pharmacopoeia/National Formulary and the Food Chemical News Guide. Third, the nonylphenol ethoxylates identified by this comparison were screened against nonylphenol ethoxylates in the OPD Chemical Buyers Directory, McHutcheon's Functional Materials and Chemyclopedia '96. This strategy produced a list of 18 nonylphenol ethoxylates (Table 2). For these 18 nonylphenol ethoxylates there were several Chemical Abstract Service (CAS) numbers including alternate CAS

numbers, and several chemical names including many synonyms (Table 3).

TABLE 3.— CHEMICAL NAMES, SYNONYMS AND ETHOXYLATE UNITS (EO) FOR NONYLPHENOL ETHOXYLATES ADDED TO THE REVISED TSCA SECTION 4(e) *Priority Testing List*

Chemical Names	Synonyms	Average Number of EO Units
Ethanol,2-[2-[2-(<i>p</i> -nonylphenoxy) ethoxy]ethoxy]ethoxy]-	Nonoxynol-4	4
Nonylphenol polyethylene glycol ether	Ethoxylated nonylphenol	> 1
.....	Nonylphenol polyglycol ether	> 1
.....	Nonylphenol polyethylene oxide	> 1
.....	Nonylphenoxypoly(oxyethylene)ethanol	> 1
.....	Poly(oxy-1,2-ethanediyl), alpha-(nonylphenyl)-omega-hydroxy	> 1
.....	Poly(oxyethylene) mono (nonylphenol) ether	> 1
.....	Nonoxynol-5	> 5
.....	Nonoxynol-6	> 6
Ethanol, 2-[2-(<i>p</i> -nonylphenoxy)ethoxy]-		1.5
<i>p</i> -Nonylphenol polyethylene glycol ether	Glycols, polyethylene, mono(<i>p</i> -nonylphenyl) ether	> 1
.....	Alpha-(<i>p</i> -nonylphenyl)-omega-hydroxypoly(oxyethylene)	> 1
.....	Nonoxynol-1	> 1.5
Nonylphenol octa(oxyethylene)ethanol	Nonoxynol-9	9
Nonylphenoxydiglycol	Ethanol, 2-[2-(nonylphenoxy)ethoxy]-	2
Nonylphenol hepta(oxyethylene)ethanol	Nonylphenol octaethoxylate	8
.....	Nonylphenol octaglycol ether	8
.....	Nonoxynol-8	8
Nonylphenol nona(oxyethylene)ethanol	Nonylphenol decaethylene glycol ether	10
Nonylphenoxyethanol	Nonylphenoxyglycol	1-1.5
.....	Ethanol, 2-(nonylphenoxy)-	1-1.5
Poly(oxy-1,2-ethanediyl), alpha-(isononylphenyl)-omega-hydroxy		> 1
Poly(oxy-1,2-ethanediyl), alpha-(2-nonylphenyl)-omega-hydroxy		>1
Decaethylene glycol, isononylphenyl ether		10
Nonylphenoxypolyoxyethanol	Poly(oxy-1,2-ethanediyl), alpha-(nonylphenyl) omega-hydroxy - branched	> 1
Nonylphenol polyethylene glycol ether	Poly(oxy-1,2-ethanediyl), alpha (4-nonylphenyl)-omega-hydroxy - branched	> 1
Nonoxynol-2		2
Nonoxynol-3		3
Nonoxynol-7		7
alpha-(<i>p</i> -Nonylphenol)-omega-hydroxypoly(oxyethylene)		1 to 100

