

Federal Reserve



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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV96-966-2 IFR]

Tomatoes Grown in Florida; Partial Exemption From the Handling Regulation for Single Layer and Two Layer Place Packed Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule provides an exemption to the pack and container requirements currently prescribed under the Florida tomato marketing order. The marketing order regulates the handling of tomatoes grown in Florida and is administered locally by the Florida Tomato Committee (Committee). This rule exempts shipments of single layer and two layer place packed tomatoes from the container net weight requirements under the marketing order. This rule will facilitate the movement of single layer and two layer place packed tomatoes and should improve returns to producers of Florida tomatoes.

DATES: Effective October 30, 1996; comments received by November 29, 1996 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456, Fax # (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Aleck Jonas, Marketing Specialist, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone: (941) 299-4770, or FAX: (941) 299-5169; or Mark Slupek, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 205-2830, or FAX: (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone (202) 720-2491; Fax # (202) 720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966), both as amended, regulating the handling of tomatoes grown in Florida, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

later than 20 days after date of the entry of the ruling.

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

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

There are approximately 75 handlers of tomatoes who are subject to regulation under the order and approximately 90 producers of tomatoes in the regulated area. Small agricultural service firms, which include handlers, are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of handlers and producers of Florida tomatoes may be classified as small entities.

This rule exempts shipments of single layer and two layer place packed tomatoes from container net weight requirements currently specified under the order. Place packing requires a certain number of tomatoes to fill a container, making it difficult to meet established weight requirements. Tomatoes are packed in one or two layers, which some industry members believe is superior to the bulk container pack. Place packing is labor intensive, with most of the packing being done by hand, but it allows handlers to ship higher colored, more mature tomatoes. Place packed tomatoes, which are shipped from many domestic and foreign growing areas, currently maintain a strong market share.

This exemption is the same as granted for specialty packed red ripe tomatoes and yellow meated tomatoes. This exemption appears to be the most viable alternative to present requirements because it facilitates the use of place

packing in Florida, and provides handlers an additional shipping option. Also, while we lack sufficient information necessary to quantify these benefits at this time, we believe that this exemption will be beneficial to the industry. After the industry operates under the relaxed requirements for a time, additional information will be available. Because the exemption and the packing techniques required affect both small and large handlers equally, both will benefit proportionally from the exemption. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

Under the Florida tomato marketing order, tomatoes produced in the production area and shipped to fresh market channels are required to meet certain handling requirements. These requirements include minimum grade, size, and pack and container specifications.

This interim final rule revises § 966.323 paragraph (d) of the rules and regulations to make single layer and two layer place packed tomatoes exempt from the current net weight requirements. This exemption is the same as granted for specialty packed red ripe tomatoes and yellow meated tomatoes. The exemption is from net weight only. The tomatoes are still subject to all other provisions of the handling regulation, including established grade, size, pack, and inspection requirements. The Committee met September 5, 1996, and unanimously recommended this change.

Section 966.52 of the Florida tomato marketing order provides authority for the modification, suspension, and termination of regulations. Section 966.323(a)(3)(i) of the order's rules and regulations defines the net weight container requirements. These requirements specify that all tomatoes be packed in containers of 10, 20, and 25 pound designated net weights. The net weight cannot be less than the designated weight or exceed the designated weight by more than two pounds.

Most tomatoes from Florida are shipped at the mature green stage, and are packed in volume fill containers. When volume fill containers are packed, the tomatoes are placed by hand or machine into the container until the required net weight is reached. This procedure, by design, works well when packing to meet a specified weight.

In contrast, it is very difficult to pack to a specified weight when place packing in a single layer or two layer pack. Place packing a container requires a fixed number of tomatoes to fill the container. In place packing, the tomatoes are packed in layers, with the fill determined by the size of the tomato, dimensions of the container, and the way the tomatoes are positioned in the box. To facilitate this type of pack, most handlers use plastic cells, cardboard partitions, or trays to position the tomatoes. The majority of place packed tomatoes are sold by count per container rather than by weight.

Throughout the harvesting season, the weight of equal size tomatoes may vary dramatically. When tomatoes are place packed into a container, the handler cannot add extra tomatoes if the container's net weight is light. Because the tomatoes are packed in layers, when a layer is complete there are no spaces for adding additional tomatoes. Similarly, when the tomatoes are heavy, the handler cannot remove a tomato to meet a maximum weight requirement. Buyers expect a full pack with no spaces, and a missing tomato could result in a loose pack which could allow shifting or bruising during transport.

The Committee made this recommendation to overcome this problem and allow the industry to develop this market. This change allows the industry to place pack single layer and two layer packs exempt from the current net weight requirements. However, all other packs must continue to meet the requirements.

Single layer and two layer place packed tomatoes are common in today's markets. Many tomato growing areas within the United States utilize them, as do most shippers of Mexican tomatoes. Buyer demand for this type of container is well established. Tomatoes packed in single layer and two layer containers have a strong market share. Some Committee members stated that this pack provides a superior presentation of the tomatoes when compared to the bulk net weight container. Committee members believe that Florida tomato shippers can compete well in this market.

Another advantage of the place pack is that a more mature tomato can be shipped if desired. The Committee expressed interest in beginning to ship a higher colored, more mature tomato. Volume packing such a tomato could cause bruising or other damage. Place packing in single layer or two layer packs would prevent damage and help a mature tomato arrive at market in good condition.

The Committee is focusing on ways to continue to be competitive, develop new markets, and increase grower returns. The Committee believes this change will provide the industry with more flexibility and additional marketing opportunities.

Section 8(e) of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for certain commodities under a domestic marketing order, including tomatoes, imports of that commodity must meet the same or comparable requirements. Since the Act does not authorize the imposition of pack or container requirements on imports, even when such requirements are in effect under a domestic marketing order, no change is necessary in the tomato import regulations as a result of this action.

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on an exemption to the pack and container requirements currently prescribed under the Florida tomato marketing order. Any comments received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) This action provides an exemption to container requirements currently in effect for tomatoes grown in Florida; (2) Florida tomato handlers are aware of this action that was unanimously recommended by the Committee at a public meeting, and they will need no additional time to comply with the exemption requirements; (3) Florida tomato shipments begin October 10; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 966.323 is amended by revising paragraph (d)(1) to read as follows:

§ 966.323 Handling regulations

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from the regulations in this part: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes. Specialty packed red ripe tomatoes, yellow meated tomatoes, and single layer and two layer place packed tomatoes are exempt from the container net weight requirements specified in paragraph (a)(3)(i) of this section, but must meet the other requirements of this section.

* * * * *

Dated: October 22, 1996.

Sharon Bomer Lauritsen,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 96–27724 Filed 10–28–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1079

[DA–96–11]

Milk in the Iowa Marketing Area; Revision of Pool Supply Plant Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document reinstates certain provisions of the Iowa Federal milk order indefinitely for the months of September through November, beginning with October 1996 milk deliveries, and revises other provisions for the months of December 1996 through March 1997. This action increases the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order. The applicable percentage will be increased by 5 percentage points, from 30 percent to 35 percent, for the months of September through November; and by 10 percentage points, from 20 percent to 30 percent, for the months of December 1996 through March 1997. The revision is being made

in response to a request by a distributing plant that is regulated under the order. This action is necessary to assure an adequate supply of milk for fluid use.

EFFECTIVE DATES:

1. Amendment number 1 is effective October 1, 1996.

2. Amendment number 2 is effective October 1, 1996, and applies October 1, 1996, through November 30, 1996, and for the September through November period thereafter.

3. Amendment number 3 is effective December 1, 1996, through March 31, 1997.

4. Amendment number 4 is effective April 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Constance M. Brenner, Marketing Specialist, USDA/AMS/Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–2357.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Revision of Rule: Issued August 26, 1996; published September 4, 1996 (61 FR 46571).

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

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and request a modification of an order or an exemption from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This document reinstates the pool supply plant shipping percentage of 35 percent under the Iowa order for the

period October 1 through November 30, 1996, and the September through November period thereafter. A reduction from 35 to 30 percent was issued in 1990 (55 FR 41504, published October 12, 1990) effective October 12, 1990, for an indefinite period. This action increases the percentage by reinstating the original percentage of 35, thus eliminating the prior 1990 action. The proposed rule for this action (61 FR 46571, published September 4, 1996) incorrectly stated that the current percentage for the months of September through November was 35 and would have been increased to 45.

The current issue of the Code of Federal Regulations (CFR) shows the percentage requirements to be 35 percent for September through November and 20 percent for December through August because a temporary change (e.g., 35 percent to 30 percent) is not printed in the CFR.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the \$500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farms. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

The supply plant shipping percentage provisions are being increased in the order to assure an adequate supply of milk for the fluid market. It is expected that producers and their handlers who share in the benefits of the higher-valued fluid uses of the market through their participation in a marketwide pool should be required to help supply milk to fluid milk distributing plants when additional supplies are needed. As a result of this expectation, order

provisions based on testimony and data presented at a public hearing in which all interested parties were encouraged to participate were promulgated and approved by at least two-thirds of the dairy farmers whose milk was pooled under the Iowa order.

The Iowa order provides that the pool supply plant shipping percentages in the order may be increased or reduced by the Director of the Dairy Division, Agricultural Marketing Service, to assure that an adequate supply of milk will be made available to distributing plants, or to avoid excessive costs of hauling and handling milk that may be moved to distributing plants only to pool plentiful supplies of producer milk.

For the month of July 1996, 2,995 dairy farmers were producers under the Iowa milk order. Of these, all but 23 would be considered small businesses, having under 326,000 pounds of production for the month. Of the dairy farmers in the small business category, 2,389 produced under 100,000 pounds of milk, 533 produced between 100,000 and 200,000, and 50 produced between 200,000 and 326,000 pounds of milk during July 1996.

The reports filed on behalf of the slightly more than 20 milk handlers pooled, or regulated, under the Iowa order in July 1996 were filed for individual establishments that, for the most part, would meet the SBA definition of a small business, having less than 500 employees. However, most of these establishments are part of larger businesses that operate multiple plants and meet the definition of large entities on that basis.

This revision will increase the percentage of milk receipts that handlers are required to move to fluid milk distributing plants. Some handlers may choose to move increased volumes of their milk supplies from manufacturing uses to fluid use in order to assure that all of their producer milk supplies will be able to share in the benefits of the marketwide pool. Other handlers may elect to not pool some of their producer milk supplies rather than ship more milk to distributing plants. Still others may already be moving as much as they will be required to move under increased percentages and will be unaffected by the revision.

If the shipping percentages are not increased, the distributing plant operator requesting the revisions, a large entity based on its multiple plant operations, may not be able to obtain an adequate supply of milk at a competitive price to meet its needs. The handlers from whom the distributing plant handler would be most likely to

receive increased shipments are also, for the most part, large entities.

This revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and the provisions of § 1079.7(b)(1) of the Iowa order.

Notice of proposed rulemaking was published in the Federal Register (61 FR 46571) concerning a proposed increase in the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order. The revisions were proposed to be effective for the months of September 1, 1996, through March 31, 1997. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views, and arguments by September 11, 1996.

Two comments supporting and one opposing the proposed revision were received.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that the supply plant shipping percentage set forth in § 1079.7(b) of the Iowa Federal milk order should be increased by 5 percentage points, from 30 percent to 35 percent for the months of September through November, effective October 1, 1996, and should be increased by 10 percentage points, from 20 percent to 30 percent, for the months of December through March.

An increase of 10 percentage points to the supply plant shipping percentages for the months of September 1996 through March 1997 was proposed by Anderson-Erickson Dairy Company (A-E), a proprietary distributing plant that is regulated under the order. The handler contends that the increase in the shipping standard is necessary to bring forth an adequate supply of fluid milk for fluid use.

According to A-E, the handler has been and is willing to pay the announced market price for milk, which includes over-order premiums. A-E states that the higher-valued uses of fluid milk are not being shared in the pool. Thus, fluid milk is not being made available to A-E at a market price which can retain A-E's competitiveness. The handler's comments state that the federal order for Iowa has at least temporarily ceased performing its statutorily-mandated functions because it is not equalizing payments to producers and simultaneously is not assuring the delivery of fluid milk to fluid handlers. In the absence of

increased shipping percentages, A-E urged the Secretary immediately to suspend (or terminate) the pricing provisions of the Iowa order until such time as the pricing actually results in uniform prices to producers and in the delivery of fluid milk to fluid plants. Comments received from Hy-Vee Food Stores, Inc., of West Des Moines, Iowa, support A-E's request for an increase in the percentage of a pool supply plant's receipts to be shipped to fluid milk plants.

Beatrice Cheese, Inc., is a proprietary manufacturer of dairy products in Fredericksburg, Iowa, that markets milk for eight small cooperatives located in Northeast Iowa and Southeast Minnesota. Beatrice also has its own supply of milk from nonmember producers. Beatrice Cheese, Inc., strongly opposes the shipping percentage increases proposed by A-E Dairy. Beatrice claims to have supplied A-E, on a monthly basis, with what Beatrice estimates to be about fifty percent of A-E's needs. Beatrice also supplies milk to pool distributing plants regulated under another Federal order at a level they claim meets or exceeds current order supply plant shipping percentages. Beatrice contends that they are supplying the pool distributing plants in the marketing area with more than a fair share of the milk pooled by Beatrice. According to Beatrice, if additional supplies were available to be shipped to A-E without creating a financial burden on Beatrice, Beatrice would be fulfilling A-E's needs, but these additional supplies are not available. Based on recent Class I use percentages, Beatrice contends that if the 45 percent shipping requirement were adopted, excessive milk supplies could be required to be shipped to bottlers, necessitating uneconomic shipments back to other milk users. Beatrice states that the proposed shipping requirements would put unjust financial pressures on Beatrice, creating a competitive disadvantage for its dairy farmers. Since January 1996, Beatrice claims, it has incurred a substantial financial loss due to current shipping requirements, given the absence of hauling credits under Order 79. Beatrice states that it may be necessary for pool distributing plants to go outside their normal procurement avenues to purchase the extra milk they require at current market prices, without using the Federal Order system to force shipments.

Market data show that the Class I percentage of milk pooled in the Iowa marketing area since March 1996 has been significantly higher than for the same periods in several preceding years.

For the months of June through August 1996, the percentage of pool milk used in Class I has increased over the average of the same months of 1993–95 by an average of 10.5 percentage points. The average increase has grown from 9.3 percentage points for June 1996 compared with June 1993–95, to 12.7 for August 1996 over August 1993–95. Although some of the increase in the Class I utilization percentage undoubtedly reflects the effect of customarily-pooled milk that was not pooled because of Class III and Class III–A pricing differences, these numbers still indicate that the supply of milk available to the fluid market has declined in recent months. This revision to increase the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order is necessary to attract an adequate supply of milk for fluid use due to the increasing percentage of milk used in Class I.

Although the proposed revision published September 4, 1996 (61 FR 46571) discussed the possibility of increasing the applicable percentage from 35 percent to 45 percent for the months of September through November 1996, the effective shipping percentage for that period previously had been lowered to 30 percent on October 12, 1990 (55 FR 41504). According to market data, however, it appears that a reinstatement of the 35-percent shipping percentage would be appropriate to bring forth an adequate supply of milk for fluid use. Such a percentage is also within the 10-percent revision limitation provided for within the order while the proposed 45 percent level would be greater than that allowable under the 10 percentage point increase limitation (§ 1079.7(b)(1)). Furthermore, the market data indicates that a 40 percent standard would provide an excess of Class I milk. Finally, the market data indicates that the need for increased Class I milk supplies will continue beyond November 1996 and so it is appropriate to increase the supply plant shipping percentages for December 1996 through March 1997.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of October and November, and for December 1996 through March 1997.

(b) This revision does not require of persons affected substantial or extensive

preparation prior to the effective date; and

(c) Notice of the proposed revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this revision.

Two comments supporting and one opposing the proposed revision were received.

Therefore, good cause exists for making this revision effective less than 30 days from the date of publication in the Federal Register.

List of Subjects in 7 CFR Part 1079

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR Part 1079, is amended as follows:

PART 1079—MILK IN THE IOWA MARKETING AREA

1. The authority for 7 CFR Part 1079 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1079.7 [Amended in Part]

2. In § 1079.7(b), the introductory text is amended by revising the words “30 percent” to read “35 percent,” effective October 1, 1996. This amendment applies as of October 1, 1996, through November 30, 1996, and for the months of September through November thereafter.

3. In § 1079.7(b), the introductory text is amended by revising the words “20 percent” to read “30 percent,” effective December 1, 1996, through March 31, 1997.

4. In § 1079.7(b), the introductory text is amended by revising the words “30 percent” to read “20 percent,” effective April 1, 1997.

Dated: October 23, 1996.

Richard M. McKee,
Director, Dairy Division.

[FR Doc. 96–27723 Filed 10–28–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–82–AD; Amendment 39–9637; AD 96–11–12]

RIN 2120–AA64

Airworthiness Directives; Beech Aircraft Corporation Model C90A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This action makes a correction to Airworthiness Directive (AD) 96–11–12 concerning Beech Aircraft Corporation (Beech) Model C90A airplanes, which was published in the Federal Register on May 29, 1996 (61 FR 104). That publication incorrectly references two different effective dates for this AD. The AD currently requires two effective dates, June 24, 1996 and July 24, 1996. The intent of the AD is to require only one effective date. The Final Rule AD did not specify which effective date is required. This action corrects the AD to reflect this change.

EFFECTIVE DATE: July 24, 1996.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey E. Nero, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4137; facsimile (316) 9446–4407.

SUPPLEMENTARY INFORMATION: On May 22, 1996, the Federal Aviation Administration (FAA) issued AD 96–11–12, Amendment 39–9637 (61 FR 104, May 29, 1996), which applies to Beech Model C90A airplanes. This AD requires two effective dates (June 24, 1996 and July 24, 1996) and should only reflect one effective date for this AD.

Need for the Correction

The AD incorrectly references the wrong effective date at the end of the AD.

Correction of Publication

Accordingly, the publication of May 29, 1996 (61 FR 104) of Amendment 39–9637; AD 96–11–12, which was the subject of FR Doc. 96–13273, is corrected as follows:

§ 39.13 [Corrected]

On page 26781, in the third column, paragraph (e), line 2, replace “effective on June 24, 1996.” with “effective on July 24, 1996.”

Action is taken herein to clarify this requirement of AD 96–11–12 and to add this AD correction to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13). The effective date is changed to July 24, 1996.

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

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft
Certification Service.

[FR Doc. 96-27677 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-CE-30-AD; Amendment 39-
9800; AD 96-22-12]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Corp. (Formerly Beech Aircraft Corp.) Models 1900C, 1900D, and 2000 Airplanes

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Corporation (Raytheon) Models 1900C, 1900D, and 2000 airplanes. This action requires inspecting (one-time) the fuel filter assemblies to detect any bypass valve that is glued shut. If a bypass valve is glued shut, the AD requires replacing the associated fuel filter assembly. Three in-flight occurrences in which the low fuel pressure light illuminated prompted this action. In each of the instances, a bypass valve on the affected airplane engine was glued shut with anaerobic thread lock adhesive and when the fuel filter became clogged, proper fuel flow to the engine was not obtained. The actions specified by this AD are intended to prevent lack of fuel to the engine and eventual engine shutdown caused by a clogged fuel filter and a contaminated fuel filter bypass valve.

DATES: Effective December 13, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-30-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:

Mr. Karl Schletzbaum, Aerospace Safety Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4146; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Raytheon Models 1900C, 1900D, and 2000 airplanes that were manufactured during the period when the fuel filter assembly bypass valves were susceptible to anaerobic thread lock adhesive contamination was published in the Federal Register on July 8, 1996 (61 FR 35695). The action proposed to require inspecting (one-time) the fuel filter assemblies to detect any bypass valve that is glued shut. If a bypass valve is glued shut, the proposal would require replacing the fuel filter assembly. Accomplishment of the inspection and replacement (if necessary) as specified in the notice of proposed rulemaking (NPRM) would be in accordance with Beechcraft Mandatory Service Bulletin (SB) No. 2677 (for Model 2000 airplanes), dated March, 1996; or Raytheon Mandatory SB No. 2678 (for Models 1900C and 1900D airplanes), dated June, 1996, as applicable.

Three in-flight occurrences in which the low fuel pressure light illuminated prompted the NPRM.

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

Comment Disposition

One commenter asks why the FAA is not mandating an inspection of the fuel filter bypass valves upon replacement to ensure that no valve is glued shut. This commenter is concerned that owners/operators of the affected airplanes may have defective fuel filter bypass valves utilized as spares and may replace the current valve with a defective valve at a later date. The FAA partially concurs. The FAA's Wichita Manufacturing and Inspection District Office (MIDO) and Aircraft Certification Office (ACO), in working with Raytheon, have identified all inventory of the suspect part and have determined that the one-time inspection of the fleet will detect any fuel filter bypass valves glued shut. However, as currently worded, the NPRM does not prevent these nonfunctional bypass valves from being reinstalled at a later date. The final rule

will contain a paragraph preventing reinstallation of a fuel filter bypass valve that was found nonfunctional while complying with this AD.

Another commenter agrees and supports the NPRM as written.

No comments were received on the FAA's determination of the cost impact upon 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 the addition to the AD that prevents reinstallation of defective bypass valves and minor editorial corrections. The FAA has determined that this addition and the 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 379 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish the required inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$45,480. This figure only takes into account the cost of the inspection and does not take into account the cost of replacing any fuel filter assembly found to have a nonfunctional bypass valve. A fuel filter assembly replacement will take approximately 1 workhour (possible two fuel filter assembly replacements per airplane) at approximately \$60 per hour. The manufacturer will provide parts at no cost to the owner/operator. The FAA knows of no affected airplane owner/operator who has already accomplished this action.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

96-22-12 Raytheon Aircraft Corporation: Amendment 39-9800; Docket No. 96-CE-30-AD.

Applicability: The following airplane model and serial numbers, certificated in any category:

Models	Serial numbers
1900C	UC-1 through UC-174
1900C (C-12J)	UD-1 through UD-6
1900D	UE-1 through UE-205
2000	NC-4 through NC-53

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

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent lack of fuel to the engine and eventual engine shutdown caused by a clogged fuel filter and a contaminated fuel filter bypass valve, accomplish the following:

(a) Inspect (one-time) the fuel filter assemblies to detect any bypass valve that is glued shut. If a bypass valve is glued shut, prior to further flight, replace the associated fuel filter assembly. Accomplish the inspection and replacement (if necessary) in accordance with Raytheon Mandatory Service Bulletin (SB) No. 2678 (for Models 1900C and 1900D airplanes), dated June, 1996; and Beechcraft Mandatory SB No. 2677 (for Model 2000 airplanes), dated March, 1996.

