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Rules and Regulations

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FARM CREDIT SYSTEM INSURANCE CORPORATION

12 CFR Part 1411

RIN 3055–AA05

Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Farm Credit System Insurance Corporation (Corporation) through its Board (Board) adopts a final regulation that adjusts each civil money penalty (CMP) under its jurisdiction by the rate of inflation using the formula prescribed in the Debt Collection Improvement Act of 1996 (DCIA). This statute requires all Federal agencies to adjust each CMP by the rate of inflation and publish the adjustment within 180 days after enactment of DCIA and at least once every 4 years thereafter. Any increase in a CMP shall apply only to violations that occur after the effective date of this regulation.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Dorothy L. Nichols, General Counsel, Farm Credit System Insurance Corporation, McLean, VA 22102–5090, (703) 883–4211, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: DCIA [1] amended the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990 [2] (FCMPIA Act) by requiring every Federal agency to adjust each CMP [3] by the rate of inflation pursuant to the inflation adjustment formula in section 5(b) of the FCMPIA Act. Each Federal agency is required to publish the adjusted penalty to implement the DCIA by October 23, 1996, which is 180 days after the date that DCIA was enacted, and at least once every 4 years thereafter. Section 7 of the amended FCMPIA Act specifies that only CMPs for violations that occur after October 23, 1996 will be adjusted for inflation.

The inflation adjustment is based on the percentage increase in the Consumer Price Index [4] (CPI) for the period from June of the calendar year when the CMP was last set until June of the calendar year preceding the adjustment. Furthermore, each CMP that has been adjusted for inflation must be rounded to a number prescribed by section 5(a) of the FCMPIA Act. Another provision of the DCIA specifies that the first adjustment of a CMP may not exceed 10 percent of the original penalty.

Two provisions of section 5.65 of the Farm Credit Act of 1971, as amended (Act) authorize the Corporation to impose CMPs on Farm Credit System (System) insured banks. First, section 5.65(c) specifies that any insured System bank that willfully fails or refuses to file any certified statement or pay any premium required under part E of the Act shall be subject to a penalty of $100 for each day that the violation continues. 12 U.S.C. 2277a–14(c). Second, section 5.65(d) makes it unlawful for anyone convicted of a criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of any System institution, without the prior written consent of the Farm Credit Administration. 12 U.S.C. 2277a–14(d). For a willful violation of this section, the Corporation may subject the institution to a penalty of $100 for each day that the violation continues.

The maximum penalty that the Corporation can impose under section 5.65 (c) and (d) of the Act for a violation of these provisions is $110 per day, when it is adjusted for inflation, pursuant to the requirements of the DCIA. The Corporation now adopts in final a new § 1411.1. This regulation adjusts these two CMPs to the rate of inflation, as required by the DCIA.

DCIA provides Federal agencies with no discretion about how to adjust CMPs to the rate of inflation, and it also requires the inflation adjusted penalty to take effect on October 23, 1996. This regulation, implementing DCIA as required, is minor, technical, and noncontroversial. For these reasons, the Corporation finds good cause to determine that public notice and comment for this new regulation is unnecessary, impractical, and contrary to the public interest, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(a)(3)(B). The same rationale provides the Corporation with good cause to adopt an effective date for this regulation that is less than 30 days after the date of publication in the Federal Register and prior to filing any reports called for in the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801–808.

List of Subjects in 12 CFR Part 1411

Banks, banking, Civil money penalties, Penalties.

For the reasons stated in the preamble, part 1411 of chapter XIV, title 12 of the Code of Federal Regulations is added to read as follows:

PART 1411—RULES OF PRACTICE AND PROCEDURE

Authority: Secs. 5.58(10), 5.65(c) and (d) of the Farm Credit Act (12 U.S.C. 2277a–7(10), 2277a–14(c) and (d)).

Subpart A—Rules and Procedures for Assessment and Collection of Civil Money Penalties

§ 1411.1 Inflation adjustment of civil money penalties for failure to file a certified statement, pay any premium required or obtain approval before employment of persons convicted of criminal offenses.

A civil money penalty imposed pursuant to section 5.65(c) or (d) of the Act for a violation occurring on or after October 23, 1996 shall not exceed $110 per day for each day the violation continues.

Dated: October 18, 1996.

Floyd Fithian,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 96–27248 Filed 10–23–96; 8:45 am]

BILLING CODE 6710–01–P

[1] Pub. L. 104–134, 31001(s), 110 Stat. 1321–358, (Apr. 26, 1996). This provision is codified at 28 U.S.C. 2461 *note.*

[2] Pub. L. 101–410, 104 Stat. 890, (Oct. 5, 1990).

[3] Section 3(2) of the amended FCMPIA Act defines a CMP as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

[4] The CPI is published by the Department of Labor, Bureau of Statistics.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–25–AD; Amendment 39–9783; AD 96–21–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing 767 series airplanes, that currently requires inspections and various follow-on actions to detect cracking and corrosion of the aft trunnion of the outer cylinder of the main landing gear (MLG). That action also provides for the optional termination of the inspections by repairing the outer cylinder and installing new aft trunnion bushings. That AD was prompted by reports of failure of several MLG due to fracture of the aft trunnion outer cylinder. This amendment requires operators to implement the previously optional terminating action. The actions specified by this AD are intended to prevent the collapse of the MLG due to stress corrosion cracking of the aft trunnion of the outer cylinder.

DATES: Effective November 29, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 1996.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of February 16, 1996 (61 FR 3552, February 1, 1996).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2783; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 96–03–02 R1, amendment 39–9526 (61 FR 7694, February 29, 1996), which is applicable to certain Boeing Model 767 series airplanes, was published in the Federal Register on May 14, 1996 (61 FR 24250). The action proposed to supersede AD 96–03–02 R1 to continue to require various inspections and various follow-on actions to detect cracking and corrosion of the aft trunnion of the outer cylinder of the MLG. The action also proposed to require repair of the outer cylinder and replacement of the bushings in the aft trunnion and crossbolt of the MLG with new bushings.

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

Support for the Proposed Rule

Two commenters support the proposal.

Request to Limit the Applicability of the AD

One commenter, the manufacturer, requests that the applicability of the AD be revised to reflect line numbers 1 through 605, instead of line numbers 1 through 609. The manufacturer states that line numbers 606 through 609 were reworked on the production line to incorporate the terminating action specified by the proposed AD.

The FAA concurs, and the applicability of the final rule has been revised accordingly.

Request to Refer to the Revised CMM

The manufacturer states that the current wording of the proposed rule indicates that the Component Maintenance Manual (CMM) contains only one acceptable configuration for certain associated procedures; specifically, that of plugging the aft trunnion lubrication fitting. The manufacturer states that the CMM has been revised since the issuance of the proposed rule and now includes another acceptable configuration. The alternative configuration entails not plugging the aft trunnion lubrication fitting. The manufacturer, therefore, requests that the proposed rule be revised to reflect the inclusion of both configurations in the CMM.

The FAA concurs. The FAA considers that either of the two configurations specified by the CMM is an acceptable configuration, and has revised NOTE 4 of the final rule, accordingly.

Request to Delete 5 and ½ year Compliance Time for Category 3 Airplanes

One commenter notes that the compliance time for repair/replacement for Category 3 airplanes, as specified in paragraph (e)(1) of the proposed rule, indicates that those actions are to be accomplished ''prior to the accumulation of 5 and ½ years since the MLG outer cylinders were new or last overhauled, or within 18 months after the effective date of the AD.'' However, the commenter points out that, since the age of the outer cylinders are determined from the date of February 16, 1996, there will never be a situation in which a Category 3 cylinder will reach 5 and ½ years of age within 18 months from the effective date of the final rule. Therefore, the commenter requests that reference to the 5 and ½-year compliance time be deleted.

The FAA concurs, and has revised paragraph (e)(1) of the final rule accordingly.

Request to Add Requirements for Follow-on Actions

One commenter notes that the compliance time for repetitive inspections specified in paragraph (a) of the proposal requires inspections at intervals specified in Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995. The commenter states that the proposed compliance time (of within 18 months after the effective date of the AD) for the terminating action required by paragraph (e) of this AD would permit a period of time (approximately 5 to 6 months) in which Category 3 airplanes would not be required to perform any inspections. Therefore, the commenter requests that the proposed rule be revised to require certain follow-on actions until the terminating action required by paragraph (e) of the proposed rule is accomplished.

The FAA does not concur. Two other AD's [namely, AD 95–19–10, amendment 39–9372 (60 FR 47689, September 14, 1995); and AD 95–20–51, amendment 39–9398 (60 FR 53109, October 12, 1995)] currently exist that require similar inspections to detect cracking and corrosion and certain other follow-on actions of the aft trunnion of the outer cylinder of the MLG. The FAA has determined that the subject unsafe condition will be positively addressed by those actions in the interim until the terminating action of this AD is accomplished. Therefore, the FAA finds

that it is unnecessary to add additional inspection requirements in this AD.

Request to Reference Later Revisions of Cited Service Bulletins

The manufacturer stated that it has revised Boeing Service Bulletin 767–32A0151 and Boeing Service Bulletin 767–32A0148 to provide further clarification of the inspection and modification procedures. Therefore, the manufacturer requests that the FAA refer to these later revisions as being acceptable methods of compliance with the AD.

The FAA concurs. The FAA has reviewed and approved Revision 1 of both service bulletins, each dated October 10, 1996, and has revised the AD to cite these revisions as an additional source of service information.

Request to Correct Referenced AD Number

One commenter requests that the reference to ''AD 93–03–02 R1'' in paragraph (h)(2) of the proposed rule be corrected to read ''AD 96–03–02 R1.'' The FAA has noted this typographical error and has revised paragraph (h)(2) of the final rule accordingly.

Conclusion

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

Cost Impact

There are approximately 605 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 200 airplanes of U.S. registry will be affected by this proposed AD.

The actions that are currently required by AD 96–03–02 R1, and retained in this AD, take approximately 34 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $408,000, or $2,040 per airplane.

The new actions that are required by this AD action will take approximately 218 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $9,510 per airplane. Based on these figures, the cost impact on U.S. operators of the requirements of this AD is estimated to be $4,518,000 or $22,590 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9526 (61 FR 7694, February 29, 1996), and by adding a new airworthiness directive (AD), amendment 39–9783, to read as follows:

96–21–06 Boeing: Amendment 39–9783. Docket 96–NM–25–AD. Supersedes AD 96–03–02 R1, Amendment 39–9526.

Applicability: Model 767 series airplanes having line numbers 001 through 605 inclusive, on which the terminating action required by paragraph (e) of this AD has not been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the collapse of the main landing gear (MLG) due to stress corrosion cracking of the aft trunnion of the outer cylinder, accomplish the following:

(a) Perform the inspections described in paragraph III, Accomplishment Instructions, of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996, to detect cracking and corrosion of the aft trunnion of the outer cylinder of the MLG at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. These inspections are to be accomplished in accordance with Figure 1 of the alert service bulletin. Repeat these inspections thereafter at the intervals specified in that alert service bulletin. To determine the category in which an airplane falls, the age of the outer cylinder of the MLG is to be calculated as of February 16, 1996, (the effective date of AD 96–03–02 R1, amendment 39–9526). For airplanes on which the age of the right MLG differs from the age of the left MLG, an operator may place the airplane into a category that is the higher (numerically) of the two categories to ease its administrative burden, and to simplify the recordkeeping requirements imposed by this AD. Once the category into which an airplane falls is determined, operators must obtain approval from the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, to move that airplane into another category.

Note 2: The broken (dash) lines used in Figure 1 of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, and Revision 1, dated October 10, 1996, denote ''go to'' actions for findings of discrepancies detected during any of the inspections required by this AD.

Note 3: Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, and Revision 1, dated October 10, 1996, refer to

Boeing Alert Service Bulletin 767–32A0148, dated December 21, 1995, and Revision 1, dated October 10, 1996, for procedures to repair the outer cylinder and replace the bushings in the outer cylinder of the MLG with new bushings.

(1) For airplanes identified as Category 3 in paragraph I.C. of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996: Perform the initial inspections within 30 days after February 16, 1996 (the effective date of AD 96–03–02 R1, amendment 39–9526).

(2) For airplanes identified as Category 2 in paragraph I.C. of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996: Perform the initial inspections within 90 days after February 16, 1996.

(3) For airplanes identified as Category 1 in paragraph I.C. of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996: Perform the initial inspections prior to the accumulation of 2–½ years since the MLG outer cylinder was new or last overhauled, or within 150 days after February 16, 1996, whichever occurs later.

(b) If no cracking or corrosion is detected during the inspections required by paragraph (a) of this AD, accomplish the follow-on actions described in the Boeing Alert Service Bulletin 767–32A0151, November 30, 1995, or Revision 1, dated October 10, 1996, at the time specified in the alert service bulletin. These follow-on actions are to be accomplished in accordance with that alert service bulletin.

(c) If any cracking is detected during the inspections required by paragraph (a) of this AD, prior to further flight, replace the outer cylinder with a new or serviceable outer cylinder in accordance with Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996.

(d) If any corrosion is detected during the inspections required by paragraph (a) of this AD, accomplish the follow-on actions at the time specified in the ''Corrosion Flowchart,'' in Figure 1 of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996. The follow-on actions are to be accomplished in accordance with that alert service bulletin.

(e) At the time specified in either paragraph (e)(1) or (e)(2), as applicable, repair the outer cylinder and replace the bushings in the aft trunnion and crossbolt of the MLG with new bushings, in accordance with Boeing Alert Service Bulletin 767–32A0148, dated December 21, 1995, or Revision 1, dated October 10, 1996. Accomplishment of this repair and replacement constitutes terminating action for this AD, and for the requirements of AD 95–19–10, amendment 39–9372; and AD 95–20–51, amendment 39–9398.

Note 4: Boeing Alert Service Bulletin 767–32A0148 refers to Component Maintenance Manual (CMM) 32–11–40 for certain procedures. Operators should note that this AD does not require that one or the other of the two configurations/actions be accomplished in order to terminate the requirements of this AD, AD 95–19–10, or AD 95–20–51. The use of either configuration specified in the CMM is considered to be the operator's prerogative.

(1) For airplanes identified as Category 3 in paragraph I.C. of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996: Accomplish the repair and replacement within 18 months after the effective date of this AD.

(2) For airplanes identified as either Category 1 or Category 2 in paragraph I.C. of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996: Accomplish the repair and replacement at the time specified in either paragraph (e)(2)(i) or (e)(2)(ii) of this AD:

(i) Prior to the accumulation of 5-and-½ years since the MLG outer cylinders were new or last overhauled, or within 18 months after the effective date of this AD, whichever occurs later. Or,

(ii) Prior to the accumulation of 7 years since the MLG outer cylinders were new or last overhauled, provided that accomplishment of visual and non-destructive testing (NDT) inspections at the times specified in Figure 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996, are repeated until the repair and replacement are accomplished.

(f) Accomplishment of the inspection requirements of this AD (in accordance with Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, or Revision 1, dated October 10, 1996) is considered acceptable for compliance with AD 95–19–10, amendment 39–9372; and AD 95–20–51, amendment 39–9398.

(g)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(2) Alternative methods of compliance, approved in accordance with AD 96–03–02, amendment 39–9497; AD 96–03–02 R1, amendment 39–9526; AD 95–19–10, amendment 39–9372; or AD 95–20–51, amendment 39–9398; are approved as alternative methods of compliance with this AD.

(h) 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.

(i) The actions shall be done in accordance with Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995; Boeing Service Bulletin 767–32A0151, Revision 1, dated October 10, 1996; Boeing Alert Service Bulletin 767–32A0148, dated December 21, 1995, and Boeing Service Bulletin 767–32A0148, Revision 1, dated October 10, 1996. The incorporation by reference of Boeing Alert Service Bulletin 767–32A0151, dated November 30, 1995, and Boeing Alert Service Bulletin 767–320148, dated December 21, 1995, was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of February 16, 1996 (61 FR 3552, February 1, 1996). The incorporation by reference of Boeing Service Bulletin 767–32A0151, Revision 1, dated October 10, 1996, and Boeing Service Bulletin 767–32A0148, Revision 1, dated October 10, 1996, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on November 29, 1996.

Issued in Renton, Washington, on October 10, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–26722 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–41–AD; Amendment 39–9786; AD 96–21–09]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model BAe 146 series airplanes and certain Model Avro 146–RJ series airplanes, that requires a one-time inspection to detect corrosion of the direction link subassembly of the main landing gear (MLG) assembly, and repair or replacement of the direction link subassembly with a serviceable unit, if necessary. This amendment is prompted by a report of failure of the direction link subassembly due to corrosion. The actions specified by this AD are intended to prevent such failures, which can result in directional control problems of the airplane during landing.

DATES: Effective November 29, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft Limited, Avro International Aerospace Division, Customer Support, Woodford Aerodrome, Woodford, Cheshire SK7 1 QR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 series airplanes and certain Model Avro 146–RJ series airplanes was published in the Federal Register on August 12, 1996 (61 FR 41755). That action proposed to require a one-time visual inspection to detect corrosion of the direction link subassembly of the main landing gear (MLG) assembly, and repair or replacement of the direction link subassembly with a serviceable part, if necessary. That action also proposed to require certain follow-on procedures (application of a jointing compound to the threads of the direction link tube) if light surface corrosion is detected or if no corrosion is detected.

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

The commenter supports the proposed rule.

Conclusion

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

Cost Impact

The FAA estimates that 52 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $9,360, or $180 per airplane.

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

Should an operator be required to accomplish the replacement of the link subassembly, it will be accomplished concurrently with the required inspection and take approximately no more work hours than the inspection itself. Replacement parts will cost approximately $8,200 per airplane. Based on these figures, the cost impact of any necessary replacement action is estimated to be $8,200 per airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR II 034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–21–09 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39–9786. Docket 96–NM–41–AD.

Applicability: All Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes, as listed in British Aerospace Service Bulletin SB.32–143, dated August 22, 1995; 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 (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the direction link subassembly of the main landing gear (MLG), which could result in reduced directional control of the airplane during landing, accomplish the following:

(a) For airplanes that have accumulated 8,000 or more landings on the MLG assembly as of the effective date of this AD, or on which the MLG assembly was manufactured or last overhauled within 4 years prior to the effective date of this AD: Perform a visual inspection to detect corrosion of the direction link subassembly of the MLG assembly at the later of the times specified in paragraph (a)(1) or (a)(2) of this AD, in accordance with British Aerospace Service Bulletin SB.32–143, dated August 22, 1995.

Note 2: British Aerospace Service Bulletin SB.32–143, dated August 22, 1995, references Messier-Dowty Service Bulletin 146–32–127, dated August 21, 1995, as an additional source of service information.

(1) Prior to the accumulation of 12,000 total landings, or within 5 years since manufacture or last overhaul, whichever occurs first. Or

(2) Prior to the accumulation of 400 landings on the MLG assembly after the effective date of this AD, or within 2 months after the effective date of this AD, whichever occurs first.

(b) For airplanes not subject to paragraph (a) of this AD: Perform a visual inspection to detect corrosion of the direction link subassembly of the MLG assembly at the later of the times specified in paragraph (b)(1) or (b)(2) of this AD, in accordance with British Aerospace Service Bulletin SB.32–143, dated August 22, 1995.

(1) Prior to the accumulation of 4,000 landings on the MLG assembly after the effective date of this AD. Or

(2) Within 12 months after the effective date of this AD.

(c) If no corrosion is found during the inspection required by paragraph (a) or (b) of this AD: Prior to further flight, perform the follow-on actions in accordance with British Aerospace Service Bulletin SB.32–143, dated August 22, 1995.

Note 3: ''Follow-on actions,'' as specified in this AD, include applying jointing compound to the threads; in some case, restoring the cadmium plate; and applying sealant to the exposed threads and castellations on the direction link subassembly. These actions are described in detail in Messier-Dowty Service Bulletin 146–32–127, dated August 21, 1995.

(d) If light surface corrosion, as defined in British Aerospace Service Bulletin SB.32–143, dated August 22, 1995, is detected during the inspection required by paragraph (a) of this AD: Prior to further flight, remove the corrosion and perform the follow-on actions in accordance with the service bulletin.

(e) If any corrosion is found during the inspection required by paragraph (a) or (b) or this AD, and that corrosion is beyond the limits specified in British Aerospace Service Bulletin SB.32–143, dated August 22, 1995: Prior to, further flight, replace the link subassembly in accordance with the service bulletin.

(f) As of the effective date of this AD, no person shall install a MLG or directional link subassembly unless the inspection and necessarv follow-on actions of the directional link subassembly specified in paragraphs (a), (b), (c), and (d) of this AD have been performed, in accordance with British Aerospace Service Bulletin SB.32–143, dated August 22, 1995.

(g) 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, 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(h) 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.

(i) The actions shall be done in accordance with British Aerospace Service Bulletin SB.32–143, dated August 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 5 1. Copies may be obtained from British Aerospace Regional Aircraft Limited, Avro International Aerospace Division, Customer Support, Woodford Aerodrome, Woodford, Cheshire SK7 1QR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on November 29, 1996.

Issued in Renton, Washington, on October 10, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–26721 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–07–AD; Amendment 39–9785; AD 96–21–08]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30 and SD3–SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to to all Short Brothers Model SD3–30 and SD3–SHERPA series airplanes, that requires inspections of the vertical fin-to-tailplane joint to detect any loose bolts; and, if necessary, inspections to detect elongation of bolt holes, and replacement with new bolts, if necessary. Additionally, this amendment requires inspections of the upper shear angle to detect pulled or loose rivets, and replacement of the shear angle using new rivets, if necessary. This amendment is prompted by reports of loose bolts in the vertical fin-to-tailplane joint and pulled or loose rivets in an upper shear angle. The actions specified by this AD are intended to prevent reduced structural integrity of the vertical fin to tailplane joint due to such discrepancies of the bolts or rivets.

DATES: Effective November 29, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers plc, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–30 and SD3–SHERPA series airplanes was published in the Federal Register on August 1, 1996 (61 FR 40159). That action proposed to require inspections of the vertical fin-to-tailplane joint to detect any loose bolts; and, if necessary, inspections to detect elongation of bolt holes, and replacement with new bolts, if necessary. Additionally, that action proposed to require inspections of the upper shear angle to detect pulled or loose rivets, and replacement of the shear angle using new rivets, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 66 Short Brothers Model SD3–30 and SD3–SHERPA series airplanes of U.S. registry will be affected by this AD, that it will take approximately 74 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $293,040, or $4,440 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish

those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–21–08 Short Brothers, PLC: Amendment 39–9785. Docket 96–NM–07–AD.

Applicability: All Model SD3–30 and SD3–SHERPA series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 reduced structural integrity of the vertical fin to tailplane joint, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a visual inspection to detect loose bolts in the vertical fin to tailplane joint, in accordance with Shorts Service Bulletin SD330–55–18, dated April 20, 1995 (for Model SD3–30 airplanes), or Shorts SD3 SHERPA Service Bulletin SD3 SHERPA–55–1, dated April 20, 1995 (for Model SD3–SHERPA airplanes), as applicable.

(1) If no loose bolt is found, repeat the visual inspection thereafter at intervals not to exceed 1,500 flight hours.

(2) If any loose bolt is detected, inspect the bolt for wear and distortion and inspect the hole for elongation, in accordance with the applicable service bulletin.

(i) If the bolt and hole are within the limits specified by the applicable service bulletin, prior to further flight, refit the bolt with a new nut and washers, in accordance with the applicable service bulletin. Repeat the visual inspection thereafter at intervals not to exceed 1,500 flight hours.

(ii) If the bolt is worn or distorted and the hole is within the limits specified by the applicable service bulletin, prior to further flight, replace the bolt, nut, and washers with a new bolt, a new nut, and new washers, in accordance with the applicable service bulletin. Repeat the visual inspection thereafter at intervals not to exceed 1,500 flight hours.

(iii) If the hole is elongated within the limits specified in the applicable service bulletin, prior to further flight, oversize the diameter of the hole, and replace the bolt, nut, and washers with a new matching bolt, new nut, and new washers, in accordance with the applicable service bulletin. Repeat the visual inspection thereafter at intervals not to exceed 1,500 flight hours.

(iv) If the hole is elongated beyond the limits specified in the applicable service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) Within 60 days after the effective date of this AD, perform a visual inspection to detect looseness or pulling of the rivets of attach shear angles SD3–32–0217/K and SD3–32–0218/K. If any looseness or pulling of the rivets is detected, prior to further flight, replace the shear angle using oversize rivets, in accordance with the applicable service bulletin.

(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 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.

(e) The actions shall be done in accordance with Shorts Service Bulletin SD330–55–18, dated April 20, 1995, or Shorts SD3 SHERPA Service Bulletin SD3 SHERPA–55–1, dated April 20, 1995, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Short Brothers plc, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 29, 1996.

Issued in Renton, Washington, on October 10, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–26719 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–08–AD; Amendment 39–9784; AD 96–21–07]

RIN 2120–AA64

Airworthiness Directives; Shorts Model SD3–30, –60, and –SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Shorts Model SD3–30, –60, and –SHERPA series airplanes, that requires a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded

brackets. This amendment is prompted by a report that exfoliation corrosion was found on the brackets of the flap hydraulic units. The actions specified by this AD are intended to prevent such corrosion, and consequent reduced structural integrity of the brackets of the flap hydraulic units, which could result in the loss of the flap control and consequent reduced controllability of the airplane.

DATES: Effective November 29, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Shorts Model SD3–30, –60, and –SHERPA series airplanes was published in the Federal Register on July 12, 1996 (61 FR 36669). That action proposed to require a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 138 airplanes (50 Model SD3–30 series airplanes, 72 Model SD3–60 series airplanes, and 16 Model SD3–SHERPA series airplanes) of U.S. registry will be affected by this AD. It will take approximately 5 work hours per airplane to accomplish the required actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $41,400, or $300 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

96–21–07 Short Brothers, PLC: Amendment 39–9784. Docket 96–NM–08–AD.

Applicability: All Model SD3–30, –60, and –SHERPA series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion on the brackets of the flap hydraulic units, and consequent reduced structural integrity of those brackets, which could result in the loss of the flap control and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, in accordance with Shorts Service Bulletin SD330–27–34 (for Model SD3–30 series airplanes); Shorts Service Bulletin SD360–27–24 (for Model SD3–60 series airplanes); or Short Service Bulletin SD3 SHERPA–27–1 (for Model SD3–SHERPA series airplanes); all dated September 12, 1995; as applicable.

(1) If no corrosion is detected, accomplish paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 2,400 hours or 12 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 12 months.

(2) If any corrosion is detected and it is within the limits specified in the applicable service bulletin, prior to further flight, rework the subject area in accordance with the applicable service bulletin. After accomplishment of the rework, accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 600 hours or 6 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 6 months.

(3) If any corrosion is detected and it is outside the limits specified in the applicable service bulletin, prior to further flight, replace the bracket with a new bracket in

accordance with the applicable service bulletin.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(d) The actions shall be done in accordance with Shorts Service Bulletin SD330–27–34, dated September 12, 1995; Shorts Service Bulletin SD360–27–24, dated September 12, 1995; or Shorts Service Bulletin SD3 SHERPA–27–1; dated September 12, 1995; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 29, 1996.

Issued in Renton, Washington, on October 10, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–26718 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–45–AD; Amendment 39–9788; AD 96–21–11]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) PA31, PA31P, and PA31T Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 93–25–08, which currently requires replacing the main landing gear (MLG) actuator reinforcement bracket with a part of improved design on certain The New Piper Aircraft, Inc. (Piper) PA31, PA31P, and PA31T series airplanes. This AD action will require the same action as AD 93–25–08. An incorrect designation of Piper Model PA31–310 airplanes made in AD 93–25–08 prompted the proposed AD action. The actions specified by this AD are intended to prevent the MLG from extending, when not selected and while the airplane is in flight, caused by actuator reinforcement bracket failure, which could result in substantial airplane damage or loss of control of the airplane.

DATES: Effective December 16, 1996.

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

ADDRESSES: Service information that applies to this AD may be obtained from The New Piper Aircraft, Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida 32960. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–45–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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:

Events Leading to This Action

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper PA31, PA31P, and PA31T series airplanes was published in the Federal Register on May 3, 1996 (61 FR 19865). This action would supersede AD 93–25–08 with a new AD that would retain the same requirements as AD 93–25–08 and change the model designation in the Applicability section from Piper Model PA31–310 airplanes to Piper Model PA31 airplanes.

Related Service Information

Accomplishment of this action will be in accordance with Piper Service Bulletin (SB) No. 923, dated August 16, 1989.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

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

Cost Impact

The FAA estimates that 2,448 airplanes in the U.S. registry will be affected by this AD, that it will take 4 workhours per airplane to accomplish the inspection and that the average labor rate is approximately $60 an hour. Parts cost approximately $308 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $1,341,504. This AD requires the same action as AD 93–25–08. The only difference between this AD and AD 93–25–08 is the change in model designation from PA31–310 to PA31. With this in mind, the proposed action would not provide any additional cost impact upon U.S. operators over that already required by AD 93–25–08.

Regulatory Impact

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

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

of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 93–25–08, Amendment 39–8774, and by adding a new airworthiness directive (AD) to read as follows:

96–21–11 The New Piper Aircraft, Inc.: Amendment 39–9788. Docket No. 95–CE–45–AD; Supersedes AD 93–25–08, Amendment 39–8774.

Applicability: The following Model and serial number airplanes, certificated in any category.

Model	Serial No.
PA31, PA31–300, and PA31–325.	31–2 through 31–8312019.
PA31–350	31–5001 through 31–8553002.
PA31P	31P–1 through 31P–7730012.
PA31P–350	31P–8414001 through 31P–8414050.
PA31T	31T–7400001 through 31T–8120104.
PA31T1	31T–7804001 through 31T–8304003 and 31T–1104004 through 31T–1104017.
PA31T2	31T–8166001 through 31T–8166076 and 31T–1166001 through 31T–1166008.
PA31T3	31T–8275001 through 31T–8475001 and 31T–5575001.

Note 1: This AD applies to each airplane identified in the preceding applicability revision, 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 within the next 200 hours time-in-service (TIS) after February 11, 1994 (effective date of AD 93–25–08) or within the next 25 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent the main landing gear (MLG) from extending, when not selected and while the airplane is in flight, because of actuator reinforcement bracket failure, which could result in substantial airplane damage or loss of control of the airplane, accomplish the following:

(a) Replace any MLG actuator reinforcement bracket having part number (P/N) 40776–00 with a new MLG actuator reinforcement bracket, P/N 73786–02, in accordance with the INSTRUCTIONS section of Piper Service Bulletin (SB) No. 923, dated August 16, 1989.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

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

(d) Alternative methods of compliance approved in accordance with AD 93–25–08 (superseded by this action) are considered approved as alternative methods of compliance with this AD.

(e) The replacement required by this AD shall be done in accordance with Piper Service Bulletin No. 923, dated August 16, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The New Piper Aircraft, Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida, 32960. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment supersedes AD 93–25–08, Amendment 39–8774.

(g) This amendment (39–9738) becomes effective on December 16, 1996.

Issued in Kansas City, Missouri, on October 10, 1996.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–26751 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 96–AAL–17]

Revision of Class E Airspace; Port Heiden, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Port Heiden Airport, AK. The development of a Very High Frequency (VHF) omni-directional radio range (VOR)/Distance Measuring Equipment (DME) instrument approach to RWY 13 at Port Heiden, AK, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Port Heiden Airport, AK.

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

History

On July 29, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Port Heiden was published in the Federal Register (61 FR 39368). The development of a VOR/DME instrument approach procedure to RWY 13 at Port Heiden Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received, thus, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as 700/1200 foot transition areas are published in Paragraph 6005 of Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR

71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace located at Port Heiden, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Port Heiden, AK [Revised]

Port Heiden Airport, AK
(Lat. 56°57′32″ N, long. 158°37′57″ W)
Port Heiden NDB
(Lat. 56°57′15″ N, long. 158°38′56″ W)

Turnbull VOR/DME

(Lat. 56°57′04″ N, long. 158°38′27″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Port Heiden Airport and within 4 miles north and 8 miles south of the 248° bearing of the Port Heiden NDB extending from the NDB to 20 miles west of the NDB and within 8 miles west and 4 miles east of the Port Heiden NDB 339° bearing extending from the NDB to 20 miles northwest of the NDB; and that airspace extending upward from 1200 feet above the surface within 13 miles west and 4 miles east of the Port Heiden NDB 339° bearing extending from 10 miles north of the NDB to 25 miles north of the NDB and within 17 miles of the Turnbull VOR/DME extending clockwise from the VOR/DME 213° radial to the VOR/DME 074° radial.

* * * * *

Issued in Anchorage, AK, on October 15, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–27188 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Docket No. 96–ACE–12]

Amendment to Class E Airspace, Knob Noster, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This rule amends the Class E airspace area at Whiteman AFB, Knob Noster, MO. A review of Class E airspace revealed a need to increase the airspace area to contain Instrument Flight Rules (IFR) operations at Whiteman AFB. The effect of this rule is to provide additional controlled airspace for aircraft executing the Standard Instrument Approach Procedures (SIAP) and for departing aircraft to transition into controlled airspace.

EFFECTIVE DATE: 0901 UTC December 5, 1996.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the Federal Register on August 6, 1996 (152 FR 40717). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 5, 1996. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, MO, on September 30, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96–27187 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AAL–18]

Establishment of Class E Airspace; Anvik, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Anvik Airport, AK. The development of a non-directional beacon (NDB) instrument approach to RWY 35 at Anvik, AK, has made this action necessary. The airport status will change from a visual flight rules (VFR) to an instrument flight rules (IFR) airport. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Anvik Airport, AK.

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

History

On July 31, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Anvik was published in the Federal Register (61 FR 39920). The development of a NDB instrument approach procedure to RWY

35 at Anvik Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received, thus, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as 700/1200 foot transition areas are published in Paragraph 6005 of Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace located at Anvik, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures. The airport VFR status will change to IFR.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Anvik, AK [New]

Anvik Airport, AK

(Lat. 62°38′55″ N, long. 160°11′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Anvik Airport and 2.5 miles each side of a 200° bearing from the airport extending from the 6.5-mile radius to 8 miles southwest of the airport; and that airspace extending upward from the 1,200 feet above the surface within an 18-mile radius of the airport clockwise from the 090° bearing to the 245° bearing.

* * * * *

Issued in Anchorage, AK, on October 15, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–27186 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 96–AAL–12]

Establishment of Class E Airspace; Selawik, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Selawik Airport, AK. The development of a Very High Frequency (VHF) omni-directional radio range (VOR) and VOR/Distance Measuring Equipment (DME) instrument approaches to RWY 3 and RWY 21 at Selawik, AK, have made this action necessary. The airport status will change from a visual flight rules (VFR) to an instrument flight rules (IFR) airport. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Selawik Airport, AK.

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

History

On July 2, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Selawik was published in the Federal Register (61 FR 34396). The development of VOR and VOR/DME instrument approach procedures to RWY 3 and 21 at Selawik Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received, thus, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as 700/1200 foot transition areas are published in Paragraph 6005 of Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace located at Selawik, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures. The airport VFR status will change to IFR.

The Federal Aviation Administration has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Selawik, AK [New]

Selawik Airport, AK
(Lat. 66°36′00″ N, long. 159°59′10″ W)
Selawik VOR/DME, AK
(Lat. 66°36′00″ N, long. 159°59′30″ W)

That airspace extending upward from 700 feet above the surface within a 8-mile radius of the Selawik Airport; and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 4 miles south of the 231° radial of the Selawik VOR/DME extending from the 8-mile radius to 16 miles southwest of the airport, and 6 miles north of the 058° radial extending from the 8-mile radius to 16 miles northeast of the airport.

* * * * *

Issued in Anchorage, AK, on October 15, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–27185 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 96–ANE–29]

Amendment of Class E Airspace; Old Town, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revises the Class E airspace area at Old Town, ME (KOLD) to provide for adequate controlled airspace for those aircraft using the new GPS RWY 12 and GPS RWY 30 Instrument Approach Procedures to Dewitt Field, Old Town Municipal Airport.

DATES: Effective 0901 UTC, December 5, 1996.

Comments for inclusion in the Rules Docket must be received on or before November 25, 1996.

ADDRESSES: Send comments on the rule to: Manager, Operations Branch, ANE–530, Federal Aviation Administration, Docket No. 96–ANE–29, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7530; fax (617) 238–7596. Comments may also be submitted electronically to the following Internet address: ''neairspace-comments@mail.hq.faa.gov'' Comments must indicate Docket No. 96–ANE–29 in the subject line.

The official docket file may be examined in the Office of the Assistant Chief Counsel, New England Region, ANE–7, Room 401, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7050; fax (617) 238–7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, Operations Branch at the first address listed above.

FOR FURTHER INFORMATION CONTACT: Joseph A. Bellabona, Operations Branch, ANE–530.6, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7536; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION: New Standard Instrument Approach Procedures to Dewitt Field, Old Town Municipal Airport, the GPS RWY 12 and GPS RWY 30 approaches, require the amendment of Class E airspace extending upward from 700 feet above the surface in the vicinity of Old Town, ME. This action provides adequate controlled airspace for those aircraft using the new GPS RWY 12 or GPS RWY 30 instrument approaches by extending the Class E airspace westerly and easterly from the airport. In addition, this action makes a minor correction in the latitude position for the Bangor VORTAC. Class E airspace designations for airspace areas extending upward from 700 feet above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that

summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–ANE–29.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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

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

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005-Class E Airspace Areas Extending Upward from 700 Feet or more Above the Surface of the Earth

* * * * *

ANE ME E5 Old Town, ME [Revised]
Dewitt Field, Old Town Municipal Airport, ME
(lat. 44°57′10″ N, long. 68°40′25″ W)
Bangor VORTAC
(lat. 44°50′31″ N, long. 68°52′26″ W)
Old Town NDB
(lat. 44°00′24″ N, long. 68°38′00″ W)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Dewitt Field, Old Town Municipal Airport, and within 4.0 miles each side of the Old Town Municipal Airport 276° bearing extending from the 7-mile radius to 10.2 miles west of Old Town Municipal Airport, and within 4.0 miles each side of the Old Town Municipal Airport 097° bearing extending from the 7-mile radius to 9.5 miles east of Old Town Municipal Airport, and within 2.8 miles each side of the Old Town NDB 029° bearing extending from the 7-mile radius to 9 miles northeast of the Old Town NDB, and within 4 miles each side of the Bangor VORTAC 050° radial extending from the 7-mile radius to 25 miles northeast of the VORTAC; excluding that airspace within the Bangor, ME, Class E airspace area.

* * * * *

Issued in Burlington, MA, on October 11, 1996.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 96–27184 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Parts 6, 25, and 28

[Docket No. 961021291–6291–01]

RIN 0690–AA27

Civil Monetary Penalties; Adjustment for Inflation

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: This final rule is being issued to adjust each civil monetary penalty provided by law within the jurisdiction of the Department of Commerce (the Department). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires the head of each agency to adjust its civil monetary penalties for inflation no later than October 23, 1996, and at least once every four years thereafter. The inflation adjustments will apply only to violations that occur after the effective date of this rule.

EFFECTIVE DATE: This rule is effective October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Yaple, 202–482–0232.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990, (Pub. L. 101–410), provided for the regular evaluation of civil monetary penalties to ensure that they continued to maintain their deterrent value and that penalty amounts due to the Federal Government were properly accounted for and collected. On April 26, 1996, the Federal Civil Penalties Inflation Adjustment Act of 1990 was amended by the Debt Collection Improvement Act of 1996 (Public Law 104–134) to require each agency to issue regulations to adjust its civil monetary penalties (CMP) for inflation. The amendment further provides that any resulting increases in a CMP due to the inflation adjustment should apply only to the violations that occur after October 23, 1996. The first inflation adjustment of any penalty shall not exceed ten percent of such penalty.

A civil monetary penalty is defined as any penalty, fine, or other sanction that:

1. Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and,

2. Is assessed or enforced by an agency pursuant to Federal law; and,

3. Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

This regulation adjusts the civil penalties that are established by law and assessed or enforced by the Department.

The actual penalty assessed for a particular violation is dependent upon a variety of factors. For example, the NOAA Civil Administrative Penalty Schedule (the Schedule), a compilation of internal guidelines that are used when assessing penalties for violations for most of the statutes the National Oceanic and Atmospheric Administration enforces, will be adjusted in a manner consistent with this regulation to maintain the deterrent effect of the penalties recommended therein. The penalty ranges in the Schedule are intended to aid enforcement attorneys in determining the appropriate penalty to assess for a particular violation. Pursuant to the notice published in the Federal Register (59 FR 19160, April 22, 1994), the Schedule is maintained and made

available for inspection by the public at specific locations.

The inflation adjustment was determined pursuant to the methodology prescribed by Public Law 101–410, which requires the maximum CMP, or the minimum and maximum CMP, as applicable, to be increased by the cost-of-living adjustment. The term ''cost-of-living'' adjustment means the percentage for each CMP by which the Consumer Price Index (CPI) for June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of such CMP was last set or adjusted pursuant to law. For the purpose of computing the *First Adjustments*, the CPI for June of the calendar year preceding the adjustment means the CPI for June of 1995.

The raw inflation adjustment amounts are required by Public Law 101–410 to be rounded as follows:

1. If the increase is greater than $0 and less than or equal to $100, round to the nearest multiple of $10.
2. If the increase is greater than $100 and less than or equal to $1,000, round to nearest multiple of $100.
3. If the increase is greater than $1,000 and less than or equal to $10,000, round to the nearest multiple of $1,000.
4. If the increase is greater than $10,000 and less than or equal to $100,000, round to the nearest multiple of $5,000.
5. If the increase is greater than $100,000 and less than or equal to $200,000, round to the nearest multiple of $10,000.
6. If the increase is greater than $200,000, round to the nearest multiple of $25,000.

Public Law 101–410 requires each rounded increase to be added to the minimum or maximum penalty amount being adjusted, and the total is the amount of such penalty, as adjusted, subject to the ten percent limitation provided by Public Law 104–134 for the *First Adjustments*.

Rulemaking Requirements

It has been determined that this rule is not significant for purposes of Executive Order 12866. The Department for good cause finds that notice and opportunity for comment and the 30-day delayed effective date are unnecessary (5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3)) for this rulemaking. It is unnecessary to ask for notice and comment and delay the effective date because the Debt Collection Improvement Act of 1996 (the Act) requires the head of each agency to adjust its civil monetary penalties for inflation by regulation no later than October 23, 1996, and the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Act, states how to calculate the inflation adjustment. This rule merely adjusts the Department's CMPs according to the statutory requirements. The Department does not have any discretion in making the adjustments. Because notice and opportunity for comment are not required by 5 U.S.C. 553, or any other law, a Regulatory Flexibility Analysis is not required and was not prepared for purposes of the Regulatory Flexibility Act. This rule does not contain information collection requirements for purposes of the Paperwork Reduction Act.

List of Subjects

15 CFR Part 6

Law enforcement, Penalties.

15 CFR Part 25

Administrative practice and procedure, Fraud, Investigations, Organizations and functions (Government agencies), Penalties.

15 CFR Part 28

Contract programs, Grant programs, Loan programs, Lobbying, Penalties.

Dated: October 18, 1996.

Raymond G. Kammer,

Acting, Chief Financial Officer and Assistant Secretary for Administration.

For the reasons set forth in the preamble, Title 15 of the Code of Federal Regulations is amended by adding part 6 and amending parts 25 and 28 to read as follows:

1. Part 6 is added to read as follows:

PART 6—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Sec.

Authority: Sec. 4, as amended, and sec. 5, Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321, 28 U.S.C. 2461 note.

§ 6.1 Definitions.

As used in this part:

(a) *Inflation Adjustment Act* means the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, October 5, 1990, 104 Stat. 890, 28 U.S.C. 2461 note).

(b) *Improvement Act* means the Debt Collection Improvement Act of 1996 (Public Law 104–134, April 26, 1996).

(c) *Amended Section Four* means section 4 of the *Inflation Adjustment Act*, as amended by the *Improvement Act*.

(d) *Section Five* means section 5 of the *Inflation Adjustment Act*.

(e) *Department* means the Department of Commerce.

(f) *Secretary* means the Secretary of the Department of Commerce.

(g) *First Adjustments* means the inflation adjustments made by § 6.4 of this part which, as provided in § 6.5 of this part, are effective on October 23, 1996.

§ 6.2 Purpose and scope.

The purpose of this part is to make the inflation adjustment, described in *Section Five* and required by *Amended Section Four*, of each minimum and maximum civil monetary penalty provided by law within the jurisdiction of the *Department*.

§ 6.3 Limitation on First Adjustments.

Each of the *First Adjustments* may not exceed ten percent (10%) of the respective penalty being adjusted.

§ 6.4 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the respective agencies or bureaus of the *Department*, as set forth below in this section, are hereby adjusted in accordance with the inflation adjustment procedures prescribed in *Section Five*, from the amounts of such penalties in effect prior to October 23, 1996, to the amounts of such penalties, as thus adjusted.

(a) Bureau of Export Administration.

(1) 50 U.S.C. app. 2410(c), Export Administration Act,[1] Non-national security violation: from $10,000 to $11,000.

(2) 50 U.S.C. app. 2410(c), Export Administration Act [1] and Section 38 Arms Export Control Act, National security violation: from $100,000 to $110,000.

(3) 50 U.S.C. 1705(b), International Emergency Economic Powers Act, as invoked by E.O. 12924 (August 19, 1994) and E.O. 12938 (November 14, 1994), Export Administration Regulation violation: from $10,000 to $11,000.

(b) Economic Development Administration.

(1) 19 U.S.C. 2349, Trade Act of 1974, False statement, etc.: from $5,000 to $5,500.

(2) 42 U.S.C. 3220(a), Public Works and Economic Development Act of 1965, False statement, etc.: from $10,000 to $11,000.

(3) 42 U.S.C. 3220(b), Public Works and Economic Development Act of

[1] See E.O. 12851 (June 11, 1993).

1965, Embezzlement, etc.: from $10,000 to $11,000.

(c) Economics and Statistics Administration (ESA)/Census.

(1) 13 U.S.C. 304, Delinquency on delayed filing of export documentation: from $100 per/day (up to $1,000) to $110 per/day (up to $1,100).

(2) 13 U.S.C. 305, Collection of foreign trade statistics violations: from $1,000 to $1,100.

(d) ESA/Bureau of Economic Analysis.

(1) 22 U.S.C. 3105(a), International Investment and Trade in Services Act, Failure to furnish information: from a minimum of $2,500 to $2,750, and from a maximum of $25,000 to $27,500.

(2) [Reserved]

(e) Import Administration.

(1) 19 U.S.C. 81s, Foreign Trade Zone violation: from $1,000 to $1,100.

(2) 19 U.S.C. 1677f(f)(4), North American Free Trade Agreement Protective Order violation: from $100,000 to $110,000.

(f) National Oceanic and Atmospheric Administration.

(1) 15 U.S.C. 5623, Land Remote Sensing Policy Act of 1992 violation: from $10,000 to $10,900.

(2) 15 U.S.C. 5658, Land Remote Sensing Policy Act of 1992 violation: from $10,000 to $10,900.

(3) 16 U.S.C. 773f(3), Northern Pacific Halibut Act of 1982 violation: from $25,000 to $27,500.

(4) 16 U.S.C. 783, Sponge Act (1914), Violation involving catching or taking within specific areas: from $500 to $550.

(5) 16 U.S.C. 957, Tuna Convention Act of 1950 (1962):

(i) Violation of § 957(a) [Fine at § 957(d)]: from $25,000 to $27,500.

(A) Subsequent violation of section 957(a) [Fine at § 957(d)]: from $50,000 to $55,000.

(B) [Reserved]

(ii) Violation of section 957(b) [Fine at section 957(e)]: from $1,000 to $1,100.

(A) Subsequent violation of § 957(b) Fine at § 957(e)]: from $5,000 to $5,500.

(B) [Reserved]

(iii) Violation of section 957(c) [Fine at section 957(f)]: from $100,000 to $110,000.

(6) 16 U.S.C. 971e(e), Atlantic Tunas Convention Act of 1975 (1995) violation: from $100,000 to $100,000.

(7) 16 U.S.C. 972f(b), Eastern Pacific Tuna Licensing Act of 1984:

(i) Violation of section 972f(a)(1)–(3): from $25,000 to $27,500.

(A) Subsequent violation of § 972f(a)(1)–(3): from $50,000 to $55,000.

(B) [Reserved]

(ii) Violation of section 972f(a)(4)–(5): from $5,000 to $5,500.

(A) Subsequent violation of § 972f(a)(4)–(5): from $5,000 to $5,500.

(B) [Reserved]

(iii) Violation of section 972f(a)(6): from $100,000 to $110,000.

(8) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988 violation: from $250,000 to $275,000.

(9) 16 U.S.C. 1375(a)(1), Marine Mammal Protection Act of 1972:

(i) Violation: from $10,000 to $11,000.

(ii) Knowing violation (1981): from $20,000 to $22,000.

(10) 16 U.S.C. 1437(c)(1), National Marine Sanctuaries Act (1992) violation: from $100,000 to $109,000.

(11) 16 U.S.C. 1540(a)(1), Endangered Species Act of 1973:

(i) Knowing violations or engaged in business of section 1538 (a)(1)(A), (B), (C), (D), (E), or (F), (a)(2)(A), (B), (C), or (D), (c), (d) (other than recordkeeping or filing reports), (f), or (g) (1988): from $25,000 to $27,500.

(ii) Other knowing or business-related violations (1988): from $12,000 to $13,200.

(iii) Otherwise (1978): from $500 to $550.

(12) 16 U.S.C. 1851 Note (Sec.5)(c)(1), Atlantic Striped Bass Conservation Act (1984) violation: from $1,000 to $1,100.

(13) 16 U.S.C. 1858, Magnuson Fishery Conservation and Management Act (1990): from $100,000 to $110,000.

(14) 16 U.S.C. 2437(a)(1), Antarctic Marine Living Resources Convention Act (1984):

(i) Knowing violation: from $10,000 to $11,000.

(ii) Violation: from $5,000 to $5,500.

(15) 16 U.S.C. 3373(a), Lacey Act Amendments of 1981:

(i) Violations involving possession, sale, or transport of fish/plants/wildlife (1981): from $10,000 to $11,000.

(ii) Marking violations of fish/plant/wildlife (1981): from $250 to $275.

(iii) False labeling/knowingly (1988): from $10,000 to $11,000.

(16) 16 U.S.C. 3606, Atlantic Salmon Convention Act of 1982 (1990): from $100,000 to $110,000.

(17) 16 U.S.C. 3637, Pacific Salmon Treaty Act of 1985 (1990): from $100,000 to $110,000.

(18) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980): from $25,000 to $27,500.

(19) 42 U.S.C. 9152(c)(1), Ocean Thermal Energy Conversion Act of 1980: from $25,000 to $27,500.

§ 6.5 Effective date of adjustments.

The *First Adjustments* made by § 6.4 of this part, of the penalties there specified, are effective on October 23, 1996, and said penalties, as thus adjusted by the *First Adjustments* made by § 6.4 of this part, shall apply only to violations occurring after October 23, 1996, and before the effective date of any future inflation adjustment thereto made subsequent to October 23, 1996, as provided in § 6.6 of this part. The penalties specified in § 6.4 of this part which became effective prior to October 23, 1996, shall, without any *First Adjustments* thereto, apply only to violations occurring before October 24, 1996.

§ 6.6 Subsequent adjustments.

The *Secretary or his or her designee* by regulation shall, at least once every four years after October 23, 1996, make the inflation adjustment, described in *Section Five* and required by *Amended Section Four,* of each civil monetary penalty provided by law and within the jurisdiction of the *Department.*

PART 25—PROGRAM FRAUD CIVIL REMEDIES

2. The authority for 15 CFR part 25 is revised to read as follows:

Authority: Secs. 6101–6104, Pub. L. 99–509, 100 Stat. 1874 (31 U.S.C. 3801–3812); Sec. 4, as amended, and sec. 5, Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321, 28 U.S.C. 2461 note.

3. Section 25.3 is amended by revising paragraphs (a)(1)(iv) and (b)(1)(ii) to read as follows:

§ 25.3 Basis for civil penalties and assessments.

(a) * * *

(1) * * *

(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such claim made on or before October 23, 1996, and of not more than $5,500 for each such claim made after October 23, 1996.

* * * * *

(b) * * *

(1) * * *

(ii) Contains, or is accompanied by, an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $5,000 for each such statement made on or before October 23, 1996, and of not more than $5,500 for each such statement made after October 23, 1996.

* * * * *

PART 28—NEW RESTRICTIONS ON LOBBYING

4. The authority for 15 CFR part 28 is revised to read as follows:

Authority: Sec. 319, Pub. L. 101–121 (31 U.S.C. 1352; 5 U.S.C. 301; Sec. 4, as amended, and sec. 5, Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321, 28 U.S.C. 2461 note.

5. Part 28 is amended by revising § 28.400(a) and (b) and (e) to read as follows:

§ 28.400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure made on or before October 23, 1996, and of not less than $11,000 and not more than $110,000 for each such expenditure made after October 23, 1996.

(b) Any person who fails to file or amend the disclosure form (see Appendix B of this part) to be filed or amended if required herein, shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure occurring on or before October 23, 1996, and of not less than $11,000 and not more than $110,000 for each such failure occurring after October 23, 1996.

* * * * *

(e) First offenders under paragraphs (a) or (b) of this section shall be subject to a civil penalty of $10,000, absent aggravating circumstances for each such offense committed on or before October 23, 1996, and $11,000 for each such offense committed after October 23, 1996. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between $10,000 and $100,000 for each such offense committed on or before October 23, 1996, and between $11,000 and $110,000 for each such offense committed after October 23, 1996, as determined by the agency head or his or her designee.

* * * * *

6. Part 28 is further amended by revising paragraph (3) and all that follows of Appendix A.

Appendix A to Part 28—Certification Regarding Lobbying

* * * * *

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure occurring on or before October 23, 1996, and of not less than $11,000 and not more than $110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure occurring on or before October 23, 1996, and of not less than $11,000 and not more than $110,000 for each such failure occurring after October 23, 1996.

[FR Doc. 96–27403 Filed 10–22–96; 12:31 pm]

BILLING CODE 3510–17–P

FEDERAL TRADE COMMISSION

16 CFR Part 406

Deceptive Advertising and Labeling of Previously Used Lubricating Oil

AGENCY: Federal Trade Commission.

ACTION: Repeal of rule.

SUMMARY: The Federal Trade Commission (the ''Commission'') announces the repeal of the Trade Regulation Rule on Deceptive Advertising and Labeling of Previously Used Lubricating Oil (''the Used Oil Rule'' or ''the Rule''). After reviewing the rulemaking record, and in light of Commission promulgation of the Recycled Oil Rule in 1995, pursuant to the Energy Policy and Conservation Act (''EPCA''), the Commission has determined that the Used Oil Rule is no longer necessary or in the public interest, and that its repeal will eliminate unnecessary duplication, and any inconsistency with EPCA's goals. This document contains a Statement of Basis and Purpose for repealing the Used Oil Rule.

EFFECTIVE DATE: October 24, 1996.