During development of the strategy by the ITC-CMA Alkylphenols and Ethoxylates Dialog Group, issues related to the complex nomenclature and chemical composition of nonylphenol ethoxylates were discussed. During these discussions, it was recognized that for some nonylphenol ethoxylates it is possible to quantify the average number of ethoxylate (EO) units, while for others that are complex mixtures or polymers, it is only possible to state that the average number of EO units is > 1 (Table 3). Obtaining recent production and importation volumes for nonylphenol ethoxylates that are complex mixtures or polymers was a concern for the Dialog Group because these chemicals were exempt from reporting requirements of the EPA's 1986, 1990 and 1994 TSCA section 8(a) Inventory Update Rules (51 FR 21438, June 12, 1986; 55 FR 39586, September 27, 1990; 59 FR 30652, June 14, 1994). However, the Dialog Group recognized that the TSCA section 8(a) Preliminary Assessment Information Rule (PAIR) that EPA automatically promulgates for

any chemicals that the ITC adds to the *Priority Testing List* requires the submission of recent production and importation volume data for all chemicals on the *List*, including complex mixtures or polymers. The ITC will review the PAIR data for all alkylphenols and ethoxylates that are on the *List* and use these data as well as use and exposure data and other information provided to the ITC-CMA Alkylphenols and Ethoxylates Dialog Group to determine which alkylphenols and ethoxylates should be removed from the *List* and which should be considered for designation.

Existing U.S. Government data needs. The ITC identified the same data needs for nonylphenol ethoxylates that were identified for alkylphenols and alkylphenol ethoxylates in its 37th Report. These data needs are summarized above in the rationale for recommendation.

Completed activities of the ITC-CMA Alkylphenols and Ethoxylates Dialog Group. The Dialog Group discussed the history of the ITC's recommendation,

nomenclature issues, chemical composition data, uses of alkylphenols and ethoxylates, ongoing testing and (as discussed above) strategies for identifying nonylphenol ethoxylates. The Dialog Group discussed the TSCA Test Submissions (TSCATS) compatible database that the SEHSC-ITC-EPA workgroup developed for silicone chemicals. The Dialog Group committed to develop a database for alkylphenols and ethoxylates that would include elements that were compatible with TSCATS, the Confidential Business Information Tracking System (CBITS) and the TSCA submissions electronic cover sheet and abstract form.

2. Removal of Chemicals from the Priority Testing List— a. White Phosphorus. Based on concerns of the Department of Interior (DOI), white phosphorus was recommended for chemical fate and ecological effects testing in the ITC's 29th Report (56 FR 67424, December 30, 1991). These concerns included the paucity of data on the persistence of white phosphorus in wetland sediments, the adverse

effects of white phosphorus to birds and wildlife that feed on sediments contaminated with white phosphorus, and the potential for food chain effects including possible elimination of endangered species that may feed on carcasses of birds and wildlife that die from white phosphorus poisoning. In response to the ITC's recommendations, the EPA added white phosphorus (CAS number 7723-14-0) to TSCA section 8(a) and 8(d) rules (58 FR 13556, March 12, 1993). This CAS number also applies to yellow, red and black phosphorus. After these rules were published, the ITC asked EPA to add a second, less commonly used CAS number (12185-10-3) for white phosphorus to TSCA section 8 rules to assure retrieval of unpublished TSCA section 8 data that were indexed on that CAS number. The EPA added this CAS number to TSCA section 8 rules that were published on December 27, 1993 (58 FR 68311). The ITC reviewed published data and data submitted in response to these rules. These data demonstrated the persistence of white phosphorus in sediments, but did not provide any new information to alleviate the DOI's concerns for the ecological effects of white phosphorus. As a result, the ITC designated white phosphorus for ecological effects testing in its 34th Report (59 FR 35720, July 13, 1994).

The ITC did not receive any comments on the EPA's Toxic Release Inventory (TRI) data for white phosphorus that were referenced in its 29th Report. In this Report, the ITC referenced the 1988 and 1989 TRI which reported that over 3,000,000 pounds of white phosphorus were released to the environment. Prior to publishing its 34th Report, the ITC considered whether data from the 1991 and 1992 TRI (which reported that about 300,000 pounds of white phosphorus were released to the environment) would be sufficient environmental release to justify a designation under TSCA section 4(e)(1)(A)(ii). Under this section of TSCA, the ITC must consider "the quantities in which the substance or mixture enters or will enter the environment" before designating any chemical to the EPA Administrator for priority testing consideration. The ITC determined that these releases were sufficient and referenced the 1991 and 1992 TRI in its 34th Report when it designated white phosphorus. After the 34th Report was published, the EPA received a letter from the CMA which identified serious errors in white phosphorus environmental release data reported by industry under the

requirements of the TRI (Ref. 5). According to the CMA, the 1993 TRI releases of white phosphorus should have been about 27,000 pounds, not 318,000 pounds (Ref. 5). According to the 1994 TRI (which includes releases from Federal facilities) about 50,000 pounds of white phosphorus were released to the environment (Ref. 15).