(b) No person shall re-install a fuel filter bypass valve that was replaced as required by paragraph (a) of this AD.

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

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

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

(e) The inspection and replacement (if necessary) required by this AD shall be done in accordance with Raytheon Mandatory Service Bulletin No. 2678, dated June, 1996; or Beechcraft Mandatory Service Bulletin No. 2677, dated March, 1996, 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 the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. 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 (39-9800) becomes effective on December 13, 1996.

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

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-27756 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 97

[Docket No. 28716; Amdt. No. 1760]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include "or GPS" in the title without otherwise reviewing or modifying the procedure. (Once a stand along GPS procedure is

developed, the procedure title will be altered to remove "or GPS" from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on October 18, 1996.

Thomas C. Accardi,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective December 5, 1996

Monticello, IN, White County, NDB or GPS RWY 36, Amdt 4 Cancelled
Monticello, IN, White County, NDB RWY 36, Amdt 4
Rayville, LA, John H Hooks Jr Memorial, NDB or GPS RWY 36, Amdt 1 Cancelled
Rayville, LA, John H Hooks Jr Memorial, NDB RWY 36, Amdt 1
Belfast, ME, Belfast Muni, NDB or GPS RWY 15, Amdt 1 Cancelled
Belfast, ME, Belfast Muni, NDB RWY 15, Amdt 2
Henryetta, OK, Henryetta Muni, NDB or GPS RWY 35, Amdt 2A Cancelled
Henryetta, OK, Henryetta Muni, NDB RWY 35, Amdt 2A
Poteau, OK, Robert S Kerr, VOR/DME or GPS RWY 36, Amdt 3 Cancelled
Poteau, OK, Robert S Kerr, VOR/DME RWY 36, Amdt 3
Beaumont-Port Arthur, TX, Jefferson County, VOR/DME or GPS RWY 34, Amdt 7
Beaumont-Port Arthur, TX, Jefferson County, VOR/DME RWY 34, Amdt 7

[FR Doc. 96-27703 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 28714; Amdt. No. 1758]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800

Independence Avenue, SW.,
Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the

SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports,
Navigation (Air).

Issued in Washington, DC on October 18, 1996.

Thomas C. Accardi,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective November 7, 1996

Cahokia/St Louis, IL, St Louis Downtown-Parks, NDB RWY 30L, Orig
Cahokia/St Louis, IL, St Louis Downtown-Parks, NDB RWY 30L, Amdt 17, Cancelled
Mosby, MO, Clay County Regional, GPS RWY 18, Orig
Mosby, MO, Clay County Regional, GPS RWY 36, Orig
Omaha, NE, Eppley Airfield, NDB OR GPS RWY 14R, Amdt 24
Omaha, NE, Eppley Airfield, NDB RWY 32L, Amdt 1
Omaha, NE, Eppley Airfield, VOR RWY 32L, Amdt 10
Omaha, NE, Eppley Airfield, ILS RWY 18, Amdt 5
Omaha, NE, Eppley Airfield, ILS RWY 14R, Orig
Omaha, NE, Eppley Airfield, ILS RWY 32L, Orig
Omaha, NE, Eppley Airfield, GPS RWY 32L, Orig
Omaha, NE, Eppley Airfield, RNAV OR GPS RWY 32L, Amdt 5 Cancelled
Akron, OH, Akron-Canton Regional, VOR or GPS RWY 5, Amdt 2
Akron, OH, Akron-Canton Regional, VOR or GPS RWY 23, Amdt 9
Akron, OH, Akron-Canton Regional, ILS RWY 1, Amdt 36
Akron, OH, Akron-Canton Regional, ILS RWY 19, Amdt 6
Akron, OH, Akron-Canton Regional, ILS RWY 23, Amdt 10

Akron, OH, Akron-Canton Regional, RADAR 1, Amdt 22
Columbus, OH, Rickenbacker Intl, ILS RWY 5R, Amdt 1

** * * Effective December 5, 1996*

Blytheville, AR, Blytheville Muni, NDB OR GPS RWY 18, Amdt 2
Blytheville, AR, Blytheville Muni, NDB RWY 36, Amdt 2
Blytheville, AR, Blytheville Muni, GPS RWY 36, Orig
Oakland, CA, Metropolitan Oakland Intl, ILS RWY 11, Amdt 4
Oakland, CA, Metropolitan Oakland Intl, ILS RWY 29, Amdt 23
Washington, DC, Washington Dulles Intl, ILS RWY 12, Amdt 6
Destin, FL, Destin-Fort Walton Beach, GPS RWY 14, Orig
Destin, FL, Destin-Fort Walton Beach, GPS RWY 32, Orig
Leesburg, FL, Leesburg Muni, GPS RWY 31, Orig
Dawson, GA, Dawson Muni, GPS RWY 31, Orig
Jefferson, GA, Jackson County, GPS RWY 16, Orig
Jefferson, GA, Jackson County, GPS RWY 34, Orig
Marietta, GA, Cobb County/McCollum Field, GPS RWY 27, Orig
Monticello, IN, White County, GPS RWY 18, Orig
Monticello, IN, White County, GPS RWY 36, Orig
Henderson, KY, Henderson City-County, GPS RWY 27, Orig
Louisville, KY, Louisville Intl Standiford Field, Radar-1, Amdt 25A, Cancelled
Rayville, LA, John H Hooks Jr Memorial, GPS RWY 36, Orig
Belfast, ME, Belfast Muni, NDB RWY 15, Amdt 2
Belfast, ME, Belfast Muni, GPS RWY 15, Orig
Belfast, ME, Belfast Muni, GPS RWY 33, Orig
Eveleth, MN, Eveleth-Virginia Muni, GPS RWY 27, Amdt 1
Eveleth, MN, Eveleth-Virginia Muni, VOR RWY 27, Amdt 11
Beatrice, NE, Beatrice Municipal, GPS RWY 35, Orig
Mt. Holly, NJ, South Jersey Regional, GPS RWY 8, Orig
Teterboro, NJ, Teterboro, Copter ILS RWY 6, Orig
Trenton, NJ, Mercer County, ILS RWY 6, Amdt 9
Weedsport, NY, Whitfords, VOR/DME-A, Orig, Cancelled
Weedsport, NY, Whitfords, VOR-A, Orig
Charlotte, NC, Charlotte/Douglas Intl, ILS RWY 18L, Amdt 3
Henryetta, OK, Henryetta Muni, GPS RWY 35, Orig
Poteau, OK, Robert S. Kerr, VOR/DME RWY 36, Amdt 4
Poteau, OK, Robert S. Kerr, GPS RWY 18, Orig
Poteau, OK, Robert S. Kerr, GPS RWY 36, Orig
Shawnee, OK, Shawnee Muni, GPS RWY 17, Orig
Portland, OR, Portland Intl, ILS RWY 10R, Amdt 30
York, PA, York, NDB OR GPS RWY 16, Amdt 4

Eagle Butte, SD, Cheyenne Eagle Butte, GPS RWY 31, Amdt 1
Ballinger, TX, Bruce Field, NDB RWY 35, Amdt 2
Beaumont/Port Arthur, TX, Jefferson County, GPS RWY 34, Orig
Henderson, TX, Rusk County, NDB OR GPS RWY 16, Amdt 2 Cancelled
Henderson, TX, Rusk County, NDB-B, Orig
Henderson, TX, Rusk County, GPS RWY 16, Orig
Hamilton, TX, Hamilton Muni, GPS RWY 36, Orig
Jasper, TX, Jasper County-Belle Field, GPS RWY 18, Orig
Jasper, TX, Jasper County-Belle Field, NDB RWY 18, Amdt 8
Barre/Montpelier, VT, Edward F. Knapp State, GPS RWY 35, Orig
Clarksburg, WV, Benedum, VOR OR GPS RWY 3, Amdt 15
Clarksburg, WV, Benedum, ILS RWY 21, Amdt 13
Torrington, WY, Torrington Muni, NDB RWY 10, Amdt 1
Torrington, WY, Torrington Muni, NDB RWY 28, Amdt 1

** * * Effective February 20, 1997*

Danbury, CT, Danbury Muni, GPS RWY 8, Orig
Alliance, NE, Alliance Muni, GPS RWY 30, Orig

** * * Effective Upon Publication*

Pittsburgh, PA, Pittsburgh Intl, VOR/DME OR GPS RWY 14, Amdt 1
Pittsburgh, PA, Pittsburgh Intl, VO RWY 28L/C Amdt 5
Pittsburgh, PA, Pittsburgh Intl, ILS RWY 10R, Amdt 8
Pittsburgh, PA, Pittsburgh Intl, Converging ILS RWY 32, Amdt 1

Note: The FAA published a Procedure in Docket No. 28665, Amdt No. 1748 to Part 97 of the Federal Aviation Regulations (VOL 61, FR No. 173) Page 46712, dated September 5, 1996 under Section 97.23 effective October 10, 1996 which is hereby rescinded:

Phoenix, AZ, Phoenix-Deer Valley Muni, GPS RWY 7R, Orig.

Note: The FAA published two procedures in Docket No. 28675, Amdt No. 1751 to Part 97 of the Federal Aviation Regulations (VOL 61, FR No. 181) Page 48827, dated September 17, 1996 under Section 97.23 effective November 7, 1996 which are hereby rescinded:

West Milford, NJ, Greenwood Lake, VOR RWY 6, Orig
Saratoga Springs, NY, Saratoga County, VOR-A, Amdt 5

Note: The FAA published a procedure in Docket No. 28675, Amdt No. 1751 to Part 97 of the Federal Aviation Regulations (VOL 61, FR No. 181) Page 48827, dated September 17, 1996 under Section 97.23 effective December 5, 1996 which is hereby amended:

Vancouver, WA, Pearson Field, LDA BC-A Orig, Cancelled

Note: The FAA published the following procedures in Docket No. 28702, Amdt No. 1757 to Part 97 of the Federal Aviation Regulations (VOL 61, FR No. 198) Page 53057, dated October 10, 1996 under Section

97.23 effective December 5, 1996 which is hereby amended:

Dixon, IL, Dixon, VOR or GPS-A, Amdt 9, should read:
Dixon, IL, Dixon Muni-Charles R Walgreen Field, VOR or GPS-A, Amdt 9
 Fargo, ND, Hector International, VOR/DME or TACAN or GPS RWY 35, Amdt 12, should read:
 Fargo, ND, Hector International, VOR or TACAN or GPS RWY 35, Amdt 12

[FR Doc. 96-27704 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 28715; Amdt. No. 1759]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 14 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure

identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 18, 1996.

Thomas C. Accardi,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
10/03/96	KS	Manhattan	Manhattan Muni	FDC 6/7601	NDB or GPS-A, Amdt 19A.
10/03/96	KS	Manhattan	Manhattan Muni	FDC 6/7602	VOR/DME or GPS-F, Orig.
10/03/96	KS	Manhattan	Manhattan Muni	FDC 6/7603	ILS RWY 3, Amdt 6.
10/03/96	KS	Manhattan	Manhattan Muni	FDC 6/7606	VOR-H, Amdt 14.
10/03/96	MN	Winona	Winona Muni-Max Conrad Field	FDC 6/7610	VOR RWY 29 Amdt 15.
10/07/96	VA	Martinsville	Martinsville/Blue Ridge	FDC 6/7685	SDF RWY 30 Amdt 2.
10/07/96	VA	Martinsville	Martinsville/Blue Ridge	FDC 6/7686	NDB RWY 30 Amdt 2.
10/07/96	VA	Martinsville	Martinsville/Blue Ridge	FDC 6/7687	GPS RWY 30 Orig.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7729	ILS RWY 8L Amdt 21.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7730	NDB or GPS RWY 8L Amdt 19.

FDC date	State	City	Airport	FDC No.	SIAP
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7731	VOR or TACAN or GPS-A Amdt 1.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7732	LDA/DME RWY 26L Amdt 5.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7733	VOR or TACAN or GPS RWY 4R Orig.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7734	VOR/DME or TACAN or GPS-B Amdt 2.
10/09/96	HI	Honolulu	Honolulu Intl	FDC 6/7735	ILS RWY 4R Amdt 11.
10/09/96	NY	New York	John F. Kennedy Intl	FDC 6/7717	VOR/DME or TACAN or GPS RWY 22L Amdt 4A.
10/09/96	NY	Poughkeepsie	Dutchess County	FDC 6/7723	VOR/DME or TACAN or GPS RWY 24 Amdt 3.
10/10/96	AK	St Marys	St Marys	FDC 6/7868	GPS RWY 34 Orig.
10/10/96	AK	St Marys	St Marys	FDC 6/7869	GPS RWY 16 Orig.
10/10/96	AK	St Marys	St Marys	FDC 6/7870	NDB RWY 34 Orig-A.
10/10/96	AK	St Marys	St Marys	FDC 6/7874	NDB/DME RWY 16 Amdt 1A.
10/10/96	AR	Russellville	Russellville Muni	FDC 6/7813	GPS RWY 25, Orig.
10/10/96	CO	Holyoke	Holyoke	FDC 6/7740	GPS RWY 17, Orig.
10/10/96	KS	Abilene	Abilene Muni	FDC 6/7812	VOR/DME or GPS-A, Amdt 2A.
10/10/96	MD	Hagerstown	Washington County Regional	FDC 6/7757	ILS RWY 27 Amdt 7.
10/10/96	MO	Monett	Monett Muni	FDC 6/7780	GPS RWY 36, Orig.
10/10/96	ND	Fargo	Hector International	FDC 6/7750	VOR/DME or TACAN or GPS RWY 17 Orig.
10/10/96	ND	Fargo	Hector International	FDC 6/7752	ILS RWY 35 Amdt 32A.
10/10/96	ND	Fargo	Hector International	FDC 6/7770	NDB RWY 17 Amdt 14.
10/10/96	ND	Fargo	Hector International	FDC 6/7772	ILS RWY 17 Amdt 4.
10/10/96	OK	Oklahoma City	Will Rogers World	FDC 6/7810	ILS RWY 17L, Orig.
10/10/96	TX	Ennis	Ennis Muni	FDC 6/7808	VOR/DME-A, Orig.
10/11/96	AR	Brinkley	Frank Federer Memorial	FDC 6/7882	GPS RWY 20, Orig.
10/11/96	AR	Brinkley	Frank Federer Memorial	FDC 6/7883	NDB or GPS-A, Amdt 1.
10/11/96	OR	Lakeview	Lakeview/Lake County	FDC 6/7920	GPS RWY 34 Orig.
10/11/96	PR	San Juan	Luis Munoz Martin Intl	FDC 6/7881	GPS RWY 8, Orig.
10/11/96	TX	Breckenridge	Stephens County	FDC 6/7842	NDB or GPS-A, Amdt 1.
10/15/96	GA	Albany	Southwest Georgia Regional	FDC 6/7986	NDB or GPS RWY 4, Amdt 11.
10/15/96	GA	Albany	Southwest Georgia Regional	FDC 6/7987	ILS RWY 4, Amdt 10.
10/15/96	ND	Jamestown	Jamestown Muni	FDC 6/7990	NDB RWY 31 Amdt 6A.
10/15/96	ND	Jamestown	Jamestown Muni	FDC 6/7991	ILS RWY 31 Amdt 7A.
10/15/96	ND	Jamestown	Jamestown Muni	FDC 6/7992	LOC/DME BC RWY 13 Amdt 7B.
10/15/96	NH	Berlin	Berlin Muni	FDC 6/7982	NDB RWY 18 Orig A.
10/15/96	NH	Berlin	Berlin Muni	FDC 6/7983	VOR/DME RWY 18 Amdt 1A.
10/15/96	VA	Louisa	Louisa County/Freeman Field	FDC 6/7989	NDB or GPS RWY 27 Orig.
10/16/96	IL	Moline	Quad City	FDC 6/8023	ILD RWY 9 Amdt 29B.
10/16/96	NC	Lincolnton	Lincoln County	FDC 6/8008	LOC RWY 23 Orig.
10/16/96	OH	Columbus	Port Columbus Intl	FDC 6/8016	ILS RWY 28L Amdt 16A.
10/19/96	NY	White Plains	Westchester County	FDC 6/7716	VOR/DME or TACAN or GPS-A Amdt 3A.

[FR Doc. 96-27705 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**Bureau of Export Administration**

15 CFR Parts 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 768A, 769A, 770A, 771A, 772A, 773A, 774A, 775A, 776A, 777A, 778A, 779A, 785A, 786A, 787A, 788A, 789A, 790A, 791A, and 799A

[Docket No. 950407094-6290-03]

RIN 0694-AA67

Simplification of Export Administration Regulations

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Extension of effective and compliance dates.

SUMMARY: The Bureau of Export Administration (BXA) is providing notice that it is extending the validity period of the provisions of 15 CFR parts 768A through 779A, 785A through 791A, and 799A (the existing Export Administration Regulations) through December 30, 1996, and extending the mandatory compliance date of the interim rule published in the Federal Register on March 25, 1996 (61 FR 12714), until December 31, 1996. This is in response to industry's concerns about implementing the provisions of the interim rule (new regulations) by the original mandatory compliance date of November 1, 1996. These concerns arose mainly due to Commerce's determination to change the export clearance symbols for reporting exports of certain License Exceptions on the Shipper's Export Declaration.

DATES: Effective October 29, 1996, the removal of parts 768A through 779A, 785A through 791A, and 799A is effective December 31, 1996, and the compliance date for the interim rule published on March 25, 1996 is December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Crowe, Office of Exporter Services, Regulatory Policy Division, Bureau of Export Administration, telephone: (202) 482-2440.

SUPPLEMENTARY INFORMATION: On March 25, 1996, the Bureau of Export Administration (BXA) published in the Federal Register (61 FR 12714) an interim rule that revised, restructured and reorganized the Export Administration Regulations (EAR), the regulatory regime through which BXA imposes export controls on those items and activities within its jurisdiction. That rule was effective April 24, 1996, except part 752 (the Special Comprehensive License), which was effective March 25, 1996.

The March 25 interim rule also made the removal of newly designated § 771A.25(d) effective March 25, 1996, and removal of newly designated parts 768A through 779A, 785A through 791A, and 799A (the old EAR) effective on November 1, 1996. The March 25 interim rule provided that during the period between April 24, 1996 and November 1, 1996, exporters must comply with the provisions of either the old EAR or the provisions of the new interim rule. Compliance with the provisions of that interim rule is compelled as of November 1, 1996.

BXA has received many industry comments on the mandatory compliance deadline, stating that to conform with the new provisions of the EAR, more time is needed to develop export compliance software for tracking the new Export Control Classification Numbers and the new License Exception symbols.

BXA has also received many industry comments on the new License Exceptions group symbols. There is strong industry support to remove the group symbol for the list-driven License Exceptions (LST) and instead rely on individual symbols of specific License Exception which are now grouped under License Exception LST. BXA is therefore publishing a separate interim rule in the Federal Register that will "de-bundle" License Exception LST and require the use on export control documentation of License Exceptions LVS, GBS, TSR, CIV, and CTP. For other License Exception groups, BXA will remove the individual symbols. While the individual License Exception

symbols under these provisions were voluntary under the March 25 interim rule, they created confusion for some exporters. This change will not require additional compliance preparations by industry, but clarify the License Exception provisions of the EAR.

To ensure that industry has adequate time for the development of its export compliance software and for intra-company training on these new requirements, BXA is hereby notifying the exporting community that the mandatory compliance date for the new EAR published in the Federal Register on March 25, 1996, is being extended until December 31, 1996. Through December 30, 1996, you must comply with the provisions of either the old EAR (redesignated 15 CFR 768A through 799A), including amendments thereto that are published in the Federal Register, or the provisions of the March 25, 1996 interim rule, including any amendments thereto that are published in the Federal Register. Beginning December 31, 1996 you must comply with the provisions of the March 25, 1996 interim rule (15 CFR parts 730-774) including any amendments thereto that are published in the Federal Register.

Dated: October 21, 1996.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 96-27545 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 814

[Docket No. 91N-0404]

Medical Devices; Humanitarian Use Devices; Stay of Effective Date of Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Stay of effective date of a final regulation.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of the information collection requirements of a final rule to implement the provisions of the Safe Medical Devices Act of 1990 (the SMDA) regarding humanitarian use devices (HUD's). FDA is taking this action because the information collection requirements in the final rule have not yet been approved by the Office of Management and Budget

(OMB) under the Paperwork Reduction Act of 1995. Elsewhere in this issue of the Federal Register, FDA is announcing that it has sent the proposed information collection to OMB for review and clearance.

DATES: Sections 814.102, 814.104, 814.106, 814.108, 814.110(a), 814.112(b), 814.116(b), 814.118(d), 814.120(b), 814.124(b), and 814.126(b)(1), which contain information collection requirements, published at 61 FR 33232, June 26, 1996, are stayed pending OMB clearance of the information collection requirements. FDA will announce the effective date of these sections in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301-827-2974.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 26, 1996 (61 FR 33232), FDA issued a final rule implementing the provisions of the SMDA regarding HUD's. The rule is scheduled to become effective on October 24, 1996. In the preamble to the final rule, FDA provided for a 60-day comment period on the information collection requirements of the rule under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), which was enacted after the expiration of the comment period on the proposed rule governing HUD's.

In the preamble to the final rule, FDA announced that it would review the comments received, make the revisions as necessary to the information collection requirements, and submit the requirements to OMB for approval. FDA has not received any comments and has submitted the information collection requirements to OMB for approval. A notice published elsewhere in this issue of the Federal Register informs the public how to address comments on the information collection provisions to OMB.