ADDRESSES: Requests for copies of the Statement of Basis and Purpose should be sent to the FTC's Public Reference Branch, Room 130, Sixth Street and Pennsylvania Ave., N.W., Washington, DC 20580, (202) 326–2222; TTY for the hearing impaired (202) 326–2502.

FOR FURTHER INFORMATION CONTACT: Neil Blickman, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Sixth Street and Pennsylvania Ave., N.W., Washington, DC 20580, (202) 326–3038.

SUPPLEMENTARY INFORMATION: .

Statement of Basis and Purpose

I. Background

Based on the Commission's finding that the new or used status of a lubricant was material to consumers, the Used Oil Rule, 16 CFR Part 406, was promulgated by the Commission on August 14, 1964 (29 FR 11650), to prevent deception of consumers who prefer new and unused lubricating oil. The Rule requires that advertising, promotional material, and labels for lubricant made from used oil disclose such previous use. The Rule prohibits any representation that used lubricating oil is new or unused. In addition, it prohibits use of the term ''re-refined,'' or any similar term, to describe previously used lubricating oil unless the physical and chemical contaminants have been removed by a refining process.

On October 15, 1980, the Used Oil Recycling Act suspended the provision of the Used Oil Rule requiring labels to disclose the origin of lubricants made from used oil,[1] until the Commission issued rules under EPCA. The legislative history indicates Congressional concern that the Used Oil Rule's labeling requirement had an adverse impact on consumer acceptance of recycled oil, provided no useful information to consumers concerning the performance of the oil, and inhibited recycling. Moreover, the origin labeling requirements in the Used Oil Rule arguably were inconsistent with the intent of section 383 of EPCA, which is that ''oil should be labeled on the basis of performance characteristics and fitness for intended use, and not on the basis of the origin of the oil.'' [2]

[1] 42 U.S.C. 6363 note.

[2] *See* Pub. L. No. 96–463, U.S. Code Cong. & Adm. News, pp. 4354–4356 (1980).

Accordingly, on April 8, 1981, the Commission published a notice announcing the statutory suspension of the origin labeling requirements of the Used Oil Rule. In the same notice, the Commission suspended enforcement of those portions of the Used Oil Rule requiring that advertising and promotional material disclose the origin of lubricants made from used oil.[3]

The purposes of the recycled oil section of EPCA are to encourage the recycling of used oil, to promote the use of recycled oil, to reduce consumption of new oil by promoting increased utilization of recycled oil, and to reduce environmental hazards and wasteful practices associated with the disposal of used oil.[4] To achieve these goals, section 383 of EPCA directs the National Institute of Standards and Technology (''NIST'') to develop test procedures for the determination of the substantial equivalency of re-refined or otherwise processed used oil or blend of oil (consisting of such re-refined or otherwise processed used oil and new oil or additives) with new oil distributed for a particular end use and to report such test procedures to the Commission.[5] Within 90 days after receiving such report from NIST, the Commission is required to prescribe, by rule, the substantial equivalency test procedures, as well as labeling standards applicable to containers of recycled oil.[6] EPCA further requires that the Commission's rule permit any container of proposed used oil to bear a label indicating any particular end use, such as for use as engine lubricating oil, so long as a determination of ''substantial equivalency'' with new oil has been made in accordance with the test procedures prescribed by the Commission.[7]

On July 27, 1995, NIST reported to the Commission test procedures for determining the substantial equivalency of re-refined or otherwise processed used engine oils with new engine oils. Accordingly, to implement EPCA's statutory directive, on October 31, 1995, the Commission issued a rule (covering recycled engine oil) entitled Test Procedures and Labeling Standards for Recycled Oil (''Recycled Oil Rule''), 16 CFR Part 311.[8] The Recycled Oil Rule adopts the test procedures developed by NIST, and allows (although it does not require) a manufacturer to represent on a recycled engine-oil container label that the oil is substantially equivalent to new engine oil, as long as the determination of equivalency is based on the NIST test procedures.

The EPCA further provides that once the Recycled Oil Rule becomes final, no Commission order or rule, and no law, regulation, or order of any State (or political subdivision thereof), may remain in effect if it has labeling requirements with respect to the comparative characteristics of recycled oil with new oil that are not identical to the labels permitted by this rule.[9] Also, no rule or order of the Commission may require any container of recycled oil to also bear a label containing any term, phrase, or description connoting less than substantial equivalency of such recycled oil with new oil.[10]

Under EPCA, the Recycled Oil Rule preempts the Used Oil Rule's labeling and advertising requirements for engine oils. For non-engine oils, the Used Oil Rule's labeling disclosure provisions continue to be subject to the Congressional stay, and the advertising disclosure provisions continue to be subject to the Commission's stay. The only part of the Used Oil Rule not affected by the stays is that section which prohibits the deceptive use of the term ''re-refined.'' In light of the ongoing stays, when the Commission published the Recycled Oil Rule in October 1995, it stated that, as part of its regulatory review process, it would consider the continuing need for the Used Oil Rule.[11]

Based on the foregoing, on April 3, 1996, the Commission published an Advance Notice of Proposed Rulemaking (''ANPR'') stating that it had tentatively determined that a separate Used Oil Rule is no longer necessary, and seeking comments on the proposed repeal of the Rule (61 FR 14686).[12] The ANPR comment period closed on May 3, 1996.

The Commission received one comment in response to the ANPR.[13] The comment was submitted by the Safety-Kleen Corporation, a re-refiner of used oil. Safety-Kleen supported repeal of the Commission's Used Oil Rule, stating that it has been superseded effectively in the marketplace by the FTC's Recycled Oil Rule.[14]

After reviewing the comment filed in response to the ANPR, on July 26, 1996, pursuant to the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 41–58, and the Administrative Procedure Act, 5 U.S.C. 551–59, 701–06, the Commission published a Notice of Proposed Rulemaking (''NPR'') initiating a proceeding to consider whether the Used Oil Rule should be repealed or remain in effect (61 FR 39101).[15] In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20, to use expedited procedures in this proceeding.[16] The NPR comment period closed on August 26, 1996.

In response to the NPR, the Commission received two comments and no requests to hold an informal hearing.[17] One comment was submitted by Evergreen Holding, Inc., a collector and re-refiner of used oil in the state of California. Evergreen supported repeal of the Used Oil Rule, stating that the Commission's Recycled Oil Rule adequately addresses the major issues of concern to the used oil and re-refining industries, and renders the Used Oil Rule duplicative unnecessary.[18] The other comment was submitted by Safety-Kleen. In its comment on the NPR, Safety-Kleen reiterated its support for repeal of the Used Oil Rule, stating that ''repealing the rule not only eliminates an antiquated rule replaced by a more modern one, but also responds to the President's National Regulatory Reinvention initiative by eliminating both an unnecessary and an obsolete rule.'' [19] Safety-Kleen further stated that the consumer is better protected and the industry better served

[3] 46 FR 20979.

[4] 42 U.S.C. 6363(a).

[5] 42 U.S.C. 6363(c).

[6] 42 U.S.C. 6363(d).

[7] 42 U.S.C. 6363(d) (1) (B).

[8] 60 FR 55414 (Oct. 31, 1995).

[9] 42 U.S.C. 6363(e)(1).

[10] 42 U.S.C. 6363(e)(2).

[11] 60 FR 55414, 55417.

[12] In accordance with section 18 of the FTC Act, 15 U.S.C. 57a, the ANPR was sent to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate, and the Chairman of the Committee on Commerce, United States House of Representatives.

[13] The comment submitted in response to the ANPR has been placed on the public record, Commission Rulemaking Record No. R511959, and is coded ''D'' indicating that it is a public comment. In this notice, the comment is cited by identifying the commenter (by abbreviation), the comment number, and the relevant page number.

[14] Safety-Kleen, D–1, 1.

[15] In accordance with section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate, and the Chairman of the Committee on Commerce, United States House of Representatives, 30 days prior to its publication in the Federal Register.

[16] These procedures included: publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.

[17] The comments submitted in response to the NPR also have been placed on the public record, Commission Rulemaking Record No. R511959, and are coded ''D'' indicating that they are public comments. The comments are cited by identifying the commenter (by abbreviation), the comment number, and the relevant page number.

[18] Evergreen, D–2, 2.

[19] Safety-Kleen, D–3, 1.

by the Commission's Recycled Oil Rule.[20]

II. Basis for Repeal of Rule

The Commission has decided to repeal the Used Oil Rule for the reasons discussed in the NPR. In sum, after reviewing the rulemaking record, and in light of promulgation of the Recycled Oil Rule, the Commission has determined that a separate Used Oil Rule is no longer necessary, and that its repeal will eliminate unnecessary duplication, and any inconsistency with EPCA's goals. While repealing the Used Oil Rule would eliminate the Commission's ability to obtain civil penalties for any future misrepresentations of the re-refined quality of oil, the Commission has determined that repealing the Rule would not seriously jeopardize the Commission's ability to act effectively. The Recycled Oil Rule defines re-refined oil to mean used oil from which physical and chemical contaminants acquired through use have been removed. Although this Rule does not further address re-refined oil or provide penalties for misrepresenting used oil as ''re-refined,'' it defines for the public how the Commission interprets this term. Any significant problems that may arise could be addressed on a case-by-case basis, administratively under Section 5 of the FTC Act, 15 U.S.C. 45, or through enforcement actions under Section 13(b), 15 U.S.C. 53(b), in federal district court. Prosecuting serious or knowing misrepresentations in district court allows the Commission to seek injunctive relief as well as equitable remedies, such as redress or disgorgement. Any necessary administrative or district court actions also would serve to provide industry members with additional guidance about what practices are unfair or deceptive. In addition, the Commission has concluded that eliminating the Used Oil Rule not only reduces duplication, but also streamlines the regulatory scheme, thereby responding to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. Accordingly, the Commission hereby announces the repeal of the Used Oil Rule.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–12, requires an analysis of the anticipated impact of the repeal of the Used Oil Rule on small businesses. The reasons for repeal of the Rule have been explained in this notice. Repeal of the Used Oil Rule would appear to have little or no effect on small businesses. Moreover, the Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Used Oil Rule. Further, no comments suggested any adverse effect on small business from repeal. For these reasons, the Commission certifies, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Used Oil Rule imposes third-party disclosure requirements that constitute ''information collection requirements'' under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* On October 15, 1980, however, the Used Oil Recycling Act suspended the provision of the Used Oil Rule requiring labels to disclose the origin of lubricants made from used oil,[21] until the Commission issued rules under EPCA. Further, on April 8, 1981, the Commission published a notice announcing the statutory suspension of the origin labeling requirements of the Used Oil Rule. In the same notice, the Commission suspended enforcement of those portions of the Used Oil Rule requiring that advertising and promotional material disclose the origin of lubricants made from used oil.[22] Since 1981, therefore, the Rule effectively has imposed no paperwork burdens on marketers of used lubricating oil. In any event, repeal of the Used Oil Rule will permanently eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 406

Advertising, Labeling, Trade practices, Used lubricating oil.

PART 406—[REMOVED]

The Commission, under authority of section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing part 406.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–27181 Filed 10–23–96; 8:45 am]

BILLING CODE 6750–01–M

[20] Id. at 2.

[21] U.S.C. 6363 note.

[22] 46 FR 20979.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1315

New Restrictions on Lobbying

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: The Tennessee Valley Authority is amending its rules regarding restrictions on lobbying to make inflation adjustments in the range of civil monetary penalties it may assess against persons who violate these rules. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

EFFECTIVE DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Charles L. Young, Senior Attorney, 423–632–7304.

SUPPLEMENTARY INFORMATION: Section 4 of the ''Federal Civil Penalties Inflation Adjustment Act of 1990'' (Pub. L. 101–410), as amended by the ''Debt Collection Improvement Act of 1996'' (Pub. L. 104–134), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be made by regulation published in the Federal Register. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the ''Debt Collection Improvement Act of 1996.'' Thereafter, agencies are to make inflation adjustments by regulation at least once every four years. Any increase in a CMP made pursuant to the Act applies only to violations that occur after the date the increase takes effect.

TVA's only statutory authority to assess a CMP is found at 31 U.S.C. 1352(c), which describes the range of penalties TVA may impose for a violation of that statute's prohibition against use of appropriated funds to pay any person for influencing or attempting to influence a Federal official in connection with any Federal action and for a failure to file a declaration or a declaration amendment as required by that statute. The penalties to be imposed for such violations and failures to file range from $10,000 to not more than $100,000. Application of the standard inflation adjustment formula in the Act would result in an increase in this CMP of approximately 22 percent; however, because the Act limits the initial inflation adjustment to a CMP to 10 percent of the penalty specified by statute, TVA is amending its rules at 18 CFR 1315.400 (a) and (b) to increase the minimum CMP it may assess under 31

U.S.C. 1352(c) to $11,000 and the maximum CMP it may assess under the statute to $110,000.

Matters of Regulatory Procedures

Notice and an opportunity for public comment are not necessary prior to issuance of this final rule because it implements a definitive statutory formula mandated by the Act.

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 18 CFR Part 1315

Administrative practice and procedures, Penalties.

For the reasons set out in the preamble, 18 CFR part 1315 is amended as follows:

PART 1315—NEW RESTRICTIONS ON LOBBYING

1. The authority citation for part 1315 is revised to read as follows:

Authority: 16 U.S.C. 831–831dd; 31 U.S.C. 1352.

§ 1315.400 [Amended]

2. Section 1315.400 is amended by removing the figure ''$10,000'' and adding in its place ''$11,000'' each time it appears in paragraphs (a) and (b) and by removing the figure ''$100,000'' and adding in its place $110,000 each time it appears in paragraphs (a) and (b).

Dated: October 18, 1996.

William L. Osteen,

Associate General Counsel.

[FR Doc. 96–27274 Filed 10–23–96; 8:45 am]

BILLING CODE 8120–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approved State Plans for Enforcement of State Standards Approval of Supplements to the Kentucky, Tennessee, Wyoming and Indiana State Plans

AGENCY: Department of Labor, Occupational Safety and Health Administration (OSHA).

ACTION: Final Rule.

SUMMARY: This document gives notice of Federal approval of State Plan supplements concerning the Kentucky, Tennessee, Wyoming and Indiana Voluntary Protection Programs (VPP). These programs are modeled on the OSHA VPP, which recognize excellence in worksite safety and health. Employers participating in VPP can realize lower workers' injury rates, lower workers' compensation costs and greater employee productivity.

EFFECTIVE DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, N. W., Washington, D.C., 20210, Telephone (202) 219–8148.

SUPPLEMENTARY INFORMATION

A. Background

Kentucky. The Kentucky Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on July 31,1973 (38 FR 20324). A determination of final approval was made under section 18(e) of the Act on June 13, 1985 (50 FR 24896).

Tennessee. The Tennessee Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on July 5, 1973 (38 FR 17840). A determination of final approval was made under section 18(e) of the Act on July 22, 1985 (50 FR 29669).

Wyoming. The Wyoming Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on April 25, 1974 (39 FR 15394). A determination of final approval was made under section 18(e) of the Act on June 27, 1985 (50 FR 26548).

Indiana. The Indiana Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on March 6, 1974 (39 FR 8611). A determination of final approval was made under section 18(e) of the Act on September 26, 1986 (51 FR 34206). Part 1953 of this chapter provides procedures for the review and the approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

B. Description of Supplements

The Federal Voluntary Protection Programs (VPP) are designed to recognize and promote effective safety and health program management. In the VPP, management, labor and OSHA establish cooperative relationships at workplaces that have implemented strong programs.

VPP participants are a select group of facilities that have designed and implemented outstanding safety and health programs. The Star Program is the most highly selective program and is for applicants with safety and health programs that are comprehensive and are successful in reducing workplace hazards. It is open to any industry and to companies with injury incidence and lost workday injury rates at or below the industry's national average. Star participants are evaluated onsite every three years, with annual injury rate reviews. The Merit Program provides a planned set of ''stepping stones'' to Star participation for those employers who have demonstrated the potential and willingness to achieve Star requirements. Open to sites with injury rates above the industry's national average, Merit participants are evaluated onsite annually. The Demonstration Program allows evaluation of criteria different from, but potentially as protective for workers as the Star criteria.

Approved VPP participants must meet all relevant OSHA standards and have an on-going safety program. OSHA will verify qualifications, exempt participants from regularly scheduled inspections, provide necessary technical support, investigate complaints and accidents, and evaluate the program. Participation does not diminish employer/employee rights or responsibilities under the Occupational Safety and Health Act of 1970. States operating OSHA approved State plans are encouraged to develop their own parallel programs.

Kentucky. On October 6, 1995, Bill Riggs, Former Secretary, Kentucky Labor Cabinet, submitted a plan change supplement concerning Kentucky's Voluntary Protection Programs (VPP). Kentucky's VPP was found to be generally identical to the Federal Voluntary Protection Program, with the exception that the State's VPP is limited to the Star Program in general industry, and excludes the Merit and Demonstration Programs. Kentucky will require that all elements of the employer's program be in place at least 12 months prior to application. The

program is known as the Voluntary Protection Partnership of Kentucky.

Tennessee. On April 25, 1996, Alphonso R. Bodie, Commissioner, Department of Labor, Tennessee, submitted a plan change supplement concerning Tennessee's Voluntary Protection Programs (VPP) with subsequent clarification submitted by letter dated August 30, 1996. Tennessee's VPP was found to be generally identical to the Federal Voluntary Protection Program, with the exception that the State's VPP is limited to the Star Program in general industry and excludes the Merit and Demonstration Programs. The program is known as the Tennessee Volunteer Star Program.

Wyoming. On August 9, 1993, Stephen R. Foster, Safety Administrator, Worker's Safety and Compensation Division, submitted a plan change supplement concerning Wyoming's Voluntary Protection Program (VPP). Wyoming's VPP is generally identical to the Federal Voluntary Protection Program, with the exception of organizational and position titles.

Indiana. On June 18, 1996, Kenneth Zeller, Commissioner, Indiana Department of Labor, submitted a plan change supplement concerning Indiana's Voluntary Protection Program (VPP). Indiana's VPP is generally identical to the Federal Voluntary Protection Program with the exception of organizational and position titles.

C. Location of Supplement for Inspection and Copying

Kentucky. A copy of the State plan supplement on the Kentucky VPP may be inspected and copied during normal business hours at the following locations: U. S. Department of Labor, Occupational Safety and Health Administration, Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30367; Kentucky Labor Cabinet, 1047 U.S. Highway 127 South, Frankfort, Kentucky 40601.

Tennessee. A copy of the State plan supplement on the Tennessee VPP and may be inspected at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration, Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30367; Tennessee Department of Labor, 710 James Robertson Parkway, Nashville, Tennessee 37243–0659.

Wyoming. A copy of the State plan supplement on the Wyoming VPP may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration Office of the Regional Administrator, Room 1999 Broadway Suite 1690, Denver, Colorado 80202–5716; Worker's Safety and Compensation Division, Wyoming Department of Employment, Herschler Building, 2nd Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002.

Indiana. A copy of the State plan supplement on the Indiana VPP may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration Office of the Regional Administrator, 230 S. Dearborn Street, 32nd Floor, Room 3244, Chicago, Illinois 60604; Indiana Department of Labor, State Office Building, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204.

Copies of the Kentucky, Tennessee, Wyoming and Indiana supplements are also available at the U.S. Department of Labor, Occupational Safety and Health Administration, Directorate of Federal-State Operations, 200 Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210.

D. Public Participation

Under 29 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Kentucky, Tennessee, Wyoming, and Indiana Voluntary Protection Programs are generally identical to the Federal Voluntary Protection Program, meet Federal requirements and were adopted by the States in accordance with State procedural requirements. Good cause is therefore found for approval of these supplements and further public participation would be unnecessary.

E. Decision

After careful consideration and review by the Regional and National Offices, the Kentucky, Tennessee, Wyoming and Indiana plan supplements described above are found to meet OSHA requirements and are hereby approved under Part 1953 of this chapter. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

Signed at Washington, DC. This 16th day of October 1996.

Joseph A. Dear,

Assistant Secretary.

Accordingly, for the reasons set forth in the preamble, 29 CFR Part 1952 is hereby amended as follows:

PART 1952—[AMENDED]

1. The authority citation for Part 1952 continues to read as follows:

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 657); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

2. Subpart Q-Kentucky, § 1952.237 is amended by adding paragraph (b) to read as follows:

§ 1952.237 Changes to approved plans.

* * * * *

(b) *The Voluntary Protection Program.* On October 24, 1996, the Assistant Secretary approved Kentucky's plan supplement, which is generally identical to the Federal Voluntary Protection Program, with the exception that the State's VPP is limited to the ''Star'' level participation for general industry firms.

3. Subpart P-Tennessee, § 1952.227 is amended by adding paragraph (b) to read as follows:

§ 1952.227 Changes to approved plans.

* * * * *

(b) *The Voluntary Protection Program.* On October 24, 1996, the Assistant Secretary approved Tennessee's plan supplement, which is generally identical to the Federal Voluntary Protection Program, with the exception that the State's VPP is limited to the ''Star'' level participation for general industry firms.

3. Subpart BB-Wyoming, § 1952.347 is amended by adding paragraph (c) to read as follows:

§ 1952.347 Changes to approved plans.

* * * * *

(c) *The Voluntary Protection Program.* On October 24, 1996, the Assistant Secretary approved Wyoming's plan supplement which is generally identical to the Federal Voluntary Protection Program, with the exception of organizational and position titles.

4. Subpart Z-Indiana, § 1952.327 is amended by adding paragraph (c) to read as follows:

§ 1952.327 Changes to approved plans.

* * * * *

(c) *The Voluntary Protection Program.* On October 24, 1996, the Assistant Secretary approved Indiana's plan supplement which is generally identical to the Federal Voluntary Protection

Program, with the exception of organizational and position titles.

[FR Doc. 96–27203 Filed 10–23–96; 8:45 am]
BILLING CODE 4510–26–P

POSTAL RATE COMMISSION

39 CFR Part 3001

Rules of Practice and Procedure: Correction

AGENCY: Postal Rate Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rule which was published on Tuesday, June 25, 1996 (61 FR 32656–32693). The rule revised Appendix A to Subpart C—Postal Service Rates and Charges of the Agency's Rules of Practice and Procedure.

EFFECTIVE DATE: October 6, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Legal Advisor, 1333 H Street, NW, Suite 300, Washington, D.C. 20268–0001 (202) 789–6820.

SUPPLEMENTARY INFORMATION: The final rule that is the subject of these corrections was published to incorporate revisions to Appendix A as a result of the Governors' Decisions on Recommended Decisions of the Postal Rate Commission in Docket Nos. MC95–1 and MC96–1.

Need for Correction

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

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

For reasons set out in the preamble, 39 CFR part 3001 is corrected by making the following correcting amendments:

PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622–3624, 3661, 3662.

Appendix A to Subpart C—Postal Service Rates and Charges

2. Appendix A to Subpart C is amended by removing General Definitions, Terms and Conditions—Sections 1000 through 6030 from the Table of Contents and the text of the Appendix.

3. The Table of Contents to Appendix A is amended by adding a new entry for General Definitions, Terms and Conditions after the entry for Classification Schedule SS–20—Merchandise Return and preceding the entry for Rate Schedules to read as follows:

Table of Contents

* * * * *

General Definitions, Terms and Conditions—Sections 1000 through 6030

* * * * *

4. General Definitions, Terms and Conditions—Sections 1000 through 6030 are added following section 20.061 of Classification SS–20 and preceding Rate Schedules to read as follows:

* * * * *

GENERAL DEFINITIONS, TERMS AND CONDITIONS

1000 GENERAL DEFINITIONS

As used in this Domestic Mail Classification Schedule, the following terms have the meanings set forth below.

1001 Advertising

Advertising includes all material for the publication of which a valuable consideration is paid, accepted, or promised, that calls attention to something for the purpose of getting people to buy it, sell it, seek it, or support it. If an advertising rate is charged for the publication of reading matter or other material, such material shall be deemed to be advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that textual matter is to be inserted for the advertiser or his products in the publication in which a display advertisement appears are deemed to be advertising. If a publisher advertises his own services or publications, or any other business of the publisher, whether in the form of display advertising or editorial or reading matter, this is deemed to be advertising.

1002 Aspect Ratio

Aspect ratio is the ratio of width to length.

1003 Bills and Statements of Account

1003.1 A bill is a request for payment of a definite sum of money claimed to be owing by the addressee either to the sender or to a third party. The mere assertion of an indebtedness in a definite sum combined with a demand for payment is sufficient to make the message a bill.

1003.2 A statement of account is the assertion of the existence of a debt in a definite amount but which does not necessarily contain a request or a demand for payment. The amount may be immediately due or may become due after a certain time or upon demand or billing at a later date.

1003.3 A bill or statement of account must present the particulars of an indebtedness with sufficient definiteness to inform the debtor of the amount he is required to pay to acquit himself of the debt. However, neither a bill nor a statement of account need state the precise amount if it contains sufficient information to enable the debtor to determine the exact amount of the claim asserted.

1003.4 A bill or statement of account is not the less a bill or statement of account merely because the amount claimed is not in fact owing or may not be legally collectible.

1004 Girth

Girth is the measurement around a piece of mail at its thickest part.

1005 Invoice

An invoice is a writing showing the nature, quantity, and cost or price of items shipped or sent to a purchaser or consignor.

1006 Permit Imprints

Permit imprints are printed indicia indicating postage has been paid by the sender under the permit number shown.

1007 Preferred Rates

Preferred rates are the reduced rates established pursuant to 39 U.S.C. 3626.

1008 ZIP Code

The ZIP Code is a numeric code that facilitates the sortation, routing, and delivery of mail.

2000 DELIVERY OF MAIL

2010 Delivery Services

The Postal Service provides the following modes of delivery:

a. Caller service. The fees for caller service are set forth in Rate Schedule SS–10.

b. Carrier delivery service.

c. General delivery.

d. Post office box service. The fees for post office box service are set forth in Rate Schedule SS–10.

2020 Conditions of Delivery

2021 General. Except as provided in section 2022, mail will be delivered as addressed unless the Postal Service is instructed otherwise by the addressee in writing.

2022 Refusal of Delivery. The addressee may control delivery of his mail. The addressee may refuse to accept a piece of mail that does not require a delivery receipt at the time it is offered for delivery or after delivery by returning it unopened to the Postal Service. For mail that requires a delivery receipt, the addressee or his representative may read and copy the name of the sender of registered, insured, certified, COD, return receipt, and Express Mail prior to accepting delivery. Upon signing the delivery receipt the piece may not be returned to the Postal Service without the applicable postage and fees affixed.

2023 Receipt. If a signed receipt is required, mail will be delivered to the addressee (or competent member of his family), to persons who customarily receive his mail or to one authorized in writing to receive the addressee's mail.

2024 Jointly Addressed Mail. Mail addressed to several persons may be delivered to any one of them. When two or more persons make conflicting orders for delivery for the same mail, the mail shall be delivered as determined by the Postal Service.

2025 Commercial Mail Receiving Agents. Mail may be delivered to a commercial mail receiving agency on behalf of another person. In consideration of delivery of mail to the commercial agent, the addressee and the agent are considered to agree that:

a. No change of address order will be filed with the post office when the agency relationship is terminated;

b. When remailed by the commercial agency, the mail is subject to payment of new postage.

2026 Mail Addressed To Organizations. Mail addressed to governmental units, private organizations, corporations, unincorporated firms or partnerships, persons at institutions (including but not limited to hospitals and prisons), or persons in the military is delivered as addressed or to an authorized agent.

2027 Held Mail. Mail will be held for a specified period of time at the office of address upon request of the addressee, unless the mail:

a. Has contrary retention instructions;

b. Is perishable; or

c. Is registered, COD, insured, return receipt, certified, or Express Mail for which the normal retention period expires before the end of the specified holding period.

2030 Forwarding and Return

2031 Forwarding. Forwarding is the transfer of undeliverable-as-addressed mail to an address other than the one originally placed on the mail piece. All post offices will honor change of address orders for a period of time specified by the Postal Service.

2032 Return. Return is the delivery of undeliverable-as-addressed mail to the sender.

2033 Applicable Provisions. The provisions of sections 150, 250, 350 and 450 apply to forwarding and return.

2034 Forwarding for Postal Service Adjustments. When mail is forwarded due to Postal Service adjustments (such as, but not limited to, the discontinuance of the post office of original address, establishment of rural carrier service, conversion to city delivery service from rural, readjustment of delivery districts, or renumbering of houses and renaming of streets), it is forwarded without charge for a period of time specified by the Postal Service.

3000 POSTAGE AND PREPARATION

3010 Packaging

Mail must be packaged so that:

a. The contents will be protected against deterioration or degradation;

b. The contents will not be likely to damage other mail, Postal Service employees or property, or to become loose in transit;

c. The package surface must be able to retain postage indicia and address markings;

d. It is marked by the mailer with a material which is not readily water soluble nor which can be easily rubbed off or smeared, and the marking will be sharp and clear.

3020 Envelopes

Paper used in the preparation of envelopes may not be of a brilliant color. Envelopes must be prepared with paper strong enough to withstand normal handling.

3030 Payment of Postage and Fees

Postage must be fully prepaid on all mail at the time of mailing, except as authorized by law or this Schedule. Except as authorized by law or this Schedule, mail deposited without prepayment of sufficient postage shall be delivered to the addressee subject to payment of deficient postage, returned to the sender, or otherwise disposed of as prescribed by the Postal Service. Mail deposited without any postage affixed will be returned to the sender without any attempt at delivery.

3040 Methods for Paying Postage and Fees

Postage for all mail may be prepaid by postage meter, adhesive stamps, or permit imprint, unless otherwise limited or prescribed by the Postal Service. The following methods of paying postage and fees require prior authorization from the Postal Service:

a. Permit imprint,

b. Postage meter,

c. Precanceled stamps, precanceled envelopes, and mailer's precanceled postmarks.

3050 Authorization Fees

Fees for authorization to use a permit imprint are set forth in Rate Schedule 1000. No fee is charged for authorization to use a postage meter. Fees for setting postage meters are set forth in Rate Schedule SS–12. No fee is charged for authorization to use precanceled stamps, precanceled envelopes or mailer's precanceled postmark.

3060 Special Service Fees

Fees for special services may be prepaid in any manner appropriate for the class of mail indicated or as otherwise prescribed by the Postal Service.

3070 Marking of Unpaid Mail

Matter authorized for mailing without prepayment of postage must bear markings identifying the class of mail service. Matter so marked will be billed at the applicable rate of postage set forth in this Schedule. Matter not so marked will be billed at the applicable First-Class rate of postage.

3080 Refund of Postage

When postage and special service fees have been paid on mail for which no service is rendered for the postage or fees paid, or collected in excess of the lawful rate, a refund may be made. There shall be no refund for registered, COD, and insured fees when the article is later withdrawn by the mailer. In cases involving returned articles improperly accepted because of excess size or weight, a refund may be made.

3090 Calculation of Postage

When a rate schedule contains per piece and per pound rates, the postage shall be the sum of the charges produced by those rates. When a rate schedule contains a minimum-per-piece rate and a pound rate, the postage shall be the greater of the two. When the computation of postage yields a fraction of a cent in the charge, the next higher whole cent must be paid.

4000 POSTAL ZONES

4010 Geographic Units of Area

In the determination of postal zones, the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area is the basis of the postal zones.

4020 Measurement of Zone Distances

The distance upon which zones are based shall be measured from the center of the unit of area containing the dispatching sectional center facility or multi-ZIP coded post office not serviced by a sectional center facility. A post office of mailing and a post office of delivery shall have the same zone relationship as their respective sectional center facilities or multi-ZIP coded post offices, but this shall not cause two post offices to be regarded as within the same local zone.

4030 Definition of Zones

4031 Local Zone. The local zone applies to mail mailed at any post office for delivery at that office; at any city letter carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

4032 First Zone. The first zone includes all territory within the quadrangle of entry in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of a given unit of area. The first zone also applies to mail between two post offices in the same sectional center.

4033 Second Zone. The second zone includes all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

4034 Third Zone. The third zone includes all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

4035 Fourth Zone. The fourth zone includes all units of area outside the third zone lying in whole or in part within a radius approximately 600 miles from the center of a given unit of area.

4036 Fifth Zone. The fifth zone includes all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

4037 Sixth Zone. The sixth zone includes all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

4038 Seventh Zone. The seventh zone includes all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

4039 Eighth Zone. The eighth zone includes all units of area outside the seventh zone.

4040 Zoned Rates

Except as provided in section 4050, rates according to zone apply for zone-rated mail sent between Postal Service facilities including armed forces post offices, wherever located.

4050 APO/FPO Mail

4051 General. Except as provided in section 4052, the rates of postage for zone-rated mail transported between the United States, or the possessions or territories of the United States, on the one hand, and Army, Air Force and Fleet Post Offices on the other, or among the latter, shall be the applicable zone rates for mail between the place of mailing or delivery and the city of the postmaster serving the Army, Air Force or Fleet Post Office concerned.

4052 Transit Mail. The rates of postage for zone-rated mail which is mailed at or addressed to an armed forces post office and which is transported directly to or from armed forces post offices at the expense of the Department of Defense, without transiting any of the 48 contiguous states (including the District of Columbia), shall be the applicable local zone rate; provided, however, that if the distance from the place of mailing to the embarkation point or the distance from the point of debarkation to the place of delivery is greater than the local zone for such mail, postage shall be assessed on the basis of the distance from the place of mailing to the embarkation point or the distance from the point of debarkation to the place of delivery of such mail, as the case may be. The word ''transiting'' does not include enroute transfers at coastal gateway cities which are necessary to transport military mail directly between military post offices.

5000 PRIVACY OF MAIL

5010 First-Class and Express Mail

Matter mailed as First-Class Mail or Express Mail shall be treated as mail which is sealed against postal inspection and shall not be opened except as authorized by law.

5020 All Other Mail

Matter not paid at First-Class Mail or Express Mail rates must be wrapped or secured in the manner prescribed by the Postal Service so that the contents may be examined. Mailing of sealed items as other than First-Class Mail or Express Mail is considered consent by the sender to the postal inspection of the contents.

6000 MAILABLE MATTER

6010 General

Mailable matter is any matter which:

a. Is not mailed in contravention of 39 U.S.C. Chapter 30, or of 17 U.S.C. 109;

b. While in the custody of the Postal Service is not likely to become damaged itself, to damage other pieces of mail, to cause injury to Postal Service employees or to damage Postal Service property; and

c. Is not mailed contrary to any special conditions or limitations placed on transportation or movement of certain articles, when imposed under law by the U.S. Department of the Treasury; U.S. Department of Agriculture; U.S. Department of Commerce; U.S. Department of Health and Human Services, U.S. Department of Transportation; and any other Federal department or agency having legal jurisdiction.

6020 Minimum Size Standards

The following minimum size standards apply to all mailable matter:

a. All items must be at least 0.007 inches thick, and

b. all items, other than keys and identification devices, which are 0.25 inch thick or less must be

i. rectangular in shape,

ii. at least 3.5 inches in width, and

iii. at least 5 inches in length.

6030 Maximum Size and Weight Standards

Where applicable, the maximum size and weight standards for each class of mail are set forth in sections 130, 230, 330 and 430. Additional limitations may be applicable to specific subclasses, and rate and discount categories as provided in the eligibility provisions for each subclass or category.

* * * * *

5. In Appendix A under Rate Schedules, the table First-Class Mail Rate Schedule 221, Letters and Sealed Parcels is amended by removing under ''Regular, Piece'' the entry for Courtesy Envelope Mail.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 96–27247 Filed 10–23–96; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 52

RIN 0905–AC02

Grants for Research Projects

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is amending the regulations governing Public Health Service (PHS) grants for research projects to: accommodate changes necessitated by enactment of various statutes governing research project grant programs administered by the PHS; updated references to statutes and regulations; and cover all research project grant programs administered by the PHS, except for grants for health services research, demonstration, and evaluation projects administered by the Agency for Health Care Policy and Research (AHCPR), so the regulations will not have to be amended each time a new research project grant program is established by statute or administrative action.

EFFECTIVE DATE: This final rule is effective on November 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Moore, NIH Regulatory Affairs Officer, National Institutes of Health, Building 31, Room 1B05, 31 CENTER DR MSC 2075, BETHESDA, MD 20892–2075, telephone (301) 496–4606 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The regulations at 42 CFR part 52 governing PHS grants for research projects were last amended on September 27, 1984 (49 FR 38110). Since then, Congress enacted a number of statutes establishing research grant programs similar to those listed in § 52.1 of the current regulation. In the past, new statutory authority would have been implemented by adding the new programs to the list of programs in § 52.1.

However, after considering the long list of programs to be added and the very limited number of substantive changes necessitated by the new statutes, the NIH is deleting the listing of research project grant programs in § 52.1, and references to that listing in other sections. The regulations are amended to apply to all research project grant programs administered by the PHS, except for grants for health services research, demonstration, and evaluation projects administered by the AHCPR. Thus, in the future it will not be necessary to include a long list of programs in the regulations or to go through the lengthy process of amending the regulations in order for them to apply to a newly established program.

The PHS and/or its components that award research project grants will periodically publish a list of all the research project grant programs to which the regulations apply and the applicability of the regulations to new programs will be announced as PHS components initiate those programs. Under § 52.1, the amended regulations clearly apply to all research project grants administered by the PHS except for the AHCPR grants referenced above. Thus, the lists described above are provided for the convenience of interested members of the public, rather than serving as a substantive notice of the applicability of the regulations. A list of the current research project grant authorities implemented by the regulations follows:

(1) Research into the cause, diagnosis, treatment, control, or prevention of the

physical or mental diseases, injuries, or impairments to human life, as authorized by sections 301, 303 and related provisions of the Public Health Service Act (Act) (42 U.S.C. 241, 242a);

(2) Research into the prevention and control of childhood lead poisoning, as authorized under section 301 of the Act (42 U.S.C. 241);

(3) Epidemiologic studies, and state-based research capacity building projects for the prevention of primary and secondary disabilities, as authorized under section 301 of the Act (42 U.S.C. 241);

(4) Ecological and epidemiologic research studies in Lyme disease, including disease surveillance, development and evaluation of prevention and control studies, and development of improved diagnostic tests, as authorized under section 301 of the Act (42 U.S.C. 241);

(5) Investigation to identify strategies for prevention of childhood deaths from diarrhea, as authorized under sections 301 and 317(k)(3) of the Act (42 U.S.C. 241, 247(k)(3));

(6) HIV/AIDS surveillance, HIV serosurveillance surveys and studies, and epidemiologic research studies of AIDS and HIV infection, as authorized under sections 301 and 317(k)(3) of the Act (42 U.S.C. 241 and 247b(k)(3));

(7) Surveillance and epidemiologic studies for the prevention of infectious diseases and injuries in children in child day care settings, as authorized under sections 301, 317(k)(3), and 391 of the Act (42 U.S.C. 241, 247b(k)(3), 280b);

(8) Research for the development of knowledge and approaches to the epidemiology, etiology, diagnosis, treatment, control and prevention of narcotic addiction and intravenous (IV)-related AIDS and drug abuse, as authorized under sections 301 and 405 of the Act (42 U.S.C. 241, 284);

(9) Research into prevention and control of tuberculosis, especially research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations, as authorized by section 317(k) of the Act (42 U.S.C. 247b(k));

(10) Injury prevention and control research, as authorized by section 391 of the Act (42 U.S.C. 280b);

(11) Research on osteoporosis, paget's disease and related bone disorders, as authorized by section 409A of the Act (42 U.S.C. 284e).

(12) Biomedical research in areas relating to Alzheimer's disease and related dementias, as authorized by section 445B of the Act (42 U.S.C. 285e–4);

(13) Research relating to medical rehabilitation, as authorized by section 452 of the Act (42 U.S.C. 285g–4);

(14) Research on clinical and health services on eye care and diabetes, as authorized by section 456 of the Act (42 U.S.C. 285i–1);

(15) Research on multiple sclerosis, especially research on the effects of genetics and hormonal changes on the progress of the disease, as authorized by section 460 of the Act (42 U.S.C. 285j–3);

(16) Research on the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of alcohol abuse and alcoholism, as authorized by section 464H of the Act (42 U.S.C. 285n);

(17) Health services research activities with respect to the prevention of alcohol abuse and treatment of alcoholism, as authorized by section 464H of the Act (42 U.S.C. 285n) and defined in section 409 of the Act (42 U.S.C. 284d);

(18) Research under the Medication Development Program to encourage and promote the development and use of medications to treat drug addiction; and to collect, analyze, and disseminate data, as authorized by section 464P of the Act (42 U.S.C. 285o–4);

(19) Research on health related educational technologies, medical library science and related activities, and for the development or dissemination of new knowledge, techniques, systems, and equipment for processing, storing, retrieving, and distributing information pertaining to health sciences, as authorized by section 473 of the Act (42 U.S.C. 286b–4);

(20) Research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, as authorized by section 1004 of the Act (42 U.S.C. 300a–2);

(21) Research on the causes, consequences and approaches of coping with adolescent sexual relations, contraceptive use, pregnancy, and parenthood, as authorized by section 2008 of the Act (42 U.S.C. 300z–7);

(22) Research relating to the evaluation of drug treatments for AIDS not approved by the Commissioner of Food and Drugs, as authorized by section 2314 of the Act (42 U.S.C. 300cc–14);

(23) International research relating to the development and evaluation of vaccines and treatments for AIDS, as authorized by section 2315 of the Act (42 U.S.C. 300cc–15);

(24) Long-term research into treatments for AIDS, as authorized by section 2320 of the Act (42 U.S.C. 300cc–20);

(25) Research relating to AIDS conducted outside the United States by qualified foreign professionals and collaborative research involving American and foreign participants, as authorized in section 2354 of the Act (42 U.S.C. 300cc–41);

(26) Basic research to identify, characterize, and quantify risks to human health from air pollutants, as authorized by section 103 of the Clean Air Act (42 U.S.C. 7403);

(27) Electronic product radiation control research programs designed to protect the public health and safety from electronic product radiation, as authorized by section 532 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ii);

(28) Research into areas where a microgravity environment may contribute to significant progress in the understanding and treatment of diseases and other medical conditions, as authorized by section 603 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487b);

(29) Support for radiation studies and research, as authorized under section 301 of the Act (42 U.S.C. 241) and by section 20(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a));

(30) Research on occupational safety and health problems in industry, as authorized by section 20(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669a) and section 501 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 951); and

(31) Research to stimulate health-related technological innovation especially through the use of small business, minority and disadvantaged firms and increased private sector commercialization of innovations derived from Federal research and development, as authorized under section 301 of the Act, (42 U.S.C. 241), in accordance with the procedures prescribed pursuant to the Small Business Innovation Development Act of 1982 (15 U.S.C. 638).

A more detailed listing of the programs implemented by this rule, as listed in the Catalog of Federal Domestic Assistance, appears at the end of this preamble.

In addition to the actions noted above, NIH is limiting the citation of authority for issuance of the regulations to the Secretary's general statutory authority for the issuance of regulations set forth in section 215 of the PHS Act, rather than citing the statutory authority for each research project grant program.

The latter provisions do not require or explicitly authorize the issuance of regulations and thus 1 CFR part 21, subpart B, does not require inclusion of those statutes in the authority citation.

The regulations are amended by making minor changes required by new statutory authority, simplifying the language in §§ 52.2–52.4 and 52.6, updating PHS Act section numbers referenced in part 52 as necessitated by enactment of legislation, and updating the listing of HHS policies and regulations in § 52.8. The NIH announced its plans to make these changes in the notice of proposed rulemaking (NPRM) that it published in the Federal Register of August 2, 1994 (59 FR 39312). The NIH received no comments concerning the NPRM. Thus, no substantive changes were made to the proposed regulations. However, language was added to the preamble and § 52.1(a) to explicitly indicate that part 52 does not apply to grants for health services research, demonstration, and evaluation projects administered by the AHCPR.

The following statements are provided for the information of the public.

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in section 3(f) of the Order, pre-publication review by the Office of the Management and Budget's Office of Information and Regulatory Affairs (OIRA) is necessary. This rule was reviewed under Executive Order 12866 by OIRA and was determined to be not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. Because of the nonsubstantive nature of the amendments in this rule, the Secretary certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act of 1980, is not required.

Paperwork Reduction Act

This rule does not contain information collection requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbered programs affected by the regulations are:

93.113—Biological Response to Environmental Health Hazards
93.114—Applied Toxicological Research and Testing
93.115—Biometry and Risk Estimation—Health Risks from Environmental Exposures
93.118—Acquired Immunodeficiency Syndrome (AIDS) Activity
93.121—Oral Diseases and Disorders Research
93.135—Centers for Research and Demonstration for Health Promotion and Disease Prevention
93.136—Injury Control Research Projects
93.154—Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome
93.173—Biological Research Related to Deafness and Communicative Disorders
93.184—Disabilities Prevention
93.198—Biological Models and Materials Resources Program
93.242—Mental Health Research Grants
93.262—Occupational Safety and Health Research Grants
93.271—Alcohol Scientist Development Award; Scientist Development Award for Clinicians; and Research Scientist Award
93.273—Alcohol Research Programs
93.277—Drug Abuse Scientist Development Award for Clinicians, and Scientist Development Awards
93.279—Drug Abuse Research Programs
93.281—Mental Health Research Scientist Development Award, Research Scientist Development Award for Clinicians, and Research Scientist Award
93.283—Centers for Disease Control-Investigation and Technical Assistance
93.306—Comparative Medicine Program (formerly called Laboratory Animal Sciences and Primate Research)
93.333—General Clinical Research Centers
93.361—Nursing Research
93.371—Biomedical Research Technology
93.389—Research Centers in Minority Institutions
93.390—Academic Research Enhancement Award
93.393—Cancer Cause and Prevention Research
93.394—Cancer Detection and Diagnosis Research
93.395—Cancer Treatment Research
93.396—Cancer Biology Research
93.821—Biophysics and Physiological Sciences Research
93.837—Heart and Vascular Diseases Research
93.838—Lung Diseases Research
93.839—Blood Diseases and Resources Research
93.846—Arthritis, Musculoskeletal and Skin Diseases Research
93.847—Diabetes, Endocrinology and Metabolic Research
93.848—Digestive Diseases and Nutrition Research
93.849—Kidney Diseases, Urology and Hematology Research
93.853—Clinical Research Related to Neurological Disorders
93.854—Biological Basis Research in the Neurosciences
93.855—Allergy, Immunology, and Transplantation Research
93.856—Microbiology and Infectious Diseases Research
93.859—Pharmacological Sciences
93.862—Genetics Research
93.863—Cellular and Molecular Basis of Disease Research
93.864—Population Research
93.865—Research for Mothers and Children
93.866—Aging Research
93.867—Vision Research
93.879—Medical Library Assistance
93.929—Center for Medical Rehabilitation Research
93.934—Fogarty International Research Collaboration Award
93.939—Blood Diseases and Resources Research
93.941—HIV Demonstration, Research, Public and Professional Education Projects
93.942—Research, Treatment and Education Programs on Lyme Disease in the United States
93.943—Epidemiologic Research Studies of Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection in Selected Population Groups
93.947—Tuberculosis Demonstration, Research, Public and Professional Education

List of Subjects in 42 CFR Part 52

Grant programs—Health; Medical research; Occupational safety and health.

Dated: July 25, 1996.

Harold Varmus,

Director, NIH.

For reasons set out in the preamble, part 52 of title 42 of the Code of Federal Regulations is amended as set forth below.

PART 52—GRANTS FOR RESEARCH PROJECTS

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

Authority: 42 U.S.C. 216.

2. Section 52.1 is revised to read as follows:

§ 52.1 To which programs do these regulations apply?

(a) *General.* The regulations of this party apply to all health-related research project grants administered by the PHS or its components, except for grants for health services research, demonstration, and evaluation projects administered by the Agency for Health Care Policy and Research. These regulations do not apply to research grants that are not for the support of an identified research project (sometimes referred to as general research support grants), grants for the construction or operation of research facilities, grants for prevention or educational programs, demonstration grants, traineeships, training grants, or to the support of research training under the National Research Service Awards program.

(b) *Specific programs covered.* From time to time the Secretary will publish a list of the research project grant programs covered by this part. The list is for informational purposes only and is not intended to restrict the statement of applicability in paragraph (a) of this section. In addition, information on particular research project grant programs, including applications and instructions, may be obtained from the component of the PHS that administers the program.

3. Section 52.2 is revised to read as follows:

§ 52.2 Definitions.

As used in this part:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.*).

Grantee means the institution, organization, individual or other person designated in the grant award document as the responsible legal entity to whom a grant is awarded under this part. The term shall also mean the recipient of a cooperative agreement awarded under this part.

HHS means the Department of Health and Human Services.

Principal investigator means a single individual designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific and technical direction of the project.

Project means the particular activity for which funding is sought under this part as described in the application for grant award.

Public Health Service and *PHS* means the operating division of the Department that consists of the Agency for Health Care Policy and Research, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, the National Institutes of Health, the Office of the Assistant Secretary for Health, the Substance Abuse and Mental Health Administration, and the Agency for Toxic Substances and Disease Registry.

Research means a systematic investigation, study or experiment designed to contribute to general knowledge relating broadly to public health by establishing, discovering, developing, elucidating or confirming information about, or the underlying mechanisms relating to, the biological functions, diseases, or related matters to be studied.

Secretary means the Secretary of HHS and any other officer or employee of the HHS to whom the authority involved may be delegated.

4. Section 52.3 is revised to read as follows:

§ 52.3 Who is eligible to apply for a grant?

(a) *Persons eligible.* Any individual, corporation, public or private institution or agency, or other legal entity shall be eligible for a grant award, except:

(1) An individual or entity which is otherwise ineligible for an award under applicable law or regulation;

(2) Federal agencies or institutions, unless specifically authorized by law to receive the grant; or

(3) Individuals, corporations, institutions, agencies, and other entities during the period they are debarred or suspended from eligibility for Federal financial assistance (see 45 CFR part 76).

(b) *Permissible activities within research projects.* Any project found by the Secretary to be a research project within the meaning of this part shall be eligible for a grant award. Eligible projects may consist of laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies or experiments, or combinations thereof, and may either be limited to one, or a particular aspect of a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities and resources.

(c) *Preferences.* In the award of grants for international research relating to the development and evaluation of vaccines and treatments for AIDS under section 2315 of the Act, preference shall be given to:

(1) Activities conducted by, or in cooperation with, the World Health Organization, and

(2) With respect to activities in the Western Hemisphere, activities conducted by, or in cooperation with, the Pan American Health Organization or the World Health Organization.

5. Section 52.4 is revised to read as follows:

§ 52.4 How to apply for a grant.

Each institution interested in applying for a grant under this part must submit an application at such time and in such form and manner as the Secretary may prescribe.

6. Section 52.6 is amended as follows:

In paragraph (a) the first sentence is revised to read as set forth below; paragraphs (b), (c), (d) and (e) are redesignated (c), (d), (e) and (f), respectively; new paragraph (b) is added; and newly designated paragraphs (c)(2) and (d) are revised to read as follows:

§ 52.6 Grant awards.

(a) Within the limits of funds available for that purpose, the Secretary will award a grant to those applicants whose approved projects will in the Secretary's judgment best promote the purposes of the statute authorizing the grant and the regulations of this part. * * *

(b) *Evaluation of unapproved drug treatments for AIDS.* Grants under section 2314 of the Act to support research relating to the evaluation of drug treatments for AIDS not approved by the Commissioner of Food and Drugs, shall be subject to appropriate scientific and ethical guidelines established by the Secretary for each project, pursuant to section 2314(c) of the Act. In order to receive a grant, the applicant must agree to comply with those guidelines.

(c) *Notice of grant award.*

(1) * * *

(2) Generally, the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit an application at the time and in the form and manner as the Secretary may prescribe to have support continued for each subsequent year.

(3) * * *

(d) *Multiple or concurrent awards.* Whenever a research project involves a number of different but related problems, activities or disciplines which require evaluation by different groups, or whenever support for a project could be more effectively administered by separate handling of separate aspects of the project, the Secretary may evaluate, approve and make awards pursuant to two or more concurrent applications, each dealing

with one or more specified aspects of the project.

* * * * *

7. Section 52.8 is revised to read as follows:

§ 52.8 Other HHS policies and regulations that apply.

Several other HHS policies and regulations apply to grants under this part. These include, but are not necessarily limited to:

37 CFR part 401—Rights to inventions made by nonprofit organizations and small business firms under government grants, contracts, and cooperative agreements

42 CFR part 50, subpart A—Responsibility of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science

42 CFR part 50, subpart D—Public Health Service grant appeals procedure

42 CFR part 50, subpart F—Responsibility of applicants for promoting objectively in research for which PHS funding is sought

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 46—Protection of human subjects

45 CFR part 74—Administration of grants

45 CFR part 75—Informal grant appeals procedures

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants)

45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—effectuation of title VI of the Civil Rights Act of 1964

45 CFR part 81—Practice and procedure for hearings under part 80 of this title

45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving Federal financial assistance

45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance

45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance

45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to State and local governments

45 CFR part 93—New restrictions on lobbying

59 FR 14508 (March 28, 1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research.

[Note: This policy is subject to changes, and interested persons should contact the Office of Research on Women's Health, NIH, Room 201, Building 1, MSC 0161, BETHESDA, MD 20892–0161 (301–402–1770; not a toll-free number) to obtain references to the current version and any amendments.]

59 FR 34496 (July 5, 1994)—NIH Guidelines for Research Involving Recombinant DNA Molecules.

[Note: This policy is subject to changes, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7010, Bethesda, MD 20892–7010 (301–496–9838; not a toll-free number) to obtain references to the current version and any amendments.]

''PHS Grants Policy Statement,'' DHHS Publication No. (OASH) 94–50,000 (Rev.) April 1, 1994.

[Note: This policy is subject to changes, and interested persons should contact the Grants Policy Branch, OASH, Room 17A45, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 (301–443–1874; not a toll-free number) to obtain references to the current version and any amendments.]

''Public Health Service Policy on Humane Care and Use of Laboratory Animals,'' Office for Protection from Research Risks, NIH (Revised September 1986).

[Note: This policy is subject to changes, and interested persons should contact the Office for Protection from Research Risks, NIH, Suite 3B01, 6100 Executive Boulevard, MSC 7507, Rockville, MD 20852–7507 (301–496–7005; not a toll-free number) to obtain references to the current version and any amendments.]

8. The heading of § 52.9 is revised to read as follows:

§ 52.9 Additional conditions.

[FR Doc. 96–26976 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

42 CFR Parts 52a and 54a

RIN 0905–AE00

National Institutes of Health Center Grants

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is amending its center grants regulations in order to incorporate changes necessitated by enactment of the ADAMHA Reorganization Act and the National Institutes of Health Revitalization Act of 1993, and is merging the regulations governing its grants for national alcohol research centers with its center grant regulations in accordance with the goals of the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: This final rule is effective on November 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Moore, NIH Regulatory Affairs Officer, National Institutes of Health, Building 31, Room 1B25, 31 Center Dr., MSC 2075, Bethesda, MD 20892–2075, telephone (301) 496–4606 (not a toll-free number). For program information contact the Office of Extramural Research, National Institutes of Health, Shannon Building, Room 144, One Center Dr., MSC 0152, Bethesda, MD 20892–0152, telephone (301) 496–1096 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On July 10, 1992, the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act, Public Law 102–321, was enacted. That Act restructured the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) by transferring the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute on Drug Abuse (NIDA), and the National Institute of Mental Health (NIMH) to NIH, effective October 1, 1992, and provided for the administration of treatment and service programs under a newly created Substance Abuse and Mental Health Services Administration (SAMHSA). Section 122 of that Act transferred Public Health Service (PHS) Act section 511, ''National Alcohol Research Center,'' to title IV, part C, subpart 14 of the Act, and redesignated the section as PHS Act section 464J. Under section 464J, the Secretary, acting through NIAAA, may designate National Alcohol Research Centers for the purpose of interdisciplinary research relating to alcoholism and other biomedical, behavioral and social issues related to alcoholism and alcohol abuse, and shall make annual grants to the Centers, including a grant to a designated Center for research on the effects of alcohol on the elderly.