After reviewing the 1995 CMA letter and the 1994 TRI data, EPA requested that the ITC withdraw its designation of white phosphorus because "errors made by industry in TRI reporting have resulted in a serious misconception about the actual environmental releases of white phosphorus and 1994 TRI data indicate that environmental releases of white phosphorus are almost an order of magnitude less than that upon which the ITC based its decision to designate this chemical for testing under section 4 of TSCA" (Ref. 8). In this request EPA also committed "to explore alternative ways to have the needed testing conducted" (Ref. 8).

After reviewing the 1994 TRI data, letters from the CMA and the EPA, and considering EPA's commitment to explore alternative testing mechanisms, the ITC is withdrawing its designation and removing white phosphorus from the *Priority Testing List*.

b. Oxygenated Fuel Additives. The ITC designated the oxygenated fuel additive, methyl tert-butyl ether (MTBE) (CAS number 1634-04-4) for health effects testing in its 20th Report because of concerns for widespread human exposure to low level fugitive emissions of MTBE at gasoline pumps and the need for chronic health effects data (52 FR 19020; May 20, 1987). In response to the ITC's designation, the EPA and MTBE manufacturers negotiated a TSCA section 4 Enforceable Consent Agreement (ECA) to develop pharmacokinetics, genotoxicity, subchronic toxicity, reproductive effects, developmental toxicity, neurotoxicity, and oncogenicity data (53 FR 10391, March 31, 1988). The ITC removed MTBE from the *Priority Testing List* in its 22nd Report (53 FR 18196, May 20, 1988). EPA and other Federal Agencies continue to assess the risks of human exposure to MTBE.

Subsequent to this designation, the ITC recommended ethyl tert-butyl ether (ETBE) (CAS number 637-92-3) and tert-amyl methyl ether (TAME) (CAS number 994-05-8) for health effects testing to meet the data needs of the U.S. EPA (59 FR 35720, July 13, 1994). Subsequently, EPA promulgated TSCA section 8(a) and 8(d) rules for ETBE and TAME (59 FR 60716, November 28, 1994) and met with ETBE and TAME

manufacturers to discuss testing to meet these data needs.

On September 21, 1994, and March 23, 1995, the EPA received letters from the ARCO Chemical Company announcing their intention to voluntarily conduct health effects tests for ETBE (Refs. 1 and 2). These letters indicate that pharmacokinetics, genotoxicity, subchronic toxicity, and neurotoxicity testing will be conducted first, followed by developmental toxicity and reproductive effects testing. EPA's Office of Pollution Prevention and Toxics (OPPT) added ETBE to its Master Testing List (MTL) as a member of the category of "Oxygenated Fuel Additives" to obtain test data to support ongoing activities in EPA's Office of Air and Radiation (OAR).

On March 21, 1995, OPPT published a TSCA section 4 ECA for TAME (60 FR 14910)(FRL-4935-4). The ECA requires pharmacokinetics, genotoxicity, subchronic toxicity, developmental toxicity, and reproductive toxicity testing. Testing will be conducted by the TAME Producers Group which is comprised of the following companies: Amerada Hess Corporation, Chevron U.S.A. Products Company, Citgo Petroleum, Exxon Company U.S.A., and Texaco Refining and Marketing. In addition, TAME is being considered for inclusion in the Screening Information Data Set (SIDS) program, a voluntary international testing program operated under the auspices of the Organization for Economic Cooperation and Development (OECD). OPPT also added TAME to its MTL as a member of the "Oxygenated Fuel Additives" category to obtain test data to support ongoing OAR activities.