The Administrative Procedure Act and FDA regulations provide that the agency may issue a regulation without notice and comment procedures when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(8); 21 CFR 10.40(e)(1)). FDA finds that there is good cause for dispensing with notice and comment procedures on this amendment to stay the effective date of the information collection requirements of the final rule on HUD's until such time as OMB approves these

requirements. Engaging in notice and comment rulemaking is unnecessary because the information collection provisions cannot become effective until such time as FDA obtains OMB approval of them. Moreover, notice and comment rulemaking is impracticable and contrary to the public interest in this case. There is not enough time to solicit a new round of notice and comment on the issue of establishing a delayed effective date for these information collection requirements without further delaying the implementation of this provision of the SMDA. Dispensing with notice and comment rulemaking provides that the information collection requirements of the HUD rule will go into effect at the earliest possible date after OMB review and clearance. FDA will announce the effective date of the information collection requirements of the final rule in a future issue of the Federal Register.

List of Subjects in 21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-393) and under authority delegated to the Commissioner of Food and Drugs, §§ 814.102, 814.104, 814.106, 814.108, 814.110(a), 814.112(b), 814.116(b), 814.118(d), 814.120(b), 814.124(b), and 814.126(b)(1) that were published in the Federal Register of June 26, 1996 (61 FR 33232), are stayed until further notice.

Dated: October 24, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96-27738 Filed 10-24-96; 3:21 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Voting Quorums

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the voting quorum requirements in its regulations to conform to the Parole Commission Phaseout Act of 1996. This law has the effect of reducing the Commission to

three-members. The law permits the Commission to perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation. Pursuant to this statutory authority, the Commission is herein prescribing appropriate voting quorums for a three-member agency. It is also eliminating a regulation that required the Commission to establish final release dates prior to abolition of the agency. This regulation was based on a provision of law enacted in 1984, which the Parole Commission Phaseout Act of 1996 has conditionally repealed. **EFFECTIVE DATE:** November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Parole Commission Phaseout Act of 1996, Public Law 104-232, took effect on October 2, 1996. The Act has extended the life of the Commission from November 1, 1997, to November 1, 2002. The Act also gives the Attorney General the authority, beginning on November 1, 1998 to transfer the Commission's functions to an entity within the Department of Justice. After such transfer takes place, the Commission will not be required to set final release dates that would otherwise be required by Section 235(b)(3) of the Sentencing Reform Act of 1984. The Act also mandates the downsizing of the Commission, and has reduced the Commission to three members. In keeping with this reduction, the Act authorizes the Commission to perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

In the revisions published today, the Commission is exercising its authority to establish appropriate quorums for decisionmaking. The Commission is retaining the established system of a Regional Commissioner who renders the initial decision in most cases, with an appeal to the National Appeals Board. All three Commissioners will serve on the National Appeals Board, and appeals to the National Appeals Board will therefore assume (in part) the character of petitions for reconsideration. Decisions of a Regional Commissioner will be subject to affirmance on the vote of a National Commissioner, but two Commissioner votes (which may include the vote of the Regional Commissioner) will continue to be required to modify or reverse the decisions of a Regional Commissioner.

For original jurisdiction cases, as well as for all other types of decisions formerly requiring a quorum of more than two Commissioner votes (e.g., reopening a case to consider new and significant adverse information), a quorum of two out of three Commissioner votes is now established. These cases will therefore be decided upon a majority vote of the Commission.

The absence or recusal of a Commissioner will not suspend the majority-vote requirements of the revised regulations. In the event of the absence or recusal of a Regional Commissioner, the Chairman will designate an Acting Regional Commissioner. Reversal of the Acting Regional Commissioner's decision by the National Appeals Board will require the concurring votes of the Chairman and the Acting Regional Commissioner. Likewise, in the absence or recusal of a National Commissioner (including the Chairman), reversal of the Regional Commissioner's decision by the National Appeals Board will require the concurring votes of the National Commissioner reviewing the appeal and the Regional Commissioner. In original jurisdiction cases, initial decisions will continue to require the concurrence of two Commissioner votes. On original jurisdiction appeals, the initial decision will stand affirmed if the concurrence of two Commissioner votes for a different decision is not obtained.

Finally, the Commission will continue to promulgate regulations and establish policy by majority vote. The revision of the Commission's regulations to conform to Public Law 104-232 will include the deletion of 28 CFR 2.67. This rule reflects a provision of the Sentencing Reform Act that has now been conditionally repealed by Section 3(b)(2) of the Act, as described above.

Implementation

This rule change will apply to all cases decided after the effective date shown above. The guidelines at 28 CFR 2.20 and all other applicable regulations will continue to govern the Commission's decisions to grant, deny, and revoke parole. The revised regulations will affect only the internal voting procedures of the Commission, and will not implicate the merits of any prisoner's case for parole or change the way in which hearings are conducted. Hence, notice and public comment are not required. See 5 U.S.C. 553(b)(A).

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a

significant regulatory action for the purposes of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

The Final Rule

Accordingly, the U.S. Parole Commission amends 28 CFR Part 2 as follows:

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR Part 2, § 2.1(c), (d), and (e) are revised to read as follows:

§ 2.1 Definitions.

(c) The term *National Appeals Board* refers to the three-member Commission sitting as a body to decide appeals taken from decisions of a Regional Commissioner, who participates as a member of the National Appeals Board. The Vice Chairman shall be Chairman of the National Appeals Board.

(d) The term *National Commissioners* refers to the Chairman of the Commission and to the Commissioner who is not serving as the Regional Commissioner in respect to a particular case.

(e) The term *Regional Commissioner* refers to Commissioners who are assigned to make initial decisions, pursuant to the authority delegated by these rules, in respect to prisoners and parolees in regions defined by the Commission.

3. 28 CFR Part 2, § 2.17(a) is revised to read as follows:

§ 2.17 Original jurisdiction cases.

(a) Following any hearing conducted pursuant to these rules, a Regional Commissioner may designate certain cases for decision by a majority of the Commission, as original jurisdiction cases. In such instances, he shall forward the case with his vote, and any additional comments he may deem germane, to the National Commissioners for decision. Decisions shall be based upon the concurrence of two votes, with the Regional Commissioner and the

National Commissioners each having one vote.

4. 28 CFR Part 2, § 2.26(b) is revised to read as follows:

§ 2.26 Appeal to National Appeals Board.

(b)(1) The National Appeals Board may: Affirm the decision of a Regional Commissioner on the vote of a single Commissioner other than the Commissioner who issued the decision from which the appeal is taken; or modify or reverse the decision of a Regional Commissioner, or order a new hearing, upon the concurrence of two Commissioners. The Commissioner first reviewing the case may in his discretion circulate the case for review and vote by the other Commissioners notwithstanding his own vote to affirm the Regional Commissioner's decision. In such event, the case shall be decided by the concurrence of two out of three votes.

(2) All Commissioners serve as members of the National Appeals Board, and it shall in no case be an objection to a decision of the Board that the Commissioner who issued the decision from which an appeal is taken participated as a voting member on appeal.

5. 28 CFR Part 2, § 2.27(a) is revised to read as follows:

§ 2.27 Petition for reconsideration of original jurisdiction cases.

(a) A petition for reconsideration may be filed with the Commission in cases decided under the procedure specified in § 2.17 within thirty days of the date of such decision. A form is provided for this purpose. A petition for reconsideration will be reviewed at the next regularly scheduled meeting of the Commission provided the petition is received thirty days in advance of such meeting. Petitions received by the Commission less than thirty days in advance of a regularly scheduled meeting will be reviewed at the next regularly scheduled meeting. The concurrence of two Commissioners shall be required to modify or reverse the decision for which reconsideration is sought. If such concurrence is not obtained, the previous decision shall stand. A decision under this rule shall be final.

6. 28 CFR Part 2, § 2.28(f) is revised to read as follows:

§ 2.28 Reopening of cases.

(f) *New adverse information.* Upon receipt of new and significant adverse information that is not covered by paragraphs (a) through (e) of this section, a Commissioner may refer the case to the National Commissioners with his recommendation and vote to schedule the case for a special reconsideration hearing. Such referral shall automatically retard the prisoner's scheduled release date until a final decision is reached in the case. The decision to schedule a case for a special reconsideration hearing shall be based on the concurrence of two Commissioner votes, including the vote of the referring Commissioner. The hearing shall be conducted in accordance with the procedures set forth in §§ 2.12 and 2.13. The entry of a new order following such hearing shall void the previously established release date.

7. 28 CFR Part 2, § 2.64 is revised to read as follows:

§ 2.64. Quorum.

Any Commission action authorized by law may be taken on a majority vote of the Commissioners holding office at the time the action is taken.

§ 2.67 [Removed]

8. 28 CFR Part 2, § 2.67 is removed.

Dated: October 21, 1996.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 96-27303 Filed 10-28-96; 8:45 am]

BILLING CODE 4410-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN-119-FOR; State Amendment No. 94-5]

Indiana Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving, with exceptions and additional requirements, a proposed amendment to the Indiana regulatory program (hereinafter referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of changes to the Indiana surface mining rules concerning OSM Regulatory Reform I and III issues, required program amendments, and State initiatives. The primary focus of

the amendment is on hydrology, impoundments, roads, support facilities, and additional miscellaneous issues. This amendment is intended to resolve outstanding issues that remain in the Indiana program resulting from changes to the Federal program. The amendment is also intended to add changes desired by the State.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226-6166.

SUPPLEMENTARY INFORMATION:

- I. Background on the Indiana Program.
- II. Submission of the Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32071). Subsequent actions concerning the conditions of approval and program amendments can be found at CFR 914.10, 914.15, and 914.16.

II. Submission of the Amendment

Since July 29, 1982 (the date of conditional approval of the Indiana program), a number of changes have

been made to the Federal regulations concerning surface coal mining and reclamation operations. Pursuant to the Federal regulations at 30 CFR 732.17, OSM informed Indiana on May 22, 1985 (Regulatory Reform I), and on September 20, 1989 (Regulatory Reform III), that a number of Indiana program rules are less effective than or inconsistent with the revised Federal requirements.

By letter dated October 15, 1993 (Administrative Record Number IND-1300), the Indiana Department of Natural Resources (IDNR) submitted to OSM State program amendment package #93-6, which consisted of revisions to 52 sections of the Indiana rules. The revisions addressed changes to the Indiana program that were identified in the two letters referred to above, and certain required program amendments identified at 30 CFR 914.16. The State has also proposed additional changes that are designed to further improve the Indiana program. The primary focus of the submittal is on hydrology, impoundments, roads, support facilities, and termination of jurisdiction. OSM reviewed the proposed #93-6 amendments, and provided Indiana with a detailed list of comments concerning the amendments.

By letter dated September 26, 1994 (Administrative Record Number IND-1401), Indiana submitted proposed amendment #94-5 as a revised replacement for amendment #93-6. OSM reviewed amendment #94-5 and submitted comments to Indiana by letter

dated July 28, 1995 (Administrative Record Number IND-1505). Indiana responded by letter dated August 16, 1995 (Administrative Record Number IND-1506).

OSM announced receipt of proposed amendment #93-6 in the December 16, 1993, Federal Register (53 FR 65679), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on January 18, 1994.

OSM announced receipt of proposed amendment #94-5 in the October 20, 1994, Federal Register (59 FR 52943), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on November 21, 1994. No one requested an opportunity to speak at the public hearing, so no hearing was held.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

A. Revisions to Indiana's Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

The following rulemaking actions are being proposed by Indiana:

Rule number	Subject	Federal counterpart (30 CFR)
310 IAC 12-0.5-78.7	Definition of "other treatment facilities."	701.5
310 IAC 12-0.5-91.5	Definition of "previously mined area."	701.5
310 IAC 12-0.5-109	Definition of "road."	701.5
310 IAC 12-3-30	Permit applications; hydrology	780.21(a)
310 IAC 12-3-32	Permit applications; ground water	780.21(b)
310 IAC 12-3-33	Permit applications; surface water	780.21(b)
310 IAC 12-3-34	Permit application; alternative water supply	780.21(e)
310 IAC 12-3-41	Permit applications; general requirements	780.11(a), (b)
310 IAC 12-3-47	Permit applications; protection of hydrologic balance	780.21
310 IAC 12-3-55	Permit applications; transportation facilities	780.37(a)
310 IAC 12-3-68	Underground permits; hydrology	784.14(a)
310 IAC 12-3-70	Underground permits; ground water	784.14(b), (h)
310 IAC 12-3-71	Underground permits; surface water information	784.14(b)(2), (l)
310 IAC 12-3-81	Underground permits; protection of hydrologic balance	784.14(g), (e)
310 IAC 12-3-91	Underground mining; return of coal processing waste to abandoned underground workings	784.25
310 IAC 12-5-17	Surface mining; water quality standards and effluent limitations	816.42
310 IAC 12-5-20	Surface mining; sediment control measures	816.45
310 IAC 12-5-27	Surface mining; surface and ground water monitoring	816.41
310 IAC 12-5-31	Hydrologic balance; diversions, impoundments, and treatment facilities	816.56
310 IAC 12-5-39	Disposal of excess spoil	816.71
310 IAC 12-5-41	Surface mining; general requirements	816.81
310 IAC 12-5-42	Coal processing waste banks; site inspection; construction requirements	816.83
310 IAC 12-5-44	Coal mine waste	816.83
310 IAC 12-5-48	Surface mining; dams and embankments; general requirements	816.84
310 IAC 12-5-50	Coal processing waste; dams and embankments; design and construction	816.84

Rule number	Subject	Federal counterpart (30 CFR)
310 IAC 12-5-69	Surface mining; roads	816.150
310 IAC 12-5-70	Other transportation facilities	816.181
310 IAC 12-5-83	Underground mining; water quality standards and effluent limitations	817.42
310 IAC 12-5-86	Underground mining; sediment control measures	817.46
310 IAC 12-5-92	Underground mining; surface and ground water monitoring	817.41
310 IAC 12-5-96	Underground mining; postmining rehabilitation of siltation structures, diversions, impoundments, and treatment facilities.	817.56
310 IAC 12-5-104	Underground mining; disposal of underground development waste and excess spoil	817.71
310 IAC 12-5-105	Underground mining; coal processing waste banks; general requirements	817.81
310 IAC 12-5-106	Underground mining; coal processing waste banks; site inspection	817.83
310 IAC 12-5-108	Underground mining; coal processing waste banks; construction requirements	817.83
310 IAC 12-5-112	Underground mining; coal processing waste; dams and embankments; general requirements	817.84
310 IAC 12-5-114	Underground mining; dams and embankments; design and construction	817.84
310 IAC 12-5-137	Underground mining; roads	817.150
310 IAC 12-5-144	Auger mining; additional performance standards	819.15
310 IAC 12-6-19	Termination of jurisdiction	700.11

Because the above proposed amendments are identical in meaning to the corresponding Federal definitions, the Director finds that Indiana's proposed rules are no less effective than the Federal rules.

B. Revisions to Indiana's Regulations That Are Not Substantively Identical to the Corresponding Federal Regulations

1. 310 IAC 12-3-49/83 Permit applications; ponds, impoundments, refuse piles, coal mine waste dams and embankments.

The changes to these sections add language substantively identical to and no less effective than the Federal counterparts at 30 CFR 780.25 and 784.16. However, subsections 49/83(e)(3) lack a requirement for a stability analysis of each structure as required by 30 CFR 780.25(f) and 784.16(f). Therefore, the Director is requiring that the Indiana program be further amended to provide for a stability analysis as is required by 30 CFR 780.25(f) and 784.16(f).

The Director notes that Indiana lacks certain counterpart provisions to Federal provisions found at 30 CFR 780.25(a), (a)(2), and (a)(3) that were amended in part on October 20, 1994, at 59 FR 53022. The Federal regulations were amended primarily to incorporate by reference certain criteria relating to dam classification found in U.S. Soil Conservation Service (SCS) Technical Release No. 60 (TR-60), 1985, in order to ensure that the permitting requirements for impoundments are consistent with the performance standards for impoundments and that both are tied to certain SCS and Mine Safety and Health Administration (MSHA) requirements. In a future 30 CFR part 732 letter, OSM will notify Indiana of the additional revisions to its program that are necessary to be no less

effective than the revised Federal regulations discussed above.

2. 310 IAC 12-3-55.1/90.5 Permit applications; road systems.

These new sections are substantively identical to the counterpart Federal regulations at 30 CFR 780.37 and 784.24 with the following exceptions. Subsections 55.1/90.5(c) cross-reference the design requirements of 310 IAC 12-5-69.5/137.5. The design provisions in 310 IAC 12-5-69.5 (2)(B) and 12-5-137.5(2) lack a technical basis on which to judge whether or not a road embankment is stable. The Director is approving the proposed provisions, but notes that subsections (c) cross reference sections 310 IAC 12-5-69.5/137.5 which are less effective to the extent described in Finding B-6, below.

3. 310 IAC 12-3-127 Permit reviews; approval for transfer, assignment, or sale of permit rights.

The Director finds the proposed amendments substantively identical to the counterpart federal regulations at 30 CFR 773.15. In addition, the Director is requiring that 310 IAC 12-3-127(c)(4), introductory paragraph, also be amended to include the phrase "or by any person who owns or controls the applicant" after the word "applicant" in line 3, and the phrase "or person who owns or controls the applicant" after the word "applicant" in line 7.

4. 310 IAC 12-5-21/87 Surface mining; siltation structures.

The Director finds these amendments to be substantively identical to the counterpart Federal regulations at 30 CFR 816/817.46 (b) and (c) and 30 CFR 816/817.49(a)(9) except as noted below. The proposed language at subsections (a)(3) provide that professional land surveyors may certify the construction of siltation structures. The Federal regulations at 30 CFR 816/817.46(b)(3) and 816/817.49(a)(11)(iv) authorize professional land surveyors to inspect

and certify certain impoundments only in States which authorize land surveyors to prepare and certify plans in accordance with 30 CFR 780.25(a). Indiana does not authorize land surveyors to prepare and certify such plans. Therefore, the proposed language is less effective than the Federal regulations to the extent that land surveyors would be allowed to inspect and certify the construction of siltation structures. The Director is approving 310 IAC 12-5-21/87(a)(3) except to the extent that the provisions authorize land surveyors to inspect and certify the construction of siltation structures. Therefore, Indiana must remove from 310 IAC 12-5-21/87(a)(3) the language concerning land surveyors that is not approved.

The Director notes that the provisions at subsections (d)(2) do not include criteria for impoundments meeting the SCS Class B or C criteria as provided in 30 CFR 816.46(c)(2) and 816.49(a)(9). These Federal regulations were amended in part on October 20, 1994, at 59 FR 53022. The Federal regulations were amended primarily to incorporate by reference certain criteria relating to dam classification found in U.S. Soil Conservation Service (SCS) Technical Release No. 60 (TR-60), 1985, in order to ensure that the permitting requirements for impoundments are consistent with the performance standards for impoundments and that both are tied to certain SCS and Mine Safety and Health Administration (MSHA) requirements. In a future 30 CFR Part 732 letter, OSM will notify Indiana of the additional revisions to its program that are necessary to be no less effective than the revised Federal regulations discussed above.

5. 310 IAC 12-5-24/90 Surface mining; permanent and temporary impoundments.

The Director finds the proposed amendments to these sections to be similar to and no less effective than the counterpart Federal regulations at 30 CFR 816/817.49, with the following exceptions.

At proposed 310 IAC 12-5-24/90(a)(9)(B), Indiana is adding language to authorize qualified registered professional land surveyors to certify certain impoundment inspections. The Federal regulations at 30 CFR 816/817.49(a)(11)(iv) authorize professional land surveyors to inspect and certify certain impoundments as required by 816/817.49(a)(11) only in States which authorize land surveyors to prepare and certify plans in accordance with 30 CFR 780.25(a). Indiana does not authorize land surveyors to prepare and certify such plans. Therefore, the proposed language is less effective than the Federal regulations at 30 CFR 816/817.49(a)(11)(iv) to the extent that land surveyors would be allowed to inspect and certify certain impoundments. The Director is approving 310 IAC 12-5-24/90(a)(9)(B) except to the extent that the provisions authorize land surveyors to inspect and certify impoundments. Therefore, Indiana must remove from 310 IAC 12-5-21/87(a)(3) the language concerning land surveyors that is not approved.

At proposed 310 IAC 12-5-24/90(a)(9)(E), Indiana is adding language to authorize an exemption to the quarterly inspection requirements at 12-5-24/90(a)(9)(E). There are no Federal counterparts to the proposed language, but OSM has approved similar language in Illinois (see 56 FR 64988; December 13, 1991). In the Illinois finding, OSM determined that due to site specific factors such as relatively flat terrain and sparse population in the coal producing areas, an exemption from the annual certifications and quarterly inspections of non-hazardous impoundments is acceptable in Illinois. The Director has determined that the same is true for Indiana. The Director finds the proposed State language no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(a)(10) but, as with the Illinois approval, is requiring that Indiana use the criteria developed by OSM on September 7, 1990, as a guideline when reviewing exemption requests. In a letter dated August 21, 1996, (Administrative Record Number IND-1542), Indiana agreed to use this criteria when reviewing an exemption request under this rule.

In addition, the Director notes that Indiana's use of the term "subsection" in the phrase "shall be exempt from the examination requirements of this

subsection" is incorrect. In the August 21, 1996, letter, Indiana stated that the correct term should be "clause," and that it is the intention of the Indiana Division of Reclamation to apply 310 IAC 12-5-24/90(a)(9)(E) as the examination requirements that would be exempted by the proposed provisions. The Director is requiring that Indiana further amend 310 IAC 12-5-24/90(a)(9)(E) to clarify that the term "subsection" should be "clause."

The Federal regulations at 30 CFR 816/817.49 concerning impoundments were revised on October 20, 1994 (59 FR 53022). Most of the changes to the Federal provisions are related to the incorporation by reference of certain criteria in "Earth Dams and Reservoirs," SCS publication TR-60, 1985. Specifically, the criteria referenced in TR-60 require impoundments meeting SCS Class B and C criteria in TR-60 to meet the same stability, spillway, foundation investigation, freeboard, hydrograph, inspection, and examination requirements as impoundments meeting the MSHA criteria in 30 CFR 77.216(a). In a future 30 CFR Part 732 letter, OSM will notify Indiana of the additional revisions to sections 310 IAC 12-5-24/90 that are necessary to be no less effective than the revised Federal regulations discussed above.

6. 310 IAC 12-5-69.5/137.5 *Surface mining; primary roads.*

The Director finds the proposed amendments to be substantively identical to the counterpart Federal regulations at 30 CFR 816/817.151, with the following exceptions.