Additionally, section 123 of the ADAMHA Reorganization Act added a new section 464N to the PHS Act which authorizes the Director of NIDA to designate National Drug Abuse Research Centers for the purpose of interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse. Under section 464N, the

Director of NIDA is authorized to make annual grants to these Centers.

Subsequently, the National Institutes of Health Revitalization Act of 1993, Public Law 103–43, was enacted on June 10, 1993. Provisions of that Act authorized several new center grant programs that should be covered by part 52a. Specifically, section 417 of the PHS Act, as added by section 401 of Public Law 103–43, authorizes centers for breast cancer research; section 417A of the PHS Act, as added by section 402 of Public Law 103–43, authorizes prostate cancer research and demonstration centers; section 422 of the PHS Act, as amended by section 502 of Public Law 103–43, authorizes centers for the study of pediatric cardiovascular diseases; section 431 of the PHS Act, as amended by section 601 of Public Law 103–43, authorizes centers for research and training regarding nutritional disorders, including obesity; section 447 of the PHS Act, as added by section 902 of Public Law 103–43, authorizes research centers regarding chronic fatigue syndrome; section 452A of the PHS Act, as added by section 1001 of the Public Law 103–43, authorizes research centers with respect to contraception and infertility; and section 452C of the PHS Act, as added by section 1021 of Public Law 103–43, authorizes child health research centers.

NIH published proposed amendments to its center grant regulations codified at 42 CFR part 52a, in a notice of proposed rule making (NPRM) published in the Federal Register February 17, 1995 (60 FR 9560). NIH also published another NPRM in the Federal Register August 19, 1994 (59 FR 42793), in which it published proposed amendments to the regulations codified at 42 CFR part 54a governing grants for national alcohol research centers in order to set forth changes necessitated by enactment of the ADAMHA Reorganization Act.

Subsequently, in March 1995, the President announced the Administration's plan for reform of the Federal regulatory system. In accordance with the goals of the President's Regulatory Reform Initiative, part of the President's Reinventing Government effort, NIH decided to merge the regulations governing grants for national alcohol research centers with the center grants regulations, thereby creating a single uniform set of rules governing all of its center grant programs set forth in title IV of the PHS Act.

Accordingly, the authority citation of part 52a is revised to include the U. S. Code citations for the new center grant authorities set forth in PHS Act sections 417, 417A, 422, 431, 447, 452A, 452C, and 464N, and for the authority pertaining to grants for national alcohol research centers set forth in PHS Act section 464J. Part 54a, entitled, ''Grants For Alcohol Abuse And Alcoholism Prevention, Treatment, And Rehabilitation Services And National Alcohol Research Centers,'' is removed from the Code of Federal Regulations.

Section 52a.1 is amended by adding language reflecting the applicability of part 52a to these new center grant programs and the grants for national alcohol research centers program, and is restructured for improved clarity into three separate paragraphs. Language is added in the first paragraph to clarify that center grants awarded under sections 441, 464C, and 2316 of the PHS Act include payments for alteration, remodeling, improvement, expansion, and repair of existing buildings, and the provision of equipment necessary to make them suitable for use as a center.

Section 52a.2 is amended by adding definitions of the terms ''Director'', ''Grant(s)'', and ''Project period'', and revising the definition of the term ''Center'' to include each new type of center and the national alcohol research centers.

Section 52a.3 is amended by adding references to PHS Act sections 417, 417A, 431, 447, 452A, 452C, and 464J in paragraph (a) and adding a reference to PHS Act section 464N in paragraph (b).

Section 52a.7 is amended to correct the reference to 45 CFR part 74.

In section 52a.8, the references to 45 CFR part 74, the guidelines for research involving recombinant DNA and the PHS policy on the care and use of laboratory animals are amended to reflect Federal Register format requirements, and references to the regulations to ensure objectivity in PHS-funded research at 42 CFR part 50, subpart F, and the NIH Guidelines on the Inclusion of Women and Minorities as Human Subjects in Clinical Research are added. The title of § 52a.8 is amended to reflect that policies, as well as regulations, are referenced.

Finally, the Department strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553), we have concluded that the publication of another NPRM is unnecessary because the changes to merge the national alcohol research centers regulations with the center grants regulations are technical in nature and do not require any substantive changes in the center grants regulations or the national alcohol research centers regulations, as they were proposed. Only one comment was received concerning the previously published NPRMs. That comment indicated support for the proposed changes to the center grant regulations. No comments were received concerning the proposed changes to the national alcohol research centers regulations.

The following statements are provided as information for the public.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in section 3(f) of the Order, pre-publication review by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is necessary. This rule was reviewed under Executive Order 12866 and was determined to be not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. I certify that this final rule does not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act of 1980, is not required.

Paperwork Reduction Act

This final rule does not contain information collection requirements which are subject to Office of Management and Budget approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbered programs affected by this final rule are:

93.173 Multipurpose Deafness and Other Communication Disorders Centers
93.279 Drug Abuse Research Programs
93.397 Cancer Centers Support

93.837 Heart and Vascular Diseases Research
93.838 Lung Diseases Research
93.839 Blood Diseases and Resources Research
93.846 Arthritis, Musculoskeletal, and Skin Diseases Research
93.847 Diabetes, Endocrinology, and Metabolism Research
93.848 Digestive Diseases and Nutrition Research
93.849 Kidney Diseases, Urology and Hematology Research
93.855 Allergy, Immunology, and Transplantation Research
93.856 Microbiology and Infectious Diseases Research
93.864 Population Research
93.865 Research for Mothers and Children
93.866 Aging Research
93.981 Alcohol Research Center Grants

List of Subjects

42 CFR Part 52a

Grant programs—health; Medical research.

42 CFR Part 54a

Alcohol abuse, Grant programs—health, Medical research.

Dated: July 16, 1996.

Harold Varmus,

Director, NIH.

For the reasons set forth in the preamble, subchapter D, chapter I of title 42 of the Code of Federal Regulations is amended as set forth below.

1. Under the authority of 42 U.S.C. 216, part 54a is removed.

PART 52a—NATIONAL INSTITUTES OF HEALTH CENTER GRANTS

1a. The authority citation of part 52a is revised to read as follows:

Authority: 42 U.S.C. 216, 285a–3, 285a–6(c)(1)(E), 285a–7(c)(1)(G), 285b–4, 285c–5, 285d–6, 285e–2, 285e–3, 285f–1, 285g–5, 285g–7, 285m–3, 285n–2, 285o–2, 300cc–16.

2. Section 52a.1 is revised to read as follows:

§ 52a.1 To which programs do these regulations apply?

(a) The regulations of this part apply to grants by the National Institutes of Health and its organizational components to support the planning, establishment, strengthening or expansion, and operation of research and demonstration and/or multipurpose centers in the health fields described in this paragraph. Specifically, these regulations apply to national cancer research and demonstration centers (including payments for construction, but not including the acquisition of land), as authorized by section 414 of the Act; national cancer research and demonstration centers with respect to breast cancer, as authorized by section 417 of the Act; national cancer research and demonstration centers with respect to prostate cancer, as authorized by section 417A of the Act; national research and demonstration centers for heart, blood vessel, lung, and blood diseases, sickle cell anemia, blood resources and pediatric cardiovascular diseases (including payments for construction, but not including the acquisition of land), as authorized by section 422 of the Act; research and training centers in diabetes mellitus and related endocrine and metabolic diseases (including digestive, kidney, and urologic diseases), and research and training centers regarding nutritional disorders, including obesity, as authorized by section 431 of the Act; multipurpose arthritis and musculoskeletal diseases centers (including payments for alteration, remodeling, improvement, expansion, and repair of existing buildings, and the provision of equipment necessary to make them suitable for use as a center, but not construction), as authorized by Section 441 of the Act; Alzheimer's disease centers, as authorized by section 445 of the Act; Claude D. Pepper Older Americans Independence Centers, as authorized by section 445A of the Act; research centers regarding chronic fatigue syndrome, as authorized by section 447 of the Act; research centers with respect to contraception and infertility, as authorized by section 452A of the Act; child health research centers, as authorized by section 452C of the Act; multipurpose deafness and other communication disorders centers (including payments for alteration, remodeling, improvement, expansion, and repair of existing buildings, and the provision of equipment necessary to make them suitable for use as a center, but not construction), as authorized by section 464C of the Act; national alcohol research centers, as authorized by section 464J of the Act; national drug abuse research centers, as authorized by section 464N of the Act; and centers for acquired immunodeficiency syndrome research (including payments for renovation and leasing of existing buildings, and the provision of equipment necessary to make them suitable for use as a center, but not construction), as authorized by section 2316 of the Act.

(b) This part does not apply to:

(1) Grants for construction (see 42 CFR part 52b), except as noted in paragraph (a) of this section;

(2) Grants covered by 42 CFR part 52 (grants for research projects); or

(3) Grants for general research support under section 301(a)(3) of the Act (42 U.S.C. 241(a)(3)).

(c) This part also applies to cooperative agreements made to support the centers specified in paragraph (a) of this section. When a reference is made in this part to ''grants,'' the reference shall include ''cooperative agreements.''

3. Section 52a.2 is amended by revising the definition of ''Center'' and adding definitions of the terms ''Director'', ''Grant(s)'', and ''Project period'' to read as follows:

§ 52a.2 Definitions.

* * * * *

Center means:

(1) For purposes of grants authorized by section 414 of the Act, an agency or institution which provides for planning and conducting basic and clinical research into, training in, and demonstration of advanced diagnostic, control, prevention and treatment methods for cancer;

(2) For purposes of grants authorized by section 417 of the Act, an agency or institution which provides for planning and conducting basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer;

(3) For purposes of grants authorized by section 417A of the Act, an agency or institution which provides for planning and conducting basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer;

(4) For purposes of grants authorized by section 422 of the Act, an agency or institution which provides for planning and basic and clinical research into, training in, and demonstration of, management of blood resources and advanced diagnostic, prevention, and treatment methods (including emergency services) for heart, blood vessel, lung, or blood diseases including sickle cell anemia;

(5) For purposes of grants authorized by section 431 of the Act, a single institution or a consortium of cooperating institutions which conducts research, training, information programs, epidemiological studies, data collection activities and development of model programs in: diabetes mellitus and related endocrine and metabolic diseases; kidney and urologic diseases; or nutritional disorders, including obesity;

(6) For purposes of grants authorized by section 441 of the Act, a single institution or a consortium of

cooperating institutions which conducts basic and clinical research into arthritis and musculoskeletal diseases and orthopedic procedures, and provides training and information programs for health professionals and the general public;

(7) For purposes of grants authorized by section 445 of the Act, an entity (including a university medical center) which conducts basic and clinical research (including multidisciplinary research) into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's disease;

(8) For purposes of grants authorized by section 445A of the Act, an entity which conducts research into the aging processes and into the diagnosis and treatment of diseases, disorders, and complications related to aging, including menopause, which includes research on the treatments, and on medical devices and other medical interventions regarding these diseases, disorders, and complications that can assist individuals in avoiding institutionalization and prolonged hospitalization and in otherwise increasing the independence of the individuals;

(9) For purposes of grants authorized by section 447 of the Act, a single institution or consortium of cooperating institutions which conducts basic and clinical research on chronic fatigue syndrome;

(10) For purposes of grants authorized by section 452A of the Act, a single institution or consortium of cooperating institutions which conducts clinical and other applied research, training programs, continuing education programs, and information programs with respect to methods of contraception and infertility;

(11) For purposes of grants authorized by section 452C of the Act, an agency or institution which conducts research with respect to child health, and gives priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children;

(12) For purposes of grants authorized by section 464C of the Act, a single institution or a consortium of cooperating institutions which conducts basic and clinical research into, training in, information and continuing education programs for health professionals and the general public about, and demonstration of, advanced diagnostic, prevention, and treatment methods for disorders of hearing and other communication processes and complications resulting from these disorders;

(13) For purposes of grants authorized by section 464J of the Act, an entity engaged in long-term interdisciplinary research relating to alcoholism and other alcohol problems;

(14) For purposes of grants authorized by section 464N of the Act, an entity for interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse; or

(15) For purposes of grants authorized by section 2316 of the Act, an entity for basic and clinical research into, and training in, advanced diagnostic, prevention, and treatment methods for acquired immunodeficiency syndrome.

(16) As provided in the section of the Act authorizing the particular program or on the determination of the Director, a center may include the facilities of a single institution or a consortium of cooperating institutions and, if practical, may be part of an equitable geographical distribution of centers with proven research capabilities.

Director means the Director of NIH or the organizational component authorized to award grants to support centers under this part.

Grant(s) means, unless the context otherwise requires, an award of funds to support a center authorized under § 52a.1. The term includes cooperative agreement(s).

* * * * *

Project period means the period of time, from one to five years, specified in the notice of grant award that the NIH or the awarding component intends to support a proposed center without requiring the center to recompete for funds.

* * * * *

4. Section 52a.3 is amended by revising paragraphs (a) and (b) to read as follows:

§ 52a.3 **Who is eligible to apply?**

(a) Any public or private nonprofit agency, institution, or consortium of agencies is eligible to apply for a grant under sections 414, 417, 417A, 422, 445, 445A, 447, 452A, and 2316 of the Act.

(b) Any public or private nonprofit or for-profit agency, institution, or consortium of agencies is eligible to apply for a grant under sections 431, 441, 452C, 464C, 464J, and 464N of the Act.

(c) * * *

5. Section 52a.7 is revised to read as follows:

§ 52a.7 For what purposes may a grantee spend grant funds?

A grantee shall spend funds it receives under this part solely in accordance with the approved application and budget, the authorizing legislation, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in 45 CFR 74.27.

6. Section 52a.8 is amended by revising the heading; revising the reference to 45 CFR part 74; adding references to 42 CFR part 50, subpart F; adding an entry for ''59 FR 14508'' immediately following the entry ''45 CFR part 93''; removing the entry ''51 FR 16958 or successor'' and inserting in its place an entry ''59 FR 34496''; and revising the reference to Public Health Service Policy on Humane Care and Use of Laboratory Animals to read as follows:

§ 52a.8 Other HHS regulations and policies that apply.

* * * * *

42 CFR part 50, subpart F—Responsibility of applicants for promoting objectivity in research for which PHS funding is sought

* * * * *

45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments

* * * * *

59 FR 14508 (March 28,1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research. [Note: this policy is subject to change, and interested persons should contact the Office of Research on Women's Health, NIH, Room 201, MSC 0161, BETHESDA, MD 20892–0601 (301–402–1770; not a toll-free number) to obtain references to the current version and any amendments.]

59 FR 34496 (July 5,1994)—NIH Guidelines for Research Involving Recombinant DNA Molecules. [Note: this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSA 7010, BETHESDA, MD 20892–7010 (301–496–9838; not a toll-free number) to obtain references to the current version and any amendments.]

Public Health Service Policy on Humane Care and Use of Laboratory Animals, Office for Protection from Research Risks, NIH (Revised September 1986). [Note: this policy is subject to change, and interested persons should contact the Office for Protection from Research Risks, NIH, Suite 3B01, 6100 Executive Boulevard, MSC 7507, Bethesda, MD 20892–7507 (301–496–

7005; not a toll-free number) to obtain references to the current version and any amendments.]

7. Section 52a.9 is revised to read as follows:

§ 52a.9 Additional conditions.

The Director may, with respect to any grant award, impose additional conditions prior to or at the time of any award when in the Director's judgment the conditions are necessary to assure the carrying out of the purposes of the award, the interests of the public health, or the conservation of grant funds.

[FR Doc. 96–26972 Filed 10–23–96; 8:45 am]
BILLING CODE 4140–01–P

42 CFR Part 63a

RIN 0905–AD56

National Institutes of Health Training Grants

AGENCY: National Institutes of Health, Public Health Service, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is issuing regulations governing non-National Research Service Award (NRSA) training grants awarded under sections 307(b)(3), 405(b)(1)(C), 485B(b), 2315(a)(1)(A), and 2354(a)(3)(C) of the Public Health Service (PHS) Act, as amended, and section 103(h)(2) of the Clean Air Act, as amended. Regulations which at one time governed both NIH training grants and training grants specific to the National Library of Medicine (NLM) were revised in June of 1991 as part of the overall updating of all regulations concerning NLM, and now govern only NLM-specific training grants. New regulations are necessary to implement other non-NRSA research training grant authorities set forth in the Public Health Service Act and the Clean Air Act.

EFFECTIVE DATE: This final rule is effective November 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Moore, Regulatory Affairs Officer, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 1B–25, 31 Center Dr MSC 2075, Bethesda, MD 20892–2075, telephone (301) 496–4606 (not a toll-free number). For program information contact the Office of Extramural Research, National Institutes of Health, 9000 Rockville Pike, Shannon Building, Room 144, One Center Dr MSC 0152, Bethesda, MD 20892–0152, telephone (301) 496–1096 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The principal financial assistance support mechanism for research training by NIH and its constituent award-making organizations is through the NRSA program, authorized by section 487 of the PHS Act and addressed in regulations codified at 42 CFR part 66. The regulations which NIH is issuing concerning training grants do not affect the NRSA Program or amend the regulations codified in part 66.

Prior to the advent of the NRSA program, the NIH institutes relied upon provisions of the PHS Act that authorized the institutes to conduct or support research training. The NRSA program generally replaced this training authority, except in a few isolated cases.

In 1985, the Congress, in a major revision of NIH's authorities, the Health Research Extension Act of 1985 (Pub. L. 99–158), authorized the directors of the research institutes of NIH to conduct (at NIH) and support non-NRSA research training. This authority, as set forth in section 405(b)(1)(C) of the PHS Act, is limited to research training for which fellowship support is not provided under the NRSA program and which is not residency training of physicians or other health professionals.

Subsequently, on June 26, 1991, NIH published a final rule in the Federal Register (56 FR 29192) revising the regulations at 42 CFR part 64, (then) entitled National Institutes of Health and National Library of Medicine Training Grants, as part of the overall updating of all regulations concerning the National Library of Medicine. As a result, part 64 now addresses only NLM training grants authorized by section 472 of the PHS Act. NIH needs to provide regulations for research training grant authorities not otherwise addressed in the NLM-specific regulations in part 64.

NIH also needs to provide regulations for training grants authorized by section 901 of the Clean Air Act Amendments of 1990, Public Law 101–549, which amended section 103(h)(2) of the Clean Air Act. Section 901 directs the Director of the National Institute of Environmental Health Sciences (NIEHS) to conduct a program for the education and training of physicians in environmental health.

In 1993, the Congress, in the most recent major revision of NIH's authorities, the National Institutes of Health Revitalization Act of 1993 (Pub. L. 103–43), authorized the Director of the National Center for Human Genome Research (NCHGR), in PHS Act section 485B(b), to conduct and support training in human genome research for which fellowship support is not provided under PHS Act section 487 and that is not residency training of physicians or other health professionals. In codifying the establishment of the Office of AIDS Research (OAR), Public Law 103–43 also authorized the Director of OAR, in carrying out AIDS research, to support the training of American scientists abroad and foreign scientists in the United States, as set forth in section 2354(a)(3)(C) of the PHS Act, as amended.

Additionally, section 2315(a)(1) of the PHS Act, as amended, directs the Secretary, acting through the Director of NIH, to make grants to international organizations concerned with public health to promote and expedite international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immunodeficiency syndrome (AIDS) and opportunistic infections. The John E. Fogarty International Center for Advanced Study in the Health Sciences (FIC), NIH, also awards grants for training in international cooperative biomedical research endeavors to public and nonprofit private institutions in the United States and participating foreign countries under section 307(b)(3) of the PHS Act, as amended.

NIH published a notice of proposed rulemaking (NPRM) in the Federal Register of January 24, 1995 (60 FR 4742), in which it announced its plans to issue new regulations at part 63a to govern implementation of these training grant authorities. One comment supporting the regulations was received. Consequently, except for a few minor editorial changes, the final regulations are the same as those announced in the NPRM.

The regulations can be adapted for future training grant programs (both research training and non-research training). Since the rules for training programs are largely the same irrespective of the funding source, it makes sense to have a single set of uniform rules that applies to all NIH training grant programs, other than NRSA and NLM programs, with exceptions or special provisions for particular programs as necessary.

Readers of this final rule should understand that in publishing the new regulations, NIH is not initiating any new training programs. Rather, NIH is simply establishing regulations to govern existing training grant authorities.

This final rule sets forth what training is covered by the regulations, the nature and purpose of the training, what

institutions are eligible to apply, how to apply, how grants are awarded, and conditions imposed on recipients. Implementation of the particular training grant programs encompassed by these regulations rests with the statutorily authorized awarding NIH components and is subject to the availability of funds for that purpose, as well as programmatic priorities determined by the awarding components.

The following statements are provided for the information of the public.

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they must meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in section 3(f) of the Order, pre-publication review by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is necessary. This rule was reviewed under Executive Order 12866 and was deemed not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. I certify that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act of 1980, is not required.

Paperwork Reduction Act

This final rule does not contain any information collection requirements which are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbered program affected by this final rule is:

§ 93.837 Heart and Vascular Diseases Research.

List of Subjects in 42 CFR Part 63a

Environmental health; Grant programs—health; Health; Medical research.

Dated: July 23, 1996.

Harold Varmus,

Director, NIH.

Accordingly, chapter 1 of title 42 of the Code of Federal Regulations is amended by adding a new part 63a to read as set forth below.

PART 63a—NATIONAL INSTITUTES OF HEALTH TRAINING GRANTS

Sec.

Authority: 42 U.S.C. 216, 242*l*(b)(3), 284(b)(1)(C), 287c(b), 300cc-15(a)(1), 300cc-41(a)(3)(C), 7403(h)(2).

§ 63a.1 To what programs do these regulations apply?

(a) The regulations of this part apply to:

(1) Grants awarded by the John E. Fogarty International Center for Advanced Study in the Health Sciences, NIH, for training in international cooperative biomedical research endeavors, as authorized under section 307(b)(3) of the Act;

(2) Grants awarded by NIH for research training with respect to the human diseases, disorders, or other aspects of human health or biomedical research, for which the institute or other awarding component was established, for which fellowship support is not provided under section 487 of the Act and which is not residency training of physicians or other health professionals, as authorized by sections 405(b)(1)(C), 485B(b), 2315(a)(1), and 2354(a)(3)(C) of the Act; and,

(3) Grants awarded by the National Institute of Environmental Health Sciences, NIH, for the education and training of physicians in environmental health, as authorized under section 103(h)(2) of the Clean Air Act, as amended.

(b) The regulations of this part also apply to cooperative agreements awarded to support the training specified in paragraph (a) of this section. References to ''grant(s)'' shall include ''cooperative agreement(s).''

(c) The regulations of this part do not apply to:

(1) Research training support under the National Research Service Awards Program (see part 66 of this chapter);

(2) Research training support under the NIH Center Grants programs (see part 52a of this chapter);

(3) Research training support under traineeship programs (see part 63 of this chapter);

(4) Research training support under the NIH AIDS Research Loan Repayment Program (see section 487A of the Act); or

(5) Research training support under the National Library of Medicine training grant programs (see part 64 of this chapter).

§ 63a.2 Definitions.

As used in this part:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.*).

HHS means the Department of Health and Human Services.

NIH means the National Institutes of Health and its organizational components that award training grants.

Nonprofit as applied to any agency or institution, means an agency or institution which is a corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

Program director means the single individual named by the grantee in the grant application and approved by the Secretary, who is responsible for the management and conduct of the training program.

Project period See § 63a.8(a).

Secretary means the Secretary of Health and Human Services and any other official of HHS to whom the authority involved is delegated.

Stipend means a payment to an individual to help meet that individual's subsistence expenses during the training period.

Training grant means an award of funds to an eligible agency or institution for a training program authorized under § 63a.1 to carry out one or more of the purposes set forth in § 63a.3.

§ 63a.3 What is the purpose of training grants?

The purpose of a training grant is to provide financial assistance to an eligible agency or institution to enable it to provide research training to individuals in the diagnosis, prevention, treatment, or control of human diseases or disorders, or other aspects of human health or biomedical research, or in environmental health, in order to increase the number of facilities which provide qualified training and the number of persons having special competence in these fields.

§ 63a.4 Who is eligible for a training grant?

(a) *General.* Except as otherwise provided in this section or as prohibited by law, any public or private for-profit or nonprofit agency, institution, or entity is eligible for a training grant.

(b) *International training grants for AIDS research.* Any international organization concerned with public health is eligible for a training grant to support individuals for research training relating to acquired immunodeficiency syndrome (AIDS), as authorized under section 2315(a)(1) of the Act. In awarding these grants, preference shall be given to:

(1) Training activities conducted by, or in cooperation with, the World Health Organization and

(2) With respect to training activities in the Western Hemisphere, activities conducted by, or in cooperation with, the Pan American Health Organization or the World Health Organization.

§ 63a.5 How to apply for a training grant.

Any agency, institution, or entity interested in applying for a grant under this part must submit an application at the time and in the form and manner that the Secretary may require.

§ 63a.6 How are training grant applications evaluated?

The Secretary shall evaluate applications through the officers and employees, experts, consultants, or groups engaged by the Secretary for that purpose, including review or consultation with the appropriate advisory council or other body as may be required by law. The Secretary's evaluation will be for merit and shall take into account, among other pertinent factors, the significance of the program, the qualifications and competency of the program director and proposed staff, the adequacy of the selection criteria for trainees under the program, the adequacy of the applicant's resources available for the program, and the amount of grant funds necessary for completion of its objectives.

§ 63a.7 Awards.

Criteria. Within the limits of available funds, the Secretary may award training grants for training programs which:

(a) Are determined to be meritorious, and

(b) Best carry out the purposes of the particular statutory program described in § 63a.1 and the regulations of this part.

§ 63a.8 How long does grant support last?

(a) The notice of the grant award specifies how long the Secretary intends to support the project without requiring the grantee to recompete for funds. This period, called the ''project period,'' will usually be for one to five years.

(b) Generally, the grant will be initially for one year and subsequent continuation awards will be for one year at a time. A grantee must submit a separate application at the time and in the form and manner that the Secretary may require to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require determination by the Secretary that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

(d) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided that a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for that period, the Secretary may adjust the amounts awarded by withdrawing the excess.

§ 63a.9 What are the terms and conditions of awards?

In addition to the requirements imposed by law, grants awarded under this part are subject to any terms and conditions imposed by the Secretary to carry out the purpose of the grant or assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

§ 63a.10 How may training grant funds be spent?

(a) *Authorized expenditures; general.* A grantee shall expend funds it receives under this part solely in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the grant award, and the applicable cost principles in 45 CFR 74.27.

(b) *Authorized categories of expenditures.* Subject to any limitations imposed in the approved application and budget or as a condition of the award, grant funds may be expended for the following costs:

(1) Expenses of the grantee in providing training and instruction under the particular program, including salaries of faculty and support personnel, and the costs of equipment and supplies;

(2) Stipends and allowances to individuals during the period of their training and instruction; and,

(3) If separately justified and authorized under the particular program, tuition, fees, and trainee travel expenses which are necessary to carry out the purpose of the training grant.

(c) *Expenditures not authorized.* Grant funds may not be expended for:

(1) Compensation for employment or for the performance of personal services by individuals receiving training and instruction; or

(2) Payments to any individual who does not meet the minimum qualifications for training and instruction established by the grantee and approved by the Secretary or who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards and procedures of the grantee.

§ 63a.11 Other HHS regulations and policies that apply.

Several other HHS regulations and policies apply to this part. These include, but are not necessarily limited to:

42 CFR part 50, subpart A—Responsibility of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science

42 CFR part 50, subpart D—Public Health Service grant appeals procedure

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 46—Protection of human subjects

45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments
45 CFR part 75—Informal grant appeals procedures
45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants)
45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of title VI of the Civil Rights Act of 1964
45 CFR part 81—Practice and procedure for hearings under part 80 of this title
45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving Federal financial assistance
45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance
45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to State and local governments
45 CFR part 93—New restrictions on lobbying
59 FR 14508 (March 28, 1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research. [Note: this policy is subject to change, and interested persons should contact the Office of Research on Women's Health, NIH, Room 201, Building 1, MSC 0161, Bethesda, MD 20892–0161 (301–402–1770; not a toll-free number) to obtain references to the current version and any amendments.]
59 FR 34496 (July 5, 1994)—NIH Guidelines for Research Involving Recombinant DNA Molecules. [Note: this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7010, Bethesda, MD 20892–7010 (301–496–9838; not a toll-free number) to obtain references to the current version and any amendments.]
''PHS Grants Policy Statement,'' DHHS Publication No. (OASH) 94–50,000 (Revised April 1, 1994), as amended by the Addendum, dated January 24, 1995. [Note: this policy is subject to change, and interested persons should contact the Extramural Outreach and Information Resources Office (EOIRO), Office of Extramural Research, 6701 Rockledge Drive, Room 6208, MSC 7910, Bethesda, MD 20892–7910 (301–435–0714; not a toll-free number) to obtain references to the current version and any amendments. Information may also be obtained by contacting the EOIRO via its e-mail address (asknih@odrockm1.od.nih.gov) and by browsing the NIH Home Page site on the World Wide Web (http://www.nih.gov).]
''Public Health Service Policy on Humane Care and Use of Laboratory Animals,'' Office for Protection from Research Risks, NIH (Revised September 1986). [Note: this policy is subject to change, and interested persons should contact the Office for Protection from Research Risks, NIH, Suite 3B01, 6100 Executive Boulevard, MSC 7507, Rockville, MD 20852–7507 (301–496–7005; not a toll-free number) to obtain references to the current version and any amendments.]

[FR Doc. 96–26974 Filed 10–23–96; 8:45 am]
BILLING CODE 4140–01–P

42 CFR Part 65a

RIN 0925–AA03

National Institute of Environmental Health Sciences Hazardous Substances Basic Research and Training Grants

AGENCY: National Institutes of Health, Public Health Service, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The National Institutes of Health (NIH) is issuing new regulations to govern grants for research and training awarded by the National Institute of Environmental Health Sciences (NIEHS) for the purpose of understanding, assessing, and attenuating the adverse effects on human health of exposure to hazardous substances. The grants are authorized by section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as added by section 209 of the Superfund Amendments and Reauthorization Act of 1986.

EFFECTIVE DATE: This final rule is effective on November 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Moore, NIH Regulatory Affairs Officer, National Institutes of Health, Building 31, Room 1B25, 31 CENTER DRIVE MSC 2075, BETHESDA, MD 20892–2075, telephone (301–496–4606; not a toll-free number). For further information about the grant program contact: Dr. William A. Zuk, Chemical Exposures and Molecular Biology Branch, NIEHS, Division of Extramural Research and Training, 104 T. W. Alexander Drive, P.O. Box 12233, Research Triangle Park, NC 27709, telephone (919–541–1403; not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 311(a) of CERCLA, enacted on October 17, 1986, authorizes the Secretary of Health and Human Services (Secretary), acting through the Director of the National Institute of Environmental Health Sciences (NIEHS) and, in consultation with the Administrator of the Environmental Protection Agency, to administer a program of grants for basic research and training directed towards understanding, assessing, and attenuating the adverse effects on human health resulting from exposure to hazardous substances. Grants made under this program are for coordinated, multi-component, interdisciplinary projects linking biomedical research with related engineering, hydrologic, and ecologic research, and concomitant training. NIH published a full description of the program in the Federal Register of November 21, 1986 (51 FR 43089), and invited the public to attend an open meeting on the program which was held on December 19, 1986. Subsequently, NIH announced its intention to issue regulations to implement this program in the ''Unified Agenda of Federal Regulations'' published in the Federal Register of October 21, 1991 (56 FR 53327), and published proposed regulations in a notice of proposed rulemaking (NPRM) in the Federal Register of March 7, 1995 (60 FR 12525). The public was given 60 days in which to comment on the proposed regulations. The NIH received one comment which supported the regulations. Except for minor editorial and clarifying changes, the final regulations are the same as those published in the NPRM.

The following statements are provided as information for the public.

The Department of Health and Human Services (HHS) strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities

that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the term ''significant regulatory action,'' as defined in section 3(f) of the Order, prepublication review by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is necessary. This rule was reviewed under Executive Order 12866 by OIRA and was determined to be not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. This rule merely codifies internal policies and procedures of the Federal Government currently used by the NIH to administer the NIEHS Hazardous Substances Basic Research and Training Grants program. The grants do not have a significant economic or policy impact on a broad cross-section of the public. Furthermore, this rule would only affect those qualified public and private nonprofit institutions of higher education; generators of hazardous waste; persons involved in the detection, assessment, evaluation, and treatment of hazardous substances; owners and operators of facilities at which hazardous substances are located; and state and local governments interested in participating in the program. No individual or institution is obligated to participate in the grant program.

For these same reasons, this rule will not have a significant economic impact on a substantial number of small entities and that a regulatory flexibility analysis is not required under the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act

The rule does not contain information collection requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbered program affected by this rule is: 93.143.

List of Subjects in 42 CFR Part 65a

Grant programs—health; Health; Medical research; Hazardous substances.

Dated: August 8, 1996.

Harold Varmus,

Director, NIH.

For the reasons set forth in the preamble, title 42 of the Code of Federal Regulations is amended by adding a new part 65a, as follows.

PART 65a—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES HAZARDOUS SUBSTANCES BASIC RESEARCH AND TRAINING GRANTS

Sec.

Authority: 42 U.S.C. 216, 9660(a).

§ 65a.1 To what programs do these regulations apply?

(a) The regulations of this part apply to the award of grants to support programs for basic research and training directed towards understanding, assessing, and attenuating the adverse effects on human health resulting from exposure to hazardous substances, as authorized under section 311(a) of the Act (42 U.S.C. 9660(a)). The purpose of these programs is to carry out coordinated, multi-component, interdisciplinary research consisting of at least three or more biomedical research projects relating to hazardous substances and at least one non-biomedical research project in the fields of ecology, hydrogeology, and/or engineering, and including the training of investigators as part of the grantee's overall program.

(b) The regulations of this part also apply to cooperative agreements awarded to support the programs described in paragraph (a) of this section. References to ''grant(s)'' shall include ''cooperative agreement(s).''

(c) The regulations of this part do not apply to:

(1) Research training support under the National Research Service Awards Program (see part 66 of this chapter),

(2) Research, demonstration, and training support under the NIH Center Grants programs (see part 52a of this chapter),

(3) Research training support under traineeship programs (see parts 63 and 64a of this chapter), or

(4) Research training support under the NIH AIDS Research Loan Repayment Program authorized under section 487A of the Public Health Service Act, as amended (42 U.S.C. 288–1).

§ 65a.2 Definitions.

As used in this part:

Act means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.).

Award or *grant* means a grant or cooperative agreement awarded under section 311(a) of the Act (42 U.S.C. 9660(a)).

Director means the Director of the National Institute of Environmental Health Sciences, or the Director's delegate.

HHS means the Department of Health and Human Services.

Institution of higher education means an educational institution in any state which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within the state to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward a bachelor's degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Secretary of Education has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same

basis as if transferred from an institution so accredited. The term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (1), (2), (4), and (5) of this definition. The term also includes a public or nonprofit private educational institution in any state which, in lieu of the requirement in paragraph (1), admits as regular students persons who are beyond the age of compulsory school attendance in the state in which the institution is located and who meet the requirements of section 1091(d) of title 20 U.S. Code, as amended. For purposes of this definition, the Secretary of Education publishes a list of nationally recognized accrediting agencies or associations which that official determines to be reliable authority as to the quality of training offered. This list is found in the brochure, ''Nationally Recognized Accrediting Agencies and Associations Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List.''

[Note: This brochure is subject to change, and interested persons should contact the U.S. Department of Education Office of Post-Secondary Education, Accreditation and State Liaison Division, ROB 3, 7th and D Streets, S.W., Room 37–15, Washington, DC 20202–5244 (202–708–7417; not a toll-free number) to obtain a current version of the brochure and any amendments.]

NIEHS means the National Institute of Environmental Health Sciences, an organizational component of the National Institutes of Health, as authorized under sections 401(b) and 463 of the Public Health Service Act, as amended (42 U.S.C. 281(b) and 285*l*).

NIH means the National Institutes of Health.

Nonprofit, as applied to any agency, organization, institution, or other entity, means a corporation or association no part of the net earnings of which insures or may lawfully inure to the benefit of any private shareholder or individual.

PHS means the Public Health Service.

Program means the activity to carry out research and training supported by a grant under this part.

Program director means the single individual designated by the grantee in the grant application and approved by the Director, who is responsible for the scientific and technical direction of the research component and the conduct of the training component under a program.

Project period means the period of time, from one to five years, specified in the notice of grant award that NIEHS intends to support a proposed program without requiring the program awardee to recompete for funds.

Secretary means, unless the context otherwise requires, the Secretary of Health and Human Services or other official of HHS to whom the authority involved is delegated.

§ 65a.3 Who is eligible to apply for a grant?

(a) Except as otherwise prohibited by law, any public or private nonprofit institution of higher education may apply for an award under this part.

(b) Awardee institutions may carry out portions of the research or training components of an award through contracts with appropriate organizations, including:

(1) Generators of hazardous wastes;

(2) Persons involved in the detection, assessment, evaluation, and treatment of hazardous substances;

(3) Owners and operators of facilities at which hazardous substances are located; and

(4) State and local governments.

§ 65a.4 What are the program requirements?

The applicant shall include the following in its proposed program for which support is requested under this part:

(a) *Basic research component.* The program shall include three or more meritorious biomedical research projects, including epidemiologic studies relating to the study of the adverse effects of hazardous substances on human health, and at least one meritorious project involving hydrogeologic or ecologic research which shall cumulatively address:

(1) Methods and technologies to detect hazardous substances in the environment;

(2) Advanced techniques for the detection, assessment, and evaluation of the effects of these substances on human health;

(3) Methods to assess the risks to human health presented by these substances; and

(4) Basic biological, chemical, and/or physical methods to reduce the amount and toxicity of these substances.

(b) *Training component.* The program shall include the following kinds of training, as part of or in conjunction with the basic research component:

(1) Graduate training in environmental and occupational health and safety and in public health and engineering aspects of hazardous waste control; and/or

(2) Graduate training in the geosciences, including hydrogeology, geological engineering, geophysics, geochemistry, and related fields, necessary to meet professional personnel needs in the public and private sectors and to carry out the purposes of the Act; and

(3) Worker training relating to handling hazardous substances, which includes short courses and continuing education for state and local health and environmental agency personnel and other personnel engaged in the handling of hazardous substances, in the management of facilities at which hazardous substances are located, and in the evaluation of the hazards to human health presented by these facilities.

§ 65a.5 How to apply.

Each institution desiring a grant under this part must submit an application at the time and in the form and manner as the Secretary may require.

§ 65a.6 How will applications be evaluated?

The Director shall evaluate applications through the officers and employees, experts, consultants, or groups engaged by the Director for that purpose, including review by the National Advisory Environmental Health Sciences Council in accordance with peer review requirements set forth in part 52h of this chapter. The Director's first level of evaluation will be for technical merit and shall take into account, among other pertinent factors, the significance of the program, the qualifications and competency of the program director and proposed staff, the adequacy of the applicant's resources available for the program, and the amount of grant funds necessary for completion of its objectives. A second level of review will be conducted by the National Advisory Environmental Health Sciences Council.

§ 65a.7 Awards.

Criteria. Within the limits of available funds, the Director may award grants to carry out those programs which:

(a) Are determined by the Director to be meritorious; and

(b) In the judgment of the Director, best promote the purposes of the grant program, as authorized under section 311(a) of the Act and the regulations of this part, and best address program priorities.

§ 65a.8 How long does grant support last?

(a) The notice of grant award specifies how long NIEHS intends to support the project without requiring the grantee to recompete for funds. This period, called the project period, may be for 1–5 years.

(b) Generally, the grant will initially be for one year, and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application at the time and in the form and manner as the Secretary may require to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Director that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Director, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Director that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for that period, the Director may adjust the amounts awarded by withdrawing the excess.

§ 65a.9 What are the terms and conditions of awards?

In addition to being subject to other applicable regulations (see § 65a.11), grants awarded under this part are subject to the following terms and conditions:

(a) *Material changes.* Except as otherwise provided by 45 CFR 74.25, the grantee may not materially change the quality, nature, scope, or duration of the program unless the written approval of the Director is obtained prior to the change.

(b) *Additional conditions.* The Director may impose additional conditions prior to the award of any grant under this part if it is determined by the Director that the conditions are necessary to carry out the purpose of the grant or assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

§ 65a.10 For what purposes may grant funds be spent?

A grantee shall spend funds it receives under this part solely in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in 45 CFR 74.27.

§ 65a.11 Other HHS regulations and policies that apply.

Several other HHS regulations and policies apply to awards under this part. These include but are not necessarily limited to:

42 CFR part 50, subpart A—Responsibility of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science

42 CFR part 50, subpart D—Public Health Service grant appeals procedure

42 CFR part 50, subpart F—Responsibility of applicants for promoting objectivity in research for which PHS funding is sought

42 CFR part 52h—Scientific peer review of research grant applications and research and development contract projects

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 46—Protection of human subjects

45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments

45 CFR part 75—Informal grant appeals procedures

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants)

45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of title VI of the Civil Rights Act of 1964

45 CFR part 81—Practice and procedure for hearings under part 80 of this title

45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving Federal financial assistance

45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance

45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance

45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to state and local governments

45 CFR part 93—New restrictions on lobbying

59 FR 14508 (March 28, 1994)—NIH Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research

[Note: This policy is subject to change, and interested persons should contact the Office of Research on Women's Health, NIH, Room 201, Building 1, MSC 0161, Bethesda, MD 20892–0161 (301–402–1770; not a toll-free number) to obtain references to the current version and any amendments.]

59 FR 34496 (July 5, 1994)—NIH Guidelines for Research Involving Recombinant DNA Molecules.

[Note: This policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7010, Bethesda, MD 20892–7010 (301–496–9838; not a toll-free number) to obtain references to the current version and any amendments.]

''PHS Grants Policy Statement,'' DHHS Publication No. (OASH) 94–50,000 (Revised April 1, 1994), as amended by Addendum, dated January 24, 1995.

[Note: This policy is subject to change, and interested persons should contact the Extramural Outreach and Information Resources Office (EOIRO), Office of Extramural Research, 6701 Rockledge Drive, Room 6208, MSC 7910, Bethesda, MD 20892–7910 (301–435–0714; not a toll-free number) to obtain references to the current version and any amendments. Information may also be obtained by contacting the EOIRO via its e-mail address (asknih@odrockm1.od.nih.gov) and by browsing the NIH Home Page site on the World Wide Web (http://www.nih.gov).]

''Public Health service Policy on Humane Care and Use of Laboratory animals,'' Office for Protection from Research Risks, HIH (Revised September 1986).

[Note: This policy is subject to change, and interested persons should contact the Office for Protection for Research Risks, NIH, Suite 3B01, 6100 Executive Boulevard, MSC 7507, Rockville, MD 20852–7507 (301–496–7005; not a toll-free number) to obtain references to the current version and any amendments.]

[FR Doc. 96–26973 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–137; RM–8532]

Radio Stations; Table of Assignments; West Virginia

AGENCY: Federal Communications Commission.

ACTION: Final Rule; petition for reconsideration.

SUMMARY: The Chief, Policy and Rules Division, grants the petition for reconsideration filed by The West Virginia Schools for the Deaf and the Blind. Allocations Branch's Report and Order, 60 FR 33389, June 28, 1995, denying the substitution of Channel *281A for Channel 201A at Romney, West Virginia, its reservation for noncommercial educational use, and the modification of the license of Station WJGF accordingly. The Commission granted the petition after finding that the substitution of Channel *281A for Channel 201A at Romney is justified because there are no available/usable channels in the reserved band that would not be precluded by potential interference with Station WJAC-TV, Channel 6, Johnstown, Pennsylvania. Channel *281A can be allotted to Romney in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.7 miles) to avoid a short-spacing to the licensed site of Station WKCY-FM, Channel 282B, Harrisonburg, Virginia. The coordinates for Channel *281A at Romney are North Latitude 39–22–00 and West Longitude 78–44–50. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 25, 1996.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 94–137, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc. (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by and adding Channel *281A at Romney.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96–27286 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–137; RM–8823]

Radio Broadcasting Services; Negaunee, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots Channel 270A to Negaunee, Michigan, as the community's second FM broadcast service in response to a petition filed by Todd Stuart Noordyk (''Noordyk''). See 61 FR 35705, July 8, 1996. We shall also modify the application filed by Noordyk for Channel 258A at Negaunee to specify Channel 270A with cut-off protection. The coordinates for Channel 270A are 46–28–18 and 87–36–55. Canadian concurrence has been obtained for this allotment. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 25, 1996.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96–137, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel 270A at Negaunee.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–27288 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 95–150, RM–8692]

Radio Broadcasting Services; San Angelo, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Regency Broadcasting, Inc., allots Channel 289C3 to San Angelo, Texas. Channel 289C3 can be allotted to the community in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 289C3 at San Angelo, Texas, are 31–27–48 and 100–26–12. Since San Angelo is located within 320 kilometers (199 miles) of the U.S.-Mexican border,concurrence of the Mexican government has been obtained for this allotment.

With this action, this proceeding is terminated.

EFFECTIVE DATES: November 25, 1996. The window period for filing applications will open on November 25, 1996, and close on December 26, 1996.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95–150, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 289C3 at San Angelo.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–27282 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–52; RM–8755]

Radio Broadcasting Services; Princeville, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 260C1 to Princeville, Hawaii, in response to a petition for rule making filed on behalf of John Moore dba Moore Broadcasting Company, one of two applicants for Channel 255C1 at Princeville, to resolve the mutual exclusivity, and to provide a second local FM service to that community. See 61 FR 14043, March 29, 1996. Petitioner is also permitted to amend its pending application for Channel 255C1 at Princeville (File No. BPH–950117MG) to specify operation on Channel 260C1 while retaining its cut-off protection. Coordinates used for Channel 260C1 at Princeville are 22–00–00 and 159–22–50. With this action, the proceeding is terminated.

EFFECTIVE DATE: November 25, 1996.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–52, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Channel 260C1 at Princeville.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–27281 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1505, 1514, 1537, 1548, and 1552

[FRL–5639–5]

Acquisition Regulation; Removal of Outdated or Unnecessary Coverage

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is removing from the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) outdated or unnecessary coverage on Exchange of Acquisition Information, Past Performance, Advisory and Assistance Services, and Policies and Procedures on Value Engineering.

EFFECTIVE DATE: October 24, 1996.

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

SUPPLEMENTARY INFORMATION:

A. Background

This final rule eliminates from the EPAAR coverage on Exchange of Acquisition Information, Past Performance, Advisory and Assistance Services, and Policies and Procedures on Value Engineering. The coverage is obsolete for which new FAR coverage is available, or the coverage is included in procedures internal to EPA. Codification of the Agency's internal procedures is unnecessary, since they have no significant cost or administrative impact on contractors or offerors.

B. Executive Order 12866

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

C. Paperwork Reduction Act

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

D. Regulatory Flexibility Act

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

E. Unfunded Mandates

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

List of Subjects in 48 CFR Parts 1505, 1514, 1537, 1548, and 1552.

Government procurement.

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

1. The authority for Parts 1505, 1514, 1537, 1548, and 1552 continues to read as follows:

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

2. Subpart 1505.4 is removed.

3. Section 1514.201–6(a) is removed and the paragraph designation (b) is removed.

4. Subpart 1537.2 is removed.

5. Subpart 1548.1 is removed.

6. Section 1552.214–70 is removed.

Dated: October 15, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–27312 Filed 10–23–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 101796B]

Atlantic Tuna Fisheries; Adjustments

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

ACTION: Fishery reopening.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) General category quota, as adjusted, has not been reached. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for areas outside the New York Bight for one day. Closure of this one day fishery will be strictly enforced. The General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. This action is being taken to extend scientific data collection on certain size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

EFFECTIVE DATE: The General category fishery for large medium and giant ABT will open for areas outside the New York Bight beginning Monday, October 21, at 1 a.m. local time and close on Monday, October 21, at 11:30 p.m. local time.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301–713–2347, or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities.

NMFS previously adjusted the General category October subquota to 60 mt for all areas outside the New York Bight and announced a closure date of October 2, 1996 (61 FR 50765, September 27, 1996). NMFS subsequently adjusted the General category October subquota by transferring 30 mt from the Incidental longline category under the authority of implementing regulations at 50 CFR 285.22(f) (61 FR 53677, October 15, 1996). Thus, the October General category quota was adjusted to 90 mt, with an additional 10 mt reserved for the New York Bight, and the General category fishery was reopened for areas outside the New York Bight for one day on October 11, 1996.

NMFS has determined that the full 90 mt October General category quota was not taken as of the closure on October 11, 1996. Therefore, NMFS reopens the General category fishery for large medium and giant ABT for areas outside the New York Bight for one day on October 21, 1996. Closure of this one day fishery will be strictly enforced and remaining quota, if any, will be held in reserve for the General category in 1997 or, if necessary, other fishing categories in 1996.

The New York Bight set-aside is not affected by this action and the General category fishery for large medium and giant ABT for areas inside the New York Bight will remain open until the set-aside quota is reached. However, during this one day opening, on October 21, 1996, large medium and giant ABT harvested and landed in the New York Bight area will be counted against the New York Bight set-aside quota.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: 18 October 1996.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27211 Filed 10–18–96; 4:43 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 101896A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1996 pollock total allowable catch (TAC) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 21, 1996, until 2400 hrs, December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 pollock TAC in Statistical Area 620 was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 12,840 metric tons (mt), determined in accordance with § 679.20(c)(3).

The Director, Alaska Region, NMFS (Regional Director), established a directed fishing allowance of 12,500 mt, and has set aside the remaining 340 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined, in accordance with § 679.20(d)(1), that the 1996 pollock TAC in Statistical Area 620 soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620. This closure was originally intended to be effective on October 13, 1996; with that expectation, the Regional Director

issued a press release announcing the closure. Unfortunately, due to unforeseen circumstances, the closure will not be effective until October 21, 1996.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: October 21, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27333 Filed 10–21–96; 2:19 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 207
Thursday, October 24, 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 71

[Airspace Docket No. 96–AEA–10]

Proposed Amendment to Class E Airspace; Penn Yan, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Class E airspace area at Penn Yan, NY. The development of a new Standard Instrument Approach Procedure (SIAP) at Penn Yan Airport based on the Global Positioning System has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before November 15, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA–530, Docket No. 96–AEA–10 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA–530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Operations Branch, AEA–530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–AEA–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Penn Yan, NY. A GPS RWY 01 SIAP has been developed for the Penn Yan Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

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

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

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, is proposed to be amended as follows:

Paragraph 6605 Class E airspace areas extending upward from 700 feet or more above the surface of the Earth.

* * * * *

AEA NY E5 Penn Yan, NY [Revised]

Penn Yan Airport, NY
(Lat. 42°38′20″ N, long. 77°03′14″ W)

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Penn Yan Airport, excluding that portion within the Romulus, NY, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 3, 1996.

John S. Walker,

Manager, Air Traffic Division, Eastern Region

[FR Doc. 96–27183 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 96N–0244 and 94P–0444]

Food Labeling; Declaration of Free Glutamate in Food; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting an advance notice of proposed rulemaking that appeared in the Federal Register of September 12, 1996 (61 FR 48102). The document announced FDA's consideration of establishing requirements for label information about the free glutamate content of foods. The document was published with some errors. This document corrects those errors.

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

In FR Doc. 96–23159, appearing on page 48102 in the Federal Register of Thursday, September 12, 1996, the following corrections are made:

1. On page 48102, in the third column, ''[Docket No. 96N–0244]'' is corrected to read ''[Docket Nos. 96N–0244 and 94P–0444]''.

2. On page 48109, in the first column, in the 20th line from the bottom, ''(.032g)'' is corrected to read ''(.032g/100g)'' and ''(.047g)'' is corrected to read ''(.047g/100g)''.

Dated: October 17, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–27201 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–01–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AC56

Disaster Assistance; Appeals Procedures

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is changing the procedures for the review and disposition of appeals related to Public Assistance grants. The rule is intended to simplify the administrative process and reduce delays in reaching a final resolution of an appeal.

DATES: We invite comments on this proposed rule and will accept comments until December 23, 1996.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, room 840, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Mira Kuic, Program Specialist, Engineering Branch, Infrastructure Support Division, Federal Emergency Management Agency, room 713, 500 C Street SW., Washington, DC 20472, (202) 646–4687.

SUPPLEMENTARY INFORMATION: Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (Stafford Act), any decision regarding eligibility or amount of assistance may be appealed. Before this proposed rule, FEMA allowed three appeal levels. The following Federal officials were designated to receive and consider first, second, and third level appeals, respectively: Regional Director, Associate Director, and Director.

This proposed rule reduces, from three to two, the number of appeal requests allowed to be submitted by an applicant. If a first appeal request is denied by the Regional Director, in lieu of submitting a second appeal to the Associate Director, an applicant may submit a second appeal to the Director. The Director's decision is considered final. No changes are being made in the time frames for submittal, notification and disposition of appeals.

The intent of this change is to reduce the significant amount of time (and associated costs) dedicated to the review and disposition of repetitive appeal issues. FEMA has found that very little, if any, new information is submitted with third appeals. A third appeal response typically confirms an existing FEMA policy or clarifies the regulations as applied to specific projects. Therefore, reducing the number of submittals at the Headquarters level would avoid repetitive reviews of the same decisions and issues. This change will eliminate approximately one third of the total time required for the entire appeals process and will provide applicants with a final resolution sooner than previously. All provisions for fair and impartial consideration as required by the Stafford Act are maintained.

National Environmental Policy Act. This proposed rule is categorically excluded from the preparation of environmental impact statements and environmental assessments as an administrative action in support of normal day-to-day grant activities. No environmental impact statement or environmental assessment has been prepared.

Regulatory Flexibility Act. The Director certifies that this rule is not a major rule under Executive Order 12291, and will not have significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, and is not expected (1) to adversely affect the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, nor (3) to create any additional burden on small entities. Hence no regulatory impact analysis has been prepared.

Paperwork Reduction Act. This proposed rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism. In publishing this proposed rule, FEMA has considered the President's Executive Order 12612 on Federalism. This proposed rule makes no changes in the division of governmental responsibilities between the Federal government and the States. Grant administration procedures in accordance with 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, remain the same. No Federalism assessment has been prepared.

Executive Order 12778, Civil Justice Reform. The rule meets the applicable

standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359

List of Subjects in 44 CFR Part 206

Disaster assistance, Public assistance.