The ITC is removing ETBE and TAME from the *Priority Testing List* at this time because testing programs for both chemicals are likely to meet EPA's data needs. If further testing of ETBE or TAME is needed, the EPA may request that the ITC designate the chemicals for testing. In the future, the EPA may nominate other oxygenated fuel additives to the ITC.

c. High Production Volume Chemicals (HPVCs)/Glycol Ethers. Diethylene glycol monoethyl ether acetate (DGEEA) (CAS number 112-15-2) and diethylene glycol dimethyl ether (DGDME) (CAS number 111-96-6) were members of a group of 35 HPVCs that were recommended for 90-day subchronic toxicity testing in the ITC's 27th Report (56 FR 99534, March 6, 1991). SuCCSES was used to select these HPVCs during the ITC's sixth scoring exercise. These HPVCs had annual production volumes exceeding 1 million pounds, but no 90-day subchronic toxicity data to identify

potential health effects concerns. In its 36th Report (60 FR 42982, August 17, 1995)(FRL-4965-6), the ITC solicited specific use and exposure information on DGEEA, DGDME, and ten other HPVCs to facilitate its ability to decide whether these chemicals should be removed from the *Priority Testing List* or designated for testing.

As noted in the 37th Report (61 FR 4188, February 2, 1996), Eastman Chemical Company and Ferro Corporation responded to that solicitation for DGEEA and DGDME, respectively (Refs. 7 and 9). Both DGEEA and DGDME are used as solvents in various applications. Ferro reported that DGDME is also used in reaction medium for the synthesis of certain chemicals and that the use of DGDME as a solvent in semiconductor cleaning operations has decreased. In their letters, both manufacturers stated that exposures to DGEEA and DGDME are low.

Although 90-day subchronic toxicity studies are not available for DGEEA or DGDME, existing toxicity data on these and related glycol ethers and acetates indicate that such studies are not necessary to further identify potential health effects concerns.

DGEEA is expected to be metabolized to diethylene glycol monoethyl ether (DGEE) (CAS number 111-90-0), based on the metabolism of other glycol ether acetates (Ref. 13). Subchronic toxicity studies in which rats, mice and pigs were fed DGEE for 90 days have been conducted (Ref. 10). There was reduced growth in rats and mice at the highest dose levels (5.0% and 5.4%, respectively). Hemoglobin was reduced and relative kidney weights increased in all 3 species at the highest dose levels. In pigs (the most sensitive species in this study), three deaths due to uremia were recorded within the first 3 weeks of exposure at the highest dose level of 1,500 mg/kg after which the dose was reduced to 1,000 mg/kg. The no-observed effect levels established from these studies were 250 mg/kg/day for rats, 850 to 1,000 mg/kg/day for mice and 167 mg/kg/day for pigs. These DGEE data satisfy the need for subchronic toxicity testing of DGEEA.

DGDME caused dose-dependent testicular toxicity in male rats following short-term (10 to 20 days) exposure by inhalation (Ref. 12) and oral administration (Ref. 4). DGDME also caused developmental toxicity when administered to rabbits (Ref. 14) and pregnant CD-1 mice (Ref. 11). Following administration of doses of DGDME, to the male rat (Ref. 3) and the pregnant CD-1 mouse (Ref. 6) some of the DGDME was metabolized to the well-studied

reproductive toxicant, ethylene glycol monomethyl ether (EGME) (CAS number 109-86-4), and its toxic metabolite, methoxyacetic acid. Since 10- to 20-day repeated dose studies with DGDME have identified potential toxicities of concern, 90-day subchronic toxicity testing for the purposes of general toxicity screening is not warranted.

The ITC is removing DGEEA and DGDME from the *Priority Testing List* because sufficient screening data exist to identify potential subchronic toxicities of concern and no additional U.S. Government data needs were identified at this time.

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