The proposed language at subsections 69.5(2) (A) and (B)/137.5(2) allow a minimum static safety factor of 1.3, "or" a maximum slope not in excess of 3h:1v. The proposed option of either the 1.3 static safety factor or a maximum slope of 3h:1v is less effective than the counterpart federal regulations, because a 3h:1v slope isn't automatically equivalent to a 1.3 static safety factor. Therefore, the Director is approving the proposed provisions except to the extent that the provisions allow the use of a maximum slope of 3h:1v as an alternative to the 1.3 static safety factor requirement. In addition, Indiana must remove from 310 IAC 12-5-69.5/137.5(2) the language that allows the use of a maximum slope of 3h:1v as an alternative to the 1.3 static safety factor requirement or propose engineering design standards for a slope of 3h:1v that ensure compliance with the minimum static safety factor of 1.3.

Indiana also proposed engineering design standards at subsection 69.5(2)(C) for surface mining primary

roads, which allow the use of a maximum slope of 2h:1v, as an alternative to the 1.3 static safety factor requirement. The Federal regulations at 30 CFR 780.37(c) and 784.24(c) allow regulatory authorities to establish engineering design standards for primary roads in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3. OSM conducted a technical review of the proposed design standard and found them to be acceptable. Therefore, the Director is approving Indiana's alternative design standards at 310 IAC 12-5-69.5(2)(C).

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(I), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Indiana program. The U.S. Fish and Wildlife Service (FWS) responded (Administrative record Number IND-1411) supporting the amendments because "they generally provide a higher level of reporting, monitoring, and remediation regarding water quality and quantity." The FWS also had the following specific comments.

FWS recommended that 310 IAC 12-3-47(c)(2)(C), concerning adverse effects of mining on underground or surface water, be amended by adding to the list of "legitimate purposes" to include aquatic ecosystems. In response, the Director notes that the proposed language is identical to the counterpart Federal language 30 CFR 780.21(f)(3)(iii). In addition, the "legitimate purposes" referred to in the provision applies to human use of water supplies (e.g., domestic, agricultural), and, therefore, aquatic ecosystems would be an inappropriate addition to the list.

FWS recommended that 310 IAC-12-5-21(b)(1) be amended to add that siltation structures be located out of forested intermittent streams and forested wetlands as well as out of perennial streams. In response, the Director notes that the amended language is substantively identical to the counterpart Federal regulations at 30 CFR 816.46(c)(ii).

FWS recommended that 310 IAC 12-5-69(b)(6) be amended to require that flow alterations be "minimal" in accordance with best available technology. In response, the Director notes that the proposed language is identical to the counterpart Federal language at 30 CFR 816.150(b)(5).

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) responded that their review revealed no impact to NRCS programs. However, the NRCS had the following questions.

The NRCS stated that if Indiana doesn't authorize professional land surveyors to certify construction, then the phrase "or qualified registered professional land surveyor" should be removed from 310 IAC 12-5-21(a)(3). In response, the Director notes that as discussed above in Finding 4, Indiana does not authorize land surveyors to certify impoundment designs. Therefore, Indiana's proposed authorization to allow land surveyors to inspect and certify impoundments is less effective than the Federal regulations at 30 CFR 816/817.49(a)(11)(iv) and cannot be approved.

The NRCS stated that 310 IAC 12-5-24/90(a)(9) and (a)(9)(B) appear contradictory because the introductory paragraph at (a)(9) refers only to professional engineers, while (a)(9)(B) refers to both engineers and surveyors. In response, the Director notes that as discussed above in Finding 5, Indiana does not authorize land surveyors to certify impoundment designs. Therefore, Indiana's proposed authorization to allow land surveyors to inspect and certify impoundments is less effective than the Federal regulations at 30 CFR 816/817.49(a)(11)(iv) and cannot be approved.

Public Comments

A public comment period and opportunity to request a public hearing was announced in the October 20, 1994, Federal Register (59 FR 52943). The comment period closed on November 21, 1994. No comments were received, and no one requested a hearing, so the scheduled hearing was not held.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA on October 3, 1994 (Administrative Record Number

IND-1404). EPA responded on October 18, 1994 (Administrative Record Number IND-1410). EPA stated that it found the document (amendment #94-5) acceptable.

V. Director's Decision

Based on the above findings, the Director is approving amendment #94-5 submitted by Indiana on September 26, 1994, except as noted below.

The Director is approving 310 IAC 12-5-21/87(a)(3) except to the extent that the provisions authorize land surveyors to inspect and certify the construction of siltation structures, and he is requiring Indiana to remove the disapprove language and to notify OSM when the removal is completed.

The Director is approving 310 IAC 12-5-24/90(a)(9)(B) except to the extent that the provisions authorize land surveyors to inspect and certify impoundments, and he is requiring Indiana to remove the disapproved language and to notify OSM when the removal is completed.

The Director is approving 310 IAC 12-5-69.5/137.5(2) except to the extent that the provisions allow the use of a maximum slope of 3h:1v without providing engineering design standards that ensure compliance with the minimum static safety factor of 1.3. He is also requiring that Indiana remove the disapproved language and notify OSM when the removal is completed or proposed engineering design standards for a slope of 3h:1v that ensure compliance with the 1.3 minimum static safety factor requirement.

In addition, the State's subsections 310 IAC 12-3-49/83(e)(3) should be amended to add the requirement concerning stability analysis of each structure as required by 30 CFR 780.25 and 784.16 subsection (f).

The Director is requiring that 310 IAC 12-3-127(c)(4), introductory paragraph, be amended to include the phrase "or by any person who owns or controls the applicant" after the word "applicant" in line 3, and the phrase "or person who owns or controls the applicant" after the word "applicant" in line 7.

The Director is requiring that Indiana further amend 310 IAC 12-5-24/90(a)(9)(E) to clarify that the term "subsection" should be "clause."

The Director's approval herein of the proposed amendment has satisfied certain required amendments codified at 30 CFR 914.16. Therefore, the Director is removing the following required program amendments: 30 CFR 914.16 (o), (q), (r), (t), (u), (v), (w), (x), (y), (z), and (aa).

The Federal regulations at 30 CFR Parts 914, codifying decisions

concerning the Indiana program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In his oversight of the Indiana program, the Director will recognize only the statutes, regulations and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Indiana of only such provisions.

VI. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

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

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

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

List of Subjects in 30 CFR 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 30, 1996

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 914—INDIANA

1. The authority citation for Part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 914.15 is amended by adding paragraph (rrr) to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(rrr) With the exceptions noted below, the amendments submitted by Indiana on September 26, 1994, and revised on August 16, 1995, are approved effective October 29, 1996:

The Director is approving 310 IAC 12-5-21/87(a)(3) except to the extent that the provisions authorize land surveyors to inspect and certify the construction of siltation structures.

The Director is approving 310 IAC 12-5-24/90(a)(9)(B) except to the extent that the provisions authorize land surveyors to inspect and certify impoundments.

The Director is approving 310 IAC 12-5-69, 5/137.5(2) except to the extent that the provisions allow the use of a maximum slope of 3h:1v without providing engineering design standards that ensure compliance with the minimum static safety factor of 1.3.

3. Section 914.16 is amended by removing and reserving paragraphs (o), (q), (r), (t), (u), (v), (w), (x), (y), (z), and (aa); and adding paragraph (ii) to read as follows:

§ 914.16 Required program amendments.

* * * * *

(ii) By April 28, 1997, Indiana shall submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption, to address the following:

a. Amend the Indiana program at 310 IAC 12-3-49/83(e)(3) to add the requirement concerning stability analysis of each structure as is required by 30 CFR 780.25(f) and 784.16(f).

b. Amend 310 IAC 12-3-127(c)(4), introductory paragraph, to include the phrase "or by any person who owns or controls the applicant" after the word "applicant" in line 3, and the phrase "or person who owns or controls the applicant" after the word "applicant" in line 7.

c. The Director is requiring that Indiana further amend 310 IAC 12-5-24/90(a)(9)(E) to clarify that the term "subsection" should be "clause."

[FR Doc. 96-27599 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 935

[OH-237; Amendment Number 71]

Ohio Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Ohio regulatory program (hereinafter referred to as the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio proposed revisions to rules pertaining to inspections. The amendment is intended to make the Ohio program consistent with the corresponding Federal regulations.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, Federal Register (47 FR 34688). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 935.11, 935.15, and 935.16.

II. Submission of the Proposed Amendment

By letter dated May 17, 1996, (Administrative Record No. OH-2165-00) Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. Ohio proposed to revise Ohio Administrative Code (OAC) section 1501:13-14-01 by deleting that portion of the rule pertaining to bond reduction; adding language to treat portions of operations as inactive where reclamation phase II is performed; and to delete a reference to permits other than permanent program "D" permits. In a subsequent letter dated September 3, 1996,

(Administrative Record No. OH-2165-06) Ohio withdrew its proposal to add language at OAC 1501:13-14-01(A)(2), that would allow portions of operations to be considered as inactive for inspection purposes.

OSM announced receipt of the proposed amendment in the June 11, 1996, Federal Register (61 FR 29504), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on July 11, 1996.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

OAC 1501:13-14-01 Inspections

(A)(2)(b) Ohio is proposing to amend its regulations pertaining to inspections to change the definition of "inactive coal mining and reclamation operation". Currently, one of the ways for an Ohio coal mining operation to be deemed "inactive" is for the entire operation to have achieved Phase II reclamation standards *and* that release of phase II bond liability has occurred. Ohio is proposing to delete the requirement that actual release from phase II bond liability must occur before a site is considered inactive so that the operation must only meet phase II reclamation standards to be considered inactive. The amendment has nearly identical wording to 30 CFR 842.11(c)(2)(iii)(B) (the rule applying to OSM when it is the regulatory authority). Although 30 CFR 842.11(c)(2)(iii)(B) is nearly identical to the Ohio amendment, 30 CFR 840.11(f)(2) (the rule applying to states when they are the regulatory authority), contains language nearly identical to Ohio's existing regulation. However, as discussed below, it is clear from the 1982 federal rule preamble, the OSM intended the rules for OSM and the states to be the same and only to require that Phase II reclamation be accomplished.

This 1982 federal final rule, was originally proposed by OSM on December 1, 1981 (46 FR 58464). OSM suggested a change to 30 CFR 842.11(c)(2), but did not propose a change to 30 CFR 840.11. Then, in the 1982 final rule regarding 30 CFR 840.11, four commenters "wrote that the same policy considerations of efficiency in Federal programs [should] apply to State programs." 47 FR 35620, 35621

(August 16, 1982). OSM agreed with the commenters and stated that:

The final rule allows States to distinguish between active and inactive mines in the same manner as was proposed and is being adopted for OSM when acting as the regulatory authority. This is accomplished through * * * new paragraph (f), discussed above. A discussion of the comments addressing the question of active and inactive mines is found below, under the discussion of § 842.11(c).

Id. OSM, in its discussion of 30 CFR 842.11 responded to commenters that wanted the requirement for Phase II bond release deleted because it could cause "OSM to continue monthly inspections long after Phase II reclamation is completed." 47 FR at 35627 (August 16, 1982).

OSM agrees. In view of the broad discretion granted to OSM in releasing a portion of the performance bond following completion of Reclamation Phases I and II, the determination of a mine's status as active or inactive *should be based solely on the completion of Reclamation Phase II. Id.* (Emphasis added).

The Director finds Ohio's proposed deletion consistent with the intent of 30 CFR 840.11(f)(2) and therefore, no less effective.

(A)(2)(c) Ohio is proposing to delete this section pertaining to other than permanent program "D" permits. Since Ohio no longer has any active permits except permanent program permits, and permits pertaining to exploration are not subject to the specific inspection frequencies, the Director finds that Ohio's proposed rule is consistent with 30 CFR 701.1, which requires a permanent regulatory program to include subchapter L, which includes Part 840.

IV. Summary and Disposition of Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. Comments were received from one Environmental Group in a letter dated July 11. OSM carefully considered the comments. Essentially, the commenter opposed the amendment on the basis that it would legitimize an already deficient inspection frequency in Ohio, and cause additional safety and environmental hazards for the public. OSM recognizes the comment, however the commenter's concern about inspection frequency is really directed toward Ohio's implementation of its approved program, which is not the subject of this amendment. The Director notes that recently, OSM received a request, pursuant to 30 CFR 733.12(a)(2) ("733 request"), to evaluate

some of the same issues that are raised by the commenter. In response to the 733 request, OSM is in the process of reviewing the matter.

The subject of this amendment primarily deals with whether Ohio's revised definition of "inactive coal mining and reclamation operation" is no less effective than the applicable federal definition. Ohio's revised definition of "inactive coal mining operations" requires that Phase II reclamation be completed. For a more complete discussion of this amendment, see the Director's Findings. The commenter also was concerned that the amendment "would weaken Ohio's ability to adequately monitor surface mining." The Director disagrees because, even though more mines may be defined as inactive, "OSM has found that, in general, inactive mines present fewer problems than active mines, and consequently do not require the same frequency of inspections as active mines." 47 FR 35620, 35627 (August 16, 1982). Thus, the amendment would allow the inspection staff to devote more resources to active sites that pose a higher risk for impacts to the environment.

Because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Ohio program. No comments were received.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Ohio proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

V. Director's Decision

Based on the above finding(s), the Director approves the proposed amendment as submitted by Ohio on May 17, 1996.

The Federal regulations at 30 CFR Part 935, codifying decisions concerning the Ohio program, are being amended to implement this decision. This final rule is being made effective immediately to

expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations

for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 27, 1996.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation of part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 935.15 is amended by adding paragraph (cccc) to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(cccc) The following rules, as submitted to OSM on May 17, 1996, are approved effective October 29, 1996:
OAC 1501:13-14-01(A)(2)(b) (Deleted Portion) Definition of Inactive coal mining and reclamation operation
OAC 1501:13-14-01(A)(2)(c) (Deletion) Same

[FR Doc. 96-27600 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 273

Liabilities for False Claims and Statements

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends sections of the Postal Service regulations under the Program Fraud Civil Remedies Act regarding liabilities of false claims and statements to allow cost-of-living or inflation adjustments to civil monetary

penalties administered by the Postal Service.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Martin, (202) 268-3022.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, amended by the Debt Collection Improvement Act of 1996, Pub. L. 104-134, 31001(s), 110 Stat. 1321 (1996), requires agencies that assess civil monetary penalties to adjust their civil monetary penalties for inflation. The Postal Service may seek a civil penalty procedure under 31 U.S.C. 3802 for violations involving false claims and statements. The Postal Service is governed by 28 U.S.C. 2641 note, and accordingly, amends its civil penalties to reflect changes in §§ 273.3(a)(1) and 273.3(b)(1). Both sections are revised to increase the assessment of civil penalties from \$5,000 to \$5,500.

List of Subjects in 39 CFR Part 273

Administrative practice and procedure, Claims, Fraud, Penalties, Postal Service.

For the reasons set out in this document, the Postal Service amends 39 CFR part 273 as follows:

PART 273—ADMINISTRATION OF PROGRAM FRAUD CIVIL REMEDIES ACT

1. The authority citation for 39 CFR part 273 continues to read as follows:

Authority: 31 U.S.C. Chapter 38; 39 U.S.C. 401.

2. Section 273.3 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 273.3 Liability for false claims and statements.

* * * * *

(a) *Claims.* (1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know—

(i) Is false, fictitious, or fraudulent; or

(ii) Includes or is supported by any written statement asserting a material fact which is false, fictitious, or fraudulent; or

(iii) Includes or is supported by any written statement that—

(A) Omits a material fact;

(B) Is false, fictitious, or fraudulent as a result of such omission; and

(C) Is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or

(iv) Is for payment for the provision of property or services which the person has not provided as claimed

Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such claim.

* * * * *

(b) Statements. (1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making, presenting or submitting such statement had a duty to include in such statement; and

(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 to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such statement.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-27348 Filed 10-28-96; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5640-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Com Bay, near Shore/Tide Flats Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of portions of the Com Bay, Near Shore/Tide Flats (CB/NT)

Superfund Site, located in Tacoma, Pierce County from the National Priorities List (NPL). The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA, in consultation with the State of Washington Department of Ecology and the Puyallup Tribe of Indians, has determined that the deleted portions of the site pose no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not necessary.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Hiltner, Remedial Project Manager, U.S. EPA, Region 10 (ECL-116), 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553-2140.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is: Com Bay, Near Shore/Tide Flats Site, located in Tacoma (Pierce County), Washington.

This partial deletion pertains only to the sediments contained in and upland properties draining only to the St. Paul or Blair Waterways, and to four properties which were transferred to the Puyallup Tribe of Indians under the Puyallup Land Settlement Act of 1989 ("Puyallup Land Settlement Properties"). The four deleted Puyallup Land Settlement Properties are the: Taylor Way Property, the East-West Road Property, the Blair Waterway Property, and the portion of the Blair Backup Property that drains only to the Blair Waterway. A map showing the deleted areas is provided in the Notice of Intent for Partial Deletion, 61 FR 44269 (August 28, 1996).

This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on August 28, 1996 (61 FR 44269). The closing date for comments on the Notice of Intent for Partial Deletion was September 27, 1996. EPA

received two comment letters, both of which supported the partial deletion.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of these sites. Sites on the NPL may be the subject of Hazardous Substances Response Trust Fund-financed remedial actions. Any site, or portion of a site, deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control.

Dated: October 16, 1996.

Approved by:

Jane S. Moore,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by revising the heading for the table; the heading for the 4th column; the first note at the end of the table; and the entry for Com Bay, Near Shore/Tide Flats, Pierce County, Washington and by adding the heading "Notes" at the end of the table before the first note and a new note P to read as follows:

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes
* * * * *	* * * * *	* * * * *	* * * * *
WA	Com Bay, Near Shore/Tide Flats	Pierce County	P.

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/county	Notes
*	*	*	*
A=Based on issuance of a health advisor by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be > 28.50).			
P=Sites with partial deletion(s).			

3. Table 2 of Appendix B to part 300 is amended by revising the table heading, the first note at the end of the table and by revising the heading in the 4th column to read "Notes" and by adding the heading "Notes" at the end of the table before the first note and a new note P to read as follows:

TABLE 2.—FEDERAL FACILITIES SECTION

*	*	*	*	*
A=Based on issuance of a health advisor by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be > 28.50).				
P=Sites with partial deletion(s).				

[FR Doc. 96-27480 Filed 10-28-96; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-129; RM-8814]

Radio Broadcasting Services; Tehachapi, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 261A to Tehachapi, California, as that community's second local FM service, in response to a petition for rule making filed on behalf of Tehachapi Broadcasting. See 61 FR 31083, June 19, 1996. Tehachapi is located within 320 kilometers (199 miles) of the United States-Mexico border and therefore, concurrence of the Mexican government in this proposal was obtained. Coordinates used for Channel 261A at Tehachapi are North Latitude 35-13-04 and West Longitude 118-20-37. With this action, the proceeding is terminated.

DATES: Effective December 2, 1996. The window period for filing applications for Channel 261A at Tehachapi, California, will open on December 2, 1996, and close on January 2, 1997.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 261A at Tehachapi, California, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-129, adopted October 11, 1996, and released October 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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 California, is amended by adding Channel 261A at Tehachapi.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-27685 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-140; RM-8824]

Radio Broadcasting Services; Hemphill, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Phillip Burr, allots Channel 280A at Hemphill, Texas, as the community's first local FM service. See 61 FR 34785, July 3, 1996. Channel 280A can be allotted to Hemphill in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.2 kilometers (1.4 miles) north in order to avoid a short-spacing conflict with the licensed site of Station KBIU(FM), Channel 279C1, Lake Charles, Louisiana. The coordinates for Channel 280A at Hemphill are 31-21-30 and 93-51-24. With this action, this proceeding is terminated.

DATES: Effective December 2, 1996. The window period for filing applications will open on December 2, 1996, and close on January 2, 1997.

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. 96-140, adopted October 11, 1996, 1996, and released October 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 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:

47 CFR 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 Hemphill, Channel 280A.

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
[FR Doc. 96-27686 Filed 10-28-96; 8:45 am]
BILLING CODE 6712-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1817, 1822, 1823, 1824, 1852, and 1871

Rewrite of the NASA FAR Supplement (NFS)

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: As part of the National Performance Review initiative to streamline and clarify regulations, NASA is issuing a rewrite of those regulations in its Federal Acquisition Regulations Supplement relating to special contracting methods (part 1817); the application of labor laws to Government acquisitions (part 1822); environment, conservation, occupational safety, and drug-free workplace (part 1823); and the protection of privacy and freedom of information (part 1824). In addition, regulations on midrange procurement procedures (part 1871) are revised to increase certain dollar thresholds and to make other changes to comply with the Federal Acquisition Streamlining Act.

DATES: This rule is effective October 29, 1996.

ADDRESSES: Bruce King, Code HC, NASA Headquarters, 300 E Street, SW, Washington, DC 20546-0001; Tom O'Toole, Code HC, NASA Headquarters, 300 E Street, SW, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas O'Toole, (202) 358-0478; Mr. Bruce King, (202) 358-0461.

SUPPLEMENTARY INFORMATION:

Background

The National Performance Review urged agencies to streamline and clarify their regulations. The NFS rewrite initiative was established to pursue these goals by conducting a section by section review of the NFS to verify its accuracy, relevancy, and validity. The NFS will be rewritten in blocks of parts and upon completion of all parts, the NFS will be reissued in a new edition. In addition, Part 1871 is revised to increase the dollar thresholds to which MidRange is applicable and to bring

MidRange into compliance with the changes made to commercial item acquisition made by the Federal Acquisition Streamlining Act. Comments on the test procedure had been requested in 57 FR 57845, December 7, 1992.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1817, 1822, 1823, 1824, 1852, and 1871

Government procurement.
Thomas Luedtke,
*Deputy Associate Administrator for
Procurement.*

Accordingly, 48 CFR chapter 18 is amended as follows:

1.-2. Part 1817 is revised to read as follows:

PART 1817—SPECIAL CONTRACTING METHODS

Sec.

Subpart 1817.1—Multiyear Contracting

1817.105 Policy.
1817.105-1 Uses.

Subpart 1817.2—Options

1817.200 Scope of subpart.
1817.203 Solicitations.
1817.204 Contracts.
1817.206 Evaluation.
1817.207 Exercise of options.
1817.208 Solicitation provisions and contract clauses.