Accordingly, 44 CFR part 206 is proposed to be amended as follows:

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329, 5 U.S.C. App,1; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 CFR 12571, 3 CFR, 1989 Comp., p. 214.

2. Section 206.206(d) is revised to read as follows:

§ 206.206 Appeals.

* * * * *

(d) *Director.* (1) If the RD denies the appeal, the subgrantee may submit a second appeal to the Director. Such appeals shall be made in writing, through the grantee and the RD, and shall be submitted not later than 60 days after receipt of the notice of the RD's denial of the first appeal. The Director shall render a determination on the subgrantee's appeal within 90 days following the receipt of the appeal or shall make a request for additional information. Within 90 days following the receipt of such additional information the Director shall notify the grantee, in writing of the disposition of the appeal. If the decision is to grant the appeal, the RD will be instructed to take appropriate implementing action. Action by the Director is final.

(2) In appeals involving highly technical issues, the Director may, at his/her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice and recommendation. Before making the selection of this person or group, the Director may consult with the grantee, subgrantee, or both.

(3) The Director may also submit appeals which he/she receives to persons who are not associated with FEMA's Response and Recovery Directorate office for recommendations on the resolutions of appeals.

(4) Within 60 days after the submission of a recommendation made pursuant to paragraphs (d) (2) and (3) of this section, the Director shall render a determination and notify the grantee of the disposition of the appeal.

* * * * *

Dated: October 16, 1996.

James L. Witt,

Director.

[FR Doc. 96–27176 Filed 10–23–96; 8:45 am]

BILLING CODE 6718–02–P

44 CFR Part 206

RIN 3067–AC58

Disaster Assistance; Snow Removal Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule describes the facilities that are eligible for snow removal assistance as a result of an Emergency or Major Disaster declaration based on snow or blizzard conditions. Removal of snow from one lane in each direction along designated snow emergency routes, or similar types of roads in communities without designated snow emergency routes, and along streets that provide access from the designated routes to critical facilities is eligible for assistance. No other facilities are eligible for snow removal assistance.

DATES: We invite comments on this proposed rule and will accept comments until November 25, 1996.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Gregory Ormsby, Engineer, Infrastructure Support Division, room 713, 500 C Street SW., Washington, DC 20472, (202) 646–2726.

SUPPLEMENTARY INFORMATION: Prior to the winter of 1976/1977, declarations by the Federal government for winter storm assistance under earlier disaster relief acts were rare. Only seven winter storm incidents were declared between 1953 and 1977, and most were the result of ice storms that caused enough damage to justify the declaration of major disasters. However, definitive policies and procedures were never developed by FEMA's predecessor agencies to describe the circumstances under which Federal disaster assistance for snow removal could be provided in the aftermath of winter storms.

Beginning in January 1977, and continuing through the winter of 1978/1979, the north central and northeastern states experienced an extraordinary series of winter storms that resulted in below normal temperatures, heavy snowfall, and blizzards that threatened lives and public health and safety due to the disruption of emergency transportation facilities. During that period, 14 emergencies and one major disaster were declared by the President pursuant to the Disaster Relief Act of 1974, as amended. Although other types of emergency assistance were made available to save lives and protect public health and safety, the primary type of assistance provided from 1977 through 1979 was snow removal assistance to provide emergency access.

The Federal government's first official winter storm policy was developed in October 1978. The policy addressed emergency snow removal assistance required to provide emergency access to save lives and protect public health and safety. Eligibility for emergency measures other than snow removal was to be evaluated in accordance with other applicable rules and regulations. The policies established for eligibility included a requirement for the State to submit information on the nature and extent of the storm; threats to public health and safety; actions taken by the State and local governments; and the specific types of assistance required. Federal assistance was limited to 67 percent of total eligible costs.

The October 1978 policy was applied to two snow events that occurred during the winter of 1978/1979. Based on those two events, it was determined that the policy was not adequate to ensure that emergency snow removal assistance was supplemental, i.e., beyond State and local capabilities, and was provided in a uniform and consistent manner. As a result, the winter storm policy was changed in September 1979 to indicate that routine snow removal is a maintenance responsibility of State and local governments; that budgetary shortfalls were not to be used as justification for declaration; that State agencies were not eligible applicants; and to identify specific eligibility criteria and reimbursement levels. Federal assistance was reduced to 50 percent of total eligible costs.

Between 1979 and 1993, no emergencies or major disasters were declared for snowstorms or blizzards. A total of 14 major disasters were declared for other types of winter events. Except for changes in eligible applicants and the eligibility criteria for snow removal contained in 44 CFR 206.227, previous policies and procedures were not revised.

In 1993, 18 emergencies were declared by the President pursuant to the Stafford Act resulting from a severe winter storm that was categorized by the National Weather Service as a blizzard.

The basis for these declarations was the actual and potential loss of life, the widespread nature of the event, and the need to supplement State and local emergency response efforts. During 1994, 11 major disaster declarations were approved for winter storms that caused significant physical damage to public infrastructure. In addition to heavy snow in certain areas, freezing rain and icing caused extensive power outages and health and safety hazards. More recently in the Blizzard of 1996, 14 major disaster declarations were approved for excessive snowfall, commonly referred to as the Storm of the Century.

Eligible costs for snow declarations in 1993 included all costs necessary to remove snow from one lane in each direction along all eligible roads as defined in 44 CFR 206.227. In 1996, eligible costs included those associated with removing snow from one lane in each direction along designated snow emergency routes, or similar routes in communities without officially designated snow emergency routes. In addition, removing snow from one lane in each direction along routes that provide access from the designated snow emergency routes to critical facilities such as hospitals, fire stations, police stations, custodial care facilities, etc. The rule also provides assistance for search and rescue activities along all roads and highways during the snow emergency period. This proposed rule is consistent with guidance used for the 1996 declarations for the Blizzard of 1996 with the addition of the search and rescue work.

Following the declarations in 1993 and 1996, several States and municipalities expressed their view that the amount of assistance FEMA provided was not consistent with the Stafford Act. They argued that all assistance authorized by the Stafford Act should be available for declarations resulting from snow. It is FEMA's position that snow removal is generally a maintenance responsibility of the State and local governments. Also, generally there is no permanent damage to facilities resulting from snow. Federal involvement should be supplemental to the State and local efforts and should be limited to providing for emergency access to address health and safety needs.

National Environmental Policy Act

This proposed rule would be categorically excluded from the preparation of environmental impact statements and environmental assessments as an administrative action in support of normal day-to-day grant activities. No environmental assessment or environmental impact statement has been prepared.

Regulatory Flexibility Act

The Director certifies that this proposed rule would not be a major rule under Executive Order 12291, and would not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, and is not expected (1) to affect adversely the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, nor (3) to create any additional burden on small entities. Hence, no regulatory impact analysis has been prepared.

Paperwork Reduction Act

This proposed rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

In promulgating this rule, FEMA has considered the Executive Order 12612, Federalism. This rule makes no changes in the division of governmental responsibilities between the Federal government and the States. Grant administration procedures in accordance with 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, remain the same. No Federalism assessment has been prepared.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359.

List of Subjects in 44 CFR Part 206

Disaster assistance, Public assistance.

Accordingly, 44 CFR part 206 is proposed to be amended as follows:

PART 206—[AMENDED]

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.;* Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329, 5 U.S.C. App. 1; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. Section 206.227 is proposed to be revised to read as follows:

§ 206.227 Snow removal assistance

(a) The removal of snow from one lane in each direction along the following roads is eligible:

(1) Officially designated snow emergency routes.

(2) Roads similar to those listed in paragraph (a)(1) of this section in communities that do not have officially designated snow emergency routes.

(3) Roads that provide access from those listed in paragraphs (a) (1) and (2) of this section to critical facilities, such as emergency operations centers, police stations, hospitals and other critical care facilities.

(b) Snow emergency routes mean those roads posted as such that are required to remain clear of parked vehicles during designated snow emergencies to allow the passage of emergency vehicles.

(c) Search and rescue operations on roads and highways are eligible.

Dated: October 16, 1996.

James L. Witt,

Director.

[FR Doc. 96–27175 Filed 10–23–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.96–209, RM–8885]

Radio Broadcasting Services; Belview, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Harbor Broadcasting, Inc., proposing the allotment of Channel 290A to Belview, Minnesota, as that community's first local broadcast service. The coordinates for Channel 290A are 44–42–08 and 95–14–46. There is a site restriction 12.4 kilometers (7.7 miles) northeast of the community.

DATES: Comments must be filed on or before December 2, 1996, and reply comments on or before December 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Thomas Lijewski, President, Harbor Broadcasting., Inc., 111 Marquette Avenue, No. 1501, Minneapolis, Minnesota 55401.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–209, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–27287 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–207, RM–8874]

Radio Broadcasting Services; Cawker City, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Ruby J. Hoeflicker proposing the allotment of Channel 242C3 at Cawker City, Kansas, as the community's first local FM service. Channel 242C3 can be allotted to Cawker City in compliance with the Commission's minimum distance separation requirements without the imposition of site restriction. The coordinates for Channel 242C3 at Cawker City are 39–30–30 and 98–25–54.

DATES: Comments must be filed on or before December 2, 1996, and reply comments on or before December 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John B. Kenkel, Kenkel & Associates, 1901 L Street, N.W., Suite 290, Washington, D.C. 20036 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–207, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96–27284 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–206, RM–8877]

Radio Broadcasting Services; Raton, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by N'Joy Broadcasting, seeking the allotment of Channel 249A to Raton, NM, as the community's third local FM service. The Notice also proposes to allow the petitioner to amend its application (BPH–960124MA) for Channel 243A at Raton to reflect the new channel without loss of cut-off protection. The Notice also proposes to allot Channel 299A to Raton, as the community's fourth local FM service, if other parties express an interest in applying for Channel 249A. Channel 249A can be allotted to Raton in compliance with the Commission's minimum distance separation requirements at a transmitter site 6.3 kilometers (3.9 miles) north of the community, at coordinates 36–57–18 NL; 104–25–22 WL, to accommodate the site proposed in petitioner's pending application. Channel 299A can be allotted to Raton with a site restriction of 5.5 kilometers (3.4 miles) southeast, at coordinates 36–51–21 NL; 104–22–16, to avoid a short-spacing to Station KDZA–FM, Channel 300C1, Pueblo, CO.

DATES: Comments must be filed on or before December 2, 1996, and reply comments on or before December 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ms. Mary Alice Rateau, N'Joy Broadcasting, 8264 South Cody, Litteton, CO 80123 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–206, adopted October 4, 1996, and released October 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

John A. Karousos,

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

[FR Doc. 96–27283 Filed 10–23–96; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1535 and 1552

[FRL–5639–4]

Acquisition Regulation: Removal of Certification Requirements Regarding Collection, Use, Access, Treatment, and Disclosure of Confidential Business Information (CBI)

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the Environmental Protection Agency Acquisition Regulation (EPAAR) (48 CFR Chapter 15) by removing certification requirements regarding the collection, use, access, treatment, and disclosure of confidential business information (CBI) not specifically imposed by statute, and to amend CBI clauses to remove such certification requirements.

DATE: Written comments on this proposed rule must be received on or before December 23, 1996.

ADDRESSES: Comments should be addressed to the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, attn: Paul Schaffer (Mail Code 3802F). Comments may also be transmitted electronically by electronic mail (e-mail) to Schaffer.paul @ epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on disk in Wordperfect in 6.1 file format or ASCII file format. Electronic comments on the proposed rule may be filed online at many Federal Deposit Libraries.

FOR FURTHER INFORMATION CONTACT: Paul Schaffer at (202) 260–9032.

SUPPLEMENTARY INFORMATION:

A. Background

Section 4301(b) of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106) requires agencies to remove all non-statutory certifications from their acquisition regulation, unless the head of the agency approves a justification for the retention of a certification requirement. The basis for the justification must be that there is no less burdensome means for administering and enforcing the certification requirement.

The Senior Procurement Official has provided the Administrator of EPA a determination, which the Administrator has approved, that there is no less burdensome means for administering and enforcing protections for EPA from organizational conflicts of interests than by certification. The following conflict of interest certifications are therefore not affected by this rule:

48 CFR 1552.209–72 Organizational Conflicts of Interest Certification.
48 CFR 1552.210–80 Annual Certification.
48 CFR 1552.212–71 Work Assignments.

A copy of the determination approved by the EPA Administrator for retention of the conflict of interest certifications listed above may be obtained from the contact point listed in this rule.

An analysis of the certifications for 48 CFR 1552.235–72 (Control and Security of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Confidential Business Information), and 48 CFR 1552.235–74, (Control and Security of Toxic Substances Control Act (TSCA) Confidential Business Information) revealed these certifications can be removed. Existing FIFRA and TSCA CBI clauses will be amended to mandate that prior to receipt of FIFRA CBI and TSCA CBI by the Contractor, the Contractor will ensure that their employees have read and are familiar with the handling, control, and data security requirements without the need for a certification.

B. Executive Order 12866

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

C. Paperwork Reduction Act

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

D. Regulatory Flexibility Act

The EPA certifies that this rule does not exert a significant economic impact on a substantial number of small entities. This rule imposes no reporting, record-keeping, or any compliance costs for any entity, whether large or small.

E. Unfunded Mandates

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

List of Subjects in 48 CFR Parts 1535 and 1552

Government procurement.

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

1. The authority citation for Parts 1535 and 1552 continues to read as follows:

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

2. Section 1535.007 is revised to read as follows:

1535.007 Solicitations.

(a) Contracting Officers shall insert 48 CFR 1552.235–73, Access to Federal Insecticide, Fungicide, and Rodenticide Act Confidential Business Information, in all solicitations when the Contracting Officer has determined that EPA may furnish the contractor with confidential business information which EPA had obtained from third parties under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*).

(b) Contracting Officers shall insert 48 CFR 1552.235–75, Access to Toxic Substances Control Act Confidential Business Information, in all solicitations when the Contracting Officer has determined that EPA may furnish the contractor with confidential business information which EPA had obtained from third parties under the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).

3. Sections 1552.235–72 and 1552.235–74 are removed and reserved.

4. Section 1552.235–77 is amended by revising the heading and paragraph (a)(3) to read as follows:

1552.235–77 Data Security for Federal Insecticide, Fungicide and Rodenticide Act Confidential Business Information (Sept. 1966)

(a) * * *

(3) Prior to receipt of FIFRA CBI by the Contractor, the Contractor shall ensure that all employees who will be cleared for access to FIFRA CBI have been briefed on the handling, control, and security requirements set forth in the FIFRA Information Security Manual.

* * * * *

5. Section 1552.235–78 is amended by revising the heading and paragraph (a)(1) to read as follows:

1552.235–78 Data Security for Toxic Substances Control Act Confidential Business Information (Sept. 1966)

(a) * * *

(1) The Contractor and Contractor's employees shall follow the security procedures set forth in the TSCA CBI Security Manual. The manual may be obtained from the Director, Information Management Division (IMD), Office of Pollution Prevention and Toxics (OPPT), U.S. Environmental Protection Agency (EPA), 401 M Street, SW, Washington, DC 20460. Prior to receipt of TSCA CBI by the Contractor, the Contractor shall ensure that all employees who will be cleared for access to TSCA CBI have been briefed on the handling, control, and security requirements set forth in the TSCA CBI Security Manual.

* * * * *

Dated: October 8, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–27311 Filed 10–23–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961008282–6282–01; I.D. 092796A]

RIN 0648–AI97

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Red Hind Spawning Aggregations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement a regulatory amendment prepared by the Caribbean Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). In the Caribbean exclusive economic zone (EEZ) off western Puerto Rico, the regulatory amendment would adjust the boundary of the existing red hind spawning aggregation seasonal/area closure and add two additional red hind spawning aggregation seasonal/area closures. The intended effect is to protect red hind spawning aggregations by prohibiting fishing in these areas during the spawning season.

DATES: Written comments must be received on or before November 8, 1996.

ADDRESSES: Comments on the proposed rule must be sent to Georgia Cranmore, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, should be sent to the Caribbean Fishery Management Council, 268 Ave. Muñoz Rivera, Suite 1108, San Juan, PR 00918–2577.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of Puerto Rico and the U.S. Virgin Islands is managed under the FMP. The FMP was prepared by the Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson Fishery Conservation and Management Act.

Background

Red hind, like most groupers, are long-lived, slow-growing, and aggregate for spawning. Hook and line and fish traps are the most commonly used gear in the commercial fishery; little data exist on the recreational fishery.

Commercial landings of red hind off western Puerto Rico have declined substantially since 1991. Almost 30,000 lb (13,608 kg) of red hind were reported landed in western Puerto Rico in 1991; landings in 1994 totaled about 11,000 lb (4,990 kg). Both the number and size of fish caught have declined in commercial landings. Fishing effort for red hind is highest during the spawning season, December 1 through February 28. The Council believes that protection of spawning aggregations is a practical way to reduce fishing mortality and also increase the likelihood of spawning success.

Amendment 2 (1993) to the FMP established a red hind spawning aggregation seasonal/area closure in the EEZ off western Puerto Rico, around Buoy 8 at Tourmaline Bank. In 1996, commercial fishermen testified that this area is larger and further to the west than needed to encompass the spawning aggregation around Tourmaline Bank. Additionally, Puerto Rico's Department of Natural and Environmental Resources, working in cooperation with commercial fishermen, has identified two additional red hind spawning aggregations off western Puerto Rico that need protection.

Management Measures

In the EEZ off western Puerto Rico, the Council is proposing to: (1) Adjust the boundary of the existing red hind spawning aggregation seasonal/area closure around Buoy 8 at Tourmaline Bank by moving the closed area further to the east and reducing the size of the area from approximately 15 square nautical miles (nm^2) to approximately 9 nm^2; and (2) add two additional red hind spawning aggregation seasonal/area closures of 9 nm^2 each—one around Buoy 6 at Abrir La Sierra Bank and the other around a buoy to be deployed in the area known as ''Bajo de Cico.''

Red hind can be taken as bycatch in fish or crustacean traps or by other non-selective gear used in directed fisheries off western Puerto Rico. Thus, all commercial and recreational fishing for all species needs to be prohibited in the red hind spawning aggregation areas from December 1 through February 28, each year, to protect the spawning aggregations and to facilitate effective enforcement of the closed areas.

Commercial fishermen support these measures to protect the red hind spawning aggregations. They can shift effort to other species, such as snappers, outside the closed areas. Also, the adjustment of the boundary of the existing closure to exclude sandy bottom areas, previously closed to fishing, will allow trap fishermen to use these areas to store traps during bad weather. Although testimony by commercial fishermen indicates that recreational fishermen fish these spawning aggregations, no data exist on the potential impact on recreational fishermen of the proposed closed areas.

This proposed rule will close only those portions of the spawning aggregations off Puerto Rico that are in the EEZ. Complementary regulations by the Commonwealth of Puerto Rico are required to protect remaining portions within Puerto Rico's waters.

Action on the Recommended Changes

The Council's recommended changes are within the scope of the management measures that may be adjusted by the framework procedure specified in the FMP. The Administrator, Southeast Region, NMFS, initially concurs that the Council's recommended measures are consistent with the objectives of the FMP, the national standards, and other applicable law. Accordingly, the

Council's recommended changes are published for comment. Final determinations will be made following review of all information and comments on the proposed rule.

Additional Change Proposed by NMFS

As a technical change to the regulations, NMFS proposes to alter minimally the boundary of the mutton snapper spawning aggregation area off the southwest coast of St. Croix. Fishing is prohibited in that area from March 1 through June 30, each year. The vast majority of the area is in state waters—Federal regulations apply only in the EEZ part. This change would (1) better conform the outer boundary of the area with the 100-fathom depth contour, as was intended in the FMP, as amended, (2) slightly reduce the EEZ part of the area, and (3) make the area compatible with that established in the U.S. Virgin Islands regulations.

Classification

This proposed rule has been determined to be not significant under E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

In the EEZ off western Puerto Rico, the proposed rule would adjust the boundaries of the existing red hind spawning aggregation seasonal/area closure and add two additional red hind spawning aggregation seasonal/area closures. The intended effect is to protect red hind spawning aggregations by prohibiting all fishing in these areas during the spawning season.

The commercial red hind fishery is composed entirely of small businesses that could be affected by the management measures contained in the proposed rule. Based on a 1988 survey, there are approximately 882 commercial fishing vessels operating off Puerto Rico. An estimated 161 (or about 18 percent) have homeports near the proposed closed areas; many of these vessels have access to other fishing grounds and do not fish for red hind. Therefore, the proposed regulatory amendment is not expected to affect a substantial number of small entities. Those businesses that will be affected by the proposed rule are involved in the harvest of a wide variety of species, in addition to red hind; red hind catches account for only 1.3 percent of the annual fishery value in Puerto Rico. Furthermore, red hind catches will be affected in only some of the spawning areas for 3 months per year, and the effect on annual gross revenues will be considerably less than 5 percent. Hence, there is not expected to be a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: October 18, 1996.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.33, paragraph (a), paragraph (b) introductory text, and paragraph (b)(3) are revised to read as follows:

§ 622.33 Caribbean EEZ seasonal and/or area closures.

(a) *Mutton snapper spawning aggregation area.* From March 1 through June 30, each year, fishing is prohibited in that part of the following area that is in the EEZ. The area is bounded by rhumb lines connecting, in order, the points listed.

Point	North lat.	West long.
A	17°37.8′	64°53.0′
B	17°39.0′	64°53.0′
C	17°39.0′	64°50.5′
D	17°38.1′	64°50.5′
E	17°37.8′	64°52.5′
A	17°37.8′	64°53.0′

(b) *Red hind spawning aggregation areas.* From December 1 through February 28, each year, fishing is prohibited in those parts of the following areas that are in the EEZ. Each area is bounded by rhumb lines connecting, in order, the points listed.

* * * * *

(3) *West of Puerto Rico.*

(i) *Bajo de Cico*

Point	North lat.	West long.
A	18°15.7′	67°26.4′
B	18°15.7′	67°23.2′
C	18°12.7′	67°23.4′
D	18°12.7′	67°26.4′
A	18°15.7′	67°26.4′

(ii) *Tourmaline Bank*

Point	North lat.	West long.
A	18°11.2′	67°22.4′
B	18°11.2′	67°19.2′
C	18°08.2′	67°19.2′
D	18°08.2′	67°22.4′
A	18°11.2′	67°22.4′

(iii) *Abrir La Sierra Bank*

Point	North lat.	West long.
A	18°06.5′	67°26.9′
B	18°06.5′	67°23.9′
C	18°03.5′	67°23.9′
D	18°03.5′	67°26.9′
A	18°06.5′	67°26.9′

[FR Doc. 96–27212 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–P

50 CFR Part 622

[I.D. 101796C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 14

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council has submitted Amendment 14 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before December 23, 1996.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 14, which includes an environmental assessment, a regulatory impact review, and an initial regulatory flexibility analysis, should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609, PHONE: 813–228–2815; FAX: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act requires that a Council-prepared amendment to a fishery management plan be submitted

to NMFS for review and approval, disapproval, or partial disapproval.

Amendment 14 would: Prohibit the use or possession of fish traps in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) west of 85°30' W. long.; modify the procedure for retrieval of fish traps when a breakdown prevents a vessel with a trap endorsement from retrieving its traps; phase out the use of fish traps in the EEZ of the Gulf over a 10-year period; modify the restrictions on transfer of fish trap endorsements; modify the restrictions on transfer of reef fish permits; prohibit the harvest or possession of Nassau grouper in or from the EEZ of the Gulf of Mexico; and authorize the Regional Administrator, Southeast Region, NMFS, to reopen a prematurely closed fishery to ensure that a commercial fishery quota or recreational fishery allocation is attained.

Proposed regulations to implement Amendment 14 are scheduled for publication within 15 days.

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

Dated: October 21, 1996.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27337 Filed 10–21–96; 2:19 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 207
Thursday, October 24, 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

Submission for OMB Review; Comment Request

October 18, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

- Rural Housing Service

Title: 7 CFR 1965–E, ''Prepayment and Displacement Prevention of Multiple Family Housing Loans''.

Summary: The information is collected as required by the Housing and Community Development Act of 1987, borrowers who wish to repay their loans must fulfill certain requirements before the Rural Housing Service can comply.

Need and Use of the Information: The information is used by the Rural Housing Service as a guide to determine if prepayment requests can be accepted.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 800.

Frequency of Responses: Recordkeeping; reporting: On occasion.

Total Burden Hours: 587.

Donald Hulcher,
Deputy Departmental Clearance Officer.

[FR Doc. 96–27257 Filed 10–23–96; 8:45 am]
BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 961015287–6287–01]

RIN 0607–XX17

Annual Trade Survey

AGENCY: Bureau of the Census, Commerce

ACTION: Notice of determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 182, 224, and 225, I have determined that the Census Bureau needs to collect data covering year-end inventories, annual sales, and purchases to provide a sound statistical basis for the formation of policy by various governmental agencies. These data also apply to a variety of public and business needs. This annual survey is a continuation of similar wholesale trade surveys conducted each year since 1978. It provides on a comparable classification basis annual sales, inventories, and purchases for 1995 and 1996. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Ronald L. Piencykoski or Edward Murphy on (301) 457–2779.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to take surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on wholesale trade for the period between economic censuses. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Census Bureau will require selected firms operating merchant wholesale establishments in the United States (with sales size determining the probability of selection) to report on the 1996 Annual Trade Survey. We will furnish report forms to the firms covered by this survey and will require their submission within thirty days after receipt. The sample will provide, with measurable reliability, statistics on the subjects specified above.

This survey has been submitted to the Office of Management and Budget, in accordance with the Paperwork Reduction Act, Public Law 96–511, as amended, and was cleared under OMB Control No. 0607–0195. We will provide copies of the form upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: October 16, 1996.

Bryant Benton,
Deputy Director, Bureau of the Census.

[FR Doc. 96–27305 Filed 10–23–96; 8:45 am]
BILLING CODE 3510–07–P

Bureau of Export Administration

Action Affecting Export Privileges; Walton W. McCarthy

In the Matter of: Walton W. McCarthy 138–1 Blakes Hill Road, Northwood, New Hampshire 03261.

Order Denying Permission To Apply for or Use Export Licenses

On February 12, 1996, Walton W. McCarthy (McCarthy) was convicted in the United States District Court for the District of Massachusetts of violating the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991 & Supp. 1996) (IEEPA). McCarthy was convicted of willfully, knowingly, and unlawfully dealing and attempting to deal in property intended for exportation to Iraq, specifically, an underground shelter known as an ''S30 Remote Tactical Base,'' and engaging and attempting to engage in activity intended to promote such dealing, in violation of the embargo against Iraq.

Section 11(h) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2420 (1991 & Supp. 1996)) (the Act),[1] provides that, at the discretion of the Secretary of

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)) and August 14, 1996 (61 FR 42527, August 15, 1996), continued the Regulations in effect under IEEPA.

Commerce,[2] no person convicted of violating IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the Regulations),[3] for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating IEEPA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of McCarthy's conviction for violating IEEPA, and following consultations with the Acting Director, Office of Export Enforcement, I have decided to deny McCarthy permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on February 12, 2006. I have also decided to revoke all licenses issued pursuant to the Act in which McCarthy had an interest at the time of his conviction.

Accordingly, it is hereby Ordered:

I. Until February 12, 2006, Walton W. McCarthy, 138–1 Blakes Hill Road, Northwood, New Hampshire 03261, may not, directly or indirectly, participate in any way, in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including but not limited to:

A. Applying for, obtaining, or using any license,[4] License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

II. No person may directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the EAR that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to McCarthy by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until February 12, 2006.y

VI. A copy of this Order shall be delivered to McCarthy.

This Order shall be published in the Federal Register.

Dated: October 11, 1996.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 96–27259 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–DT–M

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

[3] The March 25, 1996 Federal Register publication redesignated, but did not republish, the existing Regulations as 15 C.F.R. Parts 768A–799A. In addition, the March 25 Federal Register publication restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730–774, effective April 24, 1996.

[4] For purposes of this Order, ''license'' includes any general license established in 15 C.F.R. Parts 768A–799A.

National Oceanic and Atmospheric Administration

[I.D. 092796I]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) has cancelled the public meeting of the Red Snapper Advisory Panel (AP) that was scheduled for October 31, 1996. The meeting was announced in the Federal Register on October 7, 1996.

FOR FURTHER INFORMATION CONTACT: Antonio Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The initial notice published on October 7, 1996 (61 FR 52438). The purpose of this meeting was for the AP to review both the SAP and SEP reports and provide recommendations to the Council.

The meeting will be rescheduled at a future date.

Dated: October 18, 1996.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27335 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 101796A]

Fisheries of the Exclusive Economic Zone Off Alaska; Electronic Reporting

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

ACTION: Public meeting.

SUMMARY: NMFS announces a meeting with members of the groundfish processing industry to discuss the electronic reporting system currently under development by the Alaska Region. The purpose of the meeting is to exchange information relating to software development, communications, and system implementation.

DATES: The meeting will be held on October 29, 1996, 1 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the following location: Alaska Fisheries Science Center, Building 4, Room 2079, 7600 Sand Point Way Northeast, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Nick Hindman, 907–586–7228.

SUPPLEMENTARY INFORMATION: At its June and September 1996 meetings, the North Pacific Fishery Management Council recommended that NMFS staff meet with interested industry members to discuss ideas relating to the electronic reporting system currently under development by the Alaska Region. One such meeting was held in Seattle on August 8, 1996.

A second meeting is warranted to discuss ideas and issues pertaining to this initiative. NMFS therefore has scheduled a public meeting to take place in Seattle (see **DATES** and **ADDRESSES**) and encourages fishermen, processors, and others interested in electronic reporting to attend.

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

Dated: October 16, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27210 Filed 10–21–96; 9:39 am]

BILLING CODE 3510–22–F

[Docket No. 960322092–6284–03; I.D. 100796A]

RIN 0648–ZA19

Gulf of Mexico Fisheries Disaster Program; Revisions

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

ACTION: Revisions to program for financial assistance.

SUMMARY: This notice serves the following purposes: To revise the definition of ''eligible causes'' to include the ''Storm of the Century,'' which occurred on March 12–14, 1993; to clarify that the definition of eligible gear or vessels includes gear and vessels lost or damaged from eligible causes while on land; to clarify that fishermen who have not yet repaired or replaced their eligible gear or vessels are eligible to apply; and to notify the public that NMFS will provide an additional 30 days for submission of applications.

DATES: Effective October 24, 1996. Applications must be postmarked November 25, 1996.

ADDRESSES: Applications should be sent to Charles L. Cooper, Program Leader, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles L. Cooper, Program Leader, (301) 713–2396.

SUPPLEMENTARY INFORMATION:

Background

NMFS published the proposed and final program notice describing the Gulf of Mexico Fisheries Disaster Program (GOMFDP) on April 1, 1996, and June 10, 1996, respectively. (61 FR 14293; 61 FR 29350). The program description and background are included in those notices and are not repeated here.

Revisions to the program

NMFS has determined that the revisions contained herein are necessary to clarify certain aspects of the program. NMFS believes that these revisions will expand the program to reach fishermen who suffered eligible losses during the disaster period. NMFS also believes that clarification is needed to indicate the intention to include certain fishermen who may believe they are not eligible.

Expansion of Eligible Causes

Pursuant to the authority under the Interjurisdictional Fisheries Act (IFA), the Secretary of Commerce (Secretary) may determine the extent, and the beginning and ending dates, of any fishery resource disaster. Accordingly, the Secretary limited the definition of disaster to those events that are of a magnitude foreseen by the IFA, and the final program notice defined disasters as hurricanes and the Mississippi river floods of 1993 and 1994 and their aftereffects. Since implementation of the program began, however, NMFS has received significant new data that suggest that the ''Storm of the Century,'' on March 12–14, 1993, was equal in magnitude to a hurricane. This storm was not deemed an official hurricane, since it occurred in the winter and was not cyclonic in nature, which is a defining characteristic of a hurricane. However, a National Climatic Data Center Technical Report (#93–01) and other reports state that this storm brought a 12–ft (3.7–m) tidal surge along portions of Florida's west coast and hurricane strength winds of up to 109 mph, damaged or destroyed 18,000 homes, and caused over $500 million in damage to the Florida Gulf coast alone. Based on this new information, NMFS has determined that the ''Storm of the Century'' qualifies as a disaster of a magnitude of a hurricane. Therefore, any fisherman who suffered uninsured gear or vessel loss during the ''Storm of the Century'' on March 12–14, 1993, may now apply for a grant award under the program. Applications previously submitted that request compensation for damage suffered from this storm will be processed, if otherwise eligible.

Clarification of Eligible Loss

Some fishermen have reported to NMFS that they believed that the GOMFDP limited grant awards to costs arising from the repair or replacement of eligible gear or vessels lost in eligible waters and excluded fishermen who had removed their gear or vessels from the water to a land site before a storm, where it was damaged or destroyed. The program was not designed to exclude these fishermen. The definition of eligible cause extends causation to any hurricane or flood, or its aftereffects, during a period from August 23, 1992, through December 31, 1995, including, but not limited to, wind, waves, rising waters, and the debris or other obstructions caused by them or carried by them. This definition of ''eligible cause'' underscores that the attendant forces of a hurricane, such as the wind and rising waters, are eligible forces, the impact of which may cause eligible harm, even if the gear or vessel was not literally in the water at the time. Therefore, NMFS clarifies that fishermen who lost their fishing gear or vessels due to eligible causes while such gear or vessels were on land are eligible to apply for this program.

In addition, the GOMFDP final program notice may be read to limit compensation to fishermen who had already repaired or replaced their gear or vessels. However, many fishermen may not have had sufficient funds at the time to repair or replace their lost gear or vessels. These fishermen were also

not intended to be excluded. Therefore, NMFS clarifies that fishermen who have not yet repaired or replaced their eligible gear or vessels may apply for the program. All estimated repair costs will be thoroughly verified by NMFS and assessed at the fair market value at the time that the loss or damage occurred.

The final program notice required all applications to be submitted no later than October 7, 1996. This notice hereby extends the application deadline through a date 30 days after the date of publication of this notice to allow enough time for applicants to consider these revisions and submit new or revised applications.

Classification

This program has been determined to be not significant for the purposes of E.O. 12866.

Applications under this program are subject to E.O. 12372, ''Intergovernmental Review of Federal Programs.''

This action is exempt from review under section 553 of the Administrative Procedure Act, since this notice only provides program clarifications and does not contain a general notice of proposed rulemaking. Concomitantly, no regulatory flexibility analysis under 5 U.S.C. 601 *et seq.* is required. This program contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget (OMB control number 0648–0082).

Authority: Public Law 99–659 (16 U.S.C. 4107 *et seq.*); Public Law 102–396.

Dated: October 17, 1996.

Charles Karnella,

Acting Director, Office of Operations, Management and Information, National Marine Fisheries Service.

[FR Doc. 96–27207 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 092396A]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) has cancelled the public meeting of the Socioeconomic Assessment Panel that was scheduled for October 23–24, 1996. The meeting was announced in the Federal Register on October 2, 1996.

FOR FURTHER INFORMATION CONTACT: Antonio Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The initial notice published on October 2, 1996 (61 FR 51435). This meeting was intended to review available social and economic data on the Gulf of Mexico red snapper, vermilion, and amberjack fisheries and to determine the social and economic implications of the levels of acceptable biological catch (ABC) recommended by the Council's Reef Fish Stock Assessment Panel (SAP). Cancellation of the meeting is due to the fact that the SAP was unable to recommend ABC levels for the species mentioned above.

The meeting will be rescheduled at a future date.

Dated: October 18, 1996.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27334 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 092796J]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council has cancelled the public meeting of the Standing and Special Reef Fish Scientific and Statistical Committee (SSC) that was scheduled for October 30, 1996. The meeting was announced in the Federal Register on October 7, 1996.

FOR FURTHER INFORMATION CONTACT: Antonio Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The initial notice was published on October 7, 1996 (61 FR 52438). The purpose of this meeting was for the SSC to review both the SAP and SEP reports and determine if the reports were based on the best available scientific information.

This meeting will be rescheduled at a future date.

Dated: October 18, 1996.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–27336 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 101096B]

Marine Fisheries Advisory Committee; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) from November 18 to November 21, 1996.

DATES: The meetings are scheduled as follows:

1. November 18, 1996, 11 a.m. - 5 p.m.
2. November 19, 1996, 8:30 a.m. - 5 p.m.
3. November 20, 1996, 8:30 a.m. - 2:30 pm.
4. November 21, 1996, 8:30 a.m. - noon

ADDRESSES: The meetings will be held at the Ilikai Hotel Nikko, 1777 Ala Mona Boulevard, Honolulu, HI. Requests for special accommodations may be directed to MAFAC, Office of Management Information, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Wheeler, Executive Secretary; telephone: (301) 713–2252.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of meetings of MAFAC. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fisheries, and environmental, state, consumer, academic, and other national interests.

Matters to be Considered

November 18, 1996

(1) Joint Commercial-Recreational Subcommittee Meeting

(2) Protected Resources/Habitat Subcommittee Meeting

(3) Seafood Markets and Trade Subcommittee Meeting

(4) Bycatch Subcommittee Business Meeting

November 19, 1996

(1) Seafood Markets and Trade Subcommittee Meeting

(2) Report on Status of MAFAC Resolutions
(3) Report on the NMFS Science/ Survey Issues
(4) Reports on Strategic Planning and other critical issues facing NMFS

November 20, 1996

(1) Joint meeting with Western Pacific Council
(2) Report on Magnuson Act reauthorization
(3) NOAA Vessel tour

November 21, 1996

(1) Report on Subcommittee Meetings
(2) Closing Discussions

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to MAFAC (see **ADDRESSES**).

Dated: October 17, 1996.

Charles Karnella,

Acting Director, Office of Operation, Management and Information, National Marine Fisheries Service.

[FR Doc. 96–27208 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 100996C]

Marine Mammals; Scientific Research Permit No. 1019 (P619)

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Catherine Schaeff, Department of Biology, American University, 4400 Massachusetts Ave., NW., Washington, D.C. 20016, has been issued a permit to import gray whale specimens for scientific purposes.

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);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2289 (508/281–9250);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5301).

SUPPLEMENTARY INFORMATION: On August 26, 1996, notice was published in the Federal Register (61 FR 43737–43738) that a request for a scientific research permit to import gray whale samples from Canada and Mexico 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).

Dated: October 16, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–27209 Filed 10–23–96; 8:45 am]

BILLING CODE 3510–22–F

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for 21 November 1996 at 10:00 AM in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C., October 17, 1996.

Charles H. Atherton,

Secretary.

[FR Doc. 96–27269 Filed 10–23–96; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Agency Information Collection Activities

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of Public Law 104–13, the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through May 31, 1997, under OMB Control Number 0704–0321. DoD proposes that OMB extend its approval for use through May 31, 2000.

DATES: Consideration will be given to all comments received by December 23, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, PDUSD(A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite OMB Control Number 0704–0321 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0131. A copy of the information collection requirements contained in the DFARS text is available electronically via the Internet at: http://www.dtic.mil/dfars/. Paper copies of the information collection requirements may be obtained from Ms. Sandra Haberlin, PDUSD(A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

Title, Associated Forms, and Associated OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and the clause at 252.232–7002; OMB Control Number 0704–0321.

Needs and Uses: The Arms Export Control Act (Pub. L. 90–629, Section 22, October 22, 1968) requires that purchases of military equipment by the U.S. Government for foreign governments be made with foreign funds and without charge to U.S. appropriated funds. In order to comply with this requirement, the Government needs to know how much to charge each country as progress payments are made for its purchases. The clause at 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, requires contractors whose contracts include

foreign military sales (FMS) requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Annual Burden Hours: 5,400 (includes 3,600 recordkeeping hours).

Number of Respondents: 150.

Responses per Respondent: 24.

Annual Responses: 3,600.

Average Burden per Response: .5 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The information collection includes requirements relating to DFARS Part 232, Contract Financing.

a. DFARS 232.502–4–70(a) prescribes use of the clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, in any contract that provides for progress payments and contains foreign military sales requirements.

b. DFARS 252.232–7002 requires contractors whose contracts include foreign military sales requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that clearly distinguishes the contract's foreign military sales requirements from U.S. requirements.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 96–27280 Filed 10–23–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Ballistic Missile Defense Advisory Committee

ACTION: Notice of advisory committee meeting.

SUMMARY: The Ballistic Missile Defense (BMD) Advisory Committee will meet in closed session in Norfolk, Virginia, on November 7–8, 1996.

The mission of the BMD Advisory Committee is to advise the Secretary of Defense and Deputy Secretary of Defense, through the Under Secretary of Defense (Acquisition and Technology), on all matters relating to BMD acquisition, system development, and technology.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended by 5 U.S.C., Appendix II, it is hereby determined that this BMD Advisory Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Dated: October 21, 1996.

Linda M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–27318 Filed 10–23–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Navy, DoD

Notice of Public Hearing for the Joint Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for Disposal and Proposed Reuse of the Naval Medical Center Oakland, Oakland, CA

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the California Environmental Quality Act (CEQA) Section 15170, the Department of the Navy, in coordination with the City of Oakland, California, has prepared and filed with the U.S. Environmental Protection Agency a joint Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for disposal and proposed reuse of the former Naval Medical Center Oakland (NMCO) property and structures in Oakland, California. The Navy is the lead agency for NEPA documentation and the City of Oakland is the lead agency for CEQA documentation. The Draft EIS/EIR is being prepared in compliance with the 1993 Base Realignment and Closure (BRAC) directive from Congress to close NMCO. NMCO property will be disposed of in accordance with the provisions of the Defense Base Closure and Realignment Act (Pub. L. 101–510) of 1990 as amended, and applicable federal property disposal regulations. NMCO closed on September 30, 1996.

The Draft EIS/EIR assesses the potential impacts to the environment that may result from Navy disposal of the NMCO property and subsequent community reuse. The Oakland Base Reuse Authority (OBRA) has adopted a Final Reuse Plan for the NMCO property. The NMCO Reuse Plan was adopted in June 1996 and published for distribution in August 1996. The preferred reuse alternative described in the Draft EIS/EIR as the Maximum Capacity alternative proposes development of an executive 9-hole golf course combined with residential development, mixed corporate, commercial and residential uses, open space, and active recreation.

In addition to the preferred alternative, the other alternatives analyzed in the Draft EIS/EIR include: (1) A Mixed Use Village alternative that would include a mixed use zone, areas for a research and development facility, cultural/meeting facilities, neighborhood retail development, residential development, open space, and active recreation; (2) a Single Use Campus alternative that would include an educational campus, neighborhood retail development, open space, and active recreation; and (3) a Residential alternative that would include either low-density or high-density housing units, combined with neighborhood retail development, open space, and active recreation; and (4) a ''No Action'' alternative that would result in the NMCO property remaining in federal ownership in a caretaker status.

The Draft EIS/EIR is available for Review at the following public libraries in the vicinity of NMCO: (1) Oakland-Eastmont Mall Branch Library, 175 Eastmont Mall, 2nd Floor, Oakland, CA; (2) Oakland-Montclair Branch Library, 1687 Mountain Blvd., Oakland, CA; (3) Oakland Main Library, 125 14th Street, Oakland, CA; and (4) San Leandro Main Library, 300 Estudillo Ave., San Leandro, CA.

ADDRESSES: The Navy will conduct a public hearing on Wednesday, November 13, 1996, at 6:30 p.m., in the Hearing Room 2, City Hall, One City Hall Plaza, Oakland, California, to inform the public of the Draft EIS/EIR findings and to solicit comments. Federal, state and local agencies, and interested individuals are invited to be present or represented at the hearing. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed below.

FOR FURTHER INFORMATION CONTACT: All written comments must be submitted no later than November 27, 1996 to Mr. Gary J. Munekawa (Code 185GM), Engineering Field Activity West, Naval Facilities Engineering Command, 900

Commodore Drive, San Bruno, California 94066–5006, telephone (415) 244–3022, fax (415) 244–3737. For information concerning the EIR, please contact Ms. Anu Raud, City of Oakland, Community and Economic Development Agency, telephone (415) 238–6346, or fax (510) 238–4730. For further information regarding the Oakland Base Reuse Planning Process, please contact Mr. Mel Blair, City of Oakland Base Reuse Authority, telephone (510) 238–6908, or fax (510) 238–2936.

Dated: October 21, 1996.

M.A. Waters,

LCDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 96–27277 Filed 10–23–96; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. § 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) meeting to inform the public on the status of the Board's oversight of the Department of Energy's (DOE) initiatives to simplify existing safety orders and to promulgate new rules.

TIME AND DATE: November 7, 1996, 9:00 a.m.

PLACE: The Defense Nuclear Facilities Safety Board, Public Hearing Room, 625 Indiana Avenue, NW, Suite 300, Washington, DC 20004.

MATTERS TO BE CONSIDERED: 42 U.S.C. § 2286a requires that the Board review and evaluate the content and implementation of standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy. Those standards include rules, DOE safety orders, and other requirements. Since 1990, the Board, acting pursuant to its enabling statute, has issued a series of recommendations designed to foster the development and implementation of an effective standards-based nuclear safety program within DOE.

The Secretary of Energy has accepted each of these recommendations. In the meantime, DOE has engaged in a number of initiatives designed to simplify existing safety orders and the promulgation of new safety rules. The streamlining of safety orders affecting defense nuclear facilities and the promulgation of new rules has required the Board to commit substantial resources to assure that DOE did not eliminate sound engineering practices codified in existing safety orders that are necessary to adequately protect the public health and safety. During the past two years, the Board's staff has conducted reviews of all DOE revisions to safety orders and rules.

DOE's efforts continue, as does the Board's oversight to ensure full development and implementation of safety standards tailored to each DOE defense nuclear facility's hazards. The Board believes that the public interest will be served by holding a public meeting to assess DOE's progress in streamlining the safety orders and promulgating new safety rules pertaining to its defense nuclear facilities, and to assure that DOE's activities in streamlining DOE's nuclear safety order system and converting to its new regulatory system do not eliminate the sound engineering practices now codified in its safety orders that are necessary to adequately protect public health and safety.

CONTACT PERSON FOR MORE INFORMATION: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Board has a responsibility for oversight of DOE's development and implementation of nuclear health and safety requirements as a transition is being made from the use of safety orders to rules. The Board understands DOE's desire to streamline its system of directives. Nevertheless, the Board continues to be concerned that the conversion process not compromise the requirements-based safety program not embodied in the DOE's safety orders and existing regulations.

During the past two years, the Board has held three Board meetings, open to the public, regarding its review of DOE efforts to revise and improve nuclear safety requirements. This will be the fourth in that series. On May 31, 1995, the Board met to lay the groundwork for a full assessment of how Standards/Requirements Identification Documents, rules, orders, and other safety requirements are integrated into an overall safety management program for defense nuclear facilities. This meeting was continued on July 18, 1995. The Board's staff reported on their comprehensive review of existing orders and rules, their adequacy, and the status of DOE revisions to safety orders and rules. Individual Board members presented their views. Then, in a joint meeting with DOE officials on September 20, 1996, DOE's representatives reported on the status of DOE's review and revision of nuclear safety orders and rules, and the Board identified safety issues requiring resolution, including inappropriate application of ''sunset provisions'' to safety orders, the need for ''crosswalks'' showing the disposition of requirements in superseded safety orders, the need to preserve sound engineering practice embodied in guidance documents. The Board reserved its right to further comment after it completed its integrated review of how rules, orders, and other safety requirements are being revised and integrated into an overall safety management program for defense nuclear facilities. The Board reiterated its concern that DOE's streamlining and conversion process not compromise the requirements-based safety program currently embodied in contracts which incorporate applicable DOE safety orders.

In accordance with the statute establishing the Board, a public meeting will be conducted to assess DOE's activities in streamlining DOE's nuclear safety order system and converting to a regulatory program and to determine if DOE is taking sufficient steps to assure that this effort not eliminate the engineering practices now codified in its safety orders that are necessary to adequately protect public health and safety. To assist the Board and inform the public, individual Board members will present their views, and the Board's staff will brief the Board on several related topics, including, but not limited to:

1. A comprehensive report on the status of staff reviews conducted over the past two years of DOE's revision of safety orders, rules, and ''crosswalks'' which track the original set of fifty-two orders of interest to the Board through the revision process and/or conversion to rules.

2. Identification and discussion of the superseding streamlined order system.

3. DOE's new rules affecting health and safety at defense nuclear facilities.

4. Actions taken to address the Board's concerns that the safety envelope currently in place to ensure adequate protection of the public health and safety is not inadvertently compromised by DOE's effort to streamline its directive.

5. Lessons learned regarding the managerial tools needed to assure that DOE's activities in streamlining its nuclear safety order system and converting to a regulatory program not eliminate the engineering practices now codified in its safety orders that are necessary to adequately protect public

health and safety at defense nuclear facilities. Specifically, DOE's development and use of ''crosswalks'' used to track the disposition of good engineering practices embodied in the superseded safety orders.

6. Further Board actions needed to ensure that there is no relaxation of commitments made to achieve compliance with safety requirements in contracts while proposed rules are developed and processed.

DOE officials will be present to provide additional Departmental views, comment and such additional information the Board may require.

A transcript of this proceeding will be made available by the Board for inspection by the public at the Defense Nuclear Facilities Safety Board's Washington office.

The Board reserves its right to further schedule and otherwise regulate the course of these meetings and hearings, to recess, reconvene, and otherwise exercise its power under the Atomic Energy Act of 1954, as amended.

Dated: October 22, 1996.

Kenneth M. Pusater,

General Manager.

[FR Doc. 96–27470 Filed 10–22–96; 3:11 am]

BILLING CODE 3670–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Form No. 538]

Proposed Information Collection and Request for Comments

October 18, 1996.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before December 23, 1996.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael P. Miller, Information Services Division, ED–12.4, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael P. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form No. 538 ''Gas Pipeline Certificates: Initial Service'' (OMB No. 1902–0061) is used by the Commission to implement the statutory provisions of Sections 7(a), 10(a) and 16 of the Natural Gas Act (NGA) (P.L. 75–688) (15 U.S.C. 717–717w). The reporting requirements contained in this collection of information are used by the Commission to determine whether a distributor applicant can economically construct and manage its facilities. Requests are made to the Commission by individuals or entities to have the Commission, by order, direct a natural gas pipeline to extend or improve its transportation facilities, and sell gas to an individual, entity or municipality for the specific purpose indicated in the order, and to extend the pipeline's transportation facilities to communities immediately adjacent to the municipality's facilities or to territories served by the natural gas company. In addition, the Commission reviews the supply data to determine if the pipeline company can provide the service without curtailing certain of its existing customers. The flow data and market data are also used to evaluate existing and future customer requirements on the system to find if sufficient capacity will be available. Likewise, the cost of facilities and the rate data are used to evaluate the financial impact of the cost of the project to both the pipeline company and its customers. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 156.

Action

The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement

Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
1	1	240 hours	240 hours.*

*The Office of Management and Budget's current inventory indicates a total of 320 hours. Based on Commission staff's knowledge and familiarity with gas pipeline practices, this estimate should be adjusted downwards to 240 hours as stated above.

Estimated cost burden to respondents: 320 hours/2,087 hours per year × $102,000 per year=$15,640.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to

providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27236 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–2–20–000]

Algonquin Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 15, 1996, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheet, with a proposed effective date of November 16, 1996:

Sixth Revised Sheet No. 40

Algonquin states that pursuant to Section 32 of the General Terms and Conditions of its FERC Gas Tariff, it is filing to revise the Fuel Reimbursement Percentages for the four calendar periods beginning November 16, 1996.

Furthermore, Algonquin states that pursuant to Section 32.5 and 32.6 of the General Terms and Conditions of its FERC Gas Tariff, it is also submitting the annual calculation of the fuel reimbursement quantity deferral allocation.

Algonquin states that copies of this filing were mailed to all customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27233 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–262–001 and RP96–263–002]

ANR Pipeline Company; Notice of Proposed Changes In FERC Gas Tariff

October 18, 1996.

Take notice that on October 11, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective June 1, 1996:

Substitute Seventeenth Revised Sheet No. 18
Substitute Eighteenth Revised Sheet No. 18

ANR states that the above-referenced updated tariff sheets are being filed to restate its Gas Supply Realignment (GSR), Pricing Differential (PD), and Dakota Reservation Surcharges, to reflect the impact of the update of the Eligible MDQ that is used to calculate those Surcharges in compliance with the Commission's letter order dated September 26, 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27222 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–351–001]

Arkansas Western Pipeline Company; Notice of Filing of FERC Gas Tariff

October 18, 1996.

Take notice that on October 19, 1996, Arkansas Western Pipeline Company (AWP) tendered for filing as part of its FERC Gas Tariff, Second Revised Sheet No. 4 to become effective September 1, 1996.

AWP states that the filing corrected the Second Revised Sheet No. 4 that was filed August 29, 1996, to reflect the docket number, issuance date, and FERC citation, as required by the Commission's Order Accepting Tariff Sheet, issued September 26, 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27224 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–33–000]

Centra Pipelines Minnesota Inc.; Notice of Proposed Changes In FERC Gas Tariff

October 18, 1996.

Take notice that on October 11, 1996, Centra Pipelines Minnesota Inc. (Centra Minnesota) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 2, the following tariff sheet, with an effective date of June 26, 1996:

Second Revised Sheet No. 35

Centra Minnesota states that Second Revised Sheet No. 35 is an ''Index of Customers'' and is being filed to reflect changes in the volumes of natural gas transported by Centra Minnesota on

behalf of its shippers. Second Revised Sheet No. 35 is proposed to be effective on June 1, 1996. These revised transportation volumes, which correspond to appropriate changes in the Department of Energy (DOE) import and/or export authorizations of Centra Minnesota's shippers, are as follows:

(1) Reduce the volumes of gas that Centra Minnesota is authorized to transport on behalf of Northern Minnesota Utilities (NMU) from up to 11,445 MMcf/year to up to 10,350 MMcf/year;

(2) Transport on behalf of Stone Consolidated Corporation (Stone) the remainder of the volumes that were previously transported on behalf of NMU, i.e., up to 1,095 MMcf/year; and

(3) Transport on behalf of NMU 365 MMcf/day for a term of November 1, 1995, through October 31, 2002.

Centra Minnesota states that NMU and Stone have received import/export authorizations from the DOE which comport with the revised transportation volumes listed above. Centra Minnesota also states that the corresponding changes to the volumes transported on behalf of these shippers are fully consistent with Centra Minnesota's flexible transportation authority granted by the Commission. Additionally, Centra Minnesota states that no increase in transportation volumes is sought and no facility construction is required. In essence, all that is involved is a reallocation of volumes already authorized for transport between an existing shipper—NMU—and a new shipper—Stone. The new transportation arrangement with NMU FOR 365 MMcf/year replaces an earlier transportation agreement between NMU and Centra Minnesota, for the same volume of gas, that terminated on October 31, 1995.

Pursuant to Section 154.207 of the Commission's regulations, Centra Minnesota respectively requests waiver of the thirty-day notice period so that Second Revised Sheet No. 35 will become effective on June 1, 1996. In addition, Centra Minnesota requests waiver of Section 154.111(c) of the Commission's regulations regarding the filing dates prescribed therein. Centra Minnesota states that such waivers will not result in any harm to any shipper since the volume of gas to be transported by Centra Minnesota will not be increased or decreased, but is merely being reallocated.