Subpart 1817.4—Leader Company Contracting

1817.401 General.

Subpart 1817.5—Interagency Acquisitions Under the Economy Act

1817.503 Determinations and findings requirements.
1817.504 Ordering procedures.

Subpart 1817.70—Acquisitions With Military Departments

1817.7000 Scope of subpart.
1817.7001 Authorization and policy.
1817.7002 NASA-Defense Purchase Request and acceptance.
1817.7002-1 Acceptance by Military Department.
1817.7002-2 Changes in estimated total prices.
1817.7002-3 Payments.
1817.7002-4 Contract clause.

Subpart 1817.71—Exchange or Sale of Personal Property

1817.7101 Policy.
Authority: 42 U.S.C. 2473(c)(1)

Subpart 1817.1—Multiyear Contracting

1817.105 Policy.

1817.105-1 Uses. (NASA supplements paragraph (b))

(b) The Associate Administrator for Procurement (Code HS) is the approval authority for the use of the multiyear contracting technique. Requests for approval shall be signed by the procurement officer and shall include a description of the acquisition, identification of anticipated contract costs and funding, and a determination, with supporting rationale, that each of the criteria in FAR 17.105-1(b) (1) through (5) is met by the proposed use of multiyear contracting.

Subpart 1817.2—Options

1817.200 Scope of subpart.

FAR subpart 17.2 applies to all NASA contracts.

1817.203 Solicitations. (NASA supplements paragraph (g))

(g)(2) The procurement officer is authorized to approve option quantities greater than 50 percent.

1817.204 Contracts. (NASA supplements paragraph (e))

(e)(i) The 5-year limitation (basic plus option periods) does not apply when the time needed to complete system development or hardware production is greater than five years.

(ii) Requests for deviations from the 5-year limitation policy shall be sent to the Associate Administrator for Procurement (Code HS) and shall include justification for exceeding five years and evidence that the extended years can be reasonably priced.

1817.206 Evaluation. (NASA supplements paragraph (b))

(b)(i) The procurement officer is the approval authority for determinations by the contracting officer not to evaluate offers for any option quantities or periods.

(ii) Unless a determination has been approved under 1817.206(b)(i), the selection statement for each acquisition involving an option shall address the source selection authority's consideration of the option as part of the initial competition.

1817.207 Exercise of options. (NASA supplements paragraph (f))

(f) Options under cost type contracts shall contain an estimated cost for the option period(s).

(f)(2) Use of the provision (or formula) for determining the price of a fixed price option requires advance approval by the

Associate Administrator for Procurement (Code HS).

(f)(3)(ii) Use of a formula to determine the fee of an option in a cost-type contract requires advance approval of the Associate Administrator for Procurement (Code HS). The formula shall preclude the contractor from increasing costs for the purpose of earning additional fee.

1817.208 Solicitation provisions and contract clauses. (NASA supplements paragraph (c))

(c)(3) The contracting officer shall insert a provision substantially the same as FAR 52.217-5 in cost reimbursement contracts when the other conditions of FAR 17.208(c) are met.

Subpart 1817.4—Leader Company Contracting

1817.401 General.

It is NASA policy not to use the leader company contracting technique.

Subpart 1817.5—Interagency Acquisitions Under the Economy Act

1817.503 Determinations and findings requirements. (NASA supplements paragraph (a))

(a)(2) Current market prices, recent acquisition prices, or prices obtained by informational submissions as provided in FAR 15.405 may be used to ascertain whether the acquisition can be accomplished more economically from commercial sources.

1817.504 Ordering procedures. (NASA supplements paragraph (b))

(b)(4) All payment provisions shall require the servicing agency or department to submit a final voucher, invoice, or other appropriate payment document within six months after the completion date of the order. A different period may be specified by mutual agreement if six months is not sufficient. The rationale for a longer period shall be documented in the contract file.

Subpart 1817.70—Acquisitions With Military Departments

1817.7000 Scope of subpart.

This subpart contains policies and procedures, developed jointly by NASA and DOD, for acquisition of supplies or services by NASA from or through the Military Departments.

1817.70001 Authorization and policy.

(a)(1) NASA is authorized by the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to use the acquisition services, personnel, equipment, and facilities of the Military

Departments, with their consent and with or without reimbursement, and, on a similar basis, to cooperate with the Military Departments in the use of acquisition services, equipment, and facilities.

(2) Although the Space Act provides interagency transaction authority nearly equivalent to the Economy Act, NASA has elected to conform its implementation of the Space Act to the requirements of the Economy Act. Therefore, unless exempt from the Economy Act for reasons other than the general authority of the Space Act, interagency acquisitions shall be supported by an Economy Act Determination and Finding (see FAR 17.503 and 1817.503). This requirement applies to all acquisitions from the Military Departments or other agencies.

(b) The Military Departments have agreed to cooperate fully with NASA in making their acquisition services, equipment, personnel, and facilities available on the basis of mutual agreement.

(c) The Military Departments have agreed not to claim reimbursement for administrative costs incident to acquisitions for NASA, except as may be otherwise agreed before the services are performed.

(d) When procuring supplies or services for NASA or performing field service functions in support of NASA contracts, the Military Departments have agreed to use their own methods, except when otherwise required by the terms of the agreement involved.

(e) The Military Departments normally will use their own funds when procuring supplies or services or performing services for NASA, and will not cite NASA funds on any Defense obligation or payment document.

1817.7002 NASA-Defense Purchase Request and acceptance.

(a) The NASA-Defense Purchase Request (NASA Form 523) shall be used by NASA contracting offices for requesting acquisition of supplies or services from all activities of the Military Departments. Individual NASA-Defense Purchase Requests shall be prepared in accordance with the instructions on the reverse of NASA Form 523 and shall be numbered in accordance with subpart 1804.71. The form shall not be used for requesting—

(1) Block transfers of excess property between NASA and the Military Departments;

(2) Performance by the Military Departments of field service functions related to NASA contracts; or

(3) Items that the Military Departments normally purchase and

stock for military use or in-house service, except when a DOD activity is willing to accept the form for these purposes. Supplies and services of this nature may be requisitioned using appropriate DOD forms when they are provided by and are acceptable to or preferred by the Military Department supplying activity or as otherwise mutually agreed upon by the parties.

(b) The contracting officer shall include a provision in the order in accordance with 1817.504(b)(4).

(c) To obtain materials from the Air Force Missile Procurement Fund, the contracting officer shall follow the procedures of 1808.002-72.

1817.7002-1 Acceptance by Military Department.

(a) Except as provided in paragraph (c) of this section, the Military Department concerned will, within 30 days after receipt of a NASA-Defense Purchase Request, forward to the initiator of the request an Acceptance of MIPR, DD Form 448-2. Each DD Form 448-2 will show the action being taken to fill the requirement and the name and complete address of the DOD contracting activity.

(b) To the extent feasible, all documents (including acceptances, contracts, correspondence, shipping documents, work or project orders, and Standard Form 1080 (Voucher for Transfer between Appropriations and/or Funds) billings) will reference the NASA-Defense Purchase Request number and the item number.

(c) Acceptance by the Military Department is not required for NASA-Defense Purchase Requests covering deliveries of common-use standard-stock items that the supplying agency has on hand or on order for prompt delivery at published prices.

1817.7002-2 Changes in estimated total prices.

When a Military Department determines that the estimated total price (Block 7, NASA Form 523) of the items to be acquired for NASA is not sufficient to cover the required reimbursement or is in excess of the amount required, a request for an amendment will be forwarded to the NASA originating office. The request will indicate a specific dollar amount, rather than a percentage, and will include justification for any upward adjustment requested. Upon approval of the request, the cognizant NASA contracting office shall forward to the DOD contracting activity an amendment to the NASA Defense Purchase Request.

1817.7002-3 Payments.

Except when agreements provide that reimbursement is not required, payments to the Military Departments shall be made by that NASA office designated in block 9 of the NASA-Defense Purchase Request upon receipt of Standard Form 1080. Billings will be supported in the same manner as billings between Military Departments.

1817.7002-4 Contract clause.

The contracting officer shall insert the clause at 1852.217-70, Property Administration and Reporting, in any NASA-Defense Purchase Request when property will be involved.

Subpart 1817.71—Exchange or Sale of Personal Property**1817.7101 Policy.**

(a) Section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384, as amended (40 U.S.C. 481(c)), authorizes the exchange or sale of Government personal property and the application of the exchange allowance or proceeds from the sale to the acquisition of similar property for replacement purposes. The transaction must be evidenced in writing.

(b) NASA installations and contractors are authorized to conduct exchange/sale transactions as long as the requirements and restrictions of NHB 4300.1 and the Federal Property Management Regulations, Subchapter H, part 101-46, are followed. In conducting such exchanges/sales, NASA contractors must obtain the contracting officer's prior written approval and must report the transactions to the cognizant NASA installation Property Disposal Officer (PDO).

3. Part 1822 is revised to read as follows:

PART 1822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**1822.000-70 Scope of part.****Subpart 1822.1—Basic Labor Policies****1822.101 Labor relations.****1822.101-1 General.****1822.101-3 Reporting labor disputes.****1822.101-4 Removal of items from contractors' facilities affected by work stoppages.****1822.101-70 Admission of labor representatives to contract sites.****1822.103 Overtime.****1822.103-4 Approvals.****Subpart 1822.3—Contract Work Hours and Safety Standards Act****1822.302 Liquidated damages and overtime pay.****Subpart 1822.4—Labor Standards for Contracts Involving Construction****1822.400-70 Contracts with the Department of Labor.****1822.404-3 Procedures for requesting wage determinations.****1822.406-8 Investigations.****1822.406-9 Withholding from or suspension of contract payments.****1822.406-13 Semiannual enforcement reports.****Subpart 1822.6—Walsh-Healey Public Contracts Act****1822.604 Exemptions.****1822.604-2 Regulatory exemptions.****1822.608 Procedures.****1822.608-4 Award pending final determination.****Subpart 1822.8—Equal Employment Opportunity****1822.804 Affirmative action programs.****1822.804-2 Construction.****1822.807 Exemptions.****1822.810 Solicitation provisions and contract clauses.****Subpart 1822.10—Service Contract Act of 1965****1822.1001 Definitions.****1822.1008 Procedures for preparing and submitting Notice (SF 98/98a).****1822.1008-270 Additional information for the preparation of SF 98/98a.****1822.1008-7 Required time of submission of Notice.****Subpart 1822.13—Special Disabled and Vietnam ERA Veterans****1822.1303 Waivers.****1822.1306 Complaint procedures.****Subpart 1822.14—Employment of the Handicapped****1822.1403 Waivers.****1822.1406 Complaint procedures.**

Authority: 42 U.S.C. 2473(c)(1).

1822.000-70 Scope of part.

(a) Contracting officers shall consult with the installation labor relations advisor or designee when taking any of the actions prescribed or authorized in FAR part 22 or part 1822.

(b) Proposed actions having a substantial impact on the activities of NASA or other Government agencies shall be approved by the Headquarters Contractor Industrial Relations Office (Code JLR).

Subpart 1822.1—Basic Labor Policies**1822.101 Labor relations.****1822.101-1 General. (NASA supplements paragraph (d))**

(d) When a strike that may have an adverse effect on NASA programs is

imminent or in progress at a prime contractor's or subcontractor's plant, contracting officers shall:

(i) Advise both the prime contractor and the head of the union local in writing of the expected impact of the strike on NASA programs and of the actions NASA is considering to protect the Government's interest and prevent delay in the accomplishment of NASA's mission. If the strike is in a subcontractor's plant, the subcontractor may be approached only through the prime contractor;

(ii) Explore the possibility of locating other sources for the supplies or services to have been provided by the strike-threatened plant; and

(iii) Consider taking the actions described in FAR 22.101-4.

1822.101-3 Reporting labor disputes.

Reports of potential or actual labor disputes affecting NASA acquisitions, operations, or services shall be submitted to the Headquarters Contractor Industrial Relations Office (Code JLR). These reports shall be made as early as possible and shall include immediately available information. Supplemental reports shall be made to provide appropriate additional information. Reports shall described at a minimum:

(1) The nature of the potential or actual dispute, including whether a strike, lockout, slow-down, shut-down, or picketing is involved and the degree of emergency presented;

(2) The character, quantity, and importance of the supplies, operations, or services involved, including scheduled performance and delivery dates and their relationship to the total acquisition program;

(3) The identity and location of the parties to the dispute and their representatives, including the approximate number of employees involved;

(4) The need for and availability of alternative resources to furnish the items involved within the time required;

(5) Any critical items that should be removed from the plant or work site or should continue to be processed there with the consent of the parties to the dispute; and

(6) Recommended action to be taken by NASA.

1822.101-4 Removal of items from contractors' facilities affected by work stoppages. (NASA supplements paragraph (a))

(a) (3) The contracting officer shall obtain approval from Code JLR for any contemplated action.

1822.101-70 Admission of labor representatives to contract sites.

NASA activities may not prevent the access of labor union representatives to contract sites for the conduct of union business if their activities are compatible with safety and security regulations and performance of the contract work involved.

1822.103 Overtime.**1822.103-4 Approvals. (NASA supplements paragraph (a))**

(a) The contracting officer is authorized to approve overtime premiums at Government expense. If two or more contracting offices have current contracts at a single facility and approval of overtime by one will affect the performance or cost of contracts of another, the approving official shall obtain the concurrence of other appropriate approving officials and seek agreement as to the contracts under which premiums will be approved. In the absence of evidence to the contrary, a contracting officer may rely on the contractor's statement that approval will not affect performance or payments under any contract of another contracting office.

Subpart 1822.3—Contract Work Hours and Safety Standards Act**1822.302 Liquidated damages and overtime pay. (NASA supplements paragraphs (c) and (d))**

(c) The Director of the Headquarters Contractor Industrial Relations Office (Code JLR) is the agency head designee.

(d) Disposal of funds withheld or collected for liquidated damages shall be in accordance with direction of the Director of Code JLR.

Subpart 1822.4—Labor Standards for Contracts Involving Construction**1822.400-70 Contacts with the Department of Labor.**

All contacts with the Department of Labor required by FAR subpart 22.4 shall be conducted through the Headquarters Contractor Industrial Relations Office (Code JLR). Contracting officers shall submit all pertinent information to Code JLR in support of the required contacts.

1822.404-3 Procedures for requesting wage determinations.

Contracting officers shall submit requests for project wage determinations to Code JLR at least 55 days (70 days if possible) before issuing the solicitation.

1822.406-8 Investigations. (NASA supplements paragraphs (a) and (d))

(a) The contracting officer is responsible for conducting investigations of labor violations relative to contracts under his/her cognizance.

(d) Reports of violations shall be sent to Code JLR.

1822.406-9 Withholding From or suspension of contract payments. (NASA supplements paragraph (c))

(c)(4) Code JLR shall determine the disposal of funds.

1822.406-13 Semiannual enforcement reports.

Procurement officers shall submit semiannual enforcement data within 20 days after the end of the specified reporting periods to the Headquarters Office of Procurement (Code HK). Negative statements are required.

Subpart 1822.6—Walsh-Healey Public Contracts Act**1822.604 Exemptions.****1822.604-2 Regulatory exemptions. (NASA supplements paragraph (c))**

(c) Requests for exemptions shall be submitted in writing through the contracting officer to the Headquarters Contractor Industrial Relations Office (Code JLR).

1822.608 Procedures.

All contacts with other agencies required by FAR 22.608 shall be conducted through Code JLR. Contracting officers shall submit all pertinent information to Code JLR in support of the required contacts.

1822.608-4 Award pending final determination. (NASA supplements paragraph (b))

(b)(1) The procurement officer shall approve, with the concurrence of Code JLR, certifications for immediate award.

(2) Code JLR will notify other agencies of the determination to award, and the contracting officer shall notify the protester.

Subpart 1822.8—Equal Employment Opportunity**1822.804 Affirmative action programs.****1822.804-2 Construction. (NASA supplements paragraph (b))**

(b) The Headquarters Office of Procurement (Code HK) will furnish each procurement officer the listing.

1822.807 Exemptions.

Requests for exemption pursuant to FAR 22.807(a)(1), (a)(2), or (b)(5) shall

be sent to the Headquarters Office of Procurement (Code HS).

1822.810 Solicitation provisions and contract clauses. (NASA supplements paragraph (e))

(e) If an offeror completes a negative representation under FAR 52.222-22, the contracting officer shall obtain the information required by FAR 52.222-26(b)(7) within 30 days of contract award. The information shall be held in confidence as privileged information in accordance with 32 CFR 286.6(b)(4).

Subpart 1822.10—Service Contract Act of 1965**1822.1001 Definitions.**

Agency labor advisor is the Director of the Headquarters Contractor Industrial Relations Office (Code JLR). All contacts with other agencies required by FAR subpart 22.10 shall be conducted through Code JLR. Contracting officers shall submit all pertinent information to Code JLR in support of the required contacts.

1822.1008 Procedures for preparing and submitting Notice (SF 98/98a).**1822.1008-270 Additional information for the preparation of SF 98/98a.**

The information listed in this section by item number shall be furnished, in addition to that required by the SF 98/98a:

(a) Item 6. Insert on the far left side of the block the code identifying the type of proposed action:

Code	Proposed action
I	New contract (use <i>only</i> when services are not presently being performed).
II	Recompetition of services.
III	Contract modifications affecting the scope of the work.
IV	Extension of contract performance through exercise of an option or otherwise.
V	Other. When a multiple year contract (funding is not subject to annual appropriation) is to be entered into, specify "multiple year R&D funded" on the SF 98.

(b) Item 8. (1) If the proposed contract will be awarded under Section 8(a) of the Small Business Act, insert both the Small Business Administration and the name of the subcontractor.

(2) If no wage determination is available for the particular contract, insert "None" in Item 8.b.

(c) Item 10. Add the solicitation number.

(d) Item 12. (1) When entering into a new service contract, list all classes of work expected to be performed under

the contract under this item, regardless of whether the class of employees is considered professional, executive, administrative, or hourly. However, if submission of the SF 98/98a is in connection with any action other than a new contract (Code I in paragraph (a) of this subsection), list only the classes of work that the incumbent indicates are "nonexempt."

(2) When classifications include both categories of employees covered by a collective bargaining agreement and those not represented by a union, mark the classifications that are unionized with an asterisk.

(3) If the classification of work is not known, use the most descriptive job title available for the work to be performed under the contract.

(e) Item 13. If the number of employees is not known, the estimated hours required to perform the tasks should be indicated so that staffing estimates can be determined and listed.

(f) Item 14. Include in this item the wage rates that would be paid if the employees were subject to 5 U.S.C. 5332 (GS grades).

1822.1008-7 Required time of submission of Notice. (NASA supplements paragraphs (a), (b), (c), and (d))

(a) Contracting officers shall submit the notices to Code JLR at least 70 days before initiating the associated contract actions.

(b) When the circumstances in FAR 22.1008-7(b) apply, contracting officers shall submit the required notices to Code JLR at least 40 days before initiating the associated contract actions.

(c) Contracting officers shall contact Code JLR before initiating any action when the circumstances in FAR 22.1008-7(c) and (d) apply.

(d) See paragraph (c) of this section.

Subpart 1822.13—Special Disabled and Vietnam Era Veterans

1822.1303 Waivers. (NASA supplements paragraph (c))

(c) Requests for waivers shall be submitted to the Associate Administrator for Equal Opportunity Programs (Code E).

1822.1306 Complaint procedures.

Contracting officers shall submit all complaints to the Associate Administrator for Equal Opportunity Programs (Code E).

Subpart 1822.14—Employment of the Handicapped

1822.1403 Waivers. (NASA supplements paragraph (c))

(c) Requests for waivers shall be submitted to the Associate

Administrator for Equal Opportunity Programs (Code E).

1822.1406 Complaint procedures.

Contracting officers shall submit all complaints to the Associate Administrator for Equal Opportunity Programs (Code E).

4. Part 1823 is revised to read as follows:

PART 1823—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Sec.

Subpart 1823.1—Pollution Control and Clean Air and Water

1823.106 Delaying award.

1823.107 Compliance responsibilities.

Subpart 1823.3—Hazardous Material Identification and Material Safety Data

1823.370 Acquisition of potentially hazardous items from or through another Government agency.

Subpart 1823.5—Drug-Free Workplace

1823.570 Drug- and alcohol-free workforce.

1823.570-1 Scope.

1823.570-2 Definitions.

1823.570-3 Contract clause.

1823.570-4 Suspension of payments, termination of contract, and debarment and suspension actions.

Subpart 1823.70—Safety and Health

1823.7001 NASA contract clauses.

Subpart 1823.71—Frequency Authorization

1823.7101 Contract clause.

1823.7102 Procedures.

Authority: 42 U.S.C. 2473(c)(1)

Subpart 1823.1—Pollution Control and Clean Air and Water

1823.106 Delaying award. (NASA supplements paragraph (a))

(a) Notifications shall be submitted through the procurement officer and the Associate Administrator for Procurement (Code HS).

1823.107 Compliance responsibilities.

Notifications under FAR 23.107 shall be submitted through the same channels as under 1823.106.

Subpart 1823.3—Hazardous Material Identification and Material Safety Data

1823.370 Acquisition of potentially hazardous items from or through another Government agency.

When acquiring supplies or services from or through another Government agency (e.g., see FAR part 8 and FAR subpart 17.5), NASA shall request that agency to furnish NASA the data required by FAR subpart 23.3.

Subpart 1823.5—Drug-Free Workplace

1823.570 Drug- and alcohol-free workforce.

1823.570-1 Scope.

Sections 1823.570 through 1823.570-4 set forth NASA requirements for mandatory drug and alcohol testing of certain contractor personnel under section 203, National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473, 72 Stat. 429; and Civil Space Employee Testing Act of 1991, Public Law 102-195, sec. 21, 105 Stat. 1616 to 1619.

1823.570-2 Definitions.

As used in this subpart *employee* and *controlled substance* are as defined in FAR 23.503. The use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law shall not be subject to the requirements of 1823.570 through 1823.570-4 and the clause at 1852.223-74.

Employee in a sensitive position means a contractor or subcontractor employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated "mission critical" pursuant to the clause at 1852.246-70. The term also includes any applicant who is interviewed for a position described in this paragraph.

Use, in violation of applicable law or Federal regulation, of alcohol includes having, while on duty or during a preemployment interview, an alcohol concentration of 0.04 percent by weight or more in the blood, as measured by chemical test of the individual's breath or blood. An individual's refusal to submit to such test is presumptive evidence of use, in violation of applicable law or Federal regulation, of alcohol.

1823.570-3 Contract clause.

The contracting officer shall insert the clause at 1852.223-74, "Drug- and Alcohol-Free Workforce," in all solicitations and contracts containing the clause at 1852.246-70, "Mission Critical Space Systems Personnel Reliability Program," and in other solicitations and contracts exceeding \$5 million in which work is performed by an employee in a sensitive position. However, the contracting officer shall not insert the clause at 1852.223-74 in

solicitations and contracts for commercial items (see FAR parts 2 and 12).

1823.570-4 Suspension of payments, termination of contract, and debarment and suspension actions.

The contracting officer shall comply with the procedures of FAR 23.506 regarding the suspension of contract payments, the termination of the contract for default, and debarment and suspension of a contractor relative to failure to comply with the clause at 1852.223-74. Causes for suspension of contract payments, termination of the contract for default, and debarment and suspension of the contractor are the following:

(a) The contractor fails to comply with paragraph (b), (c), or (d) of the clause at 1852.223-74; or

(b) Such a number of contractor employees in sensitive positions having been convicted of violations of criminal drug statutes or substantial evidence of drug or alcohol abuse or misuse occurring in the workplace, as to indicate that the contractor has failed to make a good faith effort to provide a drug- and alcohol-free workforce.

1823.70—Safety and Health

1823.7001 NASA contract clauses.

(a) Except as provided in paragraph (b) of this section, the clause at 1852.223-70 shall be included in—

(1) All negotiated contracts of \$1,000,000 or more;

(2) All construction, repair, or alteration contracts in excess of the simplified acquisition threshold;

(3) All contracts having, within their total requirement, construction, repair, or alteration tasks in excess of the simplified acquisition threshold; and

(4) Any acquisition regardless of dollar amount when:

(i) Any deliverable contract end item is of a hazardous nature, or

(ii) During the life of the contract it can reasonably be expected that hazards will be generated within the operational environment and the contracting officer determines that they warrant inclusion of the clause.

(b) The clause prescribed in paragraph (a) of this section may be excluded

(1) From any contract subject to the Walsh-Healey Public Contracts Act (see FAR subpart 22.6) or the Service Contract Act of 1965 (see FAR subpart 22.10) in which the application of the act and its implementing regulations constitute adequate safety and health protection;

(2) When the contracting officer makes a written determination that the clause is not necessary under the circumstances of the acquisition, and;

(3) Exclusion of the clause is approved by the installation safety and health official.

(c) The contracting officer shall insert the provision at 1852.223-73, Safety and Health Plan, in solicitations containing the clause at 1852.223-70, when a Safety and Health Plan is to be submitted with the offeror's proposal. This clause may be modified to identify specific information that is to be included in the plan. The contracting officer shall include the approved plan in any resulting contract.

(d) When the installation safety and health official recommends that a Safety and Health Plan be submitted by the apparently successful offeror after notification of selection but before contract award, the provision at 1852.223-73 shall be used with its Alternate I.

Subpart 1823.71—Frequency Authorization

1823.7101 Contract clause.

The contracting officer shall insert the clause at 1852.223-71, Frequency Authorization, in solicitations and contracts calling for developing, producing, constructing, testing, or operating a device for which a radio frequency authorization is required.

1823.7102 Procedures.

The contracting officer shall obtain the necessary frequency authorization and other procedural details from the installation's spectrum manager.

5. Part 1824 is revised to read as follows:

PART 1824—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 1824.1—Protection of Individual Privacy

1824.102 General.

Subpart 1824.2—Freedom of Information Act

1824.202 Policy.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1824.1—Protection of Individual Privacy

1824.102 General.

(1) For NASA rules and regulations implementing the Privacy Act, see Privacy—NASA Regulations, (14 CFR 1212). The Act applies to any contractor maintaining a system of records to accomplish a NASA mission.

(2) Systems of records to which the Privacy Act does not apply include—

(i) Records maintained by a contractor on individuals employed by the contractor on its own behalf for the

purpose of providing supplies and services to the Federal Government; and

(ii) Records that—

(A) Are maintained under contracts with educational institutions to provide training;

(B) Are generated on students working under the contract relative to their attendance (admission forms, grade reports, etc.);

(C) Are similar to those maintained on other students; and

(D) Are commingled with their records on other students.

Subpart 1824.2—Freedom of Information Act

1824.202 Policy. (NASA supplements paragraphs (a) and (b))

(a) For NASA implementation of the Freedom of Information Act, see Availability of Agency Records to Members of the Public (14 CFR part 1206).

(b) When receiving any Freedom of Information Act request from the public, the contracting officer shall immediately refer the request to the Freedom of Information Act Officer, NASA Information Center, or other responsible point of contact as set forth in installation procedures.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Sec.

1852.222-71 [Removed]

6. Section 1852.222-71 is removed.

1852.223-72 [Removed]

8. Section 1852.223-72 is removed.

1852.223-73 [Amended]

9. In section 1852.223-73, the citation "1823.7004(e)" is revised to read "1823.7001", and in Alternate I, the citation "1823.7004(f)" is revised to read "1823.7001".

10. Part 1871 is revised to read as follows:

PART 1871—MIDRANGE PROCUREMENT PROCEDURES

1871.000 Scope of part.

Subpart 1871.1—General

1871.101 Purpose.

1871.102 Authority.

1871.103 Applicability.

1871.104 Definitions.

1871.105 Policy.

Subpart 1871.2—Planning and Requirements Process

1871.201 Use of buying team.

1871.202 Organizational responsibilities.

1871.202-1 Requiring organization.

- 1871.202-2 Procurement organization.
- 1871.202-3 Supporting organizations.
- 1871.202-4 Center management.
- 1871.203 Buying team responsibilities.
- 1871.204 Small business set-asides.

Subpart 1871.3—Publicizing of Solicitation

- 1871.301 Publicizing policy.
- 1871.302 Publicizing procedure.
- 1871.303 Special situations.

Subpart 1871.4—Request for Offer (RFO)

- 1871.400 General.
- 1871.401 Types of RFO's.
- 1871.401-1 Sealed offers.
- 1871.401-2 Two-step competitive procurement.
- 1871.401-3 Competitive negotiated procurement not using qualitative criteria.
- 1871.401-4 Competitive negotiation using qualitative criteria (Best Value Selection).
- 1871.401-5 Noncompetitive negotiations.
- 1871.401-6 Commercial items.
- 1871.402 Preparation of the RFO.
- 1871.403 Offer preparation period and limitations.
- 1871.404 Protection of offers.
- 1871.405 RFO by NAIS (applicable to procurements meeting the thresholds in 1871-302(a)).

Subpart 1871.5—Award

- 1871.501 Representations and certifications.
- 1871.502 Determination of responsible contractor.
- 1871.503 Negotiation documentation.
- 1871.504 Award documents.
- 1871.505 Notifications to unsuccessful offerors.
- 1871.506 Publication of award.
- 1871.507 Debriefing of unsuccessful offerors.

Subpart 1871.6—"Best Value Selection"

- 1871.601 General.
 - 1871.602 Specifications for MidRange procurements.
 - 1871.603 Establishment of evaluation criteria.
 - 1871.604 Evaluation phases.
 - 1871.604-1 Initial evaluation.
 - 1871.604-2 Determination of "Finalists".
 - 1871.604-3 Discussions with "Finalists".
 - 1871.604-4 Selection of "Best Value" Offer.
- Authority: 42 U.S.C. 2473(c)(1).

1871.000 Scope of part.

This part prescribes policies and procedures for the acquisition of supplies, including commercial items, and services.

Subpart 1871.1—General

1871.101 Purpose.

The purpose of this part is to establish policies and procedures that implement the MidRange procurement process.

1871.102 Authority.

The Office of Federal Procurement Policy has provided authority for NASA

to conduct a pilot test of a new procurement process within the scope of this part.

1871.103 Applicability.

(a) This part applies to all acquisitions, as described in 1871.103(b), conducted at NASA installations except as provided in 1871.401-4(a)(3).

(b) This part applies to all contract actions the aggregate amount of which is greater than the simplified acquisition threshold (SAT) (FAR part 13) and not more than \$2,000,000 in basic value (not more than \$10,000,000 with options) and for commercial items (FAR part 12) not more than \$25,000,000 including options. This part may be used for commercial item contracts above \$25,000,000 at the installation's discretion.

(c) For other than commercial items, if the Government estimate for the basic award amount or any option amount, if any, exceeds the limits of 1871.103(b), the procurement will be processed under FAR and NFS procurement procedures applicable to large procurements (see FAR parts 14 and 15). When the estimate is within the range of 1871.103(b) and the procurement was started using these procedures but the offered prices/costs exceed the MidRange ceiling, the procurement may continue under MidRange procedures, provided that:

(1) The price/cost can be determined to be fair and reasonable,

(2) The successful offeror accepts incorporation of required FAR and NFS clauses applicable to large procurements, and

(3) The procurement does not exceed \$3,000,000 for the basic requirement or \$15,000,000 for the total requirement.

1871.104 Definitions.

The following terms are used throughout part 1871 as defined in this subpart.

(a) *NASA Acquisition Internet Service* or *NAIS* means the Internet home page (URL: <http://procurement.nasa.gov>) through which users may access documents available in electronic format.

(b) *MidRange procurement procedure* means a set of procedures within the authority of 1871.102 and the applicability of 1871.103.

(c) *Request for Offer (RFO)* means the solicitation used to request offers for all authorized MidRange procurements.

(d) *Clarification and Discussion* are used as defined in FAR 15.601.

(e) *Commercial item* is used as defined in FAR 2.101.

1871.105 Policy.

(a) Under MidRange procedures, cost or pricing data and certification thereof shall be in accordance with FAR 15.804.

(b) Procurements conducted under part 1871, unless otherwise properly restricted under the provisions of FAR part 6, are considered to be full and open competition after exclusion of sources in accordance with FAR 6.203, Set-asides for small business concerns, or full and open competition in accordance with FAR part 6, subpart 6.1.

(c) Options may be included in the acquisition provided they conform to 1871.103(b) or do not exceed \$10,000,000 for the total requirement (\$25,000,000 for commercial items), options included.

(d) The appropriate part 1871 post-selection processes (negotiation, award, and publication of award) may be used to the extent applicable for Small Business Innovation Research (SBIR), broad agency announcements, unsolicited proposals, and Small Business Administration 8(a) procurement actions within the applicability of 1871.103(b).

(e) The NAIS will be used to the maximum extent practicable to disseminate advance procurement information and conduct part 1871 procurements.

(f) Use of locally generated forms is encouraged where their use will contribute to the efficiency and economy of the process. NASA Forms 1667, Request for Offer, and 1668, Contract, or computer generated versions of these forms may be used as the solicitation and contract cover sheets, respectively, except that the SF1442, Solicitation, Offer, and Award (Construction, Alteration, or Repair) shall be used for construction acquisitions and the SF1449, Solicitation/Contract/Order for Commercial Items, shall be used for commercial item acquisitions. Contractor generated forms or formats for solicitation response should be allowed whenever possible. There is no requirement for uniform formats (see FAR 15.406).

Subpart 1871.2—Planning and Requirements Process

1872.201 Use of buying team.

MidRange procedures are based on the use of a buying team to conduct the procurement. The concept is to designate individuals who are competent in their respective functional areas, provide those individuals with the basic authority to conduct the procurement and hold them accountable

for the results. The buying team will normally consist of one technical member and one procurement member, but may be augmented with additional members as necessary. Personnel providing normal functional assistance to the team (e.g., legal, financial) will not be considered a part of the team unless so designated. To function properly, the team should be given the maximum decision authority in matters related to the procurement. When higher level management approvals remain essential, it will be incumbent upon the functional team member to obtain such approvals.

1871.202 Organizational responsibilities.

1871.202-1 Requiring organization.

The requirements organization shall appoint, by name, the technical member of the buying team. This individual will normally be an end user or the one most familiar with the technical aspects of the requirement. The individual appointed, whatever the relationship with the procured item, is expected to totally fulfill the responsibilities to the buying team.

1871.202-2 Procurement organization.

The procurement organization shall appoint the procurement member of the buying team. This individual shall be a warranted contracting officer or a contract specialist with broad latitude to act for the contracting officer. The procurement member shall be the team leader with the ultimate responsibility to conduct the procurement.

1871.202-3 Supporting organizations.

Buying team members may require additional team members to perform specialized functions or to assist in the evaluation of offers. Requests for supporting members shall be made by the organization identifying the need for the support and directed to the appropriate management level in the supporting organization. Supporting team members, once designated for the team, shall fulfill all applicable responsibilities to the team as other members.

1871.202-4 Center management.

Center managers shall, to the maximum extent practical and consistent with their responsibilities to manage the Center mission, convey sufficient authority to members of the buying team to conduct the procurement. Administrative or technical approvals should be minimized, and where deemed essential, facilitated to the maximum extent practicable. Center managers should lend their full support to the

buying team should problems arise from the procurement.

1871.203 Buying team responsibilities.

(a) The buying team shall conduct the procurement in a manner that best satisfies the user requirements and meets the norms expected of a Government procurement. Team members should develop open communications, rely on decisions of other responsible functional team members and meet their obligations to the team. The team will typically—

- (1) Refine the final specifications for the solicitation;
- (2) Decide the most appropriate solicitation method;
- (3) Establish milestones for the procurement;
- (4) Finalize the evaluation criteria;
- (5) Develop the RFO and model contract; and
- (6) Evaluate offers and determine the awardee.

(b) The procurement member of the buying team shall lead clarifications, discussions, and negotiations; shall be the source selection official; and shall conduct debriefings.

1871.204 Small business set-asides.

(a) Except as provided in paragraphs (b) through (e) of this section, each MidRange acquisition shall be reserved exclusively for small business concerns.

(b) The requirement for small business MidRange set-asides does not relieve the buying office of its responsibility to procure from required sources of supply, such as Federal Prison Industries, Industries for the Blind and Other Severely Handicapped, and multiple award Federal Supply Schedule contracts.

(c) Procurements not conducted as small business set-asides and under less than full and open competition require a Justification for Other than Full and Open Competition pursuant to FAR part 6.

(d) If the buying team procurement member determines there is no reasonable expectation of obtaining offers from two or more responsible small business concerns that will be competitive in terms of market price, quality, and delivery, the buying team need not proceed with the small business set-aside and may purchase on an unrestricted basis utilizing MidRange procedures. The buying team procurement member shall document the contract file with the reason for the unrestricted procurement.

(e) If the buying team proceeds with the small business MidRange set-aside and receives an offer from only one responsible small business concern at a

reasonable price, the contracting officer will normally make an award to that concern. However, if the buying team does not receive a reasonable offer from a responsible small business concern, the buying team procurement member may cancel the small business set-aside and complete the procurement on an unrestricted basis utilizing MidRange procedures. The buying team procurement members shall document in the file the reason for the unrestricted purchase.

(f) Each model contract under a small business MidRange set-aside shall contain the clause at FAR 52.219-6, Notice of Total Small Business Set-Aside.

Subpart 1871.3—Publicizing of Solicitation

1871.301 Publicizing policy.

(a) Use of the MidRange procedure is intended to streamline and expedite the acquisition process. Publication requirements for synopses are streamlined; however, it is in the Government's interest to provide as much advance notice as possible of a pending acquisition in order for the Government to obtain maximum competition.

(b) The dollar thresholds stated in 1871.302 are lower than the MidRange thresholds in 1871.103. They are based on Section 5062 of the Federal Acquisition Streamlining Act.

1871.302 Publicizing procedure.

(a) Synopses are not to be sent to or published in the Commerce Business Daily except if the basic award is expected to exceed \$500,000, the total amount of the basic award plus options is expected to exceed \$2,500,000, or annual obligations are expected to exceed \$500,000 in any one year. For those acquisitions published both in the CBD and on the NAIS, the CBD publication date is the basis upon which the time frames specified in FAR 5.203 are calculated.

(b) A synopsis for each requirement shall be published on the NAIS prior to or simultaneously with the actual release of the solicitation.

(c) The synopsis shall comply with the requirements set forth in FAR 5.207(b) and shall:

(1) Include a statement that the competitive solicitation will be released via the NAIS, that potential offerors will be responsible for downloading their own copy of the solicitation, and that hard copies of the solicitation will not be mailed, and

(2) State the projected solicitation release date if the synopsis is published

prior to solicitation release, provide notice that it is the offeror's responsibility to monitor the NAIS for solicitation release as the solicitation will be released as soon as practicable whether prior or subsequent to the projected date, and identify the name, telephone number, fax number, and e-mail address of a point of contact. The synopsis shall be updated to reflect significant changes to the original notice.

(d) For commercial item purchases, the streamlined solicitation (combined presolicitation notice and solicitation described in FAR part 12) may be used.

1871.303 Special situations.

Notices for special situations as described in FAR 5.205 involving MidRange Procurements must be published in the Commerce Business Daily. Such special situations include R&D sources sought, intent to sponsor or change the mission of a Federally Funded Research and Development Center, effort to locate commercial sources under OMB Circular No. A-76, and Section 8(a) competitive national buy acquisitions.

Subpart 1871.4—Request for Offer (RFO)

1871.400 General.

In MidRange procedures, solicitation of sources shall be accomplished by use of an RFO. The RFO will be solely a solicitation document incorporating only those elements of information required to solicit the offer. Offers will be provided on a model contract furnished with the RFO.

1871.401 Types of RFO'S.

The RFO may be used for all types of procurements to which MidRange is applicable. The distinguishing difference will be the evaluation and award criteria specified in the RFO. This, in turn, will be driven by the buying team's decisions on the extent of discussion required, the amount of non-price factors that will influence the award and the amount of competition available. If the conditions in FAR 6.401(a) are met, the RFO's described in 1871.401-1 and 1871.401-2 shall be used; otherwise, RFO's described in 1871.401-3, 1871.401-4, 1871.401-5, or 1871.401-6 may be used. Once the evaluation and award criteria have been specified in the RFO, the procurement must conform to the procedures applicable to these criteria, unless changed by formal amendment to the RFO.

1871.401-1 Sealed offers.

(a) Policy. RFO's may specify that award will be made to the low, responsive, responsible offeror providing the most advantageous offer considering only price and price-related factors. This method shall be used when (1) time permits the solicitation, submission, and evaluation of sealed offers; (2) award will be made on the basis of price and other price-related factors; (3) conducting discussions with the offerors is not necessary; and (4) a reasonable expectation of receiving more than one offer exists. The RFO shall be in compliance with the requirements of FAR part 14 relating to Sealed Bidding.

(b) Procedures. (1) The RFO shall request offerors to provide a complete offer by the closing date specified.

(2) In accordance with FAR part 14, offers (whether received by facsimile or sealed envelope delivery) shall be publicly opened at the designated time and place. Interested members of the public will be permitted to attend the opening. Offers shall be abstracted pursuant to FAR part 14 and be available for public inspection. The abstract shall be included in the contract file.

(3) All offers shall be examined for mistakes in accordance with FAR 14.406. The buying team shall determine that a prospective contractor is responsible and that the prices offered are reasonable (see FAR 14.407-2).

(4) The Government will award a contract to the low, responsive, responsible offeror, whose offer conforms to the RFO and will be most advantageous to the Government, considering only price and the price-related factors included in the solicitation.

1871.401-2 Two-step competitive procurement.

(a) Policy. (1) RFO's may specify that evaluation and award may be conducted in two distinct steps, similar in concept to "Two Step Sealed Bidding." The MidRange Two Step process should be used when it is desirable to award to the lowest, responsive, responsible offeror after determining that the initial technical offer, or the revised technical offer, is acceptable.

(2) The procedures of FAR 14.503-2(a) shall be used once Step Two of this process begins.

(b) Procedures. (1) The RFO shall request offerors to provide both a technical and a price offer by the closing date specified. Price offers are requested to ensure that they are accomplished in a timely manner and to reduce the time required for Step Two.

(2) Step One. The technical offer will be evaluated to determine if the product or service offered is acceptable. The buying team may proceed directly to Step Two if there are sufficient acceptable offers to ensure adequate price competition, and if further time, effort and delay to make additional offers acceptable and thereby increase competition would not be in the Government's interest. If this is not the case, the buying team procurement member shall enter into discussions and request offeror(s) whose offer(s) is susceptible to being made acceptable to submit additional clarifying or supplementing information to make it acceptable (see FAR 14.503-1). It is expected that these discussions will be conducted on an informal basis. After completion of discussions, the buying team shall proceed to Step Two.

(3) Step Two. If discussions were held, the buying team shall afford all offerors who have submitted acceptable offers and those offers with whom discussions were conducted, an opportunity, by a common date, to revise their price offers. No changes to technical offers will be permitted during this process. A reasonable amount of time (normally less than 5 working days) will be afforded for the revision. The amount of time given shall be the same for each offeror. The procedures at 1871.401-1(b) (2) and (3) shall then be followed.

(4) The Government will award a contract to the low, responsive, responsible offeror, whose offer conforms to the RFO and will be most advantageous to the Government, considering only price and the price-related factors included in the solicitation.

1871.401-3 Competitive negotiated procurement not using qualitative criteria.

(a) Policy. (1) RFO's may provide for discussion of all aspects of the offer but award is based on the technically acceptable offer having the lowest price (if fixed price) or the lowest most probable cost (if cost reimbursable). This method should be used when qualitative factors are not material in the award decision, but it is important to assure that technical offers and contract terms are fully compliant with the Government's needs. This method also permits direct discussion of price with offerors and is particularly appropriate when different approaches can be offered to satisfy the Government's need.

(2) The RFO should reserve the right to award without discussion based on the initial offers submitted. FAR 52.215-16, Alternate II, will be included

in all RFO's for competitive negotiated procurements not using qualitative criteria except for solicitations for commercial item acquisitions.

(b) *Procedures.* (1) The RFO shall request offerors to provide both a technical and a price offer by the closing date specified.

(2) *Initial evaluation.* The buying team shall review each offer to determine if all required information has been provided. No further evaluation shall be made of any offer that is deemed unacceptable because it does not meet the technical requirements of the RFO and is not reasonably susceptible to being made so. Offerors may be contacted for clarification purposes only during the initial evaluation. Offerors determined not to be acceptable shall be notified of their rejection and the reasons therefore and excluded from further consideration. Documentation for such rejection should consist of one or more succinct statements of fact that show the offer is not acceptable. No documentation is required if all offers are deemed to be acceptable or reasonably susceptible to being made so.