Centra Minnesota states that copies of the filing were served upon Centra Minnesota's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protests with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of Centra Minnesota's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27229 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–1–127–001]

Cove Point LNG Limited Partnership; Notice of Compliance Filing

October 18, 1996.

Take notice that on October 15, 1996, Cove Point LNG Limited Partnership (Cove Point) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective October 1, 1996:

Substitute First Revised Sheet No. 5
Substitute First Revised Sheet No. 6
Substitute First Revised Sheet No. 7

Cove Point asserts that the purpose of this filing is to comply with order of the Commission's Director of the Office of Pipeline Regulation issued on September 27, 1996, in Docket No. TM97–1–1–000, et al. (76 FERC ¶ 62,259).

Cove Point states that the changes were made to reflect Cove Point's ACA charge of $0.0020 in the Total Rate column of the Currently Effective Rates sheets.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27235 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–31–000]

East Tennessee Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 15, 1996, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to become effective on November 15, 1996:

First Revised Sheet No. 111

East Tennessee states that it is filing the proposed tariff change in order to eliminate the provision in its tariff that prevents requests for service from being submitted more than 90 days in advance of the date that the requested service is to commence.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27227 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–34–000]

East Tennessee Natural Gas Company; Notice of Proposed Changes In FERC Gas Tariff

October 18, 1996.

Take notice that on October 11, 1996, East Tennessee natural Gas Company (East Tennessee), submitted for filing to become part of its FERC Gas Tariff, Fifth Revised Volume 1, the following revised

tariff sheets to be effective on December 1, 1996:

Ninth Revised Sheet No. 4
Second Revised Sheet No. 51
Third Revised Sheet No. 52
Second Revised Sheet No. 52A
Second Revised Sheet No. 61
First Revised Sheet No. 102
Second Revised Sheet No. 103
Second Revised Sheet No. 104
Second Revised Sheet No. 105
First Revised Sheet No. 126
First Revised Sheet No. 208
First Revised Sheet No. 216
First Revised Sheet No. 217
First Revised Sheet No. 224
First Revised Sheet No. 225

East Tennessee states that the purpose of this filing is to implement various service modifications resulting from customer discussions at and subsequent to its August 6, 1996 Winter Operations Meeting. The service modifications include elimination of the Daily Demand Service requirement (for customers that do not have electronic measuring facilities) and Daily Variance Charges; revision of its Maximum Allowed Deliveries provisions to provide more flexibility for excuse of performance events and small customers and to limit Balancing Agreements' Total Quantity; and increase of the Balancing Alert penalty.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to this 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 available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27230 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–32–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 15, 1996, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below, proposed to become effective on November 14, 1996.

Eighty-Fifth Revised Sheet No. 5
Eighty-Seventh Revised Sheet No. 6
Seventy-Eighth Revised Sheet No. 10
Forty-Sixth Revised Sheet No. 10A
Seventy-Eighth Revised Sheet No. 11
Fiftieth Revised Sheet No. 11A
Seventy-Eighth Revised Sheet No. 12
Fiftieth Revised Sheet No. 12A
Seventy-Eighth Revised Sheet No. 13
Forty-Seventh Revised Sheet No. 13A
Fifty-Seventh Revised Sheet No. 14
Thirty-Seventh Revised Sheet No. 14A
Thirty-First Revised Sheet No. 15
Thirty-Fourth Revised Sheet No. 15A

Eastern Shore states this rate filing is made to effectuate changes in the rates applicable to Eastern Shore's services under Rate Schedules CD–1, CD–E, G–1, E–1, I–1, PS–1, T–1, GSS–1, LSS, WSS–1, LGA–1, CWS, and CFSS, respectively. The proposed changes reflect an annual increase in jurisdictional operating revenue of approximately $1,445,000. The proposed rates are based on an overall cost of service $35,549,713 which consists of actual experience for the twelve months ended June 30, 1996 (Base Period) as adjusted for known and measurable changes through March 31, 1997 (Test Period).

Eastern Shore states that the overall cost of service underlying the proposed rates includes the annualized effect of increases in operating and maintenance expenses, taxes other than income, and depreciation on new plant facilities for which necessary certificates have been issued and which will have been constructed and placed in service prior to the end of the Test Period. The overall return requested in this filing is 12.25% and reflects a 8.42% cost of debt and a 14.50% return on common equity.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27228 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–33–000]

Equitrans, Inc.; Notice of Request Under Blanket Authorization

October 18, 1996.

Take notice that on October 15, 1996, Equitrans, Inc. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket No. CP97–33–000 a request pursuant to Section 7 of the Natural Gas Act, as amended, and Sections 157.205 and 157.212 (18 CFR 175.205 and 157.212) for authorization to install one delivery tap pursuant to Equitable Gas Company's (Equitable Gas) blanket certificate issued in Docket No. CP83–508–000 and transferred to Equitrans in Docket No. CP86–676–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans states that the proposed delivery tap would be installed on Equitrans' field gathering pipeline No. W–2293 in Harrison County, West Virginia. It is further stated that the tap would be instituted to provide transportation deliveries to Equitable Gas for ultimate distribution to one residential customer, Michael W. Hart in Lumberport, West Virginia. Equitrans states that it would charge Equitable the application transportation rate contained in Equitrans' FERC Gas Tariff on file with and approved by the Commission. Equitrans projects that it would deliver through the proposed delivery tap approximately 1 Mcf of natural gas on a peak day.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27217 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–31–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

October 18, 1996.

Take notice that on October 15, 1996, Equitrans, L. P. (Applicant), 3500 Park Lane, Pittsburgh, Pa. 15275–1102, filed in Docket No. CP97–31–000 a request pursuant to Sections 157.205, and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for approval and permission to install and operate a delivery tap in Harrison County, West Virginia, under the blanket certificate issued in Docket No. CP86–676–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant states that it proposes to install a delivery tap on its field gathering pipeline No. F–900 in Harrison County, West Virginia for transportation deliveries to Equitable Gas (Equitable) for ultimate distribution to one residential customer, Issac Thomas, II, Box 148–H, Bridgeport, West Virginia. Applicant indicates that the quantity of gas to be delivered through the proposed delivery tap will be approximately 1 Mcf on a peak day. Applicant asserts that the total volumes to be delivered to Equitable after this request do not exceed the total volumes authorized prior to the request. Applicant further asserts that it has sufficient capacity to accomplish the deliveries described herein without detriment to its other customers and that its tariff does not prohibit this type of service.

Any person or Commission Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities 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 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell.

Secretary.

[FR Doc. 96–27216 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–35–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

October 18, 1996.

Take notice that on October 15, 1996, Equitrans, L.P. (Equitrans), 3500 Park Lane, Pittsburgh, PA 15275, filed a request with the Commission in Docket No. CP97–35–000 pursuant to Sections 157.205, and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to install a delivery tap authorized in blanket certificate issued in Docket No. CP83–508–000 and transferred to Equitrans in Docket No. CP86–676–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Equitrans proposes to install one delivery tap on Equitrans' field gathering pipeline No. W–4583 located in Ritchie County, West Virginia. Equitrans reports the tap would provide transportation deliveries to Equitable Gas for ultimate distribution to a residential customer. Equitrans further reports that the quantity of gas to be delivered through the delivery taps would be approximately 1 Mcf on a peak day and would not impact Equitrans' peak day and annual deliveries to its other customers.

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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27219 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–366–000]

Florida Gas Transmission Company; Notice of Technical Conference

October 18, 1996.

In the Commission's order issued September 30, 1996, the Commission held that the filing in the above captioned proceeding raises issues that should be addressed in a technical conference.

Take notice that the technical conference will be held on Tuesday, October 29, 1996, at 9:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All interested parties and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27225 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–341–001 and CP94–327–003]

Koch Gateway Pipeline Company; Notice of Compliance Filing

October 18, 1996.

Take notice that on October 15, 1996, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheets, to be effective October 1, 1996:

Fifth Revised Sheet No. 1
Second Revised Sheet No. 701
Original Sheet No. 713
Original Sheet No. 714
Substitute Original Sheet No. 715
Substitute Original Sheet No. 717
Substitute Original Sheet No. 718
Substitute Original Sheet No. 719
Substitute Third Revised Sheet No. 1801
Substitute Second Revised Sheet No. 1806
Third Revised Sheet No. 1906
Fourth Revised Sheet No. 2700

Koch states that these revised tariff sheets are filed to comply with the Commission's ''Order Accepting Tariff Sheets Subject to Conditions'' issued September 27, 1996 in Docket Nos. RP96–341–000 and CP94–327–002. As directed, Koch states that it revised the tariff sheets pursuant to the Order to reflect the changes provided in Koch's Answer as well as additional changes ordered by the Commission.

Koch states that a copy of this filing is being served upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC

20426, in accordance with Section 385.211 of the Commission's regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27223 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–199–000]

Mississippi River Transmission Corporation; Notice of Informal Settlement Conference

October 18, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on October 31, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC, 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 M. Dias at (202) 208–0524 or Russell B. Mamone at (202) 208–0744.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27221 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–29–003]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 16, 1996, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective October 1, 1996:

First Revised Sheet No. 237.13
First Revised Sheet No. 237.14

National Fuel states that the filing is made in compliance with the Commission's order of October 1, 1996, in this proceeding. National Fuel states that the revised tariff sheets clarify that it may specify a minimum term only in the case of a posting of capacity made available as a result of the construction or acquisition of new facilities, and that its selection of the net present value or rate bid method of evaluating bids will be based on its assessment of which method will result in greater revenues for the services associated with the capacity.

National states that it is serving copies of the filing with its firm customers and interested state commissions. National states that copies are also being served on all interruptible customers as of the date of the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27214 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–25–000]

Northern Natural Gas Company; Notice of Application

October 18, 1996.

Take notice that on October 11, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP97–25–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct and operate certain compression, pipeline, and measuring station facilities and appurtenances in order to expand the capacity of Northern's facilities in its Market Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that the expanded capacity would be used to provide incremental firm transportation service to shippers which have executed precedent agreements in conjunction with Northern's Peak Day 2000 open season. Northern states further that the proposed facilities would provide additional peak day capacity on Northern's Market Area mainline by approximately 267,161 Mcf of natural gas per day.

It is stated that Northern would construct the facilities in multiple phases at an estimated cost of approximately $85.3 million and that Northern proposes a rolled-in rate treatment of the expansion costs.

Any person desiring to be heard or any person desiring to make any protest with reference to said application should on or before November 8, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27215 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES97–2–000]

Pacific Northwest Generating Cooperative; Notice of Application

October 18, 1996.

Take notice that on October 16, 1996, Pacific Northwest Generating Cooperative (PNGC) filed an application, under § 204 of the Federal Power Act, seeking authorization to issue a promissory note in an aggregate principal amount of $7.5 million with the National Rural Utilities Cooperative Finance Corporation, having a maturity of four years. PNGC also requests an exemption from the Commission's competitive bidding or negotiated placement requirements.

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 385.214). All such motions or protests should be filed on or before October 30, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27234 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–1–41–001]

Paiute Pipeline Company; Notice of Compliance Filing

October 18, 1996.

Take notice that on October 15, 1996, Paiute Pipeline Company (Paiute) tendered for filing to be a part of its FERC Gas Tariff, Second Revised Volume No. 1–A, Fourth Revised Sheet No. 10. Paiute requests that the tendered tariff sheet be accepted for filing to become effective October 1, 1996.

Paiute indicates that the purpose of its filing is to comply with the order issued September 27, 1996, by the Director of the Commission's Office of Pipeline Regulation (Director) in Docket No. TM97–1–41–000, by which the Director accepted a tariff sheet filed by Paiute to revise its Annual Charge Adjustment (ACA) surcharge. Paiute states that the Director's acceptance was conditioned upon Paiute's filing to revise its tariff sheet to reflect the rates approved in Docket No. CP95–285–002. Accordingly, Paiute states that the tendered tariff sheet reflects both the rates approved in Docket No. CP95–285–002 and the revised ACA surcharge effective October 1, 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27231 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM97–1–55–001]

Questar Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 11, 1996, Questar Pipeline Company (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sixth Revised Sheet No. 5A, to be effective October 1, 1996.

Questar states that this tariff sheet, which is filed as directed by the Commission in its September 27, 1996, order in TM97–1–1–000, et al., corrects the pagination of Sheet No. 5A, which was tendered with Questar's August 30, 1996, filing in Docket No. TM97–1–55–000.

Questar states that copies of this filing were served upon Questar's customers, the Public Service Commission of Utah and the Wyoming Public Service Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27232 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–271–005]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 11, 1996 Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of November 1, 1996:

1st Revised Sheet No. 5B.02

Transwestern states that the purpose of this filing is to revise the Shared Cost Surcharge rate for certain Current Customers as stated in footnote number 10 on Original Sheet 5B.02. This change is based on a one-time election by Pacific Gas and Electric Company (PG&E) and Santa Fe Resources Inc., (Santa Fe) to have their Shared Cost Surcharge calculated in accordance with Option 2 of Section II(B) of the Settlement. The election by these two Current Customers, because of the terms of Section II(B), will also change the Shared Cost Surcharge rate for Southern California Gas Company (SoCalGas).

Transwestern states that copies of the filing were served on its gas utility customers, interested state commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27220 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–400–001 and RP89–183–065]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 18, 1996.

Take notice that on October 15, 1996, Williams Natural Gas Company (WNG), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute Second Revised Sheet Nos. 8C and 8D, with the proposed effective date of November 1, 1996.

WNG states that on September 30, 1996, it filed, pursuant to Article 14 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1, its fourth quarter report of take-or-pay buyout, buydown and contract reformation costs and gas supply related transition costs, and the application or distribution of those costs and refunds. The computer file used to calculate the allocation of costs among firm Shippers contained an incorrect MDTQ for Missouri Gas Energy (MGE).

WNG states that revised Schedule 4 is being filed to reflect the revised MDTQ for MGE and the revised allocation to each Shipper. All other aspects of WNG's September 30 filing are unchanged.

WNG states that a copy of its filing was served on all of WNG's jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27226 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER91–195–025, et al.]

Western Systems Power Pool, et al. Electric Rate and Corporate Regulation Filings

October 17, 1996.

Take notice that the following filings have been made with the Commission:

1. Western Systems Power Pool

[Docket No. ER91–195–025]

Take notice that on September 30, 1996, the Western Systems Power Pool (WSPP) filed certain information to update its January 30, 1996, quarterly filing. This data is required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992 Order On Rehearing Denying Request Not To Submit Information, and Granting In Part and Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment of some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

2. New England Power Company

[Docket No. ER96–2009–001]

Take notice that on October 4, 1996, New England Power Company (NEP) filed a refund compliance report associated with refund obligations resulting from late filing of service agreements under NEP's Tariff No. 5.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. CMS Electric Marketing Company

[Docket No. ER96–2350–000]

Take notice that on September 23, 1996, CMS Electric Marketing Company tendered for filing a Statement of Corporate Policy and Code of Conduct with respect to the relationship between CMS Electric Marketing Company and Affiliates as directed by ordering paragraph A of the Commission's September 6, 1996 order in this docket.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Cinergy Companies

[Docket Nos. ER96–2504–000 and ER96–2506–000]

Take notice that on September 20, 1996, Cinergy Companies tendered for filing an amendment in the above-referenced dockets.

Comment date: October 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Louisville Gas and Electric Company

[Docket No. ER96–3053–000]

Take notice that on October 7, 1996, Louisville Gas and Electric Company (LG&E) tendered for filing corrected service agreement between Louisville Gas and Electric Company and the Electric Clearinghouse, Inc. to replace those originally filed in the above-cited docket.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Edison Company

[Docket No. ER97–84–000]

Take notice that on October 8, 1996, Commonwealth Edison Company (ComEd), submitted for filing five Service Agreements, establishing Allegheny Power System (APS), Williams Energy Services Company (WESCO), Wisconsin Electric Power company (WEPCO), VTEC Energy Inc. (VTEC), and South Carolina Electric & Gas Company (SCE&G) as customers under the terms of ComEd's Power Sales and Reassignment of Transmission Rights Tariff PSRT–1 (PSRT–1 Tariff). The Commission has previously designated the PSRT–1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of September 8, 1996, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon APS, WESCO, WEPCO, VTEC, SCE&G and the Illinois Commerce Commission.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER97–85–000]

Take notice that on October 9, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which PECO Energy Company will take service under Illinois Power company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of October 6, 1996.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Illinois Power Company

[Docket No. ER97–86–000]

Take notice that on October 9, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which AIG Trading Corporation will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of October 3, 1996.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Company

[Docket No. ER97–87–000]

Take notice that on October 9, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Morgan Stanley Capital Group, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of October 1, 1996.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER97–88–000]

Take notice that on October 9, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing transmission agreements under which American Steel Foundries will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of September 30, 1996.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Public Service Corporation

[Docket No. ER97–89–000]

Take notice that on October 9, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Western Power Services, Inc. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11. WPSC also filed a refund compliance report.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Public Service Corporation

[Docket No. ER97–90–000]

Take notice that on October 9, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and National Gas & Electric L.P. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11. WPSC also filed a refund compliance report.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Public Service Corporation

[Docket No. ER97–91–000]

Take notice that on October 9, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Wisconsin Power & Light Company. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11. WPSC also filed a refund compliance report.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Virginia Electric and Power Company

[Docket No. ER97–92–000]

Take notice that on October 9, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Morgan Stanley Capital Group, Inc. and Virginia Power under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide non-firm point-to-point service to Morgan Stanley Capital Group, Inc. as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Louisville Gas and Electric Company

[Docket No. ER97–93–000]

Take notice that on October 9, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and PanEnergy Power Services under Rate GSS.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Louisville Gas and Electric Company

[Docket No. ER97–94–000]

Take notice that on October 9, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Koch Power Services under Rate GSS.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Portland General Electric Company

[Docket No. ER97–95–000]

Take notice that on October 9, 1996, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, First Revised Volume No. 2, an executed Service Agreement with Benton County Public Utility District.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective October 1, 1996.

A copy of this filing was caused to be served upon Benton County PUD as noted in the filing letter.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Portland General Electric Company

[Docket No. ER97–96–000]

Take notice that on October 9, 1996, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, First Revised Volume No. 2, an executed Service Agreement with Tacoma Public Utilities Light Division (Tacoma).

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective October 1, 1996.

A copy of this filing was caused to be served upon Tacoma as noted in the filing letter.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Portland General Electric Company

[Docket No. ER97–97–000]

Take notice that on October 9, 1996, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff Original Volume No. 8, Docket No. OA96–137–000), executed Service Agreements for Non-Firm Point-to-Point Transmission Service and Firm Point-to-Point Transmission Service with Citizens Lehman Power Sales.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the Service Agreements to become effective October 1, 1996.

A copy of this filing was caused to be served upon Citizens Lehman Power Sales as noted in the filing letter.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Northeast Utilities Service Company

[Docket No. ER97–100–000]

Take notice that on October 4, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing a Certificate of Concurrence of The United Illuminating Company's Wholesale Electric Sales Tariff FERC Rate Schedule No. 2.

NUSCO requests that the Certificate of Concurrence is allowed to become effective on July 1, 1996. NUSCO states that copies of this filing have been mailed or delivered to The United Illuminating Company.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Central Illinois Public Service Company

[Docket No. ER97–101–000]

Take notice that on October 9, 1996, Central Illinois Public Service Company (CIPS), submitted for filing a service agreement, dated October 3, 1996, establishing Coral Power, L.L.C. (Coral) as a customer under the terms of CIPS' Open Access Transmission Tariff.

CIPS requests an effective date of October 3, 1996 for the service agreement. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon Coral and the Illinois Commerce Commission.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Florida Power & Light Company

[Docket No. ER97–102–000]

Take notice that on October 10, 1996, Florida Power & Light Company (FPL), filed the Contract for Purchases and Sales of Power and Energy between FPL and Southern Energy Marketing Corporation, Inc. FPL requests an effective date of October 14, 1996.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Washington Water Power

[Docket No. ER97–103–000]

Take notice that on October 10, 1996, Washington Water Power, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, executed service agreements under FERC Electric Tariff Volume No. 4 with VTEC Energy, Inc., Okanogan County Public Utility District and Flathead Electric Cooperative, Inc.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Cinergy Services, Inc.

[Docket No. ER97–104–000]

Take notice that on October 10, 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 October 1, 1996 between Cinergy, CG&E, PSI and Sonat Power Marketing, L.P. (Sonat).

The Interchange Agreement provides for the following service between Cinergy and Sonat:

1. Exhibit A—Power Sales to Sonat
2. Exhibit B—Power Sales by Cinergy

Cinergy and Sonat have requested an effective date of October 14, 1996.

Copies of the filing were served on Sonat Power Marketing, L.P., the Alabama Public Service Commission, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: October 31, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27237 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 11565–000]

Thermalito Power Corporation; Notice of Intent To Conduct Environmental Scoping Meetings and Site Visit

October 18, 1996.

The Federal Energy Regulatory Commission (FERC) has received an application for a license to construct and operate the Therm II Hydroelectric Project No. 11565–000. The project would be located on the Feather River outlet, of the Thermalito afterbay near the town of Oroville, in Butte County, California.

The FERC staff intends to prepare an Environmental Assessment (EA) for this hydroelectric project in accordance with the National Environmental Policy Act.

In the EA, we will consider both site-specific and cumulative environmental effects of the project and reasonable alternatives, and will include economic and engineering analyses.

The draft EA will be issued and circulated for review by all interested parties. All comments filed on the draft EA will be analyzed by the staff and considered in a final EA. The staff's conclusions and recommendations will then be presented for consideration by the Commission in reaching its final licensing decision.

Scoping Meetings

Staff will hold two scoping meetings. A scoping meeting oriented toward the agencies will be held on Wednesday, November 13, 1996, at 9:00 AM, at Memorial Hall, 249 Sycamore Street, Gridley, California. A scoping meeting oriented toward the public will be held the same day at 6:30 PM, at the same location.

Interested individuals, organizations, and agencies are invited to attend either

or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the EA.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the EA will be mailed to agencies and interested individuals on the FERC mailing list. Copies of the scoping document will also be available at the scoping meetings.

Objectives

At the scoping meetings, the FERC staff will: (1) Identify preliminary environmental issues related to the proposed project; (2) identify preliminary resource issues that are not important and do not require detailed analysis; (3) identify reasonable alternatives to the proposal; (4) solicit from meeting participants all available information, especially quantified data, on the resource issues; and (5) encourage statements from experts and the public on issues that should be analyzed in the EA, including points of view in opposition to, or in support of, the staff's preliminary views.

Procedures

The scoping meetings will be recorded by a court reporter and all statements, both oral and written, will become part of the formal record of the Commission proceedings on the Therm II Project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and assist the staff in defining and clarifying the issues to be addressed in the EA.

Persons choosing not to speak at the meetings, but who have views on the issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meetings. In addition, written scoping comments (an original and eight copies) may be filed with Secretary, Federal Energy Regulatory Commission, 888 1st Street, N.E., Washington, D.C. 20426, until December 16, 1996.

All written correspondence should clearly show the following caption on the first page: Therm II Hydroelectric Project, FERC Project No. 11565–000.

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission, to serve a copy of the document on each person whose name appears on the official service list. Further, if a party files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit

A site visit to the Therm II Hydroelectric Project is planned for Tuesday, November 12, 1996. Those who wish to attend should plan to meet at 9:00 AM at the Joint Water District, 735 Virginia Street, Gridley, California. For more details, contact Mr. Stan Malinky, Thermalito Power Corporation, at (916) 372–0534.

Any questions regarding this notice may be directed to Gaylord W. Hoisington, FERC Environmental Coordination, at (202) 210–2756.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27218 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of New Docket Prefix

October 18, 1996.

Notice is hereby given that a new docket prefix has been established for petitions for declaratory order requesting a Commission determination on stranded costs.

Under the stranded cost procedures set forth in Order No. 888, Promoting Wholesale Competition Through Open Access Nondiscriminatory Transmission Services by Public Utilities, and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 at 31,844 (1996), *reh'g pending*, a customer may file a petition for declaratory order:

> to seek a Commission determination as to whether: (i) the utility has met the reasonable expectation standard; (ii) the proposed stranded cost charge satisfies the other evidentiary standards set forth in this Rule; (iii) the amount of released capacity and the amount of associated energy proposed by the utility is reasonable; or (iv) the utility's proposal for any contract amendment needed to implement the customer's payment of stranded costs is reasonable.

In order to properly docket and manage this type of case and assess Commission resources applicable to this type of work, it is necessary to establish a new docket preflex for stranded cost declaratory order petitions. The new docket prefix will be SCFY–NN–NNN, where the FY stands for the fiscal year in which the filing was made and the NN and NNN are sequential numbers. For example, the first stranded cost declaratory order petition made this fiscal year will be assigned SC97–1–000, the second will be SC97–2–000, etc.

The establishment of the new docket will apply only to stranded cost determinations sought in declaratory order proceedings. If stranded cost determinations are sought in Section 205 rate filings or in Section 206 complaints to amend existing contracts, they will be given their normal ER and EL docket designations.

Lois D. Cashell,

Secretary.

[FR Doc. 96–27213 Filed 10–23–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5639–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Invitation for Bids and Request for Proposals

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Invitation for Bids and Request for Proposals, EPA ICR No. 1038.09; OMB Control No. 2030–0007; expiration date 3/31/97. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 23, 1996.

ADDRESSES: Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street. S.W., Washington D.C. 20460, Attention: Edward N. Chambers.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers. (202) 260–6028/ FAX: (202) 260–1203/CHAMBERS. EDWARD@A1@MAIL.EPA.GOV

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are EPA contractors.

Title: Invitation for Bids and Request for Proposals (OMB Control No. 2030–0007; EPA ICR No. 1038.09) expiring 3/31/97.

Abstract: Firms which are interested in providing supplies or services to EPA will furnish information on previous

contracts performed, technical information, and cost or pricing information or data. They will submit this information when the Agency announces a need for supplies or services which they are capable of providing. EPA will use this information to determine which firm's offer is most suited to the Agency's requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The total annual burden for all respondents is estimated at 399,342 hours. The invitation for bids (IFB) component of this burden is estimated at 2,912 hours (364 bids × 8 hours per bid). The Request for Proposals (RFP) component is estimated at 396,430 hours (1,367 proposals × 290 hours per proposal). The total number of respondents and responses is estimated at 1,731 (364 bids + 1,367 proposals). The annual costs for all respondents is estimated at $20,770,435. The IFB component of these costs at estimated at $149,240 (364 bids × $410 per bid). The RFP component is estimated at $20,621,195 (1,367 proposals × $15,085 per proposal).

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; to 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; to adjust the existing ways to comply with any previously applicable instructions and requirements; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information.

Dated: October 16, 1996.

Edward J. Murphy,

Chief, Procurement Policy Branch.

[FR Doc. 96–27308 Filed 10–23–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5639–7]

EPA's Drinking Water Contaminant Identification Method

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of a stakeholder meeting on the drinking water contaminant identification method.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has scheduled a two-day public meeting on EPA's development of a Drinking Water Contaminant Identification Method. The purpose of this meeting is to have a dialogue with stakeholders and the public at large on the process for developing a sound and defensible method to identify contaminants for drinking water regulations, health advisories, toxicity research, and monitoring. The upcoming meeting is a continuation of a series of meetings with stakeholders that started in 1995 to obtain input on the Agency's Drinking Water Program. These meetings were initiated as part of the Drinking Water Program Redirection efforts to help refocus EPA's drinking water priorities and to take a risk-based approach in the allocation of program resources. Thus, the Agency seeks to ensure that the highest priority chemicals are targeted for public health protection. In recent months, EPA has been working on a Conceptual Approach for drinking water contaminant identification. At the upcoming meeting, EPA is seeking input from individual stakeholders with different perspectives on the process for the development and implementation of the Contaminant Identification Method and on the Conceptual Approach for contaminant identification. EPA encourages the full participation of stakeholders throughout this process.

DATES: The stakeholder meeting on the Drinking Water Contaminant Identification Method will be held on December 2–3, 1996 from 8:00 a.m. to 5:00 p.m.

ADDRESSES: Resolve, Inc. (an EPA contractor) will provide logistical support for the stakeholders meeting. The meeting will be held in the greater Washington, D.C. area. Meeting registrants will be provided information on the location prior to the meeting. For additional information, please contact Ms. Lee Langstaff, at Resolve, Inc., at phone: (202) 965–6210 or fax: (202) 338–1264.

Members of the public wishing to attend the meeting may register by phone by contacting Ms. Langstaff by November 15, 1996. Those registered for the meeting will receive background materials prior to the meeting.

FOR FURTHER INFORMATION CONTACT: For general information about the meeting logistics, please contact Ms. Lee Langstaff at Resolve, Inc., 2828 Pennsylvania Avenue (Suite 402), N.W., Washington, D.C. 20007; (phone: 202–965–6210); (fax: 202–338–1264).

For other information on the Drinking Water Contaminant Identification Method, please contact Ms. Evelyn Washington, at the U.S. Environmental Protection Agency, Phone: 202–260–3029, Fax: 202–260–3762.

SUPPLEMENTARY INFORMATION:

A. Background on the Drinking Water Contaminant Identification Method

The Safe Drinking Water Act (SDWA) amendments of 1986 required the U.S. Environmental Protection Agency (EPA) to publish a triennial list of contaminants (''Drinking Water Priority List'' or DWPL) which may require regulation under the Act. In response to the 1986 amendments, EPA published two DWPLs which were to serve as ''candidate contaminants'' for regulation. The first DWPL was published on January 22, 1988 (53 FR 1892) and consisted of 53 contaminants/contaminant groups. A second DWPL was published on January 14, 1991 (56 FR 1470). The second list carried over most of the contaminants from the first list (50 substances) and added 27 new substances. The referenced Federal Register notices describe the sources of information used for the identification of contaminants for inclusion in the two Drinking Water Priority Lists.

The SDWA, as amended in 1996, continues to require EPA to publish a list of unregulated contaminants which are known or anticipated to occur in public water systems and which may require regulation under the Act. The 1996 amendments specify that EPA must publish the first list of contaminants for consideration not later

than 18 months after the date of enactment of the SDWA amendments of 1996 (i.e., by February, 1998) and additional lists every five years thereafter. The Act also requires EPA to select for further consideration and possible regulation those contaminants that present the greatest health concern. The list of contaminants involves consultation with the scientific community and comment from the public.

B. Request for Stakeholder Involvement

EPA began a series of stakeholder meetings in March of 1995 to obtain input on a number of issues related to the Agency's Drinking Water Program. Separate stakeholder meetings have been conducted to obtain input on priorities for the Drinking Water Program, scientific data needs, treatment technology, health assessment, analytical methods, source water protection, small systems capacity building, focusing and improving implementation, revising chemical monitoring requirements, defining source protection as a best available technology (BAT), and other revisions to strengthen enforcement and implementation. Input from those meetings helped the Agency in the development of a draft comprehensive redirection plan released for public comment on November 19, 1995 (USEPA. Drinking Water Program Redirection Proposal. A Public Comment Draft. EPA 810–D–95–001. Nov. 1995). Another stakeholder meeting was held on May 21, 1996 on the direction of the Drinking Water Health Advisory Program.

The upcoming meeting deals specifically with EPA's efforts to develop a risk-based method to identify contaminants for drinking water regulations, health advisories, additional toxicity research, and monitoring. EPA's goal is to develop a method that is able to identify those contaminants that may pose the greatest public health threat. The prioritization of contaminants for drinking water regulation (and for development of health advisories, research or monitoring efforts) would ensure that EPA uses its limited resources in an efficient manner. There is a more immediate need now to develop a risk-based drinking water Contaminant Identification Method since the 1996 amendments to the SDWA require EPA to publish the first list of contaminants for possible regulation by February, 1998.

EPA is working on a Conceptual Approach for the Contaminant Identification Method. This approach considers factors such as potential adverse health effects, information on concentrations in drinking water supplies, human exposure via drinking water and other sources, and data uncertainty. Both chemical contaminants and microbes will be considered in the Contaminant Identification Method development process. Background materials on the Conceptual Approach, the process to develop and implement the Contaminant Identification Method, and the first listing of contaminants for consideration will be sent to all registered participants in advance of the meeting. The specific issues for discussion at the meeting will be based on those materials and will include (but may not be limited to) the following:

(1) Are the steps described in the Conceptual Approach for the Contaminant Identification Method the right ones? Is there anything missing?

(2) Is this model or Conceptual Approach workable/usable for microbial contaminants? Are any modifications necessary?

(3) To what extent should the 18 month process (i.e., the listing of the first group of contaminants for possible regulation) reflect this Conceptual Approach?

(4) What are the *sources* of information for ''contaminants to be considered''? Are any sources missing? What weight or relative importance should be given to the sources?

(5) Should there be a relative weighting of different types of *data* for ranking decisions? How should EPA integrate the toxicity and occurrence data into a point system or weighting scheme for a risk-based approach?

(6) How should EPA evaluate the *quality* and *quantity* of available data (both occurrence and toxicity) to determine the contaminants to be considered for regulation?

(7) What degree of contamination represents a national priority (i.e., widespread public health threat versus local concern)?

(8) How do we resolve differences of opinion (i.e., differences on interpretation of the data) amongst knowledgeable persons?

(9) At what point and should cost/benefits be considered in the contaminant identification process?

(10) What process should EPA use to select the final list of contaminants?

(11) What contaminants should be added to the 1991 Drinking Water Priority List (DWPL) as part of the next list of contaminants for consideration due in early 1998? What contaminants should be deleted from the 1991 DWPL?

(12) How should the contaminant identification process influence the development and design of a drinking water contaminant occurrence database, also required under the Amendments?

EPA has convened this public meeting to hear the views of stakeholders on the Conceptual Approach, the process to develop and implement the Contaminant Identification Method, and the first list of contaminants for consideration. The public is invited to provide comments on the issues listed above or other issues related to the Drinking Water Contaminant Identification Method during the December 2–3, 1996 meeting.

Dated: October 18, 1996.

Cynthia Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 96–27309 Filed 10–23–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5639–6]

National Drinking Water Advisory Council; Notice of Open Meetings

Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on November 13, 1996, from 9:00 a.m. until 5:15 p.m. and on November 14, 1996, from 9:00 a.m. until 5:00 p.m. at the One Washington Circle Hotel, One Washington Circle, NW, Washington, D.C. 20037. The purpose is to brief the Council on the mandates under the 1996 Amendments to the Safe Drinking Water Act and discuss the level of Council involvement to help implement them. The Council will be given an update on the Consumer Awareness Report, Drinking Water Needs Survey, Community Water Systems Survey and the draft implementation strategy for the Drinking Water State Revolving Fund.

The meeting is open to the public. The Council encourages the hearing of outside statements and will allocate one hour on November 13, 1996, for this purpose. Oral statements will be limited to ten minutes, and it is preferred that only one person present the statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 260–2285 before November 12, 1996.

Any person who wishes to file a written statement can do so before or after a Council meeting. Written

statements received prior to the meeting will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Members of the public that would like to attend the meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW, Washington, DC 20460. The telephone number is Area Code (202) 260–2285.

Dated: October 18, 1996.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 96–27306 Filed 10–23–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

''FEDERAL REGISTER'' NUMBER: 96–26830.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 24, 1996, 10:00 a.m. Meeting Open to the Public.

This meeting was cancelled.

DATE AND TIME: Tuesday, October 29, 1996 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, October 31, 1996 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor)

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Advisory Opinion 1996–42: Michael A. Nemeroff on behalf of Lucent Technologies, Inc.
Advisory Opinion 1996–44: The Honorable Charles Wilson
Final Report of the Audit Division on the North Carolina Democratic Victory Fund
FY 1997 Management Plan
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 96–27502 Filed 10–22–96; 2:48 pm]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting

FEDERAL HOUSING FINANCE BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 54799, October 21, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, October 24, 1996.

CHANGE IN THE MEETING: Previously announced Board meeting time has been changed from 10:00 a.m to 11:00 a.m.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–27431 Filed 10–22–96; 12:03 pm]

BILLING CODE 6725–01–P

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.

Torrance Van & Storage Company d/b/a, S & M Moving Systems, 1915 Abalone Avenue, Torrance, CA 90501, Officers: Gerald P. Stadler, CEO/President, Robert A. Wright, Managing Director International

Solex Express, Inc., 416 E. Irving Park Road, Wood Dale, IL 60191, Officers: Shao Wei Chen (Grace), President, Sam Liu, Vice President

KFS, Inc., 756 Port America Place, Suite #700, Grapevine, TX 76051, Officers: James F. Keller, President, Matthew J. Keller, Vice President

Boston Worldwide Logistics, Inc., 215 Bremen Street, E. Boston, MA 02128, Officer: Duane Mark D'Angelo, CEO/President

Dated: October 18, 1996.

Ronald D. Murphy,

Acting Secretary.

[FR Doc. 96–27256 Filed 10–23–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking

activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 18, 1996.

A. Federal Reserve Bank of Cleveland (R. Chris Moore, Senior Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Pennwood Bancorp, Inc., Pittburgh, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Pennwood Savings Bank, Pittsburgh, Pennsylvania.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. F & M Bancorporation, Inc., Kaukauna, Wisconsin; to acquire 100 percent of the voting shares of Green County Bank, Brodhead, Wisconsin.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Haviland Bancshares, Inc., Haviland, Kansas; to acquire 19.995 percent of the voting shares of Fredonia State Bancshares, Inc., Fredonia, Kansas, and thereby indirectly acquire State Bank of Fredonia, Fredonia, Kansas.

In connection with this application, Fredonia State Bancshares, Inc., has also applied to become a bank holding company by acquiring 96.15 percent of the voting stock of State Bank of Fredonia, Fredonia, Kansas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. U.S. Bancorp, Portland, Oregon; to merge with Sun Capital Bancorp, St. George, Utah, and thereby indirectly acquire Sun Capital Bank, St. George, Utah.

Board of Governors of the Federal Reserve System, October 18, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–27253 Filed 10–23–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 1996.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Susquehanna Bancshares, Inc., Lititz, Pennsylvania; to engage through American Title, Inc., Reisterstown, Maryland; Mid-Atlantic Title Company, Baltimore, Maryland, and Maryland Title Company, Baltimore, Maryland, in real estate title abstracting, including title examinations and title searches, pursuant to *The First National Company*, 81 Fed. Res. Bull. 805 (1995); and in real estate loan document preparation, and real estate settlement activities, pursuant to *Norwest Corporation*, 76 Fed. Res. Bull. 1058 (1990).

Board of Governors of the Federal Reserve System, October 18, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–27254 Filed 10–23–96; 8:45 am]

BILLING CODE 6210–01–F

Agency Information Collection Activities: Submission to OMB Under Delegated Authority

Background

Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Mary M. McLaughlin—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860).

Final approval under OMB delegated authority of the extension, with revision, of the following report:

1. Report title: Survey of Terms of Bank Lending

Agency form number: FR 2028A, FR 2028B, and FR 2028S

OMB Control number: 7100-0061

Effective Date: May 5, 1997

Frequency: quarterly

Reporters: commercial banks (all three reports) and U.S. branches and agencies of foreign banks (FR 2028A and FR 2028S)

Annual reporting hours: 8,095

Estimated average hours per response: FR 2028A: 4.0. FR 2028B: 1.5. FR 2028S: 0.1.

Number of respondents: FR 2028A: 398. FR 2028B: 250. FR 2028S: 567. Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The Survey of Terms of Bank Lending provides unique

information concerning the price and certain nonprice terms of loans made to businesses and farmers by commercial banks. The reports are completed for the first full business week of the mid-month of each quarter (February, May, August, and November). The FR 2028A and B collect detailed data on individual loans made during the survey week. The FR 2028S collects the prime interest rate for each day of the survey week. From these sample data, estimates of the terms of business and farm loans extended during the reporting week at all insured U.S. commercial banks are constructed. The estimates for business loans are published in the quarterly E.2 release, ''Survey of Terms of Bank Lending,'' while estimates for farm loans are published in the quarterly E.15 release, ''Agricultural Finance Databook.''

The Board received comment letters from seven banks and two bank holding companies. Comments included the following: Four commentators stated that data required to answer selected new items on the reports would be difficult or very costly to obtain. Staff at the Reserve Banks will work with individual respondents to resolve these difficulties. Two commentators expressed concern about the amount of time that would be required to reprogram to meet the implementation date. In response to these comments, the Federal Reserve is delaying the implementation date three months from the proposed February 1997 to May 1997.

Revisions to the business loan survey include the elimination of two items that either have proven difficult for respondents to report or are insufficiently useful to justify the burden their reporting imposes, the addition of two new items covering loan risk and termination options, and redefinitions of several existing items. The coverage of the reporting panel for the business loan survey, currently limited to U.S. commercial banks, will be expanded to include a sample of U.S. branches and agencies of foreign banks, which now account for a significant fraction of business lending. The same item additions and redefinitions for the business loan survey also will be made to the farm loan survey. The prime rate supplement, now collected only from respondents to the business loan survey, will be collected from respondents to the farm loan survey as well. The revised instructions have been reworded substantially to reflect the changes, clarifications requested by Reserve Bank staff and the respondent banks since the last review of this survey, and revisions necessitated by changes in lending practices.

Board of Governors of the Federal Reserve System, October 18, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–27252 Filed 10–23–96; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Delegation of Authority to the Commissioner, Social Security Administration

Pursuant to the authority vested in the Administrator of General Services by section 3726 of Title 31, United States Code, and re-delegated to the Director, Office of Transportation Audits, I have determined that it is both cost-effective and in the public interest to delegate authority to the Commissioner of the Social Security Administration to conduct a prepayment audit of transportation bills relating to the movement of motor freight, subject to the provisions of the Federal Property Management Regulations, Title 41, Code of Federal Regulations, Subpart 101–41, and amendments thereto. These prepayment audits will be conducted by a General Services Administration's (GSA's) contractor, at the contractor's site. The Social Security Administration may re-delegate this authority to any officer, official, or employee of the Social Security Administration.

The Commissioner of the Social Security Administration shall notify GSA in writing of these additional delegations. This delegation is effective upon publication in the Federal Register.

Dated: October 15, 1996.

Jeffrey J. Thurston,

Director, Office of Transportation Audits, Federal Supply Service.

[FR Doc. 96–27299 Filed 10–23–96; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of National AIDS Policy; Notice of Meeting of the Presidential Advisory Council on HIV/AIDS and its Subcommittees

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Presidential Advisory Council on HIV/AIDS on December 15 - 17, 1996, at the Hyatt Regency Washington on Capitol Hill, Washington, DC. The meeting of the Presidential Advisory Council on HIV/AIDS will take place on Sunday, December 15, and Monday, December 16 from 8:30 am to 5 pm, and Tuesday, December 17, from 8:30 am to 3:30 pm at the Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, Washington, DC 20001. The meetings will be open to the public.

The purpose of the subcommittee meetings will be to finalize their recommendations and assess the status of previous recommendations made to the Administration. The agenda of the Presidential Advisory Council on HIV/AIDS will include presentations from the Council's five committees, Research, Services, Prevention, Discrimination, and Prison Issues.

Jeff Levi, Deputy Director, Office of National AIDS Policy, 750 17th Street, N.W., Washington, D.C. 20503, Phone (202) 632–1090, Fax (202) 632–1096, will furnish the meeting agenda and roster of committee members upon request. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Kimberly Farrell at (301) 986–4870 no later than December 9.

Dated: October 16, 1996.

Jeff Levi,

Deputy Director, Office of National AIDS Policy.

[FR Doc. 96–27291 Filed 10–23–96; 8:45 am]

BILLING CODE 3195–01–P

Office of the Secretary

Correction of Notice of Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Correction.

SUMMARY: A Notice beginning on page 19295 in the issue of May 1, 1996, entitled ''Findings of Scientific Misconduct'' is hereby revised to correct the authorship of a publication referenced in the original printing:

P.P. Thomas did not co-author the publication entitled ''Gonadotrophin-releasing hormone agonist plus estrogen-progestin 'add-back' therapy for endometriosis-related pelvic pain.'' Fertility and Sterility 30:236–41, 1993.)

FOR FURTHER INFORMATION, CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 301–443–5330.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 96–27200 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–17–P

Agency for Health Care Policy and Research

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice.

SUMMARY: This notice announces the Agency for Health Care Policy and Research's (AHCPR) intention to request the Office of Management and Budget (OMB) to reinstate two expired information collection projects as one: Formerly the 1987 Health Insurance Plans Survey (HIPS) and the 1994 National Employer Health Insurance Survey (NEHIS), now to be combined in the 1997 Medical Expenditure Panel Survey—Insurance Component (MEPS–IC). In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3507(a)(1)(D)), AHCPR invites the public to comment on this reinstatement.

DATES: Comments on this notice must be received by November 25, 1996.

ADDRESSES: Written comments for the proposed information collection should be submitted within 30 working days of this notice directly to the OMB Desk Officer at the following address: Allison Eydt, Human Resources and Housing Branch, Office of Information and Regulatory Affairs, OMB; New Executive Office Building, Room 10235; Washington, D.C. 20503.

All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Ruth A. Celtnieks, AHCPR Reports Clearance Officer, (301) 594–1406, ext. 1497.

SUPPLEMENTARY INFORMATION:

Proposed Project

Pretest for the 1997 Medical Expenditure Survey—Insurance Component (MEPS–IC).

AHCPR intends to conduct a survey of establishments in 1997 to collect information from employers concerning employer-sponsored health insurance. This survey will be an integration of two previous surveys, now components of MEPS–IC. The two surveys which collected similar information are:

1. The 1987 Health Insurance Plans Survey (HIPS) sponsored by AHCPR's predecessor, the National Center for Health Services Research; and

2. The 1994 National Employer Health Insurance Survey (NEHIS) sponsored by AHCPR, the National Center for Health Statistics (NCHS) and the Health Care Financing Administration (HCFA).

Due to the integration of these two previous survey operations into the MEPS–IC, AHCPR is updating the questionnaire and data collection methodology. A data collection pretest is being proposed using a sample of potential respondents. Based upon the results of this test, the AHCPR will develop and refine the final methodology for the 1997 MEPS–IC.

Burden Estimates Follow:

Number of Respondents: 350.

Number of Surveys per Respondent: 1.

Average Burden/Respondent: .75 Hours.

Estimated Total Burden: 263 Hours.

Copies of these data collection plans and instruments can be obtained from the AHCPR Reports Clearance Officer (see above).

Dated: October 17, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96–27279 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–90–M

Food and Drug Administration

[Docket No. 96M–0371]

Guidant Corp.; Premarket Approval of SELUTE® Steroid Eluting Endocardial Lead Models 4185 and 4285

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Guidant Corp., St. Paul, MN, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of SELUTE® Steroid Eluting Endocardial Lead Models 4185 and 4285. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of May 8, 1996, of the approval of the application.

DATES: Petitions for administrative review by November 25, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lynette A. Gabriel, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8243.

SUPPLEMENTARY INFORMATION: On January 13, 1995, Guidant Corp., St. Paul, MN 55112–5798, submitted to CDRH an application for premarket approval of SELUTE® Steroid Eluting Endocardial Lead Models 4185 and 4285. The device is a permanent pacing lead and is indicated for chronic pacing and sensing of the ventricle when used with a compatible pulse generator.

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel.

On May 8, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH. In that letter, CDRH also notified the applicant that the device requires tracking under section 519(e) of the act (21 U.S.C. 360i(e)).

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the

notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 25, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 20, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–27202 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Gastrointestinal Drugs Advisory Committee

Date, time, and place. November 4 and 5, 1996, 9 a.m., Holiday Inn—Bethesda, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, November 4, 1996, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, November 5, 1996, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD–180), 419–259–6211, or Mae Brooks (HFD–21), 301–443–5455, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Gastrointestinal Drugs Advisory Committee, code 12538. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 28, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On November 4, 1996, the committee will discuss data concerning the safety of long-term antisecretory therapy in patients with *Helicobacter pylori*; new drug application (NDA) 19–810, Prilosec® (omeprazole, Astra Merck), delayed release capsules; and NDA 20–406, Prevacid® (lansoprazole, TAP Holding Co.), delayed release capsules. On November 5, 1996, the committee will discuss NDA 20–675 (ureodeoxycholic acid, Axcan Pharma), for the treatment of patients with primary biliary cirrhosis.

FDA regrets that it was unable to publish this notice 15 days prior to the Gastrointestinal Drugs Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Gastrointestinal Drugs Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. November 15, 1996, 8:30 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Type of meeting and contact person. Open committee discussion, 8:30 a.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 5 p.m.; Ermona B. McGoodwin or Danyiel A. D'Antonio, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Peripheral and Central Nervous System Drugs Advisory Committee, code 12543. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in neurological disease

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 8, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness of NDA 20–648, Diastat® (diazepam emulsion, Athena Neurosciences, Inc.), as a treatment for acute repetitive seizures.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee

deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of the meeting(s) shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: October 18, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–27278 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[Document Identifier: HCFA–1500]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Reinstatement, with change, of previously approved collection for which approval has expired; *Title of Information Collection:* Medicare/Medicaid Health Insurance Common Claim Form and Instructions, and Supporting Regulations 42 CFR 424.32 (Basic Requirements for all Claims) and 42 CFR 414.40 (Coding and Ancillary Policies); *Form No.:* HCFA–1500; *Use:* This form and instructions are standardized for use in the Medicare/Medicaid programs to apply for reimbursement for covered services. HCFA does not require exclusive use of this form for Medicaid. 42 CFR 424.32 and 42 CFR 414.40 are regulations underlying the use of the form HCFA–1500 and the information captured on the form HCFA–1500, including the use of diagnostic and procedural coding systems. HCFA solicits comments on any and all aspects of the HCFA–1500, and the use of diagnostic and procedural coding systems: HCFA currently uses the most current version of the ICD–9–CM and CPT/HCPCS; *Frequency:* On occasion; *Affected Public:* Business or other for profit, not for profit institutions, State, local or tribal government; *Number of Respondents:* 976,239; *Total Annual Responses:* 644,802,413; *Total Annual Hours:* 46,797,008.

To obtain copies of the supporting statement and any related forms and instructions for the proposed paperwork collection referenced above, E-mail your request, including your address and phone number, to JBurke1@hcfa.gov, or call the Reports Clearance Office on (410) 786–1325. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Analysis and Planning Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: October 15, 1996.

Edwin J. Glatzel,

Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–27292 Filed 10–23–96; 8:45 am]

BILLING CODE 4120–03–P

[HCFA–R–137]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), has submitted to the Office of Management and Budget (OMB) the following request for Emergency review. We are requesting an

emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 C.F.R., Part 1320. Medicare must comply with all provisions of the group health plans including a plan of ''timely filing requirements.'' The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result if normal clearance procedures are followed. Any additional delay in this approval will result in a loss of $904 million to the trust fund.

HCFA is requesting that OMB provide a two-day review and a 90-day approval. During this 90-day period HCFA will publish a separate Federal Register notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. Then HCFA will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Internal Revenue Service/Social Security Administration/Health Care Financing Administration Data Match 42 CFR 411; *Form No.:* HCFA–R–137; *Use:* Employers who are identified through a match of IRS, SSA, and Medicare records will be contacted concerning group health plan coverage of identified individuals to ensure compliance with Medicare Secondary Payer provisions found at 42 U.S.C. 1395y(b). *Frequency:* Semi-annually; *Affected Public:* Individuals or Households, Business or other for profit, Not for profit institutions, Farms, Federal Government and State, Local or Tribal Government; *Number of Respondents:* 596,241; *Total Annual Responses:* 596,241; *Total Annual Hours Requested:* 2,325,449.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 2 working days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: October 17, 1996.

Edwin J. Glatzel,

Director, Management Analysis and Planning Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–27262 Filed 10–23–96; 8:45 am]

BILLING CODE 4120–03–P

Health Resources and Services Administration

[0905–ZA92]

Notice Regarding Section 602 of the Veterans Health Care Act of 1992 Patient and Entity Eligibility

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final Notice.

SUMMARY: Section 602 of Public Law 102–585, the ''Veterans Health Care Act of 1992,'' enacted section 340B of the Public Health Service Act (''PHS Act''), ''Limitation on Prices of Drugs Purchased by Covered Entities.'' Section 340B provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a pharmaceutical pricing agreement with the Secretary of Health and Human Services in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed an amount determined under a statutory formula.

The purpose of this notice is to inform interested parties of final guidelines regarding a definition of covered entity ''patient.''

FOR FURTHER INFORMATION CONTACT: Annette Byrne, R.Ph., Attn: Drug Pricing Program, Bureau of Primary Health Care, 4350 East-West Highway, 10th Floor, Bethesda, MD 20814, Phone (301) 594–4353.

EFFECTIVE DATE: October 24, 1996.

SUPPLEMENTARY INFORMATION:

(A) Background

Proposed guidelines were announced in the Federal Register at 60 FR 39762 on August 3, 1995. A period of 30 days was established to allow interested parties to submit comments. The Department received 15 letters including comments concerning legal authority for developing the proposed guidelines and a need for a more specific definition. Comments were received on issues not within the scope of the definition of covered entity ''patient'' and were not addressed.

The following section presents a summary of all major comments relevant to the definition of ''patient'' and a response to each comment. The guidelines are adopted as proposed.

(B) Comments and Responses

Comment: The Federal Register notice was not promulgated in accordance with the Administrative Procedure Act (APA) and contains procedural irregularities. The Department has issued eight Federal Register notices containing drug pricing program guidelines and has not proposed a single regulation pursuant to APA requirements. Because of this, the program guidelines are invalid.

Response: During the early months following enactment, it became clear that there were many gaps in the legislation and some form of program structure was necessary to move the program forward. There were approximately 11,500 eligible entities, 500 participating manufacturers, numerous wholesalers and many Federal programs affected by this legislation and all seeking guidance. It was incumbent upon the Department, acting through the Health and Resources and Services Administration, Bureau of Primary Health Care, Office of Drug Pricing (ODP), to implement this difficult congressional mandate in an expeditious manner.

Interpretive rules and statements of policy were developed to provide necessary program guidance. The Department has published these guidelines in the Federal Register, used a Federal review process (including review by the Office of Management and Budget) and provided a public comment period to obtain both Federal as well as public input into guideline development. The Department considered all comments in developing these final guidelines.

The guidelines explain how the Department intends to administer the 340B program, further explain the statutory language by clarifying the meaning given by the Department to particular words of phrases, and do not exceed the purpose of 340B or conflict with any of its provisions. We believe that these guidelines create no new law and create no new rights or duties; therefore, they are not subject to the Administrative Procedure Act's requirement of notice and comment. Nevertheless, the Department chose to solicit and respond to public comment.

Comment: The Federal Register notice has not complied with the 60 day comment period required by the Social Security Act, 42 U.S.C. 1395hh(b).

Response: Section 340B is part of the Public Health Service Act, and its implementation is not subject to the provisions of the Social Security Act.

Comment: The definition of a ''patient'' is ambiguous and difficult to

administer from a drug diversion standpoint.