(3) *Determination of finalists.* From among the acceptable offers and those susceptible to being made acceptable, the buying team shall rank the offers based on price (or most probable cost) and exclude any whose price/most probable cost precludes any reasonable chance of being selected for final award. The remaining offers constitute the "finalists" for the contract. Only in exceptional cases will this number be less than two offers. The procurement buying team member shall succinctly record the basis for the decision.

(4) *Discussions.* The procurement buying team member shall lead discussions with each finalist. The discussions are intended to assist the buying team in fully understanding each finalist's offer and to assure that all finalists are competing equally on the basis intended. Care must be exercised to ensure these discussions adhere, to the extent applicable, to the guidelines set forth in FAR 15.610. It is expected that discussions will be conducted on an informal basis with each finalist. After completion of discussions, each finalist shall be afforded an opportunity to revise its offer to support and clarify its offer. A reasonable amount of time (Normally less than 5 working days) will be afforded for the revision. The amount of time given shall be the same for each finalist. Such discussions are not required if there are sufficient acceptable offers to ensure adequate price competition, and if further time, effort and delay to make additional

proposals acceptable and thereby increase competition, would not be in the Government's interest.

(5) *Selection.* The procurement team member shall be the source selection official. The source selection official may elect to make selection in lieu of determining finalists provided that it can be demonstrated that (i) selection of an initial offer(s) will result in the lowest price/cost to the Government and (ii) discussions with other acceptable offerors are not anticipated to change the outcome of the initial evaluation relative to evaluated price/cost. It is expected that the source selection statement will not ordinarily exceed one page and that the basis for the decision will be apparent upon review of the informal worksheets used in the evaluation process. These informal worksheets shall be included in the contract file.

(6) The names of offerors determined to be finalists or the name of the offeror selected for contract award will be electronically transmitted to all offerors. This will serve as notification to those offers that were not selected for further evaluation (see 1871.505).

1871.401-4 Competitive negotiations using qualitative criteria (Best Value Selection).

(a) *Policy.* (1) MidRange procurements shall normally use the BVS source selection method, prescribed in part 1871, subpart 1871.6, when it is desirable to base evaluation and award on a combination of price and non-price qualitative criteria.

(2) The RFO should reserve the right to award without discussion based on the initial offers submitted. FAR 52.215-16, Alternate II, will be included in all RFO's for competitive negotiated procurements using qualitative criteria except for solicitations for commercial item acquisitions.

(3) In exceptionally complex procurements, a source selection method other than MidRange Best Value Selection may be more appropriate. This may be appropriate in cases in which the following factors cannot be accommodated within the MidRange/BVS selection methodology:

(i) The ability to predefine the value characteristics that will constitute the discriminators among the offers;

(ii) The complexity of the interrelationships that must be evaluated;

(iii) The number of evaluators required to address the disciplines that will be involved in the offers; or

(iv) The impact that the procurement may have on higher level mission

management (level of selection official) or future procurements.

(b) *Procedures.* (1) The buying team will determine which of the source selection methodologies is most appropriate to the specific procurement.

(2) The team shall record its rationale for selecting a methodology rather than BVS. Once this decision is made, the team shall no longer function as a MidRange buying team, but shall follow the instructions prescribed in the local procedures for the source selection method.

1871.401-5 Noncompetitive negotiations.

(a) *Policy.* (1) The RFO may be used as the solicitation method for noncompetitive procurements.

(2) MidRange procedures may be used in noncompetitive acquisitions to the extent they are applicable.

(b) *Procedures.* (1) Within the dollar thresholds specified in 1871.302(a), posting a synopsis on the NAIS meets the requirement of FAR 5.201 and complies with the notice required by the Competition in Contracting Act. A synopsis is not required if one of the exceptions of FAR 5.202 is met.

(2) The buying team shall require submission of certified cost and pricing data in accordance with FAR 15.804-2.

(3) The technical member of the buying team shall provide technical assistance to the procurement member during evaluation and negotiation of the contractor's offer.

1871.401-6 Commercial items.

(a) *Policy.* (1) MidRange procedures are considered consistent with the requirements of FAR part 12, Acquisition of Commercial Items. In the event of a conflict, however, FAR part 12 takes precedence.

(2) MidRange Procedures shall be used for commercial item procurements except that type of contract is limited by FAR 12.207.

(b) *Procedures.* The offices will be evaluated in accordance with applicable procedures, and shall include consideration of technical, past performance, and price.

1871.402 Preparation of the RFO.

(a) The RFO shall provide all standard information required for the offeror to submit an offer.

(b) The RFO shall contain space for all necessary additional instructions to offerors. As a minimum, the RFO shall contain the following:

(1) Incorporation by reference of all required standard provisions.

(2) A provision notifying offerors that standard Representations and Certifications will be required.

(3) Evaluation and award criteria.

(4) A provision requiring offerors to submit offers on an attached model contract.

(c) Requirements for the content and format of the offer should be the minimum required to provide for proper evaluation. Offerors' formats should be allowed to the maximum extent possible.

(d) Facsimile offers, defined by FAR 14.202-7 and 15.402(i), are authorized for MidRange procurements.

1871.403 Offer preparation period and limitations.

For procurements which are synopsized solely on the NAIS, the buying team should establish deadlines for receipt of offers based on an assessment of the minimum amount of time required to respond to the solicitation. The time required will depend on the complexity of the requirement and amount of cost and technical information required to be submitted. The information required shall be limited to the amount required to conduct a proper evaluation. The offer preparation period established in the RFO shall not be less than 15 calendar days unless the procurement is urgent. For procurements which are synopsized on the NAIS and published in the CBD, FAR requirements for waiting times and deadlines for the receipt of offers apply.

1870.404 Protection of offers.

A facsimile machine(s) shall be dedicated for receipt of offers and placed in a secure location where offers received on it can be safeguarded. All offers submitted shall be recorded, sealed in an envelope marked with the RFO number and taken to the buying team procurement member. Facsimile attendants shall make a good faith effort to inspect the document for completeness and legibility. If the attendant believes there are missing or illegible pages, the document will be promptly referred to the buying team procurement member for notification to the offeror that it should resubmit the offer. The Government shall not assume responsibility for proper transmission.

1871.405 RFO by NAIS (applicable to procurement meeting the thresholds in 1871.302(a)).

(a) Competitive solicitations for MidRange Procurements shall be made available on the NAIS. Solicitations available on the NAIS are exempt from the requirement in FAR 14.203-1 that delivery of the solicitations be made pursuant to FAR 14.205.

(b) For the purposes of FAR 15.402(a), a solicitation posted on the NAIS is a written solicitation.

(c) Solicitations posted on the NAIS in accordance with the regulations in this part are exempt from the requirement in FAR 15.408(a) to issue solicitations using the procedures in FAR part 5.

Subpart 1871.5—Award

1871.501 Representations and certifications.

Upon determination of the successful offeror, the buying team procurement member will determine if the offeror has on file valid Representations and Certifications. If the offeror has not completed the required forms, or they have expired, the offeror will be requested to provide the forms promptly. Should the offeror refuse to provide the required Representations and Certifications or fail to meet a required condition, the buying team shall reject the offer and proceed to the next highest ranked offeror who is responsive and responsible.

1871.502 Determination of responsible contractor.

Contractor responsibility shall be determined in accordance with FAR part 9.

1871.503 Negotiation documentation.

The prenegotiation memorandum, if required, and the results of negotiation will be in abbreviated form and will be approved by the buying team.

1871.504 Award documents.

Contract award shall be accomplished by contracting officer execution of the contract document and providing a paper copy to the successful offeror. If facsimile documents were used in the evaluation process, the successful offeror may be required to execute original copies of the contract to facilitate legibility during the administration phase of the contract.

1871.505 Notifications to unsuccessful offerors.

For solicitations that were posted on the NAIS, a preaward notice shall be electronically transmitted to the offerors. This notice meets the requirements of FAR 15.1001. However, the preaward notice in a small business set-aside must allow unsuccessful offerors 5 working days to challenge the small business status of the successful offeror.

1871.506 Publication of award.

An award notice shall be posted on the NAIS for 7 calendar days after

posting, if the contract offers subcontracting opportunities or if it is subject to the Trade Agreements Act. The information required by FAR 5.207 shall be included in the award notice in abbreviated form.

1871.507 Debriefing of unsuccessful offerors.

The procurement buying team member shall conduct debriefings if requested.

Subpart 1871.6—"Best Value Selection"

1871.601 General.

(a) Best Value Selection (BVS) seeks to select an offer based on the best combination of price and qualitative merit of the offers submitted and reduce the administrative burden on the offerors and the Government.

(b) BVS takes advantage of the lower complexity of MidRange procurements and predefines the value characteristics which will serve as the discriminators among offers. It eliminates the use of area evaluation factors and the highly structured scoring.

1871.602 Specifications for MidRange procurements.

BVS refines the traditional approach to preparing specifications. BVS envisions that the requirement will focus on the end result that is to be achieved and will serve as a statement of the Government's baseline requirements. The offeror will be guided in meeting the Government's needs by a separate set of value characteristics which establish what the Government considers to be valuable in an offer. These value characteristics will be performance based and will permit the selection of the offer which provides better results for a reasonable marginal increase in price.

1871.603 Establishment of evaluation criteria.

(a) The requiring organization will provide, along with the requirement, a list of value characteristics against which the offers will be judged. There is no limit to the number or the type of characteristics that may be specified. The only standard will be whether the characteristic is rationally related to the need specified in the specification. Characteristics may include such factors as improved reliability, innovativeness of ideas, speed of service, demonstrated delivery performance, higher speeds, ease of use, qualifications of personnel, solutions to operating problems, level of service provided on previous similar contracts, or any of numerous other

characteristics that may be of value to the Government in satisfying its needs.

(b) Cost and technical will be considered equal in importance. The value characteristics will not be assigned weights.

(c) All subsequent evaluations will consider these characteristics when determining the finalists or making the final selection for award.

1871.604 Evaluation phases.

1871.604-1 Initial evaluation.

(a) Offers will be reviewed to determine if all required information has been provided and the offeror has made a reasonable attempt to present an acceptable offer. Offerors may be contacted only for clarification purposes during the initial evaluation. No further evaluation shall be made of any offer that is deemed unacceptable because:

(1) It does not represent a reasonable effort to address itself to the essential requirements of the RFO or clearly demonstrates that the offeror does not understand the requirements of the RFO;

(2) It contains major technical or business deficiencies or omissions or out-of-line costs which discussions with the offeror could not reasonably be expected to cure; or

(3) In R&D procurement, a substantial design drawback is evident in the offer and sufficient correction or improvement to consider the offer acceptable would require virtually an entirely new offer.

(b) Offerors determined not to be acceptable shall be notified of their rejection and the reasons therefor and excluded from further consideration.

(c) *Documentation.* If it is concluded that all offers are acceptable, then no documentation is required and evaluation proceeds. If one or more offers are not acceptable, the procurement member of the team will notify the offeror of the rejection and the reasons therefor. The documentation should consist of one or more succinct statements of fact that show the offer is not acceptable.

1871.604-2 Determination of "Finalists".

(a) All acceptable offers will be evaluated against the requirement and the value characteristics. Based on this evaluation, the team will identify the finalists from among the offers submitted. Finalists will include all offers having a reasonable chance of being selected for award, as prescribed in FAR 15.609 for competitive range. Generally, finalists will include the offer having the best price (or lowest most probable cost) and the offer having the

highest qualitative merit, plus those determined to have the best combination of price and merit. Offers not qualifying as finalists will be excluded from the balance of the evaluation process.

(b) The selection official may elect to make selection in lieu of determining finalists, provided it can be clearly demonstrated that

(1) Selection of an initial offer(s) will result in the best value for the Government, considering both price and non-price qualitative criteria;

(2) Discussions with other acceptable offerors are not anticipated to change the outcome of the initial evaluation relative to the best value offer(s), and

(3) The solicitation contains a provision permitting award without discussions.

(c) *Documentation.* If finalists are identified as discussed in paragraph (a) of this section, the documentation expected and required to result from this phase of evaluation is approximately one-quarter of a page for each finalist. The documentation shall succinctly describe how the value characteristics in the RFO were provided by the offeror and cost/price considerations that caused the offer to qualify as a finalist. The evaluator(s) shall not be required to justify why other offers provided less qualitative merit. It is expected that, should the decision be challenged, the documented reason for selection, when compared with the non-selected offer, shall clearly demonstrate the difference that resulted in non-selection. It is expected and recommended that all informal worksheets used in the evaluation process be included in the contract file. When selection of the successful offeror(s) is made, the buying team shall document the selection in accordance with 1871.604-4(c).

(d) The names of offerors determined to be finalists or selected for contract award will be electronically transmitted to all offerors. This will serve as notification to those offerors that were not selected for further evaluation (see 1871.505).

1871.604-3 Discussions with "Finalists".

(a) The procurement team member shall lead discussions with each finalist. Care must be exercised to ensure these discussions adhere, to the extent applicable, to the guidelines set forth in FAR 15.610. It is expected that these discussions will be conducted on an informal basis with each finalist.

(b) After completion of discussions, each finalist shall be afforded an opportunity to revise its offer. A reasonable amount of time (normally

less than 5 working days) will be afforded for the revision. The amount of time given shall be the same for each finalist.

1871.604-4 Selection of "Best Value" Offer.

(a) The procurement team member shall be the source selection official.

(b) The BVS source selection is based on the premise that, if all offers are of approximately equal qualitative merit, award will be made to the offer with the lowest evaluated price (fixed-price contracts) or the lowest most probable cost (cost type contracts). However, the Government will consider awarding to an offeror with higher qualitative merit if the difference in price is commensurate with added value. Conversely, the Government will consider making award to an offeror whose offer has lower qualitative merit if the price (or cost) differential between it and other offers warrant doing so.

(c) *Documentation.* Rationale for selection of the successful offeror shall be recorded in a selection statement which succinctly records the value characteristics upon which selection was made. The statement need not and should not reveal details of the successful offer that are proprietary or business sensitive. Since the value characteristics are expressed in performance terms, the reasons for selection can focus on results to be achieved, rather than the detailed approach the offeror will use. The statement shall also comment on the rationale used to equate cost and qualitative merit. Little or no additional analysis is required when the selected offeror possessed the highest merit and lowest price. When a marginal analysis is made between value characteristics and price (or cost)—in most cases this will be a subjective, integrated assessment of all pertinent factors—specific rationale should be provided to the extent possible. It is expected that the statement will not ordinarily exceed one page. Where the procurement is closely contested, it would be prudent to expand on the rationale provided in the statement.

(d) The name of the offeror(s) selected for award shall be electronically transmitted to the offerors which will serve as a notification to those offerors that were not selected (see 1871.505). The selection statement may be made available at the buying team's discretion.

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48 CFR Parts 1828, 1829, 1830, 1831, 1832, 1833 and 1852**Rewrite of the NASA FAR Supplement (NFS)**

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: As part of the National Performance Review initiative to streamline and clarify regulations, NASA is issuing a rewrite of those regulations in its Federal Acquisition Regulations Supplement relating to bonds and insurance (part 1828); taxes (part 1829); cost accounting standards (part 1830); contract cost principles and procedures (part 1831); contract financing (part 1832); and protests, disputes, and appeals (part 1833). In addition, conforming amendments are made to solicitation provisions and contract clauses (part 1852) regarding aircraft ground and flight risk and other provisions.

EFFECTIVE DATE: This rule is effective October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas O'Toole, (202) 358-0478; Mr. Bruce King, (202) 358-0461.

SUPPLEMENTARY INFORMATION:**Background**

The National Performance Review urged agencies to streamline and clarify their regulations. The NFS rewrite initiative was established to pursue these goals by conducting a section by section review of the NFS to verify its accuracy, relevancy, and validity. The NFS will be rewritten in blocks of parts and issued through Procurement Notices (PNs). Upon completion of all parts, the NFS will be reissued in a new edition.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1828, 1829, 1830, 1831, 1832, 1833, and 1852

Government procurement.

Tom Luedtke,
Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR chapter 18 is amended as follows:

1.-2. Part 1828 is revised to read as follows:

PART 1828—BONDS AND INSURANCE

Sec.

Subpart 1828.1 Bonds

1828.101 Bid guarantees.

1828.101-70 NASA solicitation provision.

1828.103 Performance and payment bonds and alternative payment protections for other than construction contracts.

1828.103-70 Subcontractors performing construction work under nonconstruction contracts.

1828.103-71 Solicitation requirements and contract clauses.

1828.106 Administration.

1828.106-6 Furnishing information.

Subpart 1828.2 Sureties

1828.202 Acceptability of corporate sureties.

1828.203 Acceptability of individual sureties.

Subpart 1828.3 Insurance

1828.307 Insurance under cost-reimbursement contracts.

1828.307-1 Group insurance plans.

1828.307-2 Liability.

1828.307-70 Insurance of industrial facilities.

1828.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

1828.311-1 Contract clause.

1828.311-2 Agency solicitation provisions and contract clauses.

1828.370 Fixed-price contract clauses.

1828.371 Clauses for cross-waivers of liability for Space Shuttle services, Expendable Launch Vehicle (ELV) launches, and Space Station activities.

1828.372 Clause for minimum insurance coverage.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1828.1—Bonds**1828.101 Bid guarantees.****1828.101-70 NASA solicitation provision.**

The contracting officer shall insert the provision at 1852.228-73, Bid Bond, in construction solicitations where offers are expected to exceed \$100,000 and a performance bond or a performance and payment bond is required (see FAR 28.102 and 28.103). The contracting officer may increase the amount of the bid bond to protect the Government from loss, as long as the amount does not exceed \$3 million.

1828.103 Performance and payment bonds and alternative payment protections for other than construction contracts.**1828.103-70 Subcontractors performing construction work under nonconstruction contracts.**

(a) The contracting officer shall require prime contractors on nonconstruction contracts to obtain the following performance and/or payment protection from subcontractors performing construction work:

(1) Performance and payment bonds when the subcontract construction work is in excess of \$1000,000 and is determined by NASA to be subject to the Miller Act.

(2) An appropriate payment protection determined according to FAR 28.102-1(b)(1) when the subcontract construction work is greater than \$25,000 but not greater than \$100,000.

(b) The contracting officer shall establish the penal amount in accordance with FAR 28.102-2 based on the subcontract value.

(c) The bonds shall be provided on SF 25, Performance Bond, and SF 25A, Payment Bond. These forms shall be modified to name the NASA prime contractor as well as the United States of America as obligees.

1828.103-71 Solicitation requirements and contract clause.

When performance and payment bonds or alternative payment protections are required from subcontractors performing construction work under nonconstruction prime contracts, the contracting officer shall follow the procedures in FAR 28.102-3. When alternative payment protections are required, insert a clause substantially the same as FAR 52.228-13, Alternative Payment Protections, appropriately modified.

1828.106 Administration.**1828.106-6 Furnishing information. (NASA supplements paragraph (c))**

(c) The contracting officer is the agency head's designee.

Subpart 1828.2—Sureties**1828.202 Acceptability of corporate sureties. (NASA supplements paragraph (d))**

(d) Contracting officers may obtain access to Department of Treasury Circular 570 through the internet at <http://www.ustreas.gov/treasury/bureaus/finman/c570.html>.

1828.203 Acceptability of individual sureties. (NASA supplements paragraph (g))

(g) Notification of suspected criminal or fraudulent activities, with all supporting documentation, shall be submitted to the Headquarters Office of Procurement (Code HS).

Subpart 1828.3—Insurance**1828.307 Insurance under cost-reimbursement contracts.****1828.307-1 Group insurance plans. (NASA supplements paragraph (a))**

(a) The procurement officer is the approval authority.

1828.307-2 Liability. (NASA supplements paragraph (b))

(b)(2)(A) The procurement officer may approve a requirement for property damage liability insurance when:

(a) A commingling of operations permits property damage coverage at a nominal cost to NASA under insurance carried by the contractor in the course of its commercial operations; or

(b) The contractor is engaged in the handling of high explosives or in extra hazardous research and development activities undertaken in populated areas.

(B) In all other circumstances, the Associate Administrator for Procurement (Code HS) is the approval authority.

1828.307-70 Insurance of industrial facilities.

When industrial facilities are provided by the Government under a facilities contract or a lease, the contract or lease shall require that during the period of construction, installation, alteration, repair, or use, and at any other time as directed by the contracting officer, the contractor or lessee shall ensure or otherwise provide approved security for liabilities to third persons (including employees of the contractor or lessee) in the manner and to the same extent as required in FAR 28.307-2.

1828.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.**1828.311-1 Contract clause.**

The contracting officer shall insert the clause at FAR 52.228-7, Insurance-Liability to Third Persons, as prescribed in FAR 28.311-1 unless waived by the procurement officer.

1828.311-2 Agency solicitation provisions and contract clauses.

The contracting officer shall insert the clause at 1852.228-71, Aircraft Flight Risks, in all cost-reimbursement contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor, except when the aircraft are covered by a separate bailment.

1828.370 Fixed-price contract clauses.

(a) The contracting officer shall insert the clause at 1852.228-70, Aircraft Ground and Flight Risk, in all negotiated fixed-price contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor, except as provided in paragraph (b) of this section, unless the aircraft are covered

by a separate bailment. See the clause preface for directions for modifying the clause to accommodate various circumstances.

(b) The Government need not assume the risk of aircraft damage, loss, or destruction as provided by the clause at 1852.228-70 if the best estimate of premium costs that would be included in the contract price for insurance coverage for such damage, loss, or destruction at any plant or facility is less than \$500. If it is determined not to assume this risk, the clause at 1852.228-70 shall not be made a part of the contract, and the cost of necessary insurance to be obtained by the contractor to cover this risk shall be considered in establishing the contract price. In such cases, however, if performance of the contract is expected to involve the flight of Government-furnished aircraft, the substance of the clause at 1852.228-71, Aircraft Flight Risks, suitably adapted for use in a fixed-price contract, shall be used.