Response: The definition of a ''patient'' was developed in order to identify those individuals eligible to receive 340B drugs from covered entities. Because of the large number of covered entities and the wide diversity of eligible groups (e.g., hemophilia, HIV, black lung, migrant health, and family planning services), it was essential that we work closely with each Federal program office to develop a definition flexible enough to describe accurately each covered entity's patient while at the same time not excluding eligible patients. In addition, not only comments received in response to this notice but also comments from prior Federal Register notices (59 FR 25111, May 13, 1994, and 59 FR 47886, September 19, 1994) were incorporated into the definition. By using such input, we are confident that the definition will assist covered entities and manufacturers in determining which individuals are eligible to receive 340B drugs.

Comment: Covered entities should be required to restrict purchases to drug products that are directly related to the provision of services for which Federal funding has been provided.

Response: We do not consider a limitation on which drug products a covered entity may purchase to be a reasonable component of the definition of covered entity ''patient.'' To the extent that purchasing certain drugs would contravene a Federal or State law or certain PHS grant principles (and this information is brought to the Department's attention), the Department reserves the right to take such action as it deems appropriate.

Comment: The definition of a ''patient'' establishes a requirement that a State must register eligible individuals who may then receive services for which funding has been provided under Title II of the Ryan White Act of 1990.

Response: The proposed patient definition does not impose a new requirement that States register individuals as eligible for benefits under the Ryan White Act. Instead, the definition reflects the States' current practice of recording and verifying patient eligibility through a registration mechanism. An individual listed in a State Ryan White Title II drug assistance program will, for purposes of the patient definition, be considered a patient of the entity.

Comment: The definition would permit a patient to obtain one medical treatment from a covered entity at any time in his or her lifetime and then continue (forever) to purchase drugs through prescription refills by using such services as mail order. The proposed patient definition should require that a covered entity patient be currently receiving care, and an additional section should be added to address the frequency of medical care.

Response: All covered entities must establish a relationship with their patients such that the entity will maintain records of the individuals' health care. The entity will document in the record the care provided and, when appropriate, the prescriptions written. It would be inappropriate for the Department to proceed further and dictate to health care providers guidelines regarding the appropriateness of certain prescriptions. We understand that States typically regulate the refilling of prescriptions.

Comment: Employees of covered entities should be either specifically precluded or included as eligible patients to receive discounted drug products.

Response: Any employee of a covered entity who meets the criteria of the definition of covered entity ''patient'' would be eligible to access 340B pricing.

Comment: Private patients of a physician who is under a contract to provide services to a covered entity should be considered patients of the entity.

Response: Entity health record documentation (section one of the patient definition) and responsibility for care provided (section two of the patient definition) must remain with the covered entity. A physician, under contract with a covered entity, may see an individual and provide care for a medical indication. However, if care is provided outside of the contractual arrangement with the covered entity, the individual would not be considered a patient of the entity.

Comment: The pharmacy of a covered entity should be required to have access to the records of the individual's health care maintained by the entity.

Response: This type of requirement deals with the professional practice of pharmacy and not with the issue of identification and clarification of who is or is not a patient.

Comment: The phrase in section one of the patient definition is not clear as to if ''records of the individual's health care'' is equivalent to the term ''medical record(s).''

Response: The phrase ''records of the individual's health care'' was specifically used to avoid the term ''medical record,'' as the latter term may have different meanings in various locations. In addition, some covered entities may not, at the present time, use health records that comply with certain legal definitions of the term ''medical record.'' The wording permits the use of health care documentation presently contained in a ''medical record,'' if such is the current health record system maintained by an entity.

Comment: The requirement in section one of the patient definition that ''the covered entity maintain records of the individual's health care'' could establish a requirement that such health records be centralized at one location.

Response: The requirement that covered entities maintain the records of an individual's health care does not establish a requirement that such health records be centralized in one location.

Comment: The exclusion of individuals who receive no health care services from the covered entity other than the dispensing of a drug for subsequent self-administration or administration at home may exclude otherwise legitimate patients from receiving ''refills'' of prescribed medications previously authorized by the covered entity's health care provider.

Response: A ''refill'' of a medication previously prescribed by an authorized entity health care provider, as part of the health care services provided by the covered entity, would meet the requirements of the patient definition. The ''refill'' would be a continuation of responsibility for the health care services provided by the covered entity. The covered entity would document the initial prescription for treatment in the record of health care, and the ''refill'' would be part of the range of health care services provided.

(C) Definition of a Patient

An individual is a ''patient'' of a covered entity (with the exception of State-operated or funded AIDS drug purchasing assistance programs) only if:

1. the covered entity has established a relationship with the individual, such that the covered entity maintains records of the individual's health care; and

2. the individual receives health care services from a health care professional who is either employed by the covered entity or provides health care under contractual or other arrangements (e.g. referral for consultation) such that responsibility for the care provided remains with the covered entity; and

3. the individual receives a health care service or range of services from the covered entity which is consistent with the service or range of services for which grant funding or Federally-qualified health center look-alike status

has been provided to the entity. Disproportionate share hospitals are exempt from this requirement.

An individual will not be considered a ''patient'' of the entity for purposes of 340B if the only health care service received by the individual from the covered entity is the dispensing of a drug or drugs for subsequent self-administration or administration in the home setting.

An individual registered in a State operated or funded AIDS drug purchasing assistance program receiving financial assistance under title XXVI of the PHS Act will be considered a ''patient'' of the covered entity for purposes of this definition if so registered as eligible by the State program.

Dated: October 21, 1996.

Ciro V. Sumaya,

Administrator, Health Resources and Services Administration.

[FR Doc. 96–27344 Filed 10–23–96; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Heart, Lung, and Blood Institute; Proposed Collection; Comment Request—National Donor Research and Education Study-II

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* National Donor Research and Education Study-II. *Type of Information Collection Request:* NEW. *Need and Use of Information Collection:* This study is the second stage anonymous mail survey to be sent to a random sample of blood donors at five blood centers participating in the Retrovirus Epidemiology Donor Study (REDS). In addition to monitoring the safety of the U.S. blood supply, study results will facilitate the development, evaluation and refinement of educational, recruitment and qualification strategies for U.S. blood donors. The proposed new study will update and extend the unique findings obtained in the first blood donor survey so as to minimize the likelihood that donors with risk factors for transfusion-transmitted diseases will participate in the blood donor pool. There is a strong likelihood that, like the first survey effort, the resulting findings will be directly applied to blood banking operational practice. Specific objectives of this survey are to: (1) Evaluate donor understanding and acceptance, and the safety impact of newly-changed laboratory and donor screening procedures that have been implemented since the previous donor survey study (e.g. removal of the confidential unit exclusion ''CUE'' process at two REDS sites; additional questions about Creutzfeldt-Jacob and parasitic diseases; addition of HIV p24 antigen testing; increased use of donation incentives); (2) Pilot test new donor screening procedures that are anticipated to occur within the next 12–24 months in order to estimate their efficacy, safety impact and donor acceptance (e.g. improved CUE procedures, implementation of computer-assisted donor screening); (3) Provide ''pre-'' (baseline) and ''post-'' (evaluation) measures for new donor qualification procedures expected to occur operationally at blood centers within the time period of study including: deferral for intransal cocaine use in the past year; modification of the time period for sexual risk deferrals from ''since 1977'' to within the past 12 (or 24) months; clarification of wording regarding sexual contact with ''at-risk'' individuals; and addition of questions about donating primarily for the purpose of receiving the tests results for the AIDS virus; (4) Assess changes in the prevalence and characteristics of donors who report donating for therapeutic reasons (e.g., those with iron storage disease), and donors who report donating primarily to receive test results for the AIDS virus as a result of the March 1996 implementation of HIV p24 antigen testing; (5) Determine the extent to which active donors with reactive tests for anti-HBc and syphilis have increased levels of behavioral risks that should have resulted in deferral; (6) Measure the extent to which seropositivity for current syphilis screening tests predicts a recent history of diagnosed syphilis: (7) Measure blood donor knowledge of infectious disease risks and the behavioral factors that should defer them from donating, to identify weaknesses in the current donor educational process; and (8) Assess the attitudes of donors regarding establishment of stored frozen repositories from their donations, use of these samples for future research testing designed to improve transfusion safety, and the adequacy of different levels of informed consent. *Frequency of Response:* One-time data collection. *Affected Public:* Individuals.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per responses	Estimated total annual burden hours requested
Blood donors	38,500	1	.3333	12,832

The annualized cost to respondents is estimated at: $128,320 (based on $10 per hour). There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technical collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. George J. Nemo, Group Leader, Transfusion Medicine, Scientific Research Group, Division of Blood Diseases and Resources, NHLBI,

NIH, Two Rockledge Centre, Suite 10042, 6701 Rockledge Drive, MSC 7950, Bethesda, MD 20892–7950, or call non-toll free number (301) 435–0075 or E-mail your request, including your address to: <nemog@gwgate.nhlbi.nih.gov>.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before December 23, 1996.

Dated: October 17, 1996.

Shelia E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 96–27327 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Proposed Collection; Comment Request—Evaluation of the NHLBI Short-Term Training for Minority Students Program

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* Evaluation of the NHLBI Short-Term Training for Minority Students Program. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* When the short-term training program was implemented, applicants were provided broad guidance that enabled them to structure their program in the manner they deemed most likely to accomplish the program objectives. The proposed evaluation will assess the effectiveness of the short-term training program in meeting its objectives. The results of the evaluation will be used to modify the program announcement to ensure that all elements identified as contributing to the success of a program are part of all future short-term training programs supported by the Institute. *Frequency of Response:* One-time only. *Affected Public:* Individuals or households; not for profit institutions; business or other for profit. *Type of Respondents:* Undergraduate and graduate students, research faculty, and mentors. The annual reporting burden is as follows: *Estimated Number of Respondents:* 2,752; *Estimated Number of Responses Per Respondent:* 1; *Average Burden Hours Per Response:* Training grant director—1.00 hour, research faculty—0.334 hours, accepted students—0.5 hours, and nonaccepted students—0.334 hours; and *Estimated Total Annual Burden Hours Requested:* 1,210. The annualized cost to respondents is estimated at: $27,928. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Barbara F. James, NHLBI Minority Programs Coordinator, Office of Science and Technology, NHLBI, NIH, 31 Center Drive, MSC 2482, Bethesda, Maryland 20892, or call non-toll-free number (301) 402–3421 or E-mail your request, including your address to: <Jamesb@nih.gov>.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before December 23, 1996.

Dated: October 17, 1996.

Shelia E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 96–27328 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Proposed Collection; Comment Request; Pilot Research for Epidemiologic Studies of Migrant and Seasonal Farmworkers

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Pilot Research for Epidemiologic Studies of Migrant and Seasonal Farmworkers. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* A pilot study will be conducted to evaluate the ability to trace farmworkers over extended periods of time, to determine cancer diagnosis and treatment patterns among migrant and seasonal farmworkers, and to assess the reliability of farm work histories from farmworkers and from their spouses. The information will be used by the NCI to identify the most appropriate study design, case ascertainment procedures, and exposure assessment methods for a full-scale epidemiologic study of cancer among migrant and seasonal farmworkers. Determining the feasibility of using automated data collection techniques to obtain occupational histories from farmworkers will be part of this project. *Frequency of Response:* One-time study. *Affected public:* Individuals or households. *Type of Respondents:* Farmworkers and relatives. The annual reporting burden is as follows:

Type of respondents	Estimated No. of respondents	Estimated No. of responses per respondent	Average burden hours for response	Estimated total annual burden hours requested
Farmworkers	77	1	.333	26
Farmworkers with family history of cancer	67	1	.167	11
Farmworkers' relatives with cancer	33	1	.333	11
Farmworkers and spouses	53	1	1.000	53

Type of respondents	Estimated No. of respondents	Estimated No. of responses per respondent	Average burden hours for response	Estimated total annual burden hours requested
Farmworker Opportunity Program Clients	13,333	1	.167	2,227
Total				2,327

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection or information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information

To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Shelia Hoar Zahm, Project Officer, National Cancer Institute, Executive Plaza North, Room 418, Rockville, Maryland 20892–7364, or call non-toll-free number (301) 496–9093, or FAX your request to (301) 402–1819, or E-mail your request, including your address, to ZahmS@epndce.nci.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before December 23, 1996.

Dated: October 11, 1996.

Nancy L. Bliss,

OMB Project Clearance Liaison.

[FR Doc. 96–27332 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Submission for OMB Review; Comment Request—Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds

SUMMARY: Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Director, National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the Federal Register on March 22, 1996, page 11851, with 60 days allowed for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

PROPOSED COLLECTION: *Title:* The National Institutes of Health Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds Application. *Type of Information Collection Request:* New, *Need and Use of Information Collection:* This information collection is needed by the NIH to determine eligibility and assess applicant qualifications for the Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds (UGSP).

The UGSP intends to provide service-conditioned scholarships, in an amount not to exceed $20,000 per academic year, toward expenses associated with full-time attendance at an accredited undergraduate institution. UGSP recipients must be from disadvantaged backgrounds, meet academic eligibility criteria, and demonstrate a commitment to the pursuit of a career in biomedical research at the NIH. *Frequency of Responses:* On occasion. *Affected Public:* Individuals and Small Businesses. *Type of Respondents:* U.S. citizens, permanent residents or nationals. The annual reporting burden is as follows:

	Number of respondents	Number of responses per respondent	Avg. burden per response (hrs)
Applicant Undergraduate Institution	500	1	3
Recommenders	500	1	0.5
	750	1	0.5

The annualized cost to respondents is estimated at $34,798. There are no capital costs to report. There are no operating or maintenance costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

DIRECT COMMENTS TO OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, shall be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Marc S. Horowitz, J.D., Office of Loan Repayment and Scholarship, National Institutes of Health, 7550 Wisconsin

Avenue, Room 604, Bethesda, MD 20892–9121, or call (301) 402–5666 (this is not a toll-free number), or e-mail your request, including your address, to <mh18k@nih.gov>, or access the Scholarship Office on the Internet at <http://helix.nih.gov:8001/oe/catalog/loanrepay.html>.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before November 25, 1996.

Dated: October 16, 1996.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 96–27326 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

The inventions referenced below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

ADDRESSES: Licensing information and a copy of the patent application and issued patents may be obtained by contacting Elaine Gese at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7056 ext 282; fax 301/402–0220). A signed Confidential Disclosure Agreement will be required to receive a copy of the patent application.

Plant Protein Useful for Treating Tumors and HIV Infection

Sylvia Lee-Huang, et al.

U.S. Patent 5,484,889 issued January 16, 1996

MAP 30, a 30 kDa basic protein, which may be purified from *Momordica charantia* fruit or seed extracts or produced by recombinant DNA technology, is useful in treating HIV infection and cancer. *M. charantia*, commonly known as bitter melon, is a medicinal plant whose extracts have been used for centuries in China and Southeast Asia as antiinfection and antitumor agents. MAP 30 is capable of inhibiting HIV–1 infection in T lymphocytes and monocytes as well as replication of HIV–1 in infected cells, yet is not toxic to normal uninfected cells. The biological properties of MAP 30 include: (1) N-glycosidase activity on 28S ribosomal RNA; (2) topological activity on plasmid and viral DNAs including HIV–1 LTRs; and (3) dose-dependent inhibition of HIV–1 integrase. Three recent publications describing MAP 30 are: Lee-Huang, et al., ''Proteolytic fragments of anti-HIV proteins MAP30 and GAP31 are biologically active,'' XI International Conference on AIDS (abstract); Lee-Huang, S., et al., ''Inhibition of the integrase of human immunodeficiency virus (HIV) by anti-HIV plant proteins MAP30 and GAP31,'' *Proc. Natl. Acad. Sci.* 92: 8818–8822 (1995); and Lee-Huang, S., et al., ''Anti-HIV and anti-tumor activities of recombinant MAP30 from bitter melon,'' *Gene* 161: 151–156 (1995). The cloning and expression of the gene encoding biologically active recombinant MAP30 provides an abundant source of homogeneous material for clinical investigations. The patent discloses purified natural and recombinant protein, processes for purifying the protein, DNA sequences encoding the protein, and recombinant methods for expressing the protein. Foreign patent rights are available in Australia, Canada, Europe, and Japan. (portfolios: Infectious Diseases—Therapeutics, anti-virals, AIDS; Cancer—Therapeutics, other)

Anti-HIV Proteins GAP 31, DAP 30 and DAP 32 and Therapeutic Uses Thereof

Sylvia Lee-Huang, et al.

U.S. Patent 5,317,009 issued May 31, 1995

GAP 31, a 31 kDa protein, and DAP 30 and 32, 30 and 32 kDa proteins, respectively, which may be purified from extracts of *Gelonium multiflorum* (a medicinal plant) and *Dianthus caryophyllus* (carnation), respectively, or produced by recombinant DNA technology, are useful in treating HIV infection. GAP 31 also exhibits anti-tumor activity. These proteins belong to the family of single-chain ribosome-inactivating proteins (SCRIPS), which inactive ribosomes in cell-free systems but are relatively nontoxic to intact cells. The biological properties of GAP 31 include: (1) N-glycosidase activity on 28S ribosomal RNA; (2) topological activity on plasmid and viral DNAs including HIV–1 LTRs; and (3) dose-dependent inhibition of HIV–1 integrase. Two recent publications concerning GAP 31 are: Lee-Huang, et al., ''Proteolytic fragments of anti-HIV proteins MAP30 and GAP31 are biologically active,'' XI International Conference on AIDS (abstract) and Lee-Huang, S., et al., ''Inhibition of the integrase of human immunodeficiency virus (HIV) by anti-HIV plant proteins MAP30 and GAP31,'' *Proc. Natl. Acad. Sci.* 92: 8818–8822 (1995). The cloning and expression of the genes encoding biologically active recombinant GAP31, and DAP 30 and 32 provides an abundant source of homogeneous material for clinical investigations. The patent discloses purified natural and recombinant proteins, processes for purifying the proteins, DNA sequences encoding the proteins, and recombinant methods for expressing the proteins. Foreign patent rights are available in Australia, Canada, Europe, and Japan. (portfolio: Infectious Diseases—Therapeutics, anti-virals, AIDS)

An Anti-HIV Protein, TAP 29, From Trichosanthes, DNA Coding Therefor and Therapeutic Uses Thereof

Sylvia Lee-Huang, et al.

U.S. Patent Application 08/275,327 filed October 26, 1992

TAP 29, a 29 kDA protein which may be purified from the root tuber of the plant *Trichosanthes kirilowii* or produced by recombinant DNA technology, is useful in treating HIV infection and also exhibits anti-tumor activity. TAP 29 is a single-chain ribosome-inactivating protein (SCRIP) which inactivates ribosomes in cell-free systems but is relatively nontoxic to intact cells. TAP 29 has anti-HIV activity equivalent to trichosanthin but has a lower in vitro toxicity with a therapeutic index of approximately 5000. The cloning and expression of the gene encoding biologically active recombinant TAP 29 provides an abundant source of homogeneous material for clinical investigations. TAP 29 is further described in ''TAP 29: An anti-human immunodeficiency virus protein from *Trichosanthes kirilowii* that is nontoxic to intact cells,'' *Proc. Natl. Acad. Sci.* 88: 6570 (1991) and ''Plant proteins with antiviral activity against human immunodeficiency virus,'' in Natural Products as Antiviral Agents (C.K. Chu, ed., 1992). The natural protein, the DNA coding therefore, an antibody specific therefore, a method for purifying the natural protein, and the recombinant protein are provided. Foreign patent rights are available in Australia, Canada, Europe, and Japan. (portfolio: Infectious Diseases—Therapeutics, anti-virals, AIDS)

Dated: October 11, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–27331 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Notice of Meeting of the NIH Director's Advisory Panel on Clinical Research

Notice is hereby given that the NIH Director's Advisory Panel on Clinical Research, a group reporting to the Advisory Committee to the Director (ACD), National Institutes of Health (NIH), will meet in public session at the William H. Natcher Building (Building 45) Conference Center, Conference Room E1/E2, National Institutes of Health, Bethesda, Maryland 20892, on November 5, 1996 from 8:30 a.m. until approximately 12:30 p.m.

The goal of the Panel is to review the status of clinical research in the United States, and to make recommendations to the ACD about how to ensure its effective continuance. Topics to be considered at this meeting are subcommittee reports and a discussion of the proposed report to be presented by the Panel Chair to the ACD in December 1996.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other special accommodations, should contact the person named below in advance of the meeting.

Attendance may be limited to seat availability. If you plan to attend the meeting as an observer or if you wish additional information, please contact Mrs. Janet Smith, National Institutes of Health, Building 10, Room 1C–116, 10 Center Drive, MSC 1154, Bethesda, Maryland 20892–1154, telephone (301) 402–3444, fax (301) 402–3443, by October 28, 1996.

Dated: October 16, 1996.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 96–27329 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Center for Research Resources; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Center for Research Resources Special Emphasis Panel (SEP) meetings:

Name of SEP: General Clinical Research Centers.

Date: November 6–8, 1996.

Time: 3:00 p.m.—until adjournment.

Place: The New O'Tani, 120 S. Los Angeles Street, Los Angeles, California 90012, (213) 629–1200.

Contact Person: Dr. John Lymangrover, Scientific Review Administrators, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0820.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: General Clinical Research Centers.

Date: January 21–22, 1997.

Time: 7:45 a.m.—until adjournment.

Place: Doubletree Hotel Albuquerque, 201 Marquette N.W., Albuquerque, New Mexico 87102, (505) 247–3344.

Contact Person: Dr. Charles Hollingsworth, Scientific Review Administrators, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0820.

Purpose/Agenda: To evaluate and review grant applications.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

(Catalog of Federal Domestic Assistance Program No. 93.333, Clinical Research, National Institutes of Health, HHS)

Dated: October 17, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27320 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Center for Human Genome Research; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Agenda/Purpose: To review and evaluate grant applicants and/or contract proposals.

Name of Committee: National Center for Human Genome Research Initial Review Group, Genome Research Review Subcommittee.

Date: November 4, 1996.

Time: 8:30 am.

Place: NIH, Natcher (Building 45), Room F1, 9000 Rockville Pike, Bethesda, Maryland.

Contact Person: Rudy Pozzatti, Ph.D., Office of Scientific Review, National Center for Human Genome Research, National Institutes of Health, Building 38A, Room 604, Bethesda, Maryland 20892, (301) 402–0838.

Name of Committee: National Center for Human Genome Research Special Emphasis Panel 01.

Date: November 4, 1996.

Time: 11:00 am.

Place: NIH, Natcher (Building 45), Room F1, 9000 Rockville Pike, Bethesda, Maryland.

Contact Person: Rudy Pozzatti, Ph.D., Office of Scientific Review, National Center for Human Genome Research, National Institutes of Health, Building 38A, Room 604, Bethesda, Maryland 20892, (301) 402–0838.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The applications and/or contract proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: October 16, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27330 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Initial Review Group (IRG) meeting:

Name of IRG: Heart, Lung, and Blood Program Project Review Committee.

Date: December 5–6, 1996.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

Contact Person: Dr. Jeffrey H. Hurst, Scientific Review Administrator, NHLBI/Review Branch, 6701 Rockledge Drive, Rm. 7208, Bethesda, Maryland 20892, (301) 435–0303.

Purpose/Agenda: To review and evaluate program project grant applications.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular

Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: October 18, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27322 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Notice of Meeting of Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental Research, on December 5–6, 1996, in Building 30, Trendley Dean Conference Room, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on December 5 for the Clinical Investigations and Patient Care Branch presentations and from 8:30 a.m. to 12:00 noon on December 6 for presentations, a tour of the facilities and poster presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 5:00 p.m. until recess on December 5 and from 12:00 noon until adjournment on December 6 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Dental Research (NIDR), including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Brent Jaquet, Director, Office of Planning, Evaluation, and Communications, NIDR, NIH, Building 31, Room 2C34, Bethesda, Maryland 20892 (telephone: 301–496–6705; e-mail: JaquetB@OD31.nidr.nih.gov) will provide a summary of the meeting, roster of committee members and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary listed above in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: October 18, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27321 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose/Agenda: To review and evaluate a program project application.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Dates of Meeting: November 25, 1996.

Time: 8:30 a.m. to 5:00 p.m.

Place of Meeting: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Antonio Noronha, Ph.D., 600 Executive Blvd., Suite 409, Bethesda, MD 20892–7003, 301–443–9419.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; National Institutes of Health.)

Dated: October 18, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27323 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 13, 1996.

Time: 11 a.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 15, 1996.

Time: 3 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 20, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 21, 1996.

Time: 4 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: November 22, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Jean G. Noronha, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: October 18, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27324 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: November 5, 1996.
Time: 11:00 a.m.
Place: NIH, Rockledge 2, Room 5200, Telephone Conference.
Contact Person: Dr. Bob Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5200, Bethesda, Maryland 20892, (301) 435–1259.

Name of SEP: Biological and Physiological Sciences.
Date: November 6, 1996.
Time: 8:30 a.m.
Place: NIH, Rockledge 2, Room 5142, Telephone Conference.
Contact Person: Dr. Camilla Day, Scientific Review Administrator, 6701 Rockledge Drive, Room 5142, Bethesda, Maryland 20892, (301) 435–1024.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.
Date: November 12, 1996.
Time: 11:00 a.m.
Place: Holiday Inn-National Airport, Arlington, VA.
Contact Person: Dr. Everett Sinnett, Scientific Review Administrator, 6701 Rockledge Drive, Room 5124, Bethesda, Maryland 20892, (301) 435–1016.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 14, 1996.
Time: 10:00 a.m.
Place: NIH, Rockledge 2, Room 4180, Telephone Conference.
Contact Person: Dr. Tim Henry, Scientific Review Administrator, 6701 Rockledge Drive, Room 4180, Bethesda, Maryland 20892, (301) 435–1147.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 14, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4180, Telephone Conference.
Contact Person: Dr. Tim Henry, Scientific Review Administrator 6701 Rockledge Drive Room 4180 Bethesda, Maryland 20892 (301) 435–1147.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 15, 1996.
Time: 10:00 a.m.
Place: NIH, Rockledge 2, Room 4180, Telephone Conference.
Contact Person: Dr. Tim Henry, Scientific Review Administrator 6701 Rockledge Drive, Room 4180 Bethesda, Maryland 20892 (301) 435–1147.

Name of SEP: Chemistry and Related Sciences.
Date: November 15, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4154, Telephone Conference.
Contact Person: Dr. Gopa Rakhit, Scientific Review Administrator 6701 Rockledge Drive, Room 4154 Bethesda, Maryland 20892 (301) 435–1721.

Name of SEP: Chemistry and Related Sciences.
Date: November 17–19, 1996.
Time: 8:30 a.m.
Place: Hyatt Regency, Oak Brook, IL.
Contact Person: Dr. Marjam Behar, Scientific Review Administrator 6701 Rockledge Drive, Room 5218 Bethesda, Maryland 20892 (301) 435–1180.

Name of SEP: Clinical Sciences.
Date: November 19, 1996.
Time: 8:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Gopal Sharma, Scientific Review Administrator 6701 Rockledge Drive, Room 4112 Bethesda, Maryland 20892 (301) 435–1783.

Name of SEP: Biological And Physiological Sciences.
Date: November 21, 1996.
Time: 9:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Ms. Carol Campbell, Scientific Review Administrator 6701 Rockledge Drive, Room 5196 Bethesda, Maryland 20892 (301) 435–1257.

Name of SEP: Clinical Sciences.
Date: December 5, 1996.
Time: 10:00 a.m.
Place: NIH, Rockledge 2, Room 4214, Telephone Conference.
Contact Person: Dr. Dan McDonald, Scientific Review Administrator, 6701 Rockledge Drive, Room 4214, Bethesda, Maryland 20892, (301) 435–1215.

Name of SEP: Clinical Sciences.
Date: December 9, 1996.
Time: 8:00 a.m.
Place: Double Tree Hotel, Rockville, MD.
Contact Person: Dr. Gopal Sharma, Scientific Review Administrator, 6701 Rockledge Drive, Room 4112, Bethesda, Maryland 20892, (301) 435–1783.

Name of SEP: Microbiological and Immunological Sciences.
Date: December 10, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4184, Telephone Conference.
Contact Person: Dr. Martin Slater, Scientific Review Administrator, 6701 Rockledge Drive, Room 4184, Bethesda, Maryland 20892, (301) 435–1149.

Name of SEP: Microbiological and Immunological Sciences.
Date: December 11, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4184, Telephone Conference.
Contact Person: Dr. Martin Slater, Scientific Review Administrator, 6701 Rockledge Drive, Room 4184, Bethesda, Maryland 20892, (301) 435–1149.

Name of SEP: Microbiological and Immunological Sciences.
Date: December 12, 1996.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4184, Telephone Conference.
Contact Person: Dr. Martin Slater, Scientific Review Administrator, 6701 Rockledge Drive, Room 4184, Bethesda, Maryland 20892, (301) 435–1149.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Behavioral and Neurosciences.
Date: November 14, 1996.
Time: 8:30 a.m.
Place: Holiday Inn, Silver Spring, MD.
Contact Person: Dr. Jane Hu, Scientific Review Administrator, 6701 Rockledge Drive, Room 5168, Bethesda, Maryland 20892, (301) 435–1245.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 15, 1996.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Mohinder Poonian, Scientific Review Administrator, 6701 Rockledge Drive, Room 4198, Bethesda, Maryland 20892, (301) 435–1218.

Name of SEP: Microbiological and Immunological Sciences.
Date: November 20–21, 1996.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Gerald Liddel, Scientific Review Administrator, 6701 Rockledge Drive, Room 4186, Bethesda, Maryland 20892, (301) 435–1150.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 17, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–27319 Filed 10–23–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; National Toxicology Program (NTP) Board of Scientific Counselors' Meeting; Review of Substances for Listing in the 8th Biennial Report on Carcinogens

Background

The Director, NTP, initiated a public review in 1994 of the process for preparation of the Biennial Report on Carcinogens (BRC) to broaden input to its preparation, broaden the scope of scientific review associated with the Report, and provide review of the criteria used for inclusion of substances in the BRC. As a result of an extensive public as well as Federal interagency review, the criteria were revised with the revised criteria recently approved by the Secretary, Department of Health and Human Services, (Federal Register Vol. 61, No. 188, 50499–50500). The major change in the BRC which will occur as a result of the criteria revision will be to include consideration of all relevant information, including mechanistic data, in the decision to list substances in or delist substances from future volumes of the BRC. To broaden the scope of scientific review, a new standing subcommittee of the NTP Board of Scientific Counselors was established and held an organizational and informational meeting on May 8, 1996. The Biennial Report on Carcinogens (BRC) Subcommittee will meet once or twice a year, in public session, to review nominations for listing and/or delisting substances and to receive public comments. A November 18 and 19, 1996, meeting will be the first where review of nominations takes place. Finally, to broaden input to preparation of the BRC, the NTP will use a number of mechanisms to communicate to the public the revised criteria and the process for listing and delisting substances in the BRC, and to solicit nominations for listing or delisting. Announcements will be published in the Federal Register and appropriate publications such as the NIEHS journal, Environmental Health Perspectives, and various trade publications and journals. Direct mailings from the NTP Liaison Office will target persons and organizations who have requested to be on a mailing list for NTP information and specifically for information regarding the BRC. A list of new petitions for listing or delisting, soliciting public comment, will be disseminated through the same media.

November 18–19 Meeting

Pursuant to Public Law 92–463, notice is hereby given of the next meeting of the NTP Board of Scientific Counselors' Biennial Report on Carcinogens Subcommittee to be held in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will begin at 8:30 a.m. and is open to the public. The agenda topic is the peer review of substances nominated for listing in the 8th Biennial Report on Carcinogens. Also under review will be revisions to the Introduction to the 8th BRC and changes to the structure of the report. These include a.) the addition of a table of substances considered, but rejected for inclusion in the BRC as known or reasonably anticipated human carcinogens and b.) the addition of a table of substances nominated but not yet reviewed for listing in a subsequent Report. There will also be a review of the reference in the draft 8th BRC Introduction to certain manufacturing processes and occupations which the International Agency for Research on Cancer (IARC) has determined are associated with increased incidences of cancer in workers in these settings but which do not qualify for formal review for BRC listing because no specific agent, substance or mixture has been identified with the exposures involved. This will include a discussion of the appropriateness of having this reference in the BRC and, if so, should it remain in the Introduction or be listed separately in an appendix in the Report.

Tentatively scheduled to be peer reviewed on November 18–19 are 15 substances, listed alphabetically, along with supporting information in the attached table. The order of review is given in the far right column of the table. Copies of the draft introduction for the 8th BRC, or copies of a draft summary document which contains the background data and information used to evaluate the nomination for listing a substance may be obtained, as available, from: Dr. C. W. Jameson, Biennial Report on Carcinogens, MD WC–05, P.O. Box 12233, Research Triangle Park, NC 27709 (919/541–4096; FAX 919/541–2242).

Public Comment

Persons wanting to make a formal presentation concerning proposed changes to the BRC or regarding a particular nominated substance must notify the Executive Secretary, Dr. Larry G. Hart, by telephone, by FAX, or by mail (see contact information below) no later than November 13, 1996. A written copy of comments is requested in advance of the meeting so that copies can be distributed to all Subcommittee members and staff and made available at the meeting. Written statements should supplement and may expand upon the oral presentation. Oral presentations must be limited to no more than five minutes. In lieu of an oral presentation, written statements may be submitted. These should be received by the Executive Secretary by November 13.

The program would welcome receiving carcinogenesis information from completed, ongoing, or planned studies, as well as current production data, human exposure information, and use patterns for any of the substances listed in this announcement. Please contact Dr. C. W. Jameson at the address given above.

Upon request the Executive Secretary, Dr. Larry G. Hart, P.O. Box 12233, Research Triangle Park, North Carolina 27709 (telephone 919/541–3971; FAX 919/541–0295), will furnish an agenda and a roster of Subcommittee members prior to the meeting. Summary minutes subsequent to the meeting will be available upon request.

Attachment

Dated: October 16, 1996.

Kenneth Olden,

Director, National Toxicology Program.

SUMMARY DATA FOR SUBSTANCES TENTATIVELY SCHEDULED FOR REVIEW AT THE MEETING OF THE NTP BOARD OF SCIENTIFIC COUNSELORS' BIENNIAL REPORT ON CARCINOGENS SUBCOMMITTEE, NOVEMBER 18–19, 1996

Azacitidine	CAS Number 320–67–2	Review order: 3.
Primary Uses	Used as a cytostatic agent in the treatment of acute leukemia.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
p-Chloro-o-Toluidine and its HCl salt	CAS Number 95–69–2	Review order: 4.
Primary Uses	Used to produce azo dyes for cotton, silk acetate and nylon and as intermediate in production of Pigment Red 7 and Pigment Yellow 49. Also an impurity in and a metabolite of the pesticide chlordimeform.	

SUMMARY DATA FOR SUBSTANCES TENTATIVELY SCHEDULED FOR REVIEW AT THE MEETING OF THE NTP BOARD OF SCIENTIFIC COUNSELORS' BIENNIAL REPORT ON CARCINOGENS SUBCOMMITTEE, NOVEMBER 18–19, 1996—Continued

Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
Chlorozotocin	CAS Number 54749–90–5	Review order: 5.
Primary Uses	Used as a cytostatic agent in the treatment of cancers of the stomach, large intestine pancreas and lung; melanoma; and multiple myeloma.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
Cyclosporin	CAS Number 59865–13–3	Review order: 1.
Primary Uses	Used as an immunosuppressive agent in the prevention and treatment of graft-vs-host reactions in bone marrow transplantation and for the prevention of rejection of kidney, heart, and liver transplants.	
Nominated as	Known to be a Human Carcinogen.	
Danthron (1,8-Dihydroxyanthraquinone)	CAS Number 117–10–2	Review order: 12.
Primary Uses	Used as a laxative and as an intermediate in the manufacture of dyes.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
1,6-Dinitropyrene	CAS Number 42397–64–8	Review order: 9.
Primary Uses	Not used commercially, detected in ambient atmospheric samples and as a constituent of diesel exhaust.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
1,8-Dinitropyrene	CAS Number 42397–65–9	Review order: 10.
Primary Uses	Not used commercially, detected in ambient atmospheric samples and as a constituent of diesel exhaust.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
Disperse Blue 1 (1,4,5,8-Tetraaminoanthraquinone)	CAS Number 2475–45–8	Review order: 13.
Primary Uses	Used as an anthraquinone based dyestuff in hair color formulations and in coloring fabrics and plastics.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
Furan	CAS Number 100–00–9	Review order: 6.
Primary Uses	Used as an intermediate in the synthesis and production of other organic compounds..	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
o-Nitroanisole	CAS Number 91–23–6	Review order: 14.
Primary Uses	Used as a precursor in the synthesis of o-anisidine which is used in the manufacture of over 100 azo dyes.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
6-Nitrochrysene	CAS Number 7495–02–8	Review order: 11.
Primary Uses	Not used commercially, detected in ambient atmospheric samples.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
1-Nitropyrene	CAS Number 5522–43–0	Review order: 7.
Primary Uses	Not used commercially, detected in ambient atmospheric samples and as a constituent of diesel and gasoline engine exhaust.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
4-Nitropyrene	CAS Number 57835–92–4	Review order: 8.
Primary Uses	Not used commercially, detected in ambient atmospheric samples.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	
Thiotepa	CAS Number 52–24–4	Review order: 2.
Primary Uses	Used as a cytostatic agent in the treatment of lymphomas and a variety of solid tumors, such as breast and ovary. It has also been used at high doses in combination chemotherapy with cyclophosphamide in patients with refractory malignancies treated with autologous bone transplantation.	
Nominated as	Known to be a Human Carcinogen.	
1,2,3-Trichloropropane	CAS Number 96–18–4	Review order: 15.
Primary Uses	Used as a polymer crosslinking agent, paint and varnish remover, solvent and degreasing agent. It has been found as an impurity in certain nematicides and soil fumigants and has been detected in drinking and ground water in various parts of the United States.	
Nominated as	Reasonably Anticipated to be a Human Carcinogen.	

[FR Doc. 96–27325 Filed 10–23–96; 8:45 am]
BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Drug Testing Advisory Board of the Center for Substance Abuse Prevention in December 1996.

A portion of the meeting will be open and will include a roll call, general announcements, and a discussion of various program, procedural, and technical issues. Public comments are welcome during the open session.

Please communicate with the individual listed as contact below for guidance.

The meeting will include the review of sensitive National Laboratory Certification Program (NLCP) internal operating procedures and program development issues. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c) (2), (4), and (6) and 5 U.S.C. App. 2, section 10(d).

A summary of this meeting and roster of board members may be obtained from: Ms. Vera L. Jones, CSAP Committee Management Officer, Rockwall II, Room 7A 140, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–9542.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: Drug Testing Advisory Board.

Meeting Date: December 3, 1996

Place: DoubleTree Hotel, 1750 Rockville Pike, Rockville, Maryland 20857.

Open: December 3, 1996, 8:30 a.m.–10:00 a.m.; December 3, 1996, 10:00 a.m.–4:00 p.m.

Contact: Donna M. Bush, Ph.D.; Executive Secretary, Telephone: (301) 443–6014 and FAX: (301) 443–3031.

Dated: October 21, 1996.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 96–27345 Filed 10–23–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4127–N–02]

Notice of Extension and Technical Corrections to Notice of Funding Availability for the Fair Housing Services Center in East Texas

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of extension of time for submission of applications and technical corrections to Notice of Funding Availability (NOFA) for the Fair Housing Services Center (FHSC) in East Texas.

SUMMARY: On September 25, 1996, HUD published a NOFA for the Fair Housing Services Center (FHSC) in East Texas. The purpose of this Notice is to extend the application period, notify applicants of the availability of information, and make a number of technical corrections to the NOFA.

DATES: The application due date originally announced for October 25, 1996 is extended by this Notice to November 25, 1996, 3:00 PM, Washington, DC time.

ADDRESSES: The original and nine complete copies of the proposal should be submitted by the deadline to Mr. Gerald J. Benoit, Director, Operations Division, Office of Rental Assistance, Department of Housing and Urban Development, Room 4220, 451 Seventh Street, SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Division, Office of Rental Assistance, Department of Housing and Urban Development, Room 4220, 451 Seventh Street, SW, Washington, DC 20410–8000, telephone number (202) 708–0477 (this is not a toll-free number). For hearing- and speech-impaired persons, this number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Extension of Due Date

A NOFA was published on September 25, 1996 (61 FR 50376) announcing the availability of funds and HUD's request for proposals to establish a Fair Housing Services Center in East Texas to be administered by a non-profit organization (NPO) as required by the Final Judgment and Decree (Final Judgment) in *Lucille Young* v. *Cisneros,* CA No. P–80–8–CA, (E.D. Tex.; dated March 30, 1995). The original notice provided 30 days—until October 25, 1996—for applications in response to the NOFA. The Department is extending the deadline for submission of applications. Applications will now be due on or before November 25, 1996, 3:00 PM, Washington, DC time. This deadline is firm as to date and hour. In the interest of fairness to all competing NPOs, HUD will treat as ineligible for consideration any proposal that is not received before the proposal deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the NOFA competition, proposal materials sent via facsimile (FAX) transmission.

II. Availability of Information

The Final Judgment, which was published with the NOFA, contains a reference, in the first column on page 50384, to Defendant's Hearing Exhibit 119, Table 1. This Table, a public record which is part of the case docket, breaks down the 5,134 desegregation opportunities HUD must create by Public Housing Authority (PHA) jurisdiction. In addition, a list of census blocks that provide class members a desegregation opportunity has been developed by HUD and submitted to the Court. These documents may be obtained from the person listed in the **FOR FURTHER INFORMATION CONTACT** section of the NOFA and this Notice.

III. Technical Corrections

The following technical corrections are made in FR Doc. 96–24506 to the NOFA titled ''Notice of Funding Availability (NOFA) for the Fair Housing Services Center (FHSC) in East Texas'' and published on September 25, 1996 (61 FR 50376):

1. On page 50379, in column 1, the third sentence in the first paragraph of section I.B.5. is revised to read as follows:

Two hundred desegregative vouchers/certificates will be provided in the first year of the FHSC's operation, and 200 per year thereafter for the following four years.

2. On page 50379, in column 2, section I.B.5.c.(2) is revised to read as follows:

(2) The class member must be provided the section 8 voucher or certificate and an offer of a unit must be made within 120 days from issuance of the certificate to the class member that meets the requirements of II.7 of the Final Judgment and must notify HUD within one day if the applicant accepts the offer.

Dated: October 18, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 96–27440 Filed 10–23–96; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–931–07–1020–00]

Cancellation of New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation notice of Council meeting.

SUMMARY: The New Mexico Resource Advisory Council hereby cancels its meeting planned for November 7 and 8, 1996, at the Amberely Suites Hotel in Albuquerque, NM. In accordance with the Federal Land Policy and Management Act and the Federal

Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix 1, The Department of the Interior, Bureau of Land Management (BLM), announced a meeting of the New Mexico Resource Advisory Council (RAC) in the Federal Register on October 7, 1996, page 52458.

This meeting, if deemed necessary, was scheduled for November 7 and 8, 1996, at the Amberely Suites Hotel, 7620 Pan America Freeway, Albuquerque, NM 87109.

At a meeting held October 10 and 11, 1996, members the RAC determined they did not need the additional meeting on November 7 and 8, 1996, because they had completed the work on Standards for Rangeland Health and Guidelines for Livestock Grazing.

FOR FURTHER INFORMATION CONTACT: Bob Armstrong, New Mexico State Office, Policy and Planning Team, Bureau of Land Management, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, telephone (505) 438–7436.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for rangeland health and guidelines for grazing management.

Dated: October 18, 1996.

William C. Calkins,

State Director.

[FR Doc. 96–27275 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–FB–M

[NV–930–1430–00; N–37127 and N–58742]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Recreation and Public Purpose Lease/conveyance—Change of Use.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada, was previously examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*) in Notice of Realty Action published March 20, 1985, for Serial No. N–37127. The City of Las Vegas had proposed to use the land as a park site, but withdrew this application on April 1, 1996.

West Oakey Baptist Church filed an amended Recreation and Public Purposes lease application, N–58742, identifying this same public land for use as a church facility. The public lands are described as follows:

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E.,
Sec. 28, E½NW¼NE¼.

Containing 20 acres, more or less.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for roadway purposes which have been granted to the City of Las Vegas by Permit No. N–48698, under the Act of October 21, 1976 (43 U.S.C. 1761).

2. Those rights for well purposes which have been granted to Las Vegas Valley Water District by Permit No. N–53361, under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for powerline purposes which have been granted to Nevada Power Company by Permits No. N–59694 and Nev-043456, under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas District, 4765 Vegas Dr., Las Vegas, Nevada 89108.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a church facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a church facility.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the Federal Register. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: October 11, 1996.

Michael F. Dwyer,

District Manager, Las Vegas, NV.

[FR Doc. 96–27263 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–HC–P

[NV–930–1430–01; N–61259]

Notice of Realty Action: Non-Competitive Sale of Public Lands in Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-competitive sale of public lands.

SUMMARY: Section 121 of Public Law 104–208, September 30, 1996, affords the City of Mesquite the exclusive right to purchase the following described public lands, at not less than fair market value, for a period of 12 years after the date of enactment of the Act.

Mount Diablo Meridian

T. 13 S., R. 70 E.,
Sec. 1, lots 5 to 12 inclusive, S½N½, and S½;
Sec. 11, E½SE¼;
Sec. 12;
Sec. 13, W½;
Sec. 14, E½NE¼ and S½;
Sec. 23, lots 1, 2, N½, SW¼, and NW¼SE¼;
Sec. 24, lots 2, 6, and W½NW¼;
Sec. 26, lots 1 to 4, inclusive, and N½NW¼.
T. 13 S., R. 71 E.,
Sec. 4, lots 6 to 11, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 5, lots 5 to 12, inclusive, S½N½, and S½;

Sec. 6, lots 8 to 15, inclusive, S½N½, and S½;
Sec. 7, N½.

The area described contains 5,642.30 acres in Clark County.

In accordance with the Act, the City of Mesquite shall notify the Bureau of Land Management as to which of the above described lands the city wishes to purchase no later than September 29, 2006. The Bureau of Land Management will sell the land in accordance with the regulations developed pursuant to the Federal Land Policy and Management Act of 1976 that govern the sale and disposal of public land. Prior to offering the land for sale to the City of Mesquite, a notice will be published in the Federal Register that will state the terms and conditions for the sale and list the easements, reservations, and exception that will be included in the patent.

Publication of this Notice in the Federal Register will segregate the public lands described above from all forms of appropriation under the public land laws, including the general mining laws, until September 29, 2008.

Dated: October 18, 1996.

William K. Stowers,

Lands Team Lead.

[FR Doc. 96–27273 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

Notice of Intention To Extend an Existing Concession Contract

SUMMARY: Notice is hereby given that the National Park Service intends to extend the concession permits with Cache Creek Snowmobile Tours; Heart 6 Snowmobile Tours, Hidden Basin (dba Old Faithful Snowmobile Tours); High Country Snowmobile Tours; Mountain High Adventures; BEST Adventures; Jackson Hole Snowmobile Tours; National Park Adventures, Inc.; Togwotee Mountain Lodge; Rocky Mountain Tours; and Yellowstone Snowmobile Tours at John D. Rockefeller, Jr. Memorial Parkway for a period of approximately 3 years through December 31, 1999.

SUPPLEMENTARY INFORMATION: The concession permits with these operators authorize them to provide guided snowmobile tours and services within John D. Rockefeller, Jr. Memorial Parkway and Yellowstone National Park via the South Entrance only and expired by limitation of time on December 31, 1996. The National Park Service does not intend to renew these permits for an extended period until sufficient planning can be conducted to determine the future direction for concession services at this site. The necessary planning may affect the future of this operation, and may take as long as 2 years to complete. Until planning is completed, it is not in the best interest of the National Park Service to enter into a long term concession contract for this operation. This extension may be for a lesser period should planning issues be resolved and a renewal process conducted which results in the award of a new long term concession permit. The existing concessioners have performed their obligations to the satisfaction of the Secretary and, pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) are entitled to a preference in the extension of this permit. This means that the extension will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the extension will be awarded to the existing concessioner. If the existing concessioner does not agree to the terms of the extension, the right of preference shall be considered to have been waived, and the extension will then be awarded to the party submitting the best responsive offer. Because of the limited term of the proposed extension, the National Park Service is not encouraging the submission of offers by anyone but the incumbent in response to this proposal, but plans to do so at the time the contract is renewed for a longer term. However, as required by law, the National Park Service will consider and evaluate all offers received in response to this notice. Anyone interested in obtaining further information about this proposed extension should contact: *Name:* Joan Anzelmo, Chief of Concessions Management, *Address:* P.O. Drawer 170, Grand Teton National Park, Moose, WY 83012, *Telephone:* (307) 739–3410, no later than 15 days following publication of this notice to obtain a prospectus outlining the requirements of the proposed extension.

Dated: September 27, 1996.

Robert Reynolds,

Acting Field Director, Intermountain Field Area.

[FR Doc. 96–27339 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–70–P

Notice of Intention To Extend an Existing Concession Contract—Death Valley National Park

SUMMARY: Pursuant to the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20 *et seq),* notice is hereby given that the National Park Service intends to extend the concession contract at Death Valley National Park for a period of two years.

The concessioner is Amfac Parks & Resorts. This extension in necessary to allow the continuation of public services during the amending of the General Management Plan for the park. The current concessioner has performed its obligations to the satisfaction of the Secretary and retain its right of preference in renewal pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20 et seq) and 36 CFR 51.5, under this administrative action to extend the existing contract.

SUPPLEMENTARY INFORMATION: The concession contract at Death Valley National Park will expire on December 31, 1996, unless extended. The National Park Service will not renew this contract for an extended period until the amendment of the General Management Plan and Site Plans can be completed to determine the future direction for concession services within Death Valley National Park. The necessary planning process will have a direct effect on the future concession activities. The planning process deals with complex issues associated with both cultural and natural resources and may take as long as two years to be completed. Until that planning process is completed, it will not be in the best interest of Death Valley National Park to enter into a long term concession contract. For these reasons, it is the intention of the National Park Service to extend the current contract for a period of two years beginning January 1, 1997.

Information regarding this notice can be sought from: Administrative Officer, Death Valley National Park, Death Valley, California 92328, or call: (619) 786–3278. Attention: Ms. Marian O'Dea.

Dated: October 2, 1996.

Bruce Kilgore,

Acting Field Director, Pacific West Area.

[FR Doc. 96–27338 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–70–P

General Management Plan, Manzanar National Historic Site; Notice of Availability of Final Environmental Impact Statement

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub.L. 91–190 as

amended), the National Park Service, Department of the Interior, has prepared a final environmental impact statement assessing the potential impacts of the proposed General Management Plan for Manzanar National Historic Site, Inyo County, California. Once approved, the plan will guide the management of the historic site over the next 15 years.

The final General Management Plan and Environmental Impact Statement presents a proposal and two alternatives for the management, use, and development of Manzanar National Historic Site. The proposed plan, Alternative C: Enhanced Visitor Experience, provides for acquisition of the camp from the current owner and protection of historic and prehistoric resources through a program of resource management and law enforcement. Features include conversion of the historic camp auditorium to an interpretive center and the creation of a network of wayside exhibits throughout the mile-square camp, accessible to visitors by a tour route around the periphery of the camp. A shuttle system would be operated during heavy use periods. Reconstruction of a limited number of representative structures would provide additional interpretive features. National Park Service support for the annual spring Manzanar Pilgrimage, organized by the Manzanar Committee, would continue.

Alternative A: No Action, would continue the current situation at Manzanar. Lands would not be acquired, resources would not be protected, and no additional steps would be taken to accommodate visitor interest and use. NPS support for the annual Manzanar Pilgrimage would continue.

Alternative B: Minimum Requirements, would be similar to Alternative C in terms of resource management and protection, but would provide fewer visitor services. There would be no reconstruction and no shuttle service.

The environmental consequences of the alternatives are fully documented. No significant adverse impacts are anticipated.

SUPPLEMENTARY INFORMATION: Written comments on the general management plan and environmental impact statement should be directed to the Superintendent, Manzanar National Historic Site, P.O. Box 426, Independence, California 93526–0426. Comments on the plan must be received within 60 days after publication of a notice of availability in the Federal Register by the Environmental Protection Agency.

Inquiries on and requests for copies of the plan should be directed to Manzanar National Historic Site, address as above, or by telephone at (619) 878–2932.

Dated: October 15, 1996.

Stephen Crabtree,

Acting Field Director, Pacific West Area.

[FR Doc. 96–27340 Filed 10–23–96; 8:45 am]

BILLING CODE 4310–70–P

Acadia National Park Advisory Commission; Bar Harbor, Maine; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. Ap. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a joint meeting with the Friends of Acadia leaders and Board and the League of Towns members on Monday, November 4, 1996.

The Commission was established pursuant to Public Law 99–420, Section 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park headquarters, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held Aug. 5, 1996.
2. Presentations on the role of the Acadia NP Advisory Commission, Acadia NP, League of Towns and Friends of Acadia.
3. Acadia NP staff presentation on St. Croix Island IHS draft General Management Plan/ Environmental Statement.
4. Public comments.
5. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/ written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: October 11, 1996.

Paul F. Haertel,

Superintendent, Acadia National Park.

[FR Doc. 96–27341 Filed 10–23–96; 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 (''CERCLA'')

Notice is hereby given that on October 9, 1996, a proposed Partial Consent Decree (''Decree'') in *United States* v. *Alaska Railroad Corporation et al.,* Civil Action No. A91–589 (D. Alaska), was lodged with the United States District Court for the District of Alaska. This Decree resolves the United States' claims in this action against all of the Defendants under Sections 107(a) of CERCLA, 42 U.S.C. 9607(a), for response costs associated with the cleanup of the Standard Steel Superfund Site in Anchorage, Alaska (''the Site''). The Settling Defendants include six corporations that arranged for the disposal of PCB-contaminated electrical equipment or lead-acid batteries at the Site and the current landowner, Alaska Railroad Corporation. The Decree also resolves the liability of federal entities who are counterclaim defendants in this matter—the Federal Railroad Administration, the Defense Reutilization and Marketing Service (''DRMS'') and the Army & Air Force Exchange Service (''AAFES'')—for those costs. In addition, the Decree allocates among the defendants and the counterclaim defendants liability for the costs incurred by the parties that funded the Remedial Investigation and Feasibility Study (''RI/FS''), including the oversight of the RI/FS by the Environmental Protection Agency, and the removal of scrap metal debris from the Site. Finally, this settlement resolves the liability of the settling federal entities and the Alaska Railroad Corporation for future response costs at the Site and any natural resources damages, by fixing the proportion of such costs or damages that they will be required to pay.

The United States, on behalf of the settling federal entities, and the defendants will reimburse the Hazardous Substance Superfund more than $3.6 million in past response costs, oversight costs and enforcement costs. The United States, on behalf of the settling federal entities, together with the Alaska Railroad Corporation, will fund 61.5% of future costs associated with the Site, including any costs associated with natural resources damages.

Upon the effective date of the Decree, the defendants are entitled to the contribution protection afforded by Section 113(f)(2) of CERCLA, 42 U.S.C.

9613(f)(2), for past response costs, oversight costs and enforcement costs. This protection is extended to the Alaska Railroad Corporation and the settling federal entities for future costs as well. The Decree reserves all claims against the defendants other than Alaska Railroad Corporation for future response costs and natural resource damages.

The Department of Justice will receive comments relating to the proposed Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Alaska Railroad Corporation,* D.J. No. 90–11–3–810.

The proposed Decree may be examined at the Office of the United States Attorney for the District of Alaska, Room 253, Federal Building and U.S. Courthouse, 222 West Seventh Avenue, Anchorage, Alaska 99513–7567; the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (Tel: 202–624–0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $13.50 (25 cents per page reproduction cost) for the Partial Consent Decree, or $38.75 for the Partial Consent Decree with Appendices, payable to Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–27267 Filed 10–23–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Resource Conservation and Recovery Act

Notice is hereby given that a proposed settlement agreement in the bankruptcy proceeding entitled *In re M&V Electroplating Corp.*, Chapter 11 Case No. 95–12868–CJK (Bankr. D. Mass.), was lodged on October 11, 1996, with the United States Bankruptcy Court for the District of Massachusetts. The proposed settlement agreement resolves claims filed by the United States in an Application of the United States for Reimbursement of Administrative Expenses alleging that M&V Electroplating Corporation (''M&V'') is liable (1) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.*, for costs incurred by the Environmental Protection Agency (''EPA'') in connection with a removal action taken by EPA at the facility located at 5 Greenleaf Street, Newburyport, Massachusetts (''Greenleaf Facility''), where M&V formerly operated an electroplating business, and (2) pursuant to the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.*, for penalties in connection with violations of RCRA discovered by EPA during inspections of the M&V facility located at 4 Perkins Way, Newburyport, Massachusetts (''Perkins Way Facility'') on January 26, 1996 and February 8, 1996. Under the proposed settlement agreement, M&V will pay the United States, over a period of eight years, $192,820 with respect to the CERCLA claim, including 6% interest on $38,564 of this amount, and $26,591 with respect to the RCRA claim, including 6% interest on $5,318 of this amount. M&V's CERCLA obligation will be reduced to the extent that the United States receives proceeds from the sale of Greenleaf Facility pursuant to a separate settlement that the United States has entered into with Joyce Vigeant, the owner of the Greenleaf Facility, in *United States* v. *Vigeant,* No. (D. Mass.).

The Department of Justice will receive, for a period of fifteen (15) days from the date of this publication, comments relating to the proposed settlement agreement. Any comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *In re M&V Electroplating Corp.*, Case No. 95–12868–CJK (Bankr. D. Mass.), DOJ Ref. Number 90–11–2–945C.

The proposed settlement agreement may be examined at EPA Region 1, One Congress Street, Boston, Massachusetts (contact Amelia Katzen, 617–565–1133); and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed settlement agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–27265 Filed 10–23–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Judgment Under the Clean Water Act

In accordance with Department Policy, 28 C.F.R. 50.7, notice is hereby given that a Consent Decree in *United States* v. *The Telluride Company,* Civil No. 93–K–2181 (D. Colo.), was lodged with the United States District Court for the District of Colorado on October 15, 1996.

The Consent Decree concerns alleged violations of section 301(a) of the clean Water Act, 33 U.S.C. 1311(a), resulting from The Telluride Company's unauthorized filling of over 46 acres of rare alpine wetlands as part of its mountain resort development near Telluride, San Miguel County, Colorado. As part of the Consent Decree, The Telluride Company will be required to pay a civil penalty of $1.1 million dollars and to implement a 16-acre restoration project to the satisfaction of the Environmental Protection Agency. Defendants will abide by a site-wide management plan for the continued protection and preservation of the remaining wetlands that they own. The Consent Decree preserves the United States' right to appeal an earlier ruling of the Court. If the appeal is successful, The Telluride Company will be obligated to perform an additional 15 acres of wetland restoration along the San Miguel River and pay an additional civil penalty of $50,000.

The Department of Justice will receive written comments relating to the proposed Consent Decree for a period of 30 days from the date of publication of this notice. Comments should be addressed to Robert H. Foster, United States Department of Justice, Environment & Natural Resources Division, Environmental Defense Section, 999 18th Street, Suite 945, Denver, CO 80202, should refer to *United States* v. *The Telluride Company,* Civil No. 93–K–2181 (D. Colo.), and should also make reference to DJ # 90–5–1–4–293.

The Consent Judgment may be examined at the Clerk's Office, United States District Court for the District of

Colorado, 1929 Stout Street, Denver, CO 80295.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 96–27264 Filed 10–23–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Partial Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that two proposed Partial Consent Decrees in *United States* v. *Kenneth L. Thomas et al.*, Civil Action No. 93–4098–JLF (S.D. Ill.) entered into by the United States and a number of defendants and third-party defendants, were lodged on October 10, 1996, with the United States District Court for the Southern District of Illinois. The proposed Partial Consent Decrees resolve certain claims of the United States under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607, with respect to the M.T. Richards, Inc. Site (''Site'') in Crossville, Illinois.

Under the terms of the first Partial Consent Decree (''Group Decree''), a group which includes defendants ANR Pipeline Company, Commonwealth Aluminum Corporation and Atlantic Richfield Company, and a number of third-party defendants (collectively, the Settling Defendants''), as well as the U.S. Army and the U.S. Air Force (on behalf of the Kentucky Air National Guard) (collectively, the ''Settling Federal Agencies'') shall pay the United States a total of $680,740, plus interest as specified in the Partial Consent Decree, in return for the United States' covenant not to sue for past response costs incurred at the Site.

The second Partial Consent Decree with defendant Kentucky Petroleum Recycling, Inc. (''KPR Decree'') requires KPR to pay the United States $25,000, plus interest as specified in the Partial Consent Decree, in return for the United States' covenant not to sue KPR for past response costs incurred at the Site.

The Department of Justice will receive comments relating to the proposed Partial Consent Decrees for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *United States* v. *Kenneth L. Thomas et al.*, D.J. Ref. No. 90–11–3–1112. Both proposed Partial Consent Decrees may be examined at the Office of the United States Attorney for the Southern District of Illinois, IL–S USA, Suite 300, 9 Executive Drive, Fairview Heights, Illinois 62208; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, telephone no. (202) 624–0892. A copy of either, or both, proposed Partial Consent Decrees 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 specify which Partial Consent Decree is desired, and enclose a check (25 cents per page for reproduction costs) in the amount of $22.00 for the Group Decree, and/or a check in the amount of $6.25 for the KPR Decree, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–27266 Filed 10–23–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, as Amended

Notice is hereby given that a proposed consent decree in the action entitled *United States* v. *Vigeant*, Civil Action No. 96–11986NG (D. Mass.), was lodged on October 4, 1996, with the United States District Court for the District of Massachusetts. The proposed consent decree resolves the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency (''EPA''), for response costs incurred by EPA in connection with a removal action taken at a facility located 5 Greenleaf Street, Newburyport, Massachusetts (''Facility''), which is owned by defendant Joyce Vigeant (''Vigeant''). Under the proposed consent decree, Vigeant has agreed to make best efforts to sell the Facility and, at the time of the closing of the sale, to direct the closing agent to pay to EPA the net proceeds from the sale, up to the amount of the outstanding obligation of M&V Electroplating Corporation (''M&V'') pursuant to a separate settlement agreement (''M&V Agreement'') entered into by M&V and the United States in a bankruptcy proceeding entitled *In re M&V Electroplating Corp.*, Chapter 11 Case No. 95–12868–CJK (Bankr. D. Mass.). M&V, which operated an electroplating business at the Facility, has agreed to pay EPA $192,820, plus 6% simple interest on $38,564 of this amount, over a period of eight years. The payment made to the United States from the proceeds of the sale of the Facility will reduce the obligation of M&V by the amount of the payment.

The Department of Justice will receive, for a period of fifteen (15) days from the date of this publication, comments relating to the proposed consent decree. Any 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. *Vigeant*, DOJ Ref. Number 90–11–2–945D.

The proposed consent decree may be examined at EPA Region 1, One Congress Street, Boston, Massachusetts (contact Amelia Katzen, 617–565–1133); and the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $8.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–27268 Filed 10–23–96; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Agency Report Forms Under OMB Review

[Notice 96–131]

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). The NASA Contractor Financial Management Reporting System has provided the Agency with essential data for project management, budget planning and cost accruals for many years. Recent changes to the System eliminated the requirement for the NASA Form 533P, performance analysis report, provided for approval of exceptions from the standard reporting requirements at NASA Centers, rather than Headquarters, extended the period for submission of the initial report from 10 to 30 days after authorization to proceed, permitted the waiver of NF 533Q reporting for certain contracts where NF 533M reporting provides adequate information and eliminated the requirement that prime contractors use the NF 533 formats for subcontractor reporting. The data required on the reports are to be a product of contractors' existing accounting and management systems. The estimated annual burden hours reflect the expected impact of these changes, as well as comprehensive training on NF 533 reporting presented to NASA's contractors over the past two years. Comments should address contractors' estimates of hours required to prepare the NF 533M and NF 533Q reports.

DATES: Written comments should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Philip T. Smith, National Aeronautics and Space Administration, Code BFZ, Washington, DC 20546–0001. All comments will become a matter of public record and will be summarized in NASA's request for Office of Management and Budget (OMB) approval.

FOR FURTHER INFORMATION CONTACT: Bessie B. Berry, NASA Reports Officer, (202) 358–1368.

Reports

Title: NASA Contractor Financial Management Reports.

OMB Number: 2700–0003.

Type of Request: Extension.

Need and Uses: Contractors must report planned and actual costs on NASA Forms 533M/533Q so NASA can plan, monitor, and control program/project resources, evaluate contractor performance, and accurately accrue cost in the accounting system and financial statements.

Affected Public: Business or other for profit, not-for-profit institutions.

Number of Respondents: 900.

Responses Per Respondent: 12.

Annual Responses: 10,800.

Hours Per Request: 9.

Annual Burden Hours: 97,200.

Frequency of Report: Monthly and quarterly.

Russell S. Rice,

Director, IRM Division.

[FR Doc. 96–27199 Filed 10–23–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–128]

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, Lewis Research Center. Claims are deleted from the patent applications to avoid premature disclosure.

DATES: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Kent N. Stone, Patent Attorney, Lewis Research Center, Mail Code 0120, Cleveland, OH 44135–3191; telephone (216) 433–8855, fax (216) 433–6790.

NASA Case No. LEW–16,104–1: Ion Thruster Gimbal Mount

NASA Case No. LEW–20,003–1: Two-Phase (TiA1 + TiCrA1) Coating Alloys for Titanium Aluminides

NASA Case No. LEW–16, 041–1: Normal Shock Position Sensors

NASA Case No. LEW–20,002–1: Atmospheric Pressure Method and Apparatus for Removal of Organic Matter with Atomic and Ionic Oxygen

Edward A. Frankle,

General Counsel.

[FR Doc. 96–27196 Filed 10–23–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–130]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration (NASA).

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 Untied States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Marshall Space Flight Center. Claims are deleted from the patent applications to avoid premature disclosure.

DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Robert L. Broad, Jr., Patent Counsel, Marshall Space Flight Center, Mail Code CC01, Huntsville, AL 35812; telephone (205) 544–0021, fax (205) 544–0258.

NASA Case No. MFS–30096–1: Contamination Sampling Device

NASA Case No. MFS–31114–1: Continuous One-Directional Locking Orthotic Joint

Dated: October 15, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–27198 Filed 10–23–96; 8:45 am]

BILLING CODE 7510–01–M

[96–129]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that UbiquiTex Technologies Corporation, of 2200 Space Park Drive, Suite 200, Houston, Texas 77058, has requested an exclusive license to practice U.S. Patent No. 5,332,551, entitled ''Atomic Oxygen Reactor Having At Least One Side Arm Conduit,'' which was issued on July 26, 1994, and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Hardie R. Barr, Patent Attorney, Johnson Space Center.

DATES: Responses to this notice must be received by December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Hardie R. Barr, Patent Attorney, Johnson Space Center, Mail Code HA, Houston, TX 77058–3696; telephone (713) 483–1003.

Dated: October 15, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–27197 Filed 10–23–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–133, 50–275 and 50–323]

Pacific Gas and Electric Company; (Humboldt Bay Power Plant, Unit 3, and Diablo Canyon Nuclear Power Plant, Units 1 and 2); Order Approving Application Regarding the Corporate Restructuring of Pacific Gas and Electric Company by Establishment of a Holding Company

I

Pacific Gas and Electric Company (PG&E) is sole owner of Humboldt Bay Power Plant (HBPP), Unit 3, and Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2. PG&E holds Facility Operating License No. DPR–7 issued by the U.S. Atomic Energy Commission (AEC) and holds Facility Operating License Nos. DPR–80 and DPR–82 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) on August 28, 1962, November 2, 1984 and August 26, 1985, respectively. Under these licenses, PG&E has the authority to possess, but not operate the Humboldt Bay Power Plant, Unit 3, and to operate Diablo Canyon Nuclear Power Plant, Units 1 and 2. Humboldt Bay is located in Humboldt County, California and Diablo Canyon is located in San Luis Obispo County, California.

II

By letter dated November 1, 1995, PG&E informed the Commission that it was in the process of implementing a corporate restructuring that will result in the creation of a holding company under the temporary name PG&E Parent Co., Inc. (''Parent Company'') of which PG&E would become a subsidiary. Under the restructuring, the holders of PG&E common stock will become holders of common stock of the Parent Company. PG&E requested, to the extent necessary, the Commission's approval of the corporate restructuring, pursuant to 10 CFR 50.80. Notice of this application for approval was published in the Federal Register on April 5, 1996 (61 FR 15314), and an Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on June 18, 1996 (61 FR 30924).

Under 10 CFR 50.80(a), no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information submitted in the letter of November 1, 1995, and other information before the Commission, the NRC staff has determined that the restructuring of PG&E will not affect the qualifications of PG&E as holder of the licenses, and that the transfer of control of the licenses for HBPP and DCPP, to the extent effected by the restructuring of PG&E, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated October 18, 1996.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o) and 2234, and 10 CFR 50.80, *it is hereby ordered* that the Commission approves the application regarding the restructuring of PG&E subject to the following: (1) PG&E shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from PG&E to its proposed parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of PG&E's consolidated net utility plant, as recorded on PG&E's books of account; and (2) should the restructuring of PG&E not be completed by December 31, 1997, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

IV

By November 25, 1996, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how that interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an Order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. Federal workdays, by the above date. Copies should be also sent to the Office of the General Counsel, and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Christopher J. Warner, Esquire, Pacific Gas & Electric Company, Post Office Box 7442, San Francisco, California 94120, attorney for PG&E.

For further details with respect to this Order, see the application for approval of the corporate restructuring dated November 1, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 18th day of October 1996.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–27293 Filed 10–23–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–289 and 50–320; Docket Nos. 50–171, 50–277, 50–278]

GPU Nuclear Corporation, Three Mile Island Nuclear Station and Philadelphia Electric Company, Peach Bottom Atomic Power Station; Extension of Temporary Reduction in Local Public Document Room Services

Notice is hereby given that portions of the State Library of Pennsylvania, Harrisburg, Pennsylvania, which serves as the Nuclear Regulatory Commission (NRC) local public document room (LPDR) for the GPU Nuclear Corporation's Three Mile Island Nuclear Station and the Philadelphia Electric Company's Peach Bottom Atomic Power Station, are now open to the public. The open areas include the basement level section that contains NRC microfiche of most of the Three Mile Island records and the Peach Bottom records issued since January 1981. The stack area that contains hard copy NRC records will continue to be closed to the public for approximately six more months so that lead can be removed from the building. Notice of the temporary reduction in LPDR services was published in the Federal Register on October 17, 1995 (60 FR 53816).

During the lead removal project, every effort will be made to meet the informational needs of LPDR patrons.

Library staff will continue to perform online searches in NRC's NUDOCS database to help patrons identify agency records. The locations of other LPDRs that maintain records on Peach Bottom and Three Mile Island can be obtained by contacting the NRC LPDR staff. Their toll-free telephone number is (800) 638–8081. Requests for records may also be addressed to the NRC's Public Document Room (PDR), 2120 L Street NW., Lower Level, Washington, DC 20555–0001. The PDR's toll-free telephone number is (800) 397–4209.

Persons interested in using the Harrisburg LPDR collection while the stack areas are closed are asked to contact the State Library of Pennsylvania at (717) 787–2327, or the NRC LPDR staff at their toll-free telephone number listed above.

Questions concerning the NRC's LPDR program or the availability of agency documents in the Harrisburg area should be addressed to Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information/Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone number (800) 638–8081.

Dated at Rockville, Maryland, this 18th day of October, 1996.

For the Nuclear Regulatory Commission.

David L. Meyer,

Acting Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–27294 Filed 10–23–96; 8:45 am]

BILLING CODE 7590–01–P–M

[Docket No. 72–18]

In the Matter of Northern States Power Company and Florence Township, Minnesota; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by a Petition dated August 26, 1996, Florence Township (Petitioner) requested that the Nuclear Regulatory Commission take enforcement action against Northern States Power Company (NSP) for violating the NRC's regulations by failing to provide the Petitioner with an opportunity to comment on a proposed emergency plan for the Goodhue County Independent Spent Fuel Storage Installation before submission to the NRC. Specifically, the Petitioner asks that the NRC impose a penalty in the amount of $1,000,000 and require NSP to compensate Petitioner in the amount of $7,500 for time expended by its Board and attorney in attempting to obtain the emergency plan before submission to the NRC.

The Petition has been referred to the Office of Nuclear Material Safety and Safeguards pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken with regard to the specific issues raised by the Petition in a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 11th day of October 1996.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–27295 Filed 10–23–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Docket No. A97–2; Order No. 1137]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. ''Trey'' LeBlanc III.

In the Matter of: Atlantic, Maine 04608 (Steven W. Wheaton, et al., Petitioners).

Issued October 18, 1996.

Docket Number: A97–2.

Name of Affected Post Office: Atlantic, Maine 04608.

Name(s) of Petitioner(s): Steven W. Wheaton, et al.

Type of Determination: Closing.

Date of Filing of Appeal Papers: October 15, 1996.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by October 30, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

October 15, 1996
  Filing of Appeal letter
October 18, 1996
  Commission Notice and Order of Filing of Appeal
November 8, 1996
  Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)]
November 19, 1996
  Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)]
December 9, 1996
  Postal Service's Answering Brief [*see* 39 CFR 3001.115(c)]
December 24, 1996
  Petitioners' Reply Brief should Petitioner choose to file one [*see* 39 CFR 3001.115(d)]
December 31, 1996
  Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116]
February 12, 1997
  Expiration of the Commission's 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)]

[FR Doc. 96–27251 Filed 10–23–96; 8:45 am]

BILLING CODE 7710–FW–P

[Docket No. A97–1 Order No. 1136]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. ''Trey'' LeBlanc III.

In the Matter of: Green Mountain, Iowa 50637: (Sharon Somers, Petitioner).

Issued October 18, 1996.

Docket Number: A97–1.

Name of Affected Post Office: Green Mountain, Iowa 50637.

Name(s) of Petitioner(s): Sharon Somers.

Type of Determination: Closing.

Date of Filing of Appeal Papers: October 15, 1996.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by October 30, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

October 15, 1996
Filing of Appeal letter
October 18, 1996
Commission Notice and Order of Filing of Appeal
November 8, 1996
Last day of filing of petitions to intervene [see 39 C.F.R. 3001.111(b)]
November 19, 1996
Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. 3001.115(a) and (b)]
December 9, 1996
Postal Service's Answering Brief [see 39 C.F.R. 3001.115(c)]
December 24, 1996
Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. 3001.115(d)]
December 31, 1996
Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. 3001.116]
February 12, 1997
Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96–27250 Filed 10–23–96; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22287; 811–5521]

Home Network Unit Investment Trust; Notice of Application

October 17, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Home Network Unit Investment Trust.

RELEVANT ACT SECTION: 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 October 9, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving 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 November 12, 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, N.W., Washington, D.C. 20549. Applicants, 2501 118th Avenue, North, St. Petersburg, Florida 33716.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Mary Kay Frech, 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 a unit investment trust registered under the Act. On March 25, 1988, applicant filed a notification of registration on Form N–8A pursuant to section 8(a) of the Act and a registration statement on Form N–8B–2 pursuant to section 8(b) of the Act. On the same date, applicant filed a registration statement on Form S–6 under the Securities Act of 1933 to register its shares.

2. Applicant's registration statement was withdrawn on June 27, 1989, before it was declared effective. Applicant has never made a public offering of its securities.

3. Applicant has no securityholders, debts, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27302 Filed 10–23–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37839; File No. SR–Amex–96–35]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange, Inc. Relating to the Trading of Options on The Tobacco Index SM

October 17, 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 October 1, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') 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 Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to trade options on The Tobacco Index SM (''Index''), a new index developed by the Amex composed of tobacco company stocks (or American Depositary Receipts (''ADRs'') thereon) which are traded on the Amex and the New York Stock Exchange (''NYSE''). In addition, the Amex proposes to amend Rule 901C, Commentary .01, to reflect that 90% of the Index's numerical value will be accounted for by stocks that meet the current criteria and guidelines set forth in Rule 915.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the Amex 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 Amex 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to trade standardized options on the Index, an equal-dollar weighted index developed by the Amex, representing a portfolio of large, actively traded tobacco company stocks.

a. *Eligibility Standards for Index Components.* The Index conforms with Exchange Rule 901C, which specifies criteria for inclusion of stocks in an index on which standardized options will be traded. In addition, the Index conforms to most of the criteria set forth in Rule 901C, Commentary .02 (which provides for the commencement of trading of options on an index thirty days after the date of filing) except that there are only nine component securities, and that four (or 44%) of the components have a minimum monthly volume during the preceding six months of less than 1,000,000 shares, with one component having traded less than 500,000 shares in at least one of the last six months. All of the component securities meet the following eligibility standards: (1) All component securities are traded on the Amex or NYSE; (2) component stocks comprising the top 90 percent of the Index by weight have a market capitalization [1] of at least $75 million, and those component stocks constituting the bottom 10 percent of the Index by weight have a market capitalization of at least $50 million; (3) foreign country securities or ADRs thereon that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 20% of the weight of the Index; and (4) at least 90% of the Index's numerical value and at least 80% of the total number of component securities is accounted for by stocks that meet the current criteria and guidelines set forth in Rule 915.

b. *Index Calculation.* The Index is calculated using an ''equal-dollar weighting'' methodology. The following is a description of how equal-dollar weighting calculation method works. As of the market close on August 16, 1996, a portfolio of tobacco company stocks was established representing an investment of approximately $100,000 in the stock (rounded to the nearest whole share) of each of the companies in the Index. The value of the Index equals the current market value (i.e., based on U.S. primary market prices) of the sum of the assigned number of shares of each of the stocks in the Index portfolio divided by the Index divisor. The Index divisor was initially determined to yield the benchmark value of 250.00 at the close of trading on August 16, 1996. Quarterly thereafter, following the close of trading on the third Friday of February, May, August and November, the Index portfolio will be adjusted by changing the number of whole shares of each component stock so that each company is again represented in ''equal'' dollar amounts. If necessary, a divisor adjustment is made at the rebalancing to ensure continuity of the Index's value. The newly adjusted portfolio becomes the basis for the Index's value on the first trading day following the quarterly adjustment.

As noted above, the number of shares of each component stock in the Index portfolio remain fixed between quarterly review except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event with respect to the component stocks. In a merger or consolidation of an issuer of a component stock, if the stock remains in the Index, the number of shares of that security in the portfolio may be adjusted, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In the event of a stock addition or replacement, the average dollar value of the remaining components will be calculated and that amount invested in the stock of the new component to the nearest whole share. In all cases, the divisor will be adjusted, if necessary, to ensure Index continuity.

Similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated every 15 seconds over the Consolidated Tape Association's Network B.

c. *Maintenance of the Index.* The Exchange will maintain the Index so that upon quarterly rebalancing (1) the total number of component securities will not increase or decrease by more than 33⅓% from the number of components in the Index at the time of its initial listing and in no event will the Index have less than nine components; (2) component stocks constituting the top 90% of the Index by weight will have a minimum market capitalization of $75 million and the component stocks constituting the bottom 10% of the Index by weight will have a minimum market capitalization of $50 million; (3) at least 90% of the Index's numerical index value and at least 80% of the total number of component securities individually will meet the then current criteria for standardized option trading set forth in Exchange Rule 915; (4) stocks constituting 85% of the Index have a monthly trading volume of at least 500,000 shares for each of the last six months and those stocks constituting 15% of the Index have a monthly trading volume of at least 250,000 shares for each of the last six months; and (5) no single component will represent more than 25% of the weight of the Index and the five highest weighted components will represent no more than 60% of the Index at each quarterly rebalancing.

The Exchange shall not open for trading any additional option series should the Index fail to satisfy any of the maintenance criteria set forth above unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination or unless the continued listing of options on the Index has been

[1] In the case of ADRs, this represents market capitalization as measured by total world-wide shares outstanding.

approved by the Commission pursuant to Section 19(b)(2) of the Act.

d. *Expiration and Settlement.* The proposed options on the Index will be European style (i.e., exercises permitted at expiration only), and cash settled. Standard option trading hours (9:30 a.m. to 4:10 p.m. New York time) will apply. The options on The Index will expire on the Saturday following the third Friday of the expiration month (''Expiration Friday''). The last trading day in an expiring option series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday). Trading in expiring options will cease at the close of trading on the last trading day.

The Exchange plans to list options series with expirations in the three near-term calendar months and in the two additional calendar months in the February cycle. In addition, longer term option series having up to thirty-six months to expiration may be traded. In lieu of such long-term options on a full value Index level, the Exchange may instead list long-term, reduced value put and call options based on one-tenth (1/10th) the Index's full value. In either event, the interval between expiration months for either a full value or reduced value long-term option will not be less than six months. The trading of any long term options would be subject to the same rules which govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures and all options will have European style exercise. Position limits on reduced value long term Index options will be equivalent to the position limits for regular (full value) Index options and would be aggregated with such options (for example, if the position limit for the full value options is 9,000 contracts on the same side of the market, then the position limit for the reduced value options will be 90,000 contracts on the same side of the market).

The exercise settlement value for all of the Index's expiring options will be calculated based upon the primary exchange regular way opening sale prices for the component stocks. In the case of securities traded through the NASDAQ system, the first reported regular way sale price will be used. If any component stock does not open for trading on its primary market on the last trading day before expiration, then the prior day's last sale price will be used in the calculation.

e. *Exchange Rules Applicable to Stock Index Options.* Amex Rules 900C through 980C will apply to the trading of option contracts based on the Index. These Rules cover issues such as surveillance, exercise prices, and position limits. Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the Index. The Index is deemed to be a Stock Index Option under Rule 901C(a) and a Stock Index Industry Group under Rule 900C(b)(1). With respect to Rule 903C(b), the Exchange proposes to list near-the-money option series on the Index at 2½ point strike (exercise) price intervals when the value of the Index is below 200 points. In addition, the Exchange expects that the review required by Rule 904C(c) will result in a position limit of 9,000 contracts with respect to options on this Index.

2. Basis

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe 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 Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the File No. SR–Amex–96–35 and should be submitted by November 14, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27301 Filed 10–23–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37841; File No. SR–NSCC–96–16]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to the Fund/Serv Service

October 18, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on August 15, 1996, the National Securities Clearing Corporation (''NSCC'') 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 primarily by NSCC. On September 10, 1996, and on September 30, 1996, NSCC filed amendments to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letters from Anthony H. Davidson, Associate Counsel, NSCC, to Christine Sibille, Special Counsel, Division of Market Regulation, Commission (September 6, 1996 and September 27, 1996).

proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will permit a member to initiate a request to transfer retirement assets within an individual retirement account (''IRA'') to another mutual fund through NSCC's Fund/Serv.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify NSCC's Rule 52, Part A to enable members, including mutual funds that are only members of Fund/Serv, to transfer between each other the value of mutual fund shares held in IRAs on an automated basis. The proposed rule change is in response to a request by the Investment Company Institute that NSCC develop a centralized automated system to facilitate transfers of the value of mutual fund charges in IRAs.[5] The proposed rule change will serve the industry goals of reducing the current manually intensive process of telephonic and paper communications as well as promoting standardization and timely processing of transfers.

Section 21 will be added to Part A of Rule 52 to set forth the following process of transfer initiation, acknowledgment, rejection, confirmation, reconfirmation, cancellation, and settlement. The member to whom the value of IRA mutual funds shares is to be transferred (''Receiving Fund Member'') will initiate a transfer by submitting a transfer request to NSCC indicating the member from whom the value of IRA mutual fund shares is to be transferred (''Delivering Fund Member''). The transfer request should contain the CUSIP number, the customer Tax I.D. number, the customer account number, the customer account registration, and the plan type (*e.g.*, IRA, IRA rollover, or Simplified Employee Pension IRA) as established at the Receiving Fund Member.

Upon receipt of the information from NSCC, the Delivering Fund Member will compare the information contained in the transfer request to its records and will either acknowledge or reject the transfer request by submitting either an acknowledgment or rejection to NSCC. An acknowledgment should contain the customer account information as the information appears to the Delivering Fund Member. The acknowledgement should also contain the customer's current dollar and share balance at the time of the acknowledgement. A rejection should indicate the reason(s) (*e.g.*, stop code on account, invalid plan type, or invalid percentage rate) that the Delivering Fund Member is rejecting the transfer request. The Delivering Fund Member will have up to two days from the submission of a transfer request to acknowledge or reject the transfer request. A transfer request that is not responded to within two days by a Delivering Fund Member will be deleted from Fund/Serv.

In order for a transfer to be scheduled for settlement, the Delivering Fund Member will need to submit a confirmation to NSCC. Such confirmation will provide information on the price at which the position is liquidated as of two days after acknowledgment. The Delivering Fund Member will need to submit the confirmation no earlier than two days and no later than sixty days after the submission of an acknowledgment. A transfer request that is not confirmed by a Delivering Fund Member within sixty days from the submission of an acknowledgment will be deleted from Fund/Serv. If a Delivering Fund Member wants to change any information contained in the confirmation it will be permitted to submit a reconfirmation. A Delivering Fund Member must submit a reconfirmation prior to 11 a.m. on the day of settlement.

A Receiving Fund Member may cancel a transfer request by submitting an exit instruction to NSCC prior to 11 a.m. on the day of settlement. A transfer request that has been confirmed or reconfirmed and not exited will settle on the next settlement cycle after such confirmation or reconfirmation.[6] On the settlement date, NSCC will debit the Delivering Fund Member's account and credit the Receiving Fund Member's account for the dollar value of the liquidated mutual fund shares.

Members may also need to make adjustments after the transfer to account for items such as dividend and commission payments. The proposed rule change will modify Section 9 of Part A of Rule 52 to enable a member to make adjustments with another member in the same fashion as with other Fund/Serv orders. The proposed rule change also will make technical modifications in order to reference this new capability in Section 1 of Part A of Rule 52 and will move certain general provisions to the end of Part A of Rule 52.[7]

NSCC will charge members the same fee for these transfer requests as it charges for other Fund/Serv orders. Accordingly, the proposed rule change will modify Addendum A of NSCC's rules to reflect a fee of $.35 per side per transfer request.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[8] in that it will facilitate the prompt and accurate clearance and settlement of securities transactions and, in general, protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify

[3] Fund/Serv, which is part of NSCC's Mutual Fund Services, is an NSCC service that permits NSCC members to process and to settle on an automated basis mutual fund purchase and redemption orders and to transmit registration instructions.

[4] The Commission has modified the text of the summaries prepared by NSCC.

[5] Currently, the mutual fund industry relies on telephonic and paper communications to process these transfers.

[6] For example, the Receiving Fund Member could submit a transfer request on Day 1. The Delivering Fund Member could also acknowledge the transfer request on Day 1. The Delivering Fund Member could confirm the value of the transfer on Day 3. Assuming the transfer is confirmed on Day 3, then the transfer could settle on Day 4.

[7] Section 22, regarding members' legal rights and obligations arising out of Fund/Serv transactions, will be renumbered Section 46. Section 13, requiring both NSCC and its members to report certain data, and Section 14, giving discretionary power to NSCC to prohibit orders, will be renumbered Sections 47 and 48, respectively. Section 18, regarding NSCC's right to delete uncompleted Fund/Serv items, will be renumbered Section 49.

[8] 15 U.S.C. 78q–1 (1988).

the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the file number SR–NSCC–96–16 and should be submitted by November 14, 1994.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–27300 Filed 6–23–96; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''Secondary Participation Guaranty and Certification Agreement.''

Type of Request: Extension of Currently Approved Collections.

Form No's.: 1086, 1085, 1502.

Description of Respondent: SBA Participating Lenders.

Annual Responses: 8,300.

Annual Burden: 31,125.

Comments: Send all comments regarding this information collection to James Hammersley, Director, Secondary Market Activities, Office of Financial Assistance, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7505.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''8(a) Annual Update as prescribed in the Small Business Act''.

Type of Request: Extension of Currently Approved Collections.

Form No.: SBA Form 1450.

Description of Respondents: 8(a) Program Participants.

Annual Responses: 5,000.

Annual Burden: 13,000.

Comments: Send all comments regarding this information collection to Sheryl Swed, Assistant Administrator, Office of Certification and Eligibility, Small Business Administration, 409 3d Street, S.W., Suite 8000 Washington, D.C. 20416. Phone No. 202–205–6416.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Counselor's Case Report''.

Type of Request: Extension of Currently Approved Collections.

Form No.: SBA Form 641A.

Description of Respondents: SBI and Score Counselors.

Annual Responses: 900,000.

Annual Burden: 90,000.

Comments: Send all comments regarding this information collection to John Bebris, Director, Business Education & Resource Management, Office of Business Initiatives, Small Business Administration, 409 3d Street, S.W., Suite 6100 Washington, D.C. 20416. Phone No. 202–205–7424.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Survey of High Technology Firms''.

Type of Request: Extension of Currently Approved Collections.

Form No.: SBA Form 1967.

Description of Respondents: Small Businesses.

Annual Responses: 1.

Annual Burden: 500.

Comments: Send all comments regarding this information collection to Bruce D. Phillips, Director, Office of Economic Research, Small Business Administration, 409 3d Street, S.W., Suite 7800 Washington, D.C. 20416. Phone No. 202–205–6530.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Contract Progress Report of Certificate of Competency''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Small Business Contractors.

Form No.: 104A.

Annual Responses: 8,400.

Annual Burden: 4,200.

Comments: Send all comments regarding this information collection to Lou Emma Jones, Special Assistant, Office of Government Contracting, Small Business Administration, 409 3rd Street, S.W., Suite 8800 Washington, D.C. 20416. Phone No.: 202–205–6460.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Personal Financial Statement.''

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Small Business Loan Applicants.

Form No.: SBA Form 413.
Annual Responses: 132,712.
Annual Burden: 199,068.
Comments: Send comments regarding this information collection to Michael J. Dowd, Director, Office of Loan Programs, Small Business Administration, 409 31rd Street, S.W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–6570.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline White,
Chief, Administrative Information Branch.

[FR Doc. 96–27206 Filed 10–23–96; 8:45 am]
BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice No. 2457]

United States International Telecommunications Advisory Committee, Radiocommunication Sector, Study Group 4—Fixed Satellite Service; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Radiocommunication Sector Study Group 4—Fixed Satellite Service will meet on 14 November 1996 at 1:30 PM to 3:30 PM, in Room 825 at the Federal Communications Commission, 2000 M Street, N.W., Washington, DC 20554.

Study Group 4 studies and develops recommendations concerning technical and operating characteristics of systems and networks for the fixed-satellite service and inter-satellite links in the fixed-satellite service, including associated tracking, telemetry and telecommand functions. Some of the working parties associated with this study group deal with efficient orbit/spectrum utilization; systems, performance, availability and maintenance; and sharing between fixed satellite service and fixed service.

The agenda of this meeting follows:

1. Review of Working Party Activities.
2. Identification and Discussion of Recommendations and Questions to be forwarded to SG–4 for approval in January 1997.
3. Identification and Discussion of Recommendations and Questions to be submitted for Approval by Correspondence.
4. Report on the Activities of the U.S. ITU–R Ad Hoc Group on Rapporteurs.
5. Review of relevant World Radiocommunication Conference 1997 (WRC '97) Preparatory Activities.
6. Identification of the Delegation to the SG–4 Meeting in January.
7. Other Business.

Members of the General Public may attend these meetings and join in the discussions, subject to the instructions of the Chairman of this Study Group, R. A. Hedinger.

Dated: October 17, 1996.
Warren G. Richards,
Chairman, U.S. ITAC for ITU-Radiocommunication Sector.

[FR Doc. 96–27298 Filed 10–23–96; 8:45 am]
BILLING CODE 4710–45–M

[Public Notice No. 2454]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea and Associated Bodies Working Group on Flag State Implementation; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 A.M. on Friday, December 6, 1996, in Room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001. The purpose of the meeting is to finalize preparations for the Flag State Implementation (FSI) Subcommittee on Safety of Life at Sea (SOLAS) and associated bodies of the International Maritime Organization (IMO) which is scheduled for January 13–17, 1997, at the IMO Headquarters in London. At this meeting, the U.S. position on documents submitted for consideration at the fifth session of the FSI Subcommittee will be discussed.

Among other things, the items of particular interest are:

1. Responsibilities of Governments and measures to encourage flag State compliance.
2. Review of the interim guidelines for flag States (resolution A.740(18) on Guidelines to assist flag States).
3. Guidelines for unscheduled inspections on Ro-Ro passenger ships.
4. Work relating to the Human Element.
5. Issuance of certificates to non-party ships.
6. Voyage date recorders.
7. Reporting requirements in IMO instruments.
8. Casualty statistics and investigations.
9. Port State control.

Members of the public may attend the meeting up to the capacity of the room. Interested persons may seek information by writing: CDR R. Fitzpatrick, U.S. Coast Guard Headquarters (G–MOC–2), 2100 Second Street, SW, Room 1116, Washington, DC 20593–0001 or by calling: (202) 267–1464.

Dated: October 10, 1996.
Russell A. LaMantia,
Chairman, Shipping Coordinating Committee.

[FR Doc. 96–27296 Filed 10–23–96; 8:45 am]
BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–96–50]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions; correction.

SUMMARY: This action corrects the comment due date in a notice of petitions for exemption received and dispositions of prior petitions issued, published on October 17, 1996, 61 FR 54251. The comment close date should read October 22, 1996, instead of October 18, 1996.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 22, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–200), 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Fred Haynes (202) 267–3939 or Marisa Mullen (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20691.

Issued in Washington, DC, on October 21, 1996.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

[FR Doc. 96–27315 Filed 10–21–96; 2:19 pm]
BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss general aviation operations issues.

DATES: The meeting will be held on November 12, 1996, at 1:00 p.m.

ADDRESSES: The meeting will be held at General Aviation Manufacturers Association, 1400 K Street NW., Suite 108, Washington DC 20005.

FOR FURTHER INFORMATION CONTACT: Louis C. Cusimano, Assistant Executive Director for General Aviation Operations, Flight Standards Service (AFS–800), 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202) 267–8452; FAX: (202) 267–5094.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to discuss general aviation operations issues. This meeting will be held on November 12, 1996, at 1:00 p.m., at General Aviation Manufacturers Association, 1400 K Street, Suite 108, Washington DC 20005. The agenda for this meeting will include replacement of the ARAC Assistant Chair for General Aviation Operations and status reports from the Part 103 (Ultralight Vehicles) Working Group and the Alternate Weather Minimums Working Group.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on October 21, 1996.

Louis C. Cusimano,

Assistant Executive Director for General Aviation Operations Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 96–27316 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–13–M

[Special Committee 159/Working Group 4]

RTCA, Inc.; Minimum Operational Performance Standards for Airborne Navigation Equipment Using Global Positioning System (GPS); Precision Approach and Landing (CAT II/III); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee (SC) 159/Working Group (WG) 4 meeting to be held November 12–15, 1996, starting at 9:00 a.m. on November 12 and concluding by noon on November 15. The meeting will be held at Interstate Electronics Corporation, Anaheim, CA. Mr. Carlos Cardon, the host for the meeting, may be reached at (714) 758–2784 (phone) or (714) 758–4080 (fax).

The agenda will be as follows:

(1) Chairman's Introductory Remarks and Introduction of Attendees; (2) Review/Approval of Minutes of Previous Meeting; (3) Draft FAA LAAS Architecture; (4) Discussion of LAAS Requirements; (5) Review of Chapter 1 of LAAS MASPS; (6) Update of LAAS Monitoring in Context with Linear Model; (7) Review of MASPS Schedule and Schedule for Providing Comments to the FAA on LAAS; (8) Date, Location, and Agenda of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. Keith McDonald, Chair of WG 4, at (703) 578–0700; Dr. George Ligler, Cochair of WG 4A, at (301) 983–4388; or Mr. Harold Moses, RTCA Program Director, at (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 21, 1996.

Janice L. Peters,

Designated Official.

[FR Doc. 96–27317 Filed 10–23–96; 8:45 am]

BILLING CODE 4810–13–M

Federal Highway Administration

Environmental Impact Statement: Atlantic and Cape May Counties, NJ

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Atlantic and Cape May Counties, New Jersey.

FOR FURTHER INFORMATION CONTACT: Helene Cook, Division Bridge Engineer, Federal Highway Administration, 840 Bear Tavern Road, Suite 310, West Trenton, NJ 08628.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to improve State Highway Route 52 in Atlantic and Cape May Counties, New Jersey. The proposed improvements would involve the improvement of the Causeway between Ocean City and Somers Point city for a distance of about 3.8 Kilometers (2.1 Miles) including replacement of four bridges (two fixed and two movable) over the waterway. This may also result in the relocation of the Intercoastal Waterway.

Improvements to this highway are considered necessary to provide a safer roadway linking the two cities. Alternatives under consideration include (1) No-Build; (2) replacing the bridges in kind on same alignment; (3) Replacing the bridges with one high level fixed bridge with 18.28 meters (60 feet) vertical under-clearance on an offset alignment; (4) Replacement on the same alignment with higher level movable bridges; (5) construction of high level fixed bridges at the current location of the movable bridges. Incorporated into and studied with various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and Local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held during the development of this document. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to public hearing. A formal scoping meeting will be conducted before the end of 1996.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to this program)

Issued on: October 15, 1996.

Robin Schroeder,

Program Operations Team Leader FHWA—New Jersey Division, Trenton.

[FR Doc. 96–27297 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) §§ 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Transcisco Rail Services Company (Transcisco), FRA Waiver Petition Docket No. RSEQ–96–1

Transcisco seeks a waiver of compliance from that part of 49 CFR Part 240.105 *Criteria for selection of designated supervisors of locomotive engineers,* specifically, paragraph (b)(4). Transcisco operates over 4 miles of main track and an industrial yard within the city limits of Miles City, Montana. The grade is essentially level and trains operate at a restricted speed not exceeding 10 mph. The railroad traverses six public crossings at grade four which have active warning devices.

Transcisco operates one SW7 locomotive and has a GE 25 ton locomotive as a backup. Transcisco usually operates 1 shift per day and interchanges with the BNSF on a transfer track owned by Transcisco within Miles City limits. Transcisco employs two locomotive engineers and intends to certify both according to their program after the first becomes a Designated Supervisor of Locomotive Engineers contingent upon the granting of this wavier request.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. RSEQ–96–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on October 15, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–27261 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–06–P

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

Block Signal Application (BS–AP)–No. 3405

Applicant: Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals/Quality, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–0001

The Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control signal system, on the two main tracks, at Stockton, California, milepost 91.8, on the Canyon Subdivision, consisting of the discontinuance and removal of controlled signals ''L'' and ''R''.

The reason given for the proposed changes is that train operations in the area no longer require signals at this location.

BS–AP–No. 3408

Applicant: R. J. Corman Railroad Company, Mr. J.D. Boles, Supervisor of Signals, P.O. Box 337, Guthrie, Kentucky 42234

The R.J. Corman Railroad Company seeks approval of the proposed discontinuance and removal of the North and South absolute signals, on the single main track, governing movements over the Cumberland River Bridge, milepost 178.0, near Clarksville, Tennessee, Memphis Line, Clarksville Subdivision, associated with the installation of mast mounted stop signs.

The reason given for the proposed changes is that the signal appliances are in very poor, nonmaintainable, and broken condition due to extensive vandalism and age of the devices, and the amount of business performed on this area of trackage does not warrant the extensive repairs to maintain the absolute signals.

BS–AP–No. 3409

Applicant: Northern Vermont Railway Company, Mr. Robert T. Schmidt, President and CEO, Northern Main Junction Park, RR2 Box 45, Bangor, Maine 04401–9602

The Northern Vermont Railway Company seeks approval of the proposed discontinuance and removal of the train signal system, on the single main track, between Newport, Vermont, milepost 1.8 and Wells River, Vermont, milepost 63.7, on the Lyndonville Subdivision; and between milepost 58.3 and milepost 55.3, near Newport, Vermont, on the Newport Subdivision, a total distance of approximately 65 miles.

The reasons given for the proposed changes are that freight train service has altered the operations in the application area, there have been no train meets for several years on the Lyndonville Subdivision, and the maintenance and repair of the signal system is very expensive.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on October 16, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–27260 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–06–P

Research and Special Programs Administration

Privacy Act of 1974: Deletion of System of Records Notice

AGENCY: Research and Special Programs Administration, U.S. Department of Transportation.

ACTION: Notice to delete Privacy Act system of records.

SUMMARY: The Department of Transportation is deleting the following system from its inventory of Privacy Act systems of records notices.

EFFECTIVE DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Crystal M. Bush, Privacy Coordinator, U.S. Department of Transportation, Washington, DC 20590, Telephone: (202) 366–9713.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Department of Transportation conducted a review of its Privacy Act systems of records and determined the following records are no longer being maintained by the Department.

System No.	System name
DOT/TSC 716	Technology Sharing Mailing List.

Dated: October 16, 1996.

Crystal M. Bush,

Privacy Act Coordinator.

[FR Doc. 96–27270 Filed 10–23–96; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 9514

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 9514, Supervisor Assessment—SES Candidate Development Program.

DATES: Written comments should be received on or before December 23, 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 information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Supervisor Assessment - SES Candidate Development Program.

OMB Number: 1545–1369.

Form Number: Form 9514.

Abstract: Form 9514 will be used to collect information from applicants for the Senior Executive Service Candidate Development Program. The form provides additional information to be used by executive panels to rate and rank applicants against the criteria for selection into the program.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and Federal Government.

Estimated Number of Respondents: 300.

Estimated Time Per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 1,500.

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: October 18, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–27342 Filed 10–23–96; 8:45 am]

BILLING CODE 4830–01–U

[FI–189–84]

Proposed Collection; Comment Request for Regulation Project

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 an existing final regulation, FI–189–84 (TD 8517), Debt Instruments With Original Issue Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property (§§ 1.1272–3, 1.1273–2(h), 1.1274- 3(d), 1.1274–5(b), 1.1274A–1(c), and 1.1275–3(b)).

DATES: Written comments should be received on or before December 23, 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 information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Debt Instruments With Original Issue Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property.

OMB Number: 1545–1353.

Regulation Project Number: FI–189–84 (Final).

Abstract: These regulations provide definitions, reporting requirements, elections, and general rules relating to the tax treatment of debt instruments with original issue discount and the imputation of, and accounting for, interest on certain sales or exchanges of property.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, business or other for-profit organizations, farms, and state, local or tribal governments.

Estimated Number of Respondents: 525,000.

Estimated Time Per Respondent: 21 minutes.

Estimated Total Annual Burden Hours: 185,500.

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: October 18, 1996

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–27343 Filed 10–23–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0021.

Titles and Form Numbers: Notice of Default, VA Form 26–6850; Notice of Default and Intention to Foreclose, VA Form 26–6850a; and Notice of Intention to Foreclose, VA Form 26–6851.

Type of Review: Extension of a currently approved collection.

Need and Uses: When the VA receives either VA Form 26–6850, 26–6850a, or 26–6851, the loan service representative will review the form and assign a rating as to the timeliness/completeness of the holder's report. A complete and timely report is necessary to facilitate the VA's determination as to the need for and extent of supplemental servicing in individual cases. The loan status is then coded into LCS (Liquidation and Claims System). LCS is a centralized automated data processing system for the operational control of default reporting, loan servicing, liquidations and claims on outstanding GI loans.

Current Actions: Holders of guaranteed loans are required to notify the VA within 45 days of a loan default by reason of nonpayment of any installment for a period of 60 days from the date of the first uncured default. This notice is required by Title 38, U.S.C. 3732(a)(1), and Title 38, CFR 36.4315. Holders are also required to notify the VA of their intention to foreclose. This notice is required by Title 38, U.S.C. 3732(a)(2), and Title 38, CFR 36.4317. After delivery of such notice to the VA, 30 days must pass before the holder can begin court proceedings or give notice of sale under power of sale or otherwise take steps to terminate the debtor's rights in the security.

Many times, defaults are determined insoluble by holders at the time the notice of default is to be filed with the VA. In such cases, holders are requested to file VA Form 26–6850a which will provide both notice of default and intent to foreclose together on one form.

VA Form 26–6850a requires that servicing efforts be fully explained so that the VA can determine whether supplemental servicing could develop further information which might justify the extension of forbearance to the veteran-borrower as opposed to foreclosure. The information provided is then used to coordinate the actions of the VA and the holder to ensure that all legal requirements regarding foreclosure and claim payment are met.

Estimated Total Annual Burden: 66,166 hours.

a. VA Form 26–6850—20,166 hours.

b. VA Form 26–6850a—26,000 hours.

c. VA Form 26–6851—20,000 hours.

Estimated Total Average Burden Per Respondent: 14 minutes.

a. VA Form 26–6850—10 minutes.

b. VA Form 26–6850a—20 minutes.

c. VA Form 26–6851—15 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 279,000.

a. VA Form 26–6850—121,000 respondents.

b. VA Form 26–6850a—78,000 respondents.

c. VA Form 26,6851—80,000 respondents.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 11, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–27242 Filed 10–23–96; 8:45 am]

BILLING CODE 8320–01–M

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0321.

Titles and Form Numbers: Appointment of Veterans Service Organization as Claimant's Representative, VA Form 21–22.

Type of Review: Revision of a currently approved collection.

Need and Uses: The form is used by VA beneficiaries to appoint any one of a number of recognized service organizations to represent them in the prosecution of their VA claims. The information is used to determine who has access to the beneficiary's claim file. In addition, it determines who has the right to receive copies of correspondence from the VA to the beneficiary.

Current Actions: Title 38, U.S.C. 5902(b)(2), provides that the VA may recognize representatives of service organizations to assist beneficiaries in the prosecution of VA claims, but that no individual shall be recognized unless such individual has filed a power of attorney, executed in a manner prescribed by the VA.

Estimated Total Annual Burden: 27,083 hours.

Estimated Total Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 325,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20M30), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 11, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–27243 Filed 10–23–96; 8:45 am]

BILLING CODE 8320–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S520), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0156.

Titles and Form Numbers: Notice of Change in Student Status, VA Forms 22–1999b and 22–1999b–1.

Type of Review: Extension of a currently approved collection.

Need and Uses: The information collected on the forms is used by the VA to determine if a claimant's educational benefits are to be increased, decreased, or terminated. Without this information, the VA might underpay or overpay benefits.

Current Actions: The VA is authorized to pay educational benefits to veterans and other eligible persons pursuing approved program of education under Chapters 30, 32, and 35, Title 38, U.S.C., Chapter 1606, Title 10, U.S.C., and Sections 901 and 903 of Public Law 96–342. Benefits are not payable when pursuit of the program is interrupted or terminated, or is not in accordance with the regularly established policies and regulations of the school. The school is required to report without delay to the VA, in the form prescribed by the VA, an interruption or termination, or a finding of unsatisfactory attendance, progress, or conduct. VA Forms 22–1999b and 22–1999b–1 serve as this report to VA of such changes in enrollment status.

Estimated Total Annual Burden: 73,563 hours.

Estimated Total Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 7,481.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 11, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–27244 Filed 10–23–96; 8:45 am]

BILLING CODE 8320–01–M

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0133.

Titles and Form Numbers: Application for Amounts on Deposit for Deceased Veteran, VA Form 21–6898.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used to gather the necessary information to determine the individual(s) who may be entitled to accrued benefits of deceased beneficiaries. Without this information, the VA could not determine the proper individual(s) to receive any accrued benefits.

Current Actions: Title 38, U.S.C. 5502(d), provides for the payment of accrued amounts on deposit in the personal funds of patients accounts for deceased veterans.

Estimated Total Annual Burden: 175 hours.

Estimated Total Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 700.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 11, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–27245 Filed 10–23–96; 8:45 am]

BILLING CODE 8320–01–M

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs:

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before December 23, 1996.

ADDRESSES: Direct all written comments to Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0523.

Titles and Form Numbers: Loan Analysis, VA Form 26–6393.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is completed by representatives of lending institution to determine the veteran-borrower's ability to qualify for a VA guaranteed loan. The information is used by the VA as evidence of the lender's adherence to VA credit standards.

Current Actions: The form is currently used by representatives of lending institutions and VA employees to determine the ability of a veteran-applicant to qualify for any type VA-guaranteed loan authorized by Title 38, U.S.C. 3710(a). Lenders complete and submit the form to provide evidence that the lender's decision to submit a prior approval loan application or close a loan on the automatic basis based upon appropriate application of the VA credit standards.

Estimated Total Annual Burden: 120,000 hours.

Estimated Total Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 240,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Nancy Kessinger, Veterans Benefits Administration (20S52), 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7079 or FAX (202) 275–4884.

Dated: October 11, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–27246 Filed 10–23–96; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 61, No. 207
Thursday, October 24, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Parts 271, 272, and 273

[Amendment No. 375]

RIN 0584–AB76

Food Stamp Program: Certification Provisions of the Mickey Leland Childhood Hunger Relief Act

Correction

In rule document 96–26072, beginning on page 54270, in the issue of Thursday, October 17, 1996, make the following correction:

On page 54279, in the first column, at the end of the first full paragraph, ''June 30, 1997'' should read ''March 1, 1997''.

BILLING CODE 1505–01–D

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Proposed Priorities

Correction

In notice document 96–25944 beginning on page 53032 in the issue of Wednesday, October 9, 1996, make the following correction:

On page 53032, in the first column, in the **DATES** section, in the fourth line insert ''November 8, 1996'' after the semicolon.

BILLING CODE 1505–01–D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 208

[Docket No. FR-2958-F-05]

RIN 2502-AF32

Office of the Assistant Secretary for Housing-Federal Housing Commissioner; Home Equity Conversion Mortgage Insurance Demonstration; Additional Streamlining

Correction

In rule document 96–23717 beginning on page 49030 in the issue of Tuesday, September 17, 1996, make the following corrections:

§ 206.45 [Corrected]

1. On page 49033, in the third column, in amendatory instruction 14, in the first line ''§ 206.47'' should read ''§ 206.45.''

2. On the same page, in the same column, the section heading should read ''§ 206.45 Eligible properties.''

BILLING CODE 1505–01–D

UNITED STATES INFORMATION AGENCY

Exchanges and Training Program With Russia, Ukraine, and Uzbekistan

Correction

In notice document 96–26378 appearing on page 54261 in the issue of Thursday, October 17, 1996, make the following correction:

On page 54261, in the second column, in the ninth line from the bottom, ''twenty-five'' should read ''twenty''.

BILLING CODE 1505–01–D

Federal Register

Thursday
October 24, 1996

Part II

Department of Health and Human Services

Centers for Disease Control and Prevention

42 CFR Part 72

Additional Requirements for Facilities Transferring or Receiving Select Agents; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 72

RIN 0905–AE70

Additional Requirements for Facilities Transferring or Receiving Select Agents

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Final rule.

SUMMARY: On June 10, 1996, the Centers for Disease and Prevention (CDC), the Department of Health and Human Services (HHS), issued a Notice of Proposed Rulemaking (NPRM) to implement Section 511 of Public Law 104–132, ''The Antiterrorism and Effective Death Penalty Act of 1996,'' which requires the Secretary of HHS to regulate the transfer of select agents. CDC requested comments on the NPRM and provided 30 days for individuals to submit their written comments. CDC considered the comments received and is issuing this final regulation in light of those comments. Current regulations specify requirements for the packaging, labeling, and transport of select agents shipped in interstate commerce. This final rule places additional shipping and handling requirements on facilities that transfer or receive select agents listed in the rule that are capable of causing substantial harm to human health.

EFFECTIVE DATES: April 15, 1997, Incorporation by reference of certain publications listed in the final rule is approved by the Director of the Federal Register as of April 15, 1997. All transfers of select agents must comply with the complete documentation and registration requirements contained in this final rule on or after April 15, 1997. CDC has already begun efforts to inform and educate affected parties about the registration and transfer process for select agents. Within the next 60 days, CDC anticipates providing additional detailed information to interested parties in order to initiate the registration process.

FOR FURTHER INFORMATION CONTACT: Dr. Jonathan Y. Richmond, Director, Office of Health and Safety, Centers for Disease Control and Prevention, 1600 Clifton Road, Mailstop F05, Atlanta, GA 30333; telephone (404) 639–2453.

SUPPLEMENTARY INFORMATION: This rule finalizes the rule entitled ''Additional Requirements for Facilities Transferring or Receiving Select Infectious Agents,'' which was published in the Federal Register on June 10, 1996 (61 FR 29327). It has been retitled, ''Additional Requirements for Facilities Transferring or Receiving Select Agents.''

Section 511 of Public Law 104–132, enacted on April 24, 1996, stipulated that HHS issue a proposed regulation within 60 days and a final regulation within 120 days. The NPRM was published on June 10 (13 days earlier than required) and provided 30 days for public review and comment. The subject matter, and subsequent comments responding to the NPRM, raised highly-complex issues that demanded careful consideration and significant discussion with numerous other involved Federal agencies. Thus, the publication of this final rule extended beyond 120 days.

BACKGROUND ON THE NOTICE OF PROPOSED RULEMAKING AND SUMMARY OF RESPONSES TO PUBLIC COMMENT

Notice of Proposed Rulemaking

In recent years, the threat of illegitimate use of infectious agents has attracted increasing interest from the perspective of public health, in view of concern that certain select agents could have serious adverse consequences for human health and safety. ''The Antiterrorism and Effective Death Penalty Act of 1996,'' enacted on April 24, 1996, established new provisions to regulate transfer of hazardous agents, and required HHS to issue rules to implement these provisions. CDC's NPRM proposed new regulations to meet the requirements of this statute.

The NPRM was based on the key principles of ensuring protection of public safety, without encumbering legitimate scientific and medical research. The NPRM also was designed to minimize the need for an additional, expansive federal regulatory implementation structure.

Specifically, the proposed rule was designed to:

- Establish a system of safeguards to be followed when specific agents are transported:
- Collect and provide information concerning the location where certain potentially-hazardous agents are transferred;
- Track the acquisition and transfer of these specific agents; and
- Establish a process for alerting appropriate authorities if an unauthorized attempt is made to acquire these agents.

The proposed rule included the following fundamental components: (1) A comprehensive list of select agents; (2) a registration of facilities transferring these agents; (3) transfer requirements; (4) verification procedures including audit, quality control, and accountability mechanisms; (5) agent disposal requirements; and (6) research and clinical exemptions.

Public Comment and Department's Response

During the 30-day comment period that ended on July 10, 1996, CDC received sixty seven written responses. Most of these contained multiple comments, some as many as 10 or more, with the total number of comments exceeding two hundred. Most comments were favorable regarding the proposed rule. In general, these comments focused on specific sections of the regulation, requested clarification of the wording and intended meaning of certain provisions, or suggested additions or deletions to the proposed list of select agents. A small number of the commenters expressed concern that the proposed regulation would not protect against terrorism, would slow or discourage certain areas of research, and/or would add unnecessary additional administrative costs and paperwork burdens. The preamble sections below summarize the NPRM and the comments received, and provide CDC's responses to comments.

Select Agents List

The NPRM included a proposed list of select agents to be subject to the rule. CDC specifically solicited comments regarding those agents to be added to or deleted from the proposed list. We received a large number of responses to this request. The list of agents subject to the final rule is at Appendix A.

Agents deleted from the list are *Chikungunya virus, Japanese encephalitis virus, Chlamydia psittaci, and Histoplasma capsulatum* (including *var. duboisii*). Infectious agents added to the final list are Equine morbillivirus, *and Coccidioides immitis.* Kyasanur forest disease virus is no longer specifically listed but is included under the broader category of Tick-borne encephalitis complex viruses.

Other changes to the list included: The term ''Hantaviruses'' was changed to ''Viruses causing hantavirus pulmonary syndrome'', ''Tick borne encephalitis viruses'' was changed to ''Tick borne encephalitis complex viruses''; ''Encephalitis viruses (Venezuelan, Western, Eastern)'' was changed to ''Eastern equine encephalitis virus'' and ''Venezuelan equine encephalitis virus'', ''Ebola virus'' was changed to ''Ebola viruses'', and ''Flexal

virus'' was added to the parenthetical list of ''South American haemorrhagic fever viruses.

A large number of responses pertained to the proposed list of select toxins. These commenters recommended additions, deletions, or exemptions based on medical uses. Based on our review of these comments, the following toxins or classes of toxins were deleted from the final list: *Corynebacterium diphtheriae* toxin, cyanginosins, *Shigella dysenteriae* neurotoxin, tetanus toxin, trichothecene mycotoxins, and verrucologen. The following toxins were added: aflatoxins, conotoxins, diacetoxyscirpenol, and T–2 toxin.

In the NPRM, Section 72.6(a)(6) specified that toxins be handled in accordance with Department of Defense regulations found at 32 CFR 627.17 and in The Biological Defense Safety Program, Technical Safety Requirements (DA Pamphlet 385–69). One commenter correctly pointed out that the proper reference for handling toxins is 29 CFR 1910.1450, ''Occupational Exposure to Hazardous Chemicals in Laboratories.'' This final rule is not intended to preempt, pursuant to Section 4(b)(1) of the Occupational Safety and Health Act of 1970, any other rules designed to protect employees from these agents.

The final rule exempts vaccine strains of viruses, and specifies exemptions for listed agents based on coverage under other federal regulations. Exemptions are listed in Appendix A.

We received several comments regarding some of the terminology used in the NPRM, including pathogenicity, virulence, and less pathogenic, One commenter preferred the term virulence to pathogenicity. CDC views virulence and pathogenicity, which both mean the ability of an organism to cause disease, as synonymous terms. Similarly, avirulent and nonpathogenic are synonymous.

Several comments questioned the use of the term ''select infectious agent'' to describe all agents subject to the rule, pointing out that toxins are not infectious. In response to these comments, CDC has changed ''select infectious agent'' to ''select agent'' and revised the definition to mean ''a microorganism (virus, bacterium, fungus, rickettsia) or toxin listed in Appendix A of this part''. The term ''select agent'' in the final rule includes only those select agents listed in Appendix A.

One commenter wanted to know if tissue samples that only contain small amounts of the agent or that may only be suspected of containing a pathogen would be covered by the final rule. All materials that are known or reasonably suspected of containing a select agent, including tissue samples, unless exempted as a human or veterinary clinical specimen, are subject to this regulation.

Registration of Facilities Transferring Select Agents

The NPRM proposed that commercial suppliers of select agents, as well as government agencies, universities, research institutions, individuals, and private companies that transfer or obtain these agents, or that wish to work with these agents, must register with the Secretary of HHS or with an organization authorized by the Secretary. The proposed registration process required that a responsible facility official certify that the facility and its laboratory operations meet the biosafety level 2, 3, and/or 4 requirements for working with agents as described in the Third Edition of ''CDC/National Institutes of Health (NIH) Biosafety in Microbiological and Biomedical Laboratories'' (BMBL). The NPRM also stipulated that inspection of the facility seeking registration may be required by the Secretary, or an organization authorized by the Secretary, to determine whether the applicant facility meets the appropriate biosafety level requirements. The NPRM proposed that facilities, if approved, would be issued a unique registration number indicating that the facility is registered to work with these select agents at the prescribed biosafety level. The registration number also would be used to help validate all requests for transfer of these agents.

Incorporation of the BMBL

Some commenters questioned incorporating the BMBL into the regulation because, in their view, the BMBL provides ''guidelines'' that are vague, and lack specificity and sufficient detail. One commenter recommended that the BMBL be augmented or updated to provide a clear objective standard. Because the BMBL serves as the only nationally and internationally recognized source for biosafety requirements for laboratories, the final rule retains the incorporation of the BMBL. The BMBL provides the minimum requirements for BL–2, 3, and 4 laboratories and animal facilities and is readily applicable to a facility registration and inspection process.

Registration Process

Some commenters suggested CDC base its registration procedures on models used by other entities. In developing the NPRM, CDC reviewed several models, including a Nuclear Regulatory Commission (NRC) licensing model for the use of radioactive materials; a certification model based on National Committee for Clinical Laboratory Standardization (NCCLS) for hospital certification programs; a model based on the use of an Institutional Biosafety Committee similar to that outlined in the NIH Recombinant DNA Guidelines; the United States Department of Agriculture, Animal Plant and Health Inspection Service (USDA/APHIS) import and transfer program for restricted animal pathogens; the American Association for Accreditation of Laboratory Animal Care (AAALAC) Program; and the CDC import permit program for etiologic agents. CDC found aspects of these models adaptable or partially adaptable to its program. CDC's program includes many elements of these models, such as on-site inspections, registration (user) fees, and registration and transfer requirements.

One commenter suggested providing more detail for the registration process. Another suggested basing the registration process on a ''self-audit'' where the registering entity would provide self-audit forms.

CDC will provide application forms to be completed by facilities seeking registration. The application will require information regarding laboratory practices, equipment, and other pertinent information. Facilities will submit the completed application to CDC for approval of registration. A facility inspection may or may not be required prior to registration, depending on documentation supplied by the applicant. If CDC approves the registration, a unique registration number will be issued. Those facilities not pre-inspected will be inspected following registration. All registered facilities will be inspected subsequently on a periodic basis.

Appeals

As proposed in the NPRM, registrations may be denied or withdrawn, subject to appeal. One commenter asked whether the appeals process described in the NPRM would include a hearing. CDC interprets this to mean an oral hearing since courts have construed the term ''hearing'' to mean the submission of written information as well as oral testimony. Although not explicitly stated, the rule provides flexibility for a variety of forums to ensure that appeals receive due process. This would include an oral hearing if, in the Secretary's discretion, such steps are necessitated by the particular facts presented by any specific situation.

Transfer Requirements

The NPRM proposed that, prior to transferring one of these select agents, both the shipping (transferor) and receiving (requestor) parties complete required sections of the official transfer form. (EA–101). The NPRM proposed that the EA–101 list the restricted agents and require information about the requestor and transferor, the requesting and transferring facilities, the registration numbers of the transferring and receiving facilities, the name of restricted agent requested, and the proposed use of the agent. The NPRM proposed that the form must accompany the request or purchase order for obtaining these restricted agents, that a copy must be maintained by both the requesting and transferring facility, and that a copy must be sent to a designated central repository which would be available to federal and authorized local law enforcement authorities and other officials authorized by the Secretary. The form could later be used for tracking purposes in case of illegitimate access to these agents. Falsification of this form would be a federal criminal offense. The final rule retains all of these provisions. In addition, the final rule requires requestors to specify on form EA–101 the number of containers and amount per container of the agent(s) being shipped.

As discussed in the NPRM preamble, because these select agents have the potential for causing mass destruction or widespread disease in humans, CDC has determined intrastate transfers of these agents from one geographic site to another also pose a risk of potential interstate transmission of disease; therefore, intrastate transfers of these agents are also subject to the regulation.

Shipping and Transfer Requirements

Several commenters were concerned about shipping select agents and about acceptable carriers and carrier responsibilities. Nothing in this final rule is intended to preempt other applicable Federal regulations. Select agents included under this final rule are required to be packaged, labeled and shipped in accordance with all applicable federal regulations. CDC believes that compliance with existing federal regulations on packaging, labeling, and shipping select agents, in combination with the transfer requirements of this final rule, provide sufficient safeguards for safe and secure transport.

Other comments expressed concern about emergency response to a transportation incident involving a select agent. Any transportation incident involving a select agent, including a lost or stolen package, or a damaged package, should be reported to CDC through its 24 hours, 7 days-a-week emergency number (1–800–232–0124) by either the shipper, recipient, or package handler. Any unexpected release of these agents may also be covered by the National Oil and Hazardous Substances Pollution Contingency Plan, found in 40 CFR Part 300.

Packages of select agents are required to be packaged as infectious substances, labeled with the infectious substance and etiologic agent label, and shipped in accord with all federal regulations. Both the DOT infectious substance label and the CDC etiologic agent label bear CDC's emergency phone numbers. Also, the packaging requirements for these select agents require that the shipper's name and phone number be on the outer package, to be used in emergencies. Thus, CDC would be able to call the shipper to discuss matters that relate to spill clean-up.

Commenters asked for clarification regarding the relationship between the proposed regulation and federal importation and exportation regulations. Importers of select agents also are subject to CDC's regulations at 42 CFR Part 71.54, ''Importation of Etiologic Agents and Vectors,'' and are responsible for obtaining an import permit from CDC prior to importing select agents. In such cases, CDC will require the importer to be registered in accordance with this final rule and to supply the registration number before the select agent is imported.

This final rule does not apply to exportation of select agents. Exporters of select agents will continue to follow the Department of Commerce export administration regulations at 15 CFR Parts 742, 744, and 774, ''Commerce Control List: Microorganisms and Toxins.''

Intrafacility Transfers

Several commenters believed that the rule should cover intrafacility transfers or at least provide guidelines for intrafacility transfer and tracking, and that the lack of guidelines constituted a weakness in the proposed regulation. While the NPRM proposed that tracking of intrafacility transfers are the responsibility of individual facilities, the final rule has been changed to reflect that a registered facility is not required to follow the transfer and verification requirements listed in the rule, so long as the facility maintains adequate records of intrafacility transfers. Thus, CDC Form EA–101 does not have to be completed when transferring a select agent if the following conditions are met: (1) the transfer is within a single facility at a single geographic site, (2) the intended use of the agent remains consistent with that specified in the most current transfer form, and (3) the facility documents the following information for each intrafacility transfer: the name and location of the recipient; the amount transferred, and date transferred. Recipients are required to comply with all other parts of this final regulation, including the requirements for storage and disposal. Questions concerning the transfer of a select agent meeting the criteria of an intrafacility transfer may be referred to CDC.

Single Geographic Site

Several commenters also requested clarification on the meaning of a single geographic site. For example, does this mean a building, a complex of buildings, or several sites within a single city? For the purposes of this rule, CDC defines a single geographic site as the complex of buildings and laboratories at a single mailing address. CDC may entertain exceptions on a case-by-case basis at the time of facility registration.

Verification Procedures

To facilitate the shipment of these select agents, the NPRM proposed that each facility shipping or receiving a covered agent must have a ''responsible facility official,'' and that this person be either a biosafety officer, a senior management official of the facility, or both. The NPRM also suggested that the responsible facility official should *not* be the same person as those individuals actually transferring and receiving the agents at the facilities.

The NPRM specified that the requestor's responsible facility official must sign each request, certifying that the individual researcher requesting the agent is officially affiliated with the facility and that the laboratory meets current requirements for working with the requested agent. The NPRM also required the responsible facility official sending the restricted agent to verify that the receiving facility holds a currently valid registration number, indicating that the recipient has the required biosafety level capability. Inability to validate the necessary information could result in immediate notification of the appropriate authorities. The NPRM also specified timeframes for confirmation of select agent transfer and for retention of CDC Form EA–101.

Responsible Facility Official

Several comments pertained to the designation of a responsible facility official. CDC developed the concept of a responsible facility official to ensure management oversight of the transfer process. CDC envisioned that the responsible facility official either could be a senior management official or a biosafety officer. However, commenters indicated that there are circumstances when a biosafety officer may be inappropriate, such as for facilities that use toxins. As a result of the comments we received, CDC has revised the definition of a Responsible Facility Official to include a senior management official or a ''safety officer,'' the term ''safety'' being substituted for ''biosafety''. Although not required in the final rule, a safety officer responsible for select microbial agents or recombinant microorganisms should have a background in microbiology and training and experience in biosafety; a safety officer responsible for select toxins should have a background in chemistry and training and experience in chemical safety.

Another commenter suggested that a biosafety officer should be a Registered Biosafety Professional (RBP). CDC supports the concept of certification of safety professionals in their area of specialty, but has not determined that a specific certification should be required by this final rule.

Several commenters were concerned about the liability of safety officers. CDC believes that these matters rest with facility management, and are beyond the scope of this final rule.

One commenter requested clarification on the meaning of ''officially affiliated'' as used in section 72.6(e)(1)(ii), Verification Procedures. Personnel may be affiliated with a facility in a variety of ways, such as employee, contractor, consultant, graduate student, postdoctoral fellow, visiting scientist or staff member. Of these affiliations, we believe that ''employee'' is the affiliation most directly related to the facility. CDC therefore has replaced ''officially affiliated'' with ''employee'' in the final rule.

Timeframe for Transfer Confirmation and EA–101 Retention

A number of commenters thought that the time periods for the requestor acknowledging receipt of the agent to the transferor either electronically or by paper copy were too short. CDC has extended the 24 hour time period for telephonic or electronic notification to 36 hours, but feels that 3 business days is adequate for a paper copy receipt. CDC will accept a facsimile (FAX) transmission receipt as the equivalent of a paper copy receipt. CDC also will accept a facsimile transmission from the transferror of a completed EA–101.

In addition, the time required for retaining a copy of CDC Form EA–101 after agent consumption of destruction has been extended from 1 year to 5 years in the ''Request for Agents'' section in the final rule. This time period is consistent with the retention requirement in the ''Disposal of Agents'' section of the final rule, and is based on the five-year statute of limitations for bringing criminal prosecution under Title 18, United States Code, Section 1001, and under Title 42, United States Code, Section 271.

Agent Disposal Requirements

The NPRM proposed that select agents be stored in accordance with prudent laboratory practices, and stipulated that facilities must have in place procedures for the appropriate disposal of agents.

Several commenters requested more details on suitable location for the storage of agents and the type of security required. Because laboratory structures vary considerably, only broad guidance can be provided beyond what is specified in the final rule. Prudent laboratory practices suggest storing select agents such that unauthorized and unqualified persons cannot gain access to them and such that the responsible person can account for quantities stored. Prudent practice also suggests that storage be secure, including controlled access to the storage area and storage equipment.

Several commenters suggested that the regulation include specific directions on disposal of selected agents. The final rule specifies that disposal of select agents must be at the facility, by known effective methods, and the facility should maintain records as to the quantity destroyed, date of destruction, and method of destruction and persons responsible for destruction. The registering entity must be notified of the disposal or complete consumption of a select agent by completing this section on EA–101. If registration is withdrawn, select agents must be disposed of as required in the regulation. In addition to these rule requirements, it is advisable to retain use and consumption records to account for supplies of toxins, and to maintain records pertaining to storage, consumption and disposal of agents.

Other commenters questioned the need to destroy select agents on-site, pointing out that many microbiology laboratories do not have decontamination autoclaves and they transport their used cultures and stocks off-site for autoclaving or incineration. Similarly, many laboratories using toxins transport them off site for incineration or other means of destruction. The BMBL specifies that infectious agents removed from BL–3 and BL–4 laboratories be decontaminated on-site, preferably by autoclaving. Toxins can be treated with strong oxidizing agents to inactivate them before removal from laboratories. Thus, the final rule retains the requirement to destroy select agents on-site. Once inactivated, the special agents can be sent to off-site locations for incineration or other ultimate disposal.

Other commenters inquired about how the regulatory authority would know when all of an agent previously transferred to a facility was destroyed. It should be noted that this regulation only applies to transfers of agents after the effective date of this final rule. To ensure compliance with this regulation, CDC combined facility management oversight of select agents with facility employee responsibilities and stiff penalties for intentional or willful violations. CDC believes that facility integrity and personal responsibilities combined with these penalties will prove effective in ensuring the controlled safe use, storage, and disposal of select agents.

One commenter expressed concern that the NPRM did not make specific reference to retention requirements for agents which are stored in a culture repository. If a select agent is in a laboratory or institutional culture repository prior to the effective date of this final rule, the regulation requires no action until the select agent is transferred. When the agent is transferred, all requirements of this regulation apply to the transaction.

Research and Clinical Exemptions

In order to provide strains for reference, diagnostic, and research studies at Biosafety Level 2 facilities, the NPRM proposed that less pathogenic strains, such as vaccine strains of restricted viral agents as described in the BMBL or those specifically mentioned on the CDC Form EA–101, be exempt from the list of select agents. The NPRM also proposed to exempt toxins for medical use, inactivated for use as vaccines, or preparations for biomedical research use at an LD_{50} for vertebrates of more than 100 nanograms per kilogram of body weight, and to exempt transfer of clinical specimens for diagnostic and verification purposes. However, the NPRM proposed to require

that isolates of these agents from clinical specimens must be destroyed after confirmation or sent to an approved repository after diagnostic procedures are complete. Other than for these purposes, such isolates could not be transferred to another site without using the transfer form and approval by the responsible facility officials.

Several commenters recommended that clinical specimens should be subject to the regulation, and expressed the view that exempting clinical specimens provided a ''loophole''. It should be noted that regulation requires that clinical specimens, in order to be exempt, must be intended for diagnostic, reference and/or verification purposes. Other uses of a clinical specimen containing a select agent, or a select agent isolated from a clinical specimen, such as for research purposes, will subject the clinical laboratory to this regulation.

Another commenter requested clarification as to when an agent from a clinical specimen becomes subject to the regulation. Subsequent to the isolation and identification of a select agent from a clinical specimen, it must be transferred to a registered facility or destroyed.

Other commenters questioned how clinical labs might receive select agents for proficiency testing or order reference strains. The rule specifically exempts clinical laboratories certified under the Clinical Laboratory Improvement Amendments of 1988, (42 U.S.C. 263a) (CLIA), that utilize these select agents for diagnostic, reference, verification, or proficiency testing purposes. In addition, the rule provides procedures for facilities that are not CLIA laboratories but are transferring or receiving select agents to or from a CLIA laboratory. No additional paperwork on behalf of CLIA laboratories is required by this final rule. CDC will accept a CLIA certification number on CDC Form EA–101 in lieu of the required institutional registration number, as stipulated in this final rule.

Another commenter requested clarification of the term ''less pathogenic'' as a criterion for exemption. CDC has determined that it is premature to issue blanket exemptions of attenuated, avirulent, or less pathogenic strains of agents on the restricted list at this time. Attenuated strains of select agents approved for human vaccination purposes by FDA or other recognized national or international organizations will be exempt. All other attenuated, avirulent, or less pathogenic strains will not be exempt at this time. Additional exemptions for otherwise covered strains will be considered when CDC reviews and updates the list of select agents (Appendix A). Individuals seeking additions to the list of exemptions should submit a request to CDC that specifies the agent or strain to be exempted and explains why such an exemption should be granted. Future changes to the list of exemptions will be published in the Federal Register for review and comment prior to inclusion on Appendix A.

Criminal Penalties

Violations of the final rule are subject to federal criminal penalties. A false, fictitious, or fraudulent statement or representation on the forms required in the regulation for registration of facilities or for transfers of select agents is a violation of Title 18, United States Code, Section 1001. An individual offender is subject to imprisonment for not more than five years, a fine as provided in Section 3571(b) of Title 18, or both. An organization that violates Section 1001 is subject to a fine as provided in Section 3571(c) of Title 18. Other violations of the final rule are subject to criminal penalties as prescribed in Title 42, United States Code, Section 271. A violation of Section 271 subjects an individual offender to imprisonment for not more than one year, a fine as provided in Section 3571(b) of Title 18, or both. An organization that violates Section 271 is subject to a fine as provided in Section 3571(c) of Title 18.

Enforcement

At least one comment questioned who would constitute ''appropriate law enforcement authorities.'' While the rule is purposely nonspecific on this point to allow flexibility, depending upon individual circumstances, it is anticipated that federal law enforcement authorities, specifically the Federal Bureau of Investigation, and other federal agencies may require access to the records and database for law enforcement purposes. Assistance from state and local authorities may be required on an as-needed basis to aid federal agencies, as dictated by individual situations and as determined necessary by the Secretary and/or the Attorney General.

On the issue of law enforcement, numerous comments were received concerned with the criminal penalties an offender may be subject to for violations of the rule. Most of these comments were concerned that inadvertent or unintentional mistakes could result in criminal punishment. Other commenters suggested adding language to the criminal penalties notices to describe the mental state required for violation of the rule. There are two principal criminal statutes implicated in violations of the rule. Title 18, United States Code, Section 1001 applies to false statements made to the Federal Government in connection with the rule. Such false statements may be made in connection with a facility's application to become a registered entity, completion of CDC Form EA–101 for transfers of select agents, and in other circumstances. To constitute a criminal violation, Section 1001 requires that the false statement be made ''knowingly and willfully.'' Other violations of the rule are covered under Title 42, United States Code, Section 271. This violation is classified as a misdemeanor and requires a ''knowing'' mental state by the defendant. Thus, both of these criminal statutes subject offenders to punishment for knowing conduct.

Possession

Several commenters questioned whether the rule was intended to govern possession as well as transfer of the select agents listed in the rule. This final rule and associated criminal penalties apply only to interstate and intrastate transfer of these agents. Possession of these agents is outside the scope of this final rule; however, and individual in possession of a ''biological agent or toxin * * * for use as a weapon'' as defined in Title 18 of the U.S. Code, may be subject to separate criminal penalties (18 U.S.C. 175 *et seq.*).

Publicly Available Information

Several comments were received regarding the information collections required in § 72.6(c)(2) (i) and (ii). Specifically, commenters were concerned with the public availability of the database of registered facilities and repository of transfer forms. While one commenter thought public availability would prove useful to those facilities transferring agents by creating an informal checklist of other registered facilities, the majority of comments suggested that neither the database nor the registry of transfer forms should be available to the public. Of chief concern was fear that a publicly available list of registered facilities would serve as a ''roadmap'' to would-be terrorist of facilities possessing these dangerous agents. Another concern was that the database and transfer forms may contain proprietary information.

Taking into consideration these comments, CDC has determined that making this information available through a public database could compromise one of the primary

purposes of the proposed rule and its authorizing legislation, i.e., limiting unauthorized access to these select agents. Therefore, CDC will not create publicly available databases of the information referenced in § 72.6(c)(2) (i) or (ii).

In addition to comments concerned with the public availability of information gathered pursuant to this rule, some commenters suggested adding language to the rule explaining that trade secret and/or confidential commercial or financial information would be exempt from disclosure under the Freedom on Information Act (FOIA).

Currently, CDC exempts from public release trade secret and/or confidential commercial or financial information in accordance with the Freedom on Information Act (5 U.S.C. 552), Executive Order 12600, and Department of Health and Human Services regulations found at 42 CFR Part 5. In accordance with these authorities, CDC provides a submitter with notice of receiving a third-party request for information whenever the requested records have been designated by the submitter as confidential commercial information or the agency has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm. The submitter is given a reasonable period of time in which the submitter may object to the FOIA disclosure of any specified portion of the information and to state all grounds upon which disclosure is opposed. CDC gives careful consideration to all such specified grounds for nondisclosure prior to making an administrative determination of the issue. In all instances when the agency determines to disclose the requested records, CDC provides the submitter a written statement briefly explaining why the submitter's objections are not sustained. Such a statement shall, to the extent permitted by law, be provided a reasonable number of days prior to a specified disclosure date. If CDC decides to release the information, the submitter may pursue legal action to prevent such release.

Because these existing authorities already explain the policies and procedures utilized by CDC in releasing and/or withholding trade secret and/or confidential commercial or financial information, further explanation is not being included in this final rule.

Proprietary concerns were also raised regarding the provision of transfer forms to state health departments. Some commenters suggested that states generally may benefit by receiving these transfer forms because they could independently track agents arriving and leaving the state.

However, disclosure of EA–101 forms may compromise proprietary interest of the concerned facilities. Additionally, providing a copy of each EA–101 form to the appropriate state health department would constitute an administrative burden on the agency. Further, the Secretary may provide the forms to state law enforcement authorities under appropriate circumstances. For these reasons, CDC has determined that it will not provide state health departments with the transfer forms on a routine basis. Nor is it contemplated that parties to the transfer of select agents will provide a copy of the form to state health departments.

Restrictions for Genetic Elements

The transfer of genetic elements into other cells or organisms offers tremendous possibilities for improving the public health. However the transfer of genetic elements coding for virulence genes, antibiotic resistance, or toxins offers the potential for creating new and deadly pathogens. A large number of comments were received asking for further clarifications of the restrictions placed on genetically modified microorganisms or genetic elements. Commenters stated that ''sequences associated with pathogenicity were vague'' and questioned what constituted the toxic subunit(s) of a restricted toxin. CDC considers as a select agent, under the definition, and subject to the final rule, genetic elements from a select agent, that contain a nucleic acid sequence(s) which, if inserted into an appropriate host system, are reasonably believed capable of producing disease or toxicosis. Genetic elements from a select agent that contains a nucleic acid sequence(s) which, if inserted into an appropriate host system, do not cause disease or toxicosis are not subject to the final rule.

Summary of Changes

1. The title of the regulation was changed from, ''Additional Requirements for Facilities Transferring or Receiving Select Infectious Agents,'' to ''Additional Requirements for Facilities Transferring or Receiving Select Agents,'' deleting the word, ''Infectious.'' The word, ''infectious'' was deleted in all instances in the rule and ''select agent'' is now defined in § 72.6(j) as, ''a microorganizatism, (virus, bacterium, fungus, rickettsia) or toxin listed in Appendix A of this part.'' The subsequent language dealing with recombinant organisms/molecules was revised and now reads: ''The term also includes (1) genetically modified microorganisms or genetic elements from organisms on Appendix A, shown to produce or encode for a factor with a disease, and (2) genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins on Appendix A, or their toxic subunits.''

2. In § 72.6(a)(1) the word, ''laboratory'' was deleted. Consistently throughout the final rule, the term ''facility'' is used to describe regulated entities.

3. The word ''minimum'' was added to § 72.6(a)(5).

4. In § 72.6(a)(6), the reference to ''32 CFR 627.17 and in The Biological Defense Safety Program, Technical Safety Requirements (DA Pamphlet 385–69), Subpart C—Operational Requirements'' was replaced with, ''29 CFR 1910.1450, 'Occupational Exposure to Hazardous Chemicals in Laboratories'.''

5. The last sentence of § 72.6(c)(2)(i) regarding the public availability of the databases maintained by registering entities has been deleted.

6. In § 72.6(d)(1), a new section (viii) was added. Section (viii) adds a new provision to CDC Form EA–101 that requires that the quantity of agent being shipped (number of containers and amount per container) be specified on EA–101.

7. In § 72.6(d)(2), the time required for retaining a copy of CDC Form EA–101 after agent consumption or destruction has been extended from 1 year to 5 years to make this section consistent with section 72.6(i)(2). The last two sentences of § 72.6(d)(2) were broken into separate sections, 72.6(d)(3) and 72.6(d)(4).

8. In § 72.6(e)(1)(ii), the term, ''employee'' was substituted for ''officially affiliated.''

9. In Section 72.6(e)(2), ''and the appropriate law enforcement authorities'' was deleted.

10. Grammatical changes were made to § 72.6(f)(1) to make the section clearer.

11. Twelve (12) hours were added to the time period that the requesting facility's responsible official is allowed to acknowledge receipt of an agent, as required in § 72.6(f)(2). Additional language was also added to § 72.6(f) (2) and (3) to clearly indicate that a facsimile transmission, in addition to a paper copy, is a sufficient means of transmitting CDC Form EA–101.

12. The reference to the BMBL in § 72.6(h)(1) was deleted as redundant. Specific language was added to this section to clearly indicate that strains

exempted from this regulation are found in Appendix A and CDC Form EA–101.

13. Technical language changes were made in § 72.6(d)(2) and 72.6(i)(2) to accurately describe that the same procedures required when an agent is destroyed also apply once a toxin is consumed. Also, the formal notice of consumption of a toxin or destruction of an agent required by section 72.6(i)(2) must now be specifically noted on the CDC Form EA–101.

14. Several changes were made to 72.6(h) dealing with exemptions.

A. Section 72.6(h)(1) was deleted. The section previously numbered 72.6(h)(2) has been renumbered 72.6(h)(1)(i). Technical changes were also made to make the section clearer and more accurate. This section now reads, ''The agent is part of a clinical specimen intended for diagnostic, reference, or verification purposes. Isolates of covered agents from clinical specimens shall be disposed of in accordance with paragraph (i) of this part after diagnostic, reference, or verification procedures have been completed.''

B. The section previously numbered 72.6(h)(3) has been renumbered 72.6(h)(1)(ii).

C. A new § 72.6(h)(1)(iii) clearly indicates that exempted strains are specified in Appendix A. This section now also describes a procedure for applying for an exemption to this rule.

D. A new § 72.6(h)(2) was added that exempts from the rule clinical laboratories that are certified under the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. 263a) (CLIA) that transfer and receive select agents for diagnostic, reference, verification, or proficiency testing purposes.

E. Facilities that are not CLIA laboratories but are transferring or receiving select agents to or from a CLIA laboratory must comply with the provisions of 72.6(h)(3). No additional paperwork is required of CLIA laboratories by this regulation.

15. The definition of ''transfer'' in § 72.6(j) was expanded to clearly indicate that intrafacility transfers of select agents are not subject to § 72.6(d), (e), and (f) so long as (1) the original conditions required in the NPRM are met, and (2) the name and location of the recipient, and the date and amount of agent transferred, are adequately maintained in the registered facility's records.

ANALYSIS OF IMPACTS

Review Under Executive Order 12866, Sections 202 and 205 of the Unfunded Mandate Reform Act of 1995 (Pub. L. 104–4), and by the Regulatory Flexibility Act (5 U.S.C. 603–605).

The Department has examined the potential impact of this rule as directed by Executive Order 12866, by sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and by the Regulatory Flexibility Act (5 U.S.C. 603–605).

Regulatory Impact Analysis

Executive Order 12866 directs agencies to assess the costs and benefits of available regulatory alternatives, and, when regulation is necessary, to select regulatory approaches that maximize net benefits. This rule is designed to ensure that select agents are not shipped to parties who are not equipped to handle them appropriately or who otherwise lack proper authorization for their requests. The approach selected decentralizes the oversight process for this purpose, imposes minimal administrative costs, and prevents possible serious, harmful effects to public safety and health.

The Unfunded Mandates Reform Act of 1995, in sections 202 and 205, requires that agencies prepare several analytic statements for a rule that may result in annual expenditures by State, local and tribal governments, or by the private sector, of $100 million. Because this final rule would not result in expenditures of this magnitude, such statements are not necessary.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis, describing the impact of the proposed rules on small entities, but permits agency heads to certify that a rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Secretary hereby has determined that this rule would not have such impact, as it would primarily affect large research institutions.

Review under the Paperwork Reduction Act of 1995

The final rule contains information collection requirements that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 and assigned control Number 0920–0199. (Persons are not required to respond to a collection of information unless a currently valid OMB control number is evident.) The title, description and respondent description of the information collection are shown below with an estimate of the annual reporting burden. The estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: Additional Requirements for Facilities Transferring or Receiving Select Agents.

Description: The Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104–132) authorizes the Secretary of Health and Human Services (HHS) to regulate the transfer of certain agents harmful to humans. The Centers for Disease Control and Prevention (CDC) is the agency within the Department responsible for promulgating this regulation. This rule is designed to ensure that select agents are not shipped to parties who are not equipped to handle them appropriately, or who otherwise lack proper authorization for their requests, and to implement a system whereby scientists in research institutions may continue transferring and receiving these agents without undue burdens. Respondents include facilities such as those operated by government agencies, universities, research institutions, and commercial entities.

Those facilities requesting select agents listed in the regulation must register with the Secretary of HHS, or with registering entities authorized by the Secretary, as capable and equipped to handle the select agents in accordance with requirements of this regulation.

Once registered, facilities must complete a federally-developed form, CDC EA–101, for each transfer of an agent covered by this rule. Information on this form will include the name of the requestor and requesting facility, the name of the transferor and transferring facility, the name of the responsible facility official for the transferor and requestor, the reqesting facility's registration number, the transferring facility's registration number, the name of the agent(s) being shipped, the quantities of the agent(s) being transferred (number of containers being transferred and amount per container), and the proposed use of the agent. As a result of the information collection requirements of this regulation, CDC expects that respondents will incur only minimal routine administrative costs, such as those associated with telephone calls, mailing, and facsimile transmission. CDC does not expect that respondents will incur any capital costs, or even significantly increased operating costs.

Description of Respondents: Commercial suppliers of these select

agents, as well as government agencies, universities, research institutions, and private companies that transfer or obtain these agents, or that wish to work with these agents.

ESTIMATED ANNUAL REPORTING BURDEN

CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total hours
72.6(a)	1,000	1	1,000	.25	250
72.6(d)	1,000	3	3,000	1.05	3,150
72.6(e)	120	21	2,520	.17	428
72.6(f)	1,000	3	3,000	.11	330
Total					4,158

Reporting or Disclosures: The above citations are currently cleared under 30 CFR Part 11 as OMB control Number 0920–0199.

List of Subjects in 42 CFR Part 72

Biologic, Incorporation by reference, Packaging and containers, Transportation.

Dated: August 23, 1996.

David Satcher,

Director, Centers for Disease Control and Prevention.

Dated: September 17, 1996.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set out in the preamble, 42 CFR Chapter I is amended as set forth below.

PART 72—INTERSTATE SHIPMENT OF ETIOLOGIC AGENTS

1. The authority citation for Part 72 is revised to read as follows:

Authority: 42 U.S.C. 264, 271; 31 U.S.C. 9701; 18 U.S.C. 3559, 3571; 42 U.S.C. 262 note.

2. Sections 72.6 and 72.7 and Appendix A are added to read as follows:

§ 72.6 Additional requirements for facilities transferring or receiving select agents.

(a) Registration of facilities.

(1) Prior to transferring or receiving a select agent listed in Appendix A of this part, a facility shall register with a registering entity authorized by the Secretary (paragraph (c) of this section) or be approved by the Secretary as equipped and capable of handling the covered agent at Biosafety Level (BL) 2, 3, or 4, depending on the agent.

(2) Registration will include:

(i) Sufficient information provided by the responsible facility official indicating that the applicant facility, and its laboratory or laboratories, are equipped and capable of handling the agents at BL 2, 3, or 4, depending upon the agent, and the type of work being performed with the agents;

(ii) Inspection of the applicant facility at the discretion of the Secretary or the registering entity in consultation with the Secretary;

(iii) Issuance by the registering entity of a registration number unique to each facility;

(iv) Collection of a periodic site registration fee by the registering entity or the Secretary.

A schedule of fees collected by the Secretary to cover the direct costs (e.g., salaries, equipment, travel) and indirect costs (e.g., rent, telephone service and a proportionate share of management and administration costs) related to administration of this part will be published in the Federal Register and updated annually.

(v) Follow-up inspections of the facility by the registering entity or the Secretary, as appropriate, to ensure the facility continues to meet approved standards and recordkeeping requirements.

(3) Such registration shall remain effective until relinquished by the facility or withdrawn by the Secretary or the registering entity.

(4) The registration may be denied or withdrawn by the registering entity or the Secretary based on:

(i) Evidence that the facility is not or is no longer capable of handling covered agents at the applicable biosafety level;

(ii) Evidence that the facility has handled covered agents in a manner in contravention of the applicable biosafety level requirements;

(iii) Evidence that the facility has or intends to use covered agents in a manner harmful to the health of humans;

(iv) Evidence that the facility has failed to comply with any provisions of this part or has acted in a manner in contravention of this part; or

(v) Failure to pay any required registration fee.

(5) The requirements for BSL–2, 3, and 4 operations pertaining to this section are contained in the CDC/NIH publication, ''Biosafety in Microbiological and Biomedical Laboratories,'' Third Edition, May 1993 which is hereby incorporated by reference. The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 C.F.R. Part 51 the incorporation by reference of the above publication. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402. Copies may be inspected at the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia, or at the Office of the Federal Register, 800 North Capitol Street N.W., Suite 700, Washington D.C.

(6) Additional specific requirements for handling toxins subject to this part must be met and are found in 29 CFR § 1910.1450, ''Occupational Exposure to Hazardous Chemicals in Laboratories.''

(b) Appeals.

A decision made by the Secretary or a registering entity to deny or withdraw registration of a particular facility may be appealed to the Secretary. An application for appeal must be received by the Secretary no later than 14 days after the appealing party's application for registration was denied or no later than 14 days after the appealing party's registration was withdrawn. The application must clearly identify the issues presented by the appeal and fully explain the appealing party's position with respect to those issues. The Secretary may allow the filing of opposing briefs, informal conferences, or whatever steps the Secretary considers appropriate to fairly resolve the appeal.

(c) Authorized registering entities.

(1) The Secretary may authorize a state agency or private entity to register facilities under paragraph (a) of this section, if the Secretary determines that the registering entity's criteria for

determining the biosafety standards for facilities handling select agents are consistent with the requirements contained in the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories,'' Third Edition.

(2) A registering entity shall maintain:

(i) A database of all facilities formerly and currently registered as BL 2, 3, or 4 and capable of working with agents in Appendix A of this part. The database shall include the name and address of the registered facility, the date the facility was registered, the facility's registration number, and the name and phone number of the responsible facility official.

(ii) A copy of each CDC Form EA–101 transmitted by each transferor registered by that registering entity. Such forms shall be made readily accessible to the Secretary and to appropriate federal law enforcement authorities and/or authorized local law enforcement authorities.

(3) In the event the Secretary authorizes more than one registering entity, or if otherwise necessary, the Secretary may require the establishment of a consolidated database to carry out the provisions of § 72.6(c)(2).

(d) Requests for agents.

(1) Prior to the transfer of any agent contained in Appendix A of this part, a CDC Form EA–101 must be completed for each transfer sought. As specified in CDC Form EA–101, the information provided must include:

(i) The name of the requestor and requesting facility;

(ii) The name of the transferor and transferring facility;

(iii) The names of the responsible facility officials for both the transferor and requestor;

(iv) The requesting facility's registration number;

(v) The transferring facility's registration number;

(vi) The name of the agent(s) being shipped;

(vii) The proposed use of the agent(s); and

(viii) The quantity (number of containers and amount per container) of the agent(s) being shipped.

(2) The form must be signed by the transferor and requestor, and the responsible facility officials representing both the transferring and requesting facilities.

(3) A copy of the completed CDC Form EA–101 must be retained by both transferring and requesting facilities for a period of five (5) years after the date of shipment or for five (5) years after the agents are consumed or properly disposed, whichever is longer.

(4) All CDC forms EA–101 must be produced upon request to appropriate federal and authorized local law enforcement authorities, officials authorized by the Secretary, and officials of the registering entity.

(e) Verification of registration.

(1) Prior to transferring any agent covered by this part, the transferor's responsible facility official must verify with the requestor's responsible facility official, and as appropriate, with the registering entity:

(i) That the requesting facility retains a valid, current registration;

(ii) That the requestor is an employee of the requesting facility; and

(iii) That the proposed use of the agent by the requestor is correctly indicated on CDC Form EA–101.

(2) In the event that any party is unable to verify the information required in paragraph (e)(1) of this section, or there is suspicion that the agent may not be used for the requested purpose, then the party shall immediately notify CDC.

(f) Transfer.

(1) Upon completion of the CDC Form EA–101 and verification of registration, the transferring facility must comply with the packaging and shipping requirements in this part or other applicable regulations when transferring the agent.

(2) The requesting facility's responsible official must acknowledge receipt of the agent telephonically or otherwise electronically within 36 hours of receipt and provide a paper copy or facsimile transmission of receipt to the transferor within 3 business days of receipt of the agent.

(3) Upon telephonic acknowledgment of receipt of the agent, the transferor shall provide a completed paper copy or facsimile transmission of CDC Form EA–101 within 24 hours to the registering entity (holding that facility's registration), in accordance with § 72.6(c)(2) for filing in a centralized repository.

(g) Inspections.

(1) Registering entities or the Secretary may conduct random or for cause inspections of registered facilities to assure compliance with this part. All CDC forms EA–101 and records deemed relevant by inspecting officials must be produced upon request to authorized personnel conducting these inspections. Inspections may also include review of the mechanisms developed by a facility to track intrafacility transfers as well as the facility's agent disposal procedures.

(2) In addition, the Secretary may conduct inspections of registering entities, and/or any consolidated database established in accordance with § 72.6(c)(3), to assure compliance with this part.

(h) Exemptions.

(1) *Exemptions for certain select agents:* Select agents otherwise covered by this part are exempt from its provisions if:

(i) The agent is part of a clinical specimen intended for diagnostic, reference, or verification purposes. Isolates of covered agents from clinical specimens shall be disposed of in accordance with § 72.6(i) after diagnostic, reference, or verification procedures have been completed;

(ii) The agent is a toxin having an LD_{50} for vertebrates of more than 100 nanograms per kilogram of body weight which is used for legitimate medical purposes or biomedical research or is one of the listed toxins which has been inactivated for use as a vaccine or otherwise detoxified for use in biomedical research procedures; or

(iii) The agent(s) is an exempted strain specified in Appendix A of this part and/or CDC Form EA–101. Additional exemptions for otherwise covered strains will be considered when CDC reviews and updates the list of select agents (Appendix A of this part). Individuals seeking additions to the list of exemptions should submit a request to CDC that specifies the agent or strain to be exempted and explains why such an exemption should be granted. Future changes to the list of exemptions will be published in the Federal Register for review and comment prior to inclusion on Appendix A of this part.

(2) *Exemption of CLIA certified laboratories:* Clinical laboratories certified under the Clinical Laboratory Improvement Amendments of 1988, (42 U.S.C. 263a) (CLIA), that utilize these select agents for diagnostic, reference, verification, or proficiency testing purposes are exempt from the provisions of § 72.6.

(3) *Procedures for facilities that are not CLIA laboratories but are transferring or receiving select agents to or from a CLIA laboratory*: Facilities that are not CLIA laboratories but are transferring or receiving select agents to or from a CLIA laboratory must comply with the following provisions. (No additional paperwork on behalf of CLIA laboratories is required by this section.)

(i) Prior to transferring a select agent subject to this part to a CLIA laboratory for diagnostic, reference, verification, or proficiency testing purposes, the *transferor* must:

(A) Provide the following information on CDC Form EA–101:

(*1*) The name of the requestor and requesting facility;

(*2*) The name of the transferor and transferring facility;

(*3*) The name of the transferor's responsible facility official;

(*4*) The requesting facility's CLIA certification number (which the transferor must verify as valid and current with the registering entity);

(*5*) The transferring facility's registration number;

(*6*) The name of the agent(s) being shipped;

(*7*) The proposed use of the agent(s); and

(*8*) The quantity (number of containers and amount per container) of the agent(s) being shipped.

(B) Verify receipt of the agent with the CLIA laboratory and note such receipt on CDC Form EA–101;

(C) Transmit a copy of the form, signed by the transferror and the responsible facility official representing the transfering facility, to the registering entity holding the transferring facility's registration; and

(D) Retain a copy of CDC Form EA–101 in accordance with § 72.6(d)(3) and § 72.6(d)(4).

(ii) Prior to receiving a select agent listed in Appendix A of this part from a CLIA laboratory, the *requestor* must be registered in accordance with § 72.6(a) and comply with the following requirements:

(A) Provide the following information on the CDC Form EA–101:

(*1*) The name of the requestor and requesting facility;

(*2*) The name of the transferor and transferring facility;

(*3*) The name of the requestor's responsible facility official;

(*4*) The transferring facility's CLIA certification number;

(*5*) The requesting facility's registration number;

(*6*) The name of the agent(s) being shipped;

(*7*) The proposed use of the agent(s); and

(*8*) The quantity (number of containers and amount per container) of the agent(s) being shipped.

(B) Upon receiving the agent, note such receipt on CDC Form EA–101;

(C) Transmit a copy of CDC Form EA–101, signed by the requestor and the responsible facility official representing the requesting facility, to the registering entity holding the requesting facility's registration;

(D) Retain a copy of the CDC Form EA–101 in accordance with §§ 72.6(d)(3) and 72.6(d)(4);

(E) Comply with the disposal requirements of § 72.6(i) and all other sections of this part when subsequently transferring the agent.

(i) Agent disposal.

(1) Upon termination of the use of the agent, all cultures and stocks of it will be

(i) Securely stored in accordance with prudent laboratory practices,

(ii) Transferred to another registered facility in accordance with this part, or

(iii) Destroyed on-site by autoclaving, incineration, or another recognized sterilization or neutralization process.

(2) When an agent, previously transferred to a facility in accordance with this part, is consumed or destroyed, the responsible facility official must formally notify the registering entity. Formal notification must be noted on CDC Form EA–101 and a copy kept on record by the responsible facility official for a period of five (5) years and is subject to paragraph (g) of this section.

(j) Definitions. As used in this section:

Facility means any individual or government agency, university, corporation, company, partnership, society, association, firm, or other legal entity located at a single geographic site that may transfer or receive through any means a select agent subject to this part.

Registering entity means an organization or state agency authorized by the Secretary to register facilities as capable of handling select agents at Biosafety Level 2, 3, or 4, depending on the agent, in accordance with the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories.''

Requestor means any person who receives or seeks to receive through any means a select agent subject to this part from any other person.

Responsible facility official means an official authorized to transfer and receive select agents covered by this part on behalf of the transferor's and/or requestor's facility. This person should be either a safety officer, a senior management official of the facility, or both. The responsible facility official should not be an individual who actually transfers or receives an agent at the facility.

Secretary means the Secretary of the Department of Health and Human Services or her or his designee.

Select agent means a microorganism (virus, bacterium, fungus, rickettsia) or toxin listed in Appendix A of this part. The term also includes:

(1) Genetically modified microorganisms or genetic elements from organisms on Appendix A of this part, shown to produce or encode for a factor associated with a disease, and

(2) Genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins on Appendix A of this part, or their toxic submits.

Single geographic site means a building or complex of buildings at a single mailing address.

Transfer means:

(1) The conveyance or movement from a point or origination to a point of destination either:

(i) From one state or territory to another or;

(ii) Entirely within one contiguous state or territory.

(2) Intrafacility transfers within a registered facility located at a single geographic site are not covered by the provisions of § 72.6 (d), (e), and (f) provided that:

(i) The intended use of the agent remains consistent with that specified in the most current transfer form; and

(ii) For each intrafacility transfer, the facility maintains records that include the name and location of the recipient; the amount of agent transferred, and the date transferred. Such records must be maintained for a period of five (5) years after the date of transfer or for five (5) years after the agents are consumed or properly disposed, whichever is longer.

Transferor means any person who transfers or seeks to transfer through any means a select agent subject to this part to any other person.

§ 72.7 Penalties.

Individuals in violation of this part are subject to a fine of no more than $250,000 or one year in jail, or both. Violations by organizations are subject to a fine or no more than $500,000 per event. A false, fictitious, or fraudulent statement or representation on the Government forms required in the part for registration of facilities or for transfers of select agents is subject to a fine or imprisonment for not more than five years, or both for an individual; and a fine for an organization.

Appendix A to Part 72—Select Agents

Viruses

1. Crimean-Congo haemorrhagic fever virus
2. Eastern Equine Encephalitis virus
3. Ebola viruses
4. Equine Morbillivirus
5. Lassa fever virus
6. Marburg virus
7. Rift Valley fever virus
8. South American Haemorrhagic fever viruses (Junin, Machupo, Sabia, Flexal, Guanarito)
9. Tick-borne encephalitis complex viruses
10. Variola major virus (Smallpox virus)
11. Venezuelan Equine Encephalitis virus
12. Viruses causing hantavirus pulmonary syndrome
13. Yellow fever virus

Exemptions: Vaccine strains of viral agents (Junin Virus strain candid #1, Rift Valley

fever virus strain MP–12, Venezuelan Equine encephalitis virus strain TC–83, Yellow fever virus strain 17–D) are exempt.

Bacteria

1. *Bacillus anthracis*
2. *Brucella abortus, B. melitensis, B. suis*
3. *Burkholderia (Pseudomonas) mallei*
4. *Burkholderia (Pseudomonas) pseudomallei*
5. *Clostridium botulinum*
6. *Francisella tularensis*
7. *Yersinia pestis*

Exemptions: vaccine strains as described in Title 9 CFR, 78.1 are exempt.

Rickettsiae

1. *Coxiella burnetii*
2. *Rickettsia prowazekii*
3. *Rickettsia rickettsii*

Fungi

1. *Coccidioides immitis*

Toxins

1. Abrin
2. Aflatoxins
3. Botulinum toxins
4. *Clostridium perfringens epsilon toxin*
5. Conotoxins
6. Diacetoxyscirpenol
7. Ricin
8. Saxitoxin
9. Shigatoxin
10. Staphylococcal enterotoxins
11. Tetrodotoxin
12. T-2 toxin

Exemptions: Toxins for medical use, inactivated for use as vaccines, or toxin preparations for biomedical research use at an LD_{50} for vertebrates of more than 100 nanograms per kilogram body weight are exempt. National standard toxins required for biologic potency testing as described in 9 CFR Part 113 are exempt.

Recombinant Organisms/Molecules

1. Genetically modified microorganisms or genetic elements from organisms on Appendix A, shown to produce or encode for a factor associated with a disease.

2. Genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins listed in this Appendix, or their toxic subunits.

Other Restrictions

The deliberate transfer of a drug resistance trait to microorganisms listed in this Appendix that are not known to acquire the trait naturally is prohibited by NIH ''Guidelines for Research Involving Recombinant DNA Molecules,'' if such acquisition could compromise the use of the drug to control these disease agents in humans or veterinary medicine.

Additional Exemptions

1. Products subject to regulation under the Federal Insecticide Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*) and the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*) are exempt.

2. Additional exemptions for otherwise covered strains will be considered when CDC reviews and updates the list of select agents in this Appendix. Individuals seeking an exemption should submit a request to CDC that specifies the agent or strain to be exempted and explains why such an exemption should be granted. Future exemptions will be published in the Federal Register for review and comment prior to inclusion in this Appendix.

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ENVIRONMENTAL PROTECTION AGENCY

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FEDERAL TRADE COMMISSION

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