(c) When the clause at 1852.228-70 is used, the term "Contractor's premises" shall be expressly defined in the contract Schedule and shall be limited to places where aircraft may be located during the performance of the contract. Contractor's premises may include, but are not limited to, those owned or leased by the contractor or those for which the contractor has a permit, license, or other right of use either exclusively or jointly with others, including Government airfields.

1828.371 Clauses for cross-waivers of liability for Space Shuttle services, Expendable Launch Vehicle (ELV) launches, and Space Station activities.

(a) In agreements covering Space Shuttle services, certain ELV launches, and Space Station activities, NASA and other signatories (the parties) agree not to bring claims against each other for any damage to property or for injury or death of employees that occurs during the time such a cross-waiver is in effect. These agreements involving NASA and other parties include, but are not limited to, Memoranda of Understanding with foreign Governments, Launch Services Agreements, and other agreements for the use of NASA facilities. These agreements require the parties to flow down the cross-waiver provisions to their related entities so that contractors, subcontractors, customers, and other users of each party also waive their right to bring claims against other parties and their similarly related entities for damages arising out of activities conducted under the agreements. The purpose of the clauses prescribed in this section is to flow down the cross-

waivers to NASA contractors and subcontractors.

(b) The contracting officer shall insert the clause 1852.228-72, Cross-waiver of Liability for Space Shuttle Services, in solicitations and contracts of \$100,000 or more when the work to be performed involves "Protected Space Operations" (applicable to the Space Shuttle) as that term is defined in the clause. If Space Shuttle services under the contract are being conducted in support of the Space Station program, the contracting officer shall insert the clause prescribed by paragraph (d) of this section and designate application of the clause to those particular activities.

(c) The contracting officer shall insert the clause at 1852.228-78, Cross-Waiver of Liability for NASA Expendable Launch Vehicle (ELV) Launches, in solicitations and contracts of \$100,000 or more for the acquisition of ELV launch services when the service is being acquired by NASA pursuant to an agreement described in paragraph (a) of this section. If, under a contract that covers multiple launches, only some of the launches are for payloads provided pursuant to such agreements, an additional clause shall be inserted in the contract to designate the particular launches to which this clause applies. If a payload is being launched by use of an ELV in support of the Space Station program, the contracting officer shall insert the clause prescribed by paragraph (d) of this section and designate application of the clause to that particular launch.

(d) The contracting officer shall insert the clause at 1852.228-76, Cross-Waiver of Liability for Space Station Activities, in solicitations and contracts of \$100,000 or more when the work is to be performed involves "Protected Space Operations" (relating to the Space Station) as that term is defined in the clause.

(e) At the contracting officer's discretion, the clauses prescribed by paragraphs (b), (c), and (d) of this section may be used in solicitations, contracts, new work modifications, or extensions, to existing contracts under \$100,000 involving Space Shuttle activities, ELV launch services, or Space Station activities, respectively, in appropriate circumstances. Examples of such circumstances are when the value of contractor property on a Government installation used in performance of the contract is significant, or when it is likely that the contractor or subcontractor will have its valuable property exposed to risk or damage caused by other participants in the Space Shuttle services, ELV launches, or Space Station activities.

1828.372 Clause for minimum insurance coverage.

In accordance with FAR 28.306(b) and 28.307, the contracting officer may insert a clause substantially as stated at 1852.228-75, Minimum Insurance Coverage, in fixed-price solicitations and in cost-reimbursement contracts. The contracting officer may modify the clause to require additional coverage, such as vessel liability, and higher limits if appropriate for a particular acquisition.

3. Part 1829 is revised to read as follows:

PART 1829—TAXES

Sec.

Subpart 1829.1 General

1829.101 Resolving tax problems.

Subpart 1829.2 Federal Excise Taxes

1829.203 Other Federal tax exemptions.

1829.203-70 NASA Federal tax exemptions.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1829.1—General**1829.101 Resolving tax problems. (NASA supplements paragraph (a))**

(a)(i) The Headquarters Office of the General Counsel (Code G) is the designated legal counsel for all external contacts on FAR part 29 tax issues, including communications with the Department of Justice, other Federal agencies, and any taxing authority.

(ii) Tax problems that cannot be solved readily by reference to FAR Part 29 shall be forwarded to Code G through the installation's Office of Chief Counsel. The following material, as applicable, shall be forwarded to Code G with a copy to the Associate Administrator for Procurement (Code HS):

(A) A comprehensive statement of pertinent facts, including documents and correspondence.

(B) A copy of the contract.

(C) A thorough review of the legal issues involved and recommended action.

(D) If appropriate, a statement of the problem's effects on acquisition policies and procedures, with recommendations.

Subpart 1829.2—Federal Excise Taxes

1829.203 Other Federal tax exemptions.

1829.203.70 NASA Federal tax exemptions.

(a) The Associate Administrator for Procurement has obtained a permit from the Bureau of Alcohol, Tobacco, and Firearms (Treasury Department) enabling NASA and its contractors to purchase spirits (e.g., specially

denatured spirits) tax-free for nonbeverage Government use. Installations can obtain copies of the permit from the Headquarters Office of Procurement (Code HS).

(b) When purchasing spirits for use by NASA personnel, the contracting officer shall attach a copy of the permit to the contract. Upon receipt of the spirits, the permit shall be returned to the contracting officer unless future orders are anticipated.

(c) When a NASA contractor requires spirits to perform a NASA contract, the contracting officer shall furnish the contractor a copy of the permit to provide its vendor. Upon receipt of the spirits, the contractor shall return the permit to the contracting officer unless future orders are anticipated. In any event, the permit shall be returned upon completion of the contract.

(d) The contracting officer shall post a copy of the permit for inspection.

4. Part 1830 is revised to read as follows:

PART 1830—COST ACCOUNTING STANDARDS

Sec.

Subpart 1830.2 CAS Program Requirements

1830.201-5 Waiver.

Subpart 1830.70 Facilities Capital Employed for Facilities in Use and For Facilities Under Construction

1830.7001 Facilities capital employed for facilities in use.

1830.7001-1 Contract facilities capital estimates.

1830.7001-2 DD Form 1861 completion instructions.

1830.7001-3 Preaward FCCOM applications.

1830.7001-4 Postaward FCCOM applications.

1830.7002 Facilities capital employed for facilities under construction.

1830.7002-1 Definitions.

1830.7002-2 Cost of money calculations.

1830.7002-3 Representative investment calculations.

1830.7002-4 Determining imputed cost of money.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1830.2—CAS Program Requirements

1830.201-5 Waiver.

The procurement officer shall forward all requests for waiver of CAS requirements to the Associate Administrator for Procurement (Code HC).

Subpart 1830.70—Facilities Capital Employed for Facilities in Use and for Facilities Under Construction

1830.7001 Facilities capital employed for facilities in use.

1830.7001-1 Contract facilities capital estimates.

To estimate facilities capital cost of money (FCCOM), the contracting officer shall use DD Form 1861, Contract Facilities Capital Cost of Money, after evaluating the contractor's cost proposal, establishing cost of money factors, and developing a prenegotiation cost objective.

1830.7001-2 DD Form 1861 completion instructions.

(a) List overhead pools and direct-charging services centers (if used) in the same structure as they appear on the contractor's cost proposal and Form CASB-CMF. The structure and allocation base units-of-measure must be compatible on all three displays.

(b) Extract appropriate contract overhead allocation base data, by year, from the evaluated cost breakdown or prenegotiation cost objective, and list them against each overhead pool and direct-charging service center.

(c) Multiply each allocation base by its corresponding cost of money factor to compute the FCCOM estimated to be incurred each year. The sum of these products represents the estimated contract FCCOM for the year's effort.

(d) Add the yearly estimates to calculate the total contract FCCOM.

1830.7001-3 Preaward FCCOM applications.

Apply FCCOM in establishing cost and price objectives as follows:

(a) *Cost objective.* Use the FCCOM with normal, booked costs in establishing a cost objective or the target cost of an incentive type contract. Do not subsequently adjust these target costs when actual cost of money rates become available during the contract performance period.

(b) *Profit/fee objective.* Do not include FCCOM in the cost base when establishing a prenegotiation profit/fee objective. Use only normal, booked costs in this cost base.

1830.7001-4 Postaward FCCOM applications.

(a) *Interim billings based on costs incurred.* (1) The contractor may include FCCOM in cost reimbursement and progress payment invoices. To determine the amount that qualifies as cost incurred, multiply the incurred portions of the overhead pool allocation bases by the latest available cost of

money factors. These FCCOM calculations are interim estimates subject to adjustment.

(2) As actual cost of money factors are finalized, use the new factors to calculate FCCOM for the next accounting period.

(b) *Final settlements.* (1) Contract FCCOM for final cost determination or repricing is based on each year's final cost of money factors determined under CAS 414 and supported by separate Forms CASB-CMF.

(2) Separately compute contract FCCOM in a manner similar to yearly final overhead rates. As in overhead rates, include in the final settlement an adjustment from interim to final contract FCCOM. Do not adjust the contract estimated or target cost.

1830.7002 Facilities capital employed for facilities under construction.

1830.7002-1 Definitions.

(a) *Cost of money rate* is either—

(1) The interest rate determined by the Secretary of the Treasury under Public Law 92-41 (85 Stat. 97); or

(2) The time-weighted average of such rates for each cost accounting period during which the capital asset is being constructed, fabricated, or developed.

(b) *Representative investment* is the calculated amount considered invested by the contractor during the cost accounting period to construct, fabricate, or develop the capital asset.

1830.7002-2 Cost of money calculations.

(a) The interest rate referenced in 1830.7002-1(a)(1) is established semi-annually and published in the Federal Register during the fourth week of December and June.

(b) To calculate the time-weighted average interest rate referenced in 1830.7002-1(a)(2), multiply the rates in effect during the months of construction by the number of months each rate was in effect, and then divide the sum of the products by the total number of months.

1830.7002-3 Representative investment calculations.

(a) The calculation of the representative investment requires consideration of the rate or expenditure pattern of the costs to construct, fabricate, or develop a capital asset.

(b) If the majority of the costs were incurred toward the beginning, middle, or end of the cost accounting period, the contractor shall either:

(1) Determine a representative investment for the cost accounting period by calculating the average of the month-end balances for that cost accounting period; or

(2) Treat month-end balances as individual representative investments.

(c) If the costs were incurred in a fairly uniform expenditure pattern throughout the construction, fabrication, or development period, the contractor may either:

(1) Determine a representative investment for the cost accounting period by averaging the beginning and ending balances of the construction, fabrication, or development cost account for the cost accounting period; or

(2) Treat month-end balances as individual representative investments.

(d) The method chosen by the contractor to determine the representative investment amount may be different for each capital asset being constructed, fabricated, or developed, provided the method fits the expenditure pattern of the costs incurred.

1830.7002-4 Determining imputed cost of money.

(a) Determine the imputed cost of money for an asset under construction, fabrication, or development by applying a cost of money rate (see 1830.7002-2) to the representative investment (see 1830.7002-3).

(1) When a representative investment is determined for a cost accounting period in accordance with 1830.7002-3(b)(1) or 1830.7002-3(c)(1), the cost of money rate shall be the time-weighted average rate.

(2) When a monthly representative investment is used in accordance with 1830.7002-3(b)(2) or 1830.7002-3(c)(2), the cost of money rate shall be that in effect each month. Under this method, the FCCOM is determined monthly, and the total for the cost accounting period is the sum of the monthly calculations.

(b) The imputed cost of money will be capitalized only once in any cost accounting period, either at the end of the accounting period or the end of the construction, fabrication, or development period, whichever comes first.

(c) When the construction, fabrication, or development of an asset takes more than one accounting period, the cost of money capitalized for the first accounting period will be included in determining the representative investment for any future cost accounting periods.

5. Part 1831 is revised to read as follows:

PART 1831—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

Subpart 1831.2 Contracts With Commercial Organizations

1831.205 Selected costs.

1831.205-18 Independent research and development and bid and proposal costs.

1831.205-32 Precontract costs.

1831.205-70 Contract clause.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1831.2—Contracts with Commercial Organizations

1831.205 Selected costs.

1831.205-18 Independent research and development and bid and proposal costs. (NASA supplements paragraph (e))

(e) A class deviation exists to permit costs contributed by a contractor under a cooperative arrangement with NASA to be considered as allowable IR & D costs if the work performed would have been allowed as contractor IR & D had there been no cooperative arrangement. This deviation does not apply to costs contributed by the contractor under cost-sharing contracts described in FAR 16.303 and 1816.303.

1831.205-32 Precontract costs.

(1) Precontract costs are applicable only to sole source awards, except those resulting in firm-fixed price or fixed-price with economic price adjustment contracts.

(2) The procurement officer is the approval authority for the use of precontract costs. Authorization shall be in writing and shall address the following:

(i) The necessity for the contractor to initiate work prior to contract award;

(ii) The start date of such contractor effort;

(iii) The total estimated time of the advanced effort; and

(iv) The cost limitation.

(3) Authorization to incur precontract costs shall be provided to the contractor in writing and shall include the following:

(i) The start date for incurrence of such costs;

(ii) The limitation on the total amount of precontract costs which may be incurred;

(iii) A statement that the costs are allowable only to the extent they would have been if incurred after formal contract award; and

(iv) A statement that the Government is under no obligation to reimburse the contractor for any costs unless a contract is awarded.

1831.205-70 Contract clause.

The contracting officer shall insert the clause at 1852.231-70, Precontract

Costs, in contracts for which specific coverage of precontract costs is authorized under 1831.205–32.

6. Part 1832 is revised to read as follows:

PART 1832—CONTRACT FINANCING

Sec.
1832.006–2 Definitions.

Subpart 1832.1 Non-Commercial Item Purchase Financing

1832.111 Contract clauses for non-commercial purchases.
1832.111–70 NASA contract clause.

Subpart 1832.2 Commercial Item Purchase Financing

1832.202–1 Policy.
1832.206 Solicitation provisions and contract clauses.

Subpart 1832.4 Advance Payments For Non-Commercial Items

1832.402 General.
1832.406 Letters of credit.
1832.407 Interest.
1832.409 Contracting officer action.
1832.409–1 Recommendation for approval.
1832.409–170 NASA procedure for approval.
1832.410 Findings, determination, and authorization.
1832.412 Contract clause.

Subpart 1832.5 Progress Payments Based on Costs

1832.501 General.
1832.501–1 Customary progress payment rates.
1832.501–2 Unusual progress payments.
1832.502 Preaward matters.
1832.502–2 Contract finance office clearance.
1832.502–4 Contract clauses.
1832.502–470 NASA contract clause.
1832.504 Subcontracts.

Subpart 1832.7 Contract Funding

1832.702 Policy.
1832.702–70 NASA policy.
1832.704 Limitation of cost or funds.
1832.704–70 Incrementally funded fixed-price contracts.
1832.705 Contract clauses.
1832.705–2 Clauses for limitation of cost or funds.
1832.705–270 NASA clauses for limitation of cost or funds.

Subpart 1832.9 Prompt Payment

1832.903 Policy.
1832.906 Contract financing payments.
1832.908 Contract clauses.
1832.970 Payments to Canadian Commercial Corporation.

Subpart 1832.10 Performance-Based Payments

1832.1004 Procedures.
1832.1005 Contract clauses.
1832.1006 Agency approvals.
1832.1009 Title.
Authority: 42 U.S.C. 2473(c)(1).

1832.006–2 Definitions.

The Associate Administrator for Procurement is the Agency remedy coordination official.

Subpart 1832.1—Non-Commercial Item Purchase Financing

1832.111 Contract clauses for non-commercial purchases.

1832.111–70 NASA contract clause.

The contracting officer shall insert the clause at 1852.232–79, Payment for On-Site Preparatory Costs, in solicitations and contracts for construction on a fixed-price basis when progress payments are contemplated and pro rata payment of on-site preparatory costs to the contractor is appropriate.

Subpart 1832.2—Commercial Item Purchase Financing

1832.202–1 Policy. (NASA supplements paragraph (b))

(b)(6) Advance payment limitations do not apply to expendable launch vehicle (ELV) service contracts. (see 1832.402).

1832.206 Solicitation provisions and contract clauses. (NASA supplements paragraph (g))

(g)(2) The installment payment rate shall be that which is common in the commercial marketplace for the purchased item. If there is no commonly used rate, the contracting officer shall determine the appropriate rate. In no case shall the rate exceed that established in the clause at FAR 52.232–30.

Subpart 1832.4—Advance Payments for Non-Commercial Items

1832.402 General. (NASA supplements paragraph (e))

(e)(1) The Director of the Headquarters Office of Procurement Analysis Division (Code HC) is the approval authority for all advance payments except the following:

(A) The procurement officer is the approval authority for non-fee bearing contracts with domestic entities when the cumulative contract value is \$25,000,000 or less, and for all increases to such contracts over \$25,000,000 previously approved by Code HC as long as the advance payment amount outstanding at any time is not increased.

(B) The contracting officer is the approval authority for the following actions. In these cases, a findings and determination (see FAR 32.410) is not required.

(a) Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Phase I

contracts. A class deviation has been signed, effective through September 30, 2000 (for SBIRs) and September 30, 1997 (for STTRs), authorizing use of advance payments on these contracts. The contracting officer shall annotate the contract file that the deviation is on file at the NASA Headquarters Office of Procurement (Code HC).

(b) Expendable launch vehicle (ELV) service contracts. 42 U.S.C. 2459c authorize advance payments for these contracts. The contracting officer shall document the contract file with the rationale for approving the use of advance payments.

(e)(2) All advance payment authorization requests, except those authorized by 1832.402(e)(1)(B), shall be coordinated with the installation Deputy Chief Financial Officer.

1832.406 Letters of credit. (NASA supplements paragraph (b))

(b)(1) Each installation is considered a contracting agency for the purposes of this requirement.

1832.407 Interest. (NASA supplements paragraph (d))

(d)(1) Advance payments without interest are authorized.

1832.409 Contracting officer action.

1832.409–1 Recommendation for approval.

1832.409–170 NASA procedure for approval.

In addition to the items listed in FAR 32.409–1, requests for Headquarters approval of advance payments (see 1832.402(e)(1)) shall include the following information:

- (a) Name of the cognizant NASA Headquarters program or staff office;
- (b) Name and phone number of the contracting officer or negotiator;
- (c) A copy of the proposed advance payments clause;
- (d) If a profit/fee is contemplated, the factors considered in determining the profit/fee (see subpart 1815.9);
- (5) Information justifying the adequacy of security to cover the maximum advance payment amount at any time outstanding.

1832.410 Findings, determination, and authorization. (NASA supplements paragraph (b))

(b) Generally, the format in FAR 32.410 should be used, tailored as follows:

(i) In format subparagraph (a)(2), use the phrase “Advance payments (In an amount not to exceed \$* * * at any time outstanding)” in all determinations and findings. The phrase means the maximum unliquidated dollar amount a contractor would need in advance

payments at any point in time for the particular contract. The amount would not usually be the full contract value. The amount inserted should be based on an analysis of the contractor's financing needs (monthly or other appropriate period) for the specific contract involved.

(ii) In the second sentence of format subparagraph (a)(4), delete the reference to a special bank account if no special bank account is required.

(iii) Use format subparagraph (a)(6), and not (a)(7) or (a)(8).

(iv) At the end of format paragraph (b), use "is in the public interest."

(v) In format paragraph (c), use the phrase "(the amount at any time outstanding)" in all determinations and findings.

1832.412 Contract clause. (NASA supplements paragraphs (a), (e) and (f))

(a) When the clause at FAR 52.232-12, Advance Payments, is used, make the following modifications:

(i) In the "Maximum Payment" paragraph (either paragraph (d) or (e)), in the sentence that begins "When the sum of", change the word "When" to lower case and insert before it: "Unliquidated advance payments shall not exceed \$. * * * at any time outstanding. In addition * * *".

(ii) In paragraph (m)(1) delete "in the form prescribed by the administering office" and substitute "on Standard Form 272, Federal Cash Transactions Report, and, if appropriate, Standard Form 272-A, Federal Cash Transactions Report Continuation".

(iii) Annotate the clause "as modified by NASA (October 1996)".

(e) See 1832.412(f).

(f) The contracting officer shall use Alternates IV and V when advance payments are provided on Phase I contracts of the Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) programs. Annotate the clause "as modified by NASA (October 1996)", delete paragraph (a) of Alternate V, and substitute the following:

(f) Requirements for payment. Advance payments will be made under this contract upon receipt of invoices from the Contractor. Invoices should be clearly marked "Small Business Innovation Research Contract" or "Small Business Technology Transfer Contract," as appropriate, to expedite payment processing. One-third of the total contract price will be available to be advanced to the contractor immediately after award, another one-third will be advanced three months after award, and the final one-third will be paid upon acceptance by NASA of the Contractor's final report. By law, full payment must be made no later than 12 months after the date that contract

requirements are completed. The Contractor shall flow down the terms of this clause to any subcontractor requiring advance payments.

Subpart 1832.5—Progress Payments Based on Costs

1832.501 General.

1832.501-1 Customary progress payment rates. (NASA supplements paragraph (a))

(a) The customary progress payment rate for all NASA contracts is 85 percent for large business, 90 percent for small business, 95 percent for small disadvantaged business, and 100 percent for Phase II contracts in the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. The contracting officer shall insert the applicable percentage in paragraphs (a) and (b) of the clause at FAR 52.232-16.

1832.501-2 Unusual progress payments.

The Director of the Headquarters Office of Procurement Analysis Division (Code HC) is the approval authority for the use of unusual progress payments.

1832.502 Preaward matters.

1832.502-2 Contract finance office clearance.

The Director of the Headquarters Office of Procurement Analysis Division (Code HC) is the approval authority for the actions in FAR 32.502-2, except the Associate Administrator for Procurement (Code HC) is the approval authority for any deviations addressed in FAR 32.502-2(b).

1832.502-4 Contract clauses.

1832.502-470 NASA contract clause.

The contracting officer may insert a clause substantially as stated at 1852.232-82, Submission of Requests for Progress Payments, in fixed-price solicitations and contracts that provide for progress payments. The recipient of the requests and number of copies may be changed as required.

1832.504 Subcontracts. (NASA supplements paragraph (c))

(c) Unusual progress payments to subcontractors shall be approved in accordance with 1832.501-2.

Subpart 1832.7—Contract Funding

1832.702 Policy.

1832.702-70 NASA policy.

(a) Cost-reimbursement contracts may be incrementally funded only if all the following conditions are met (except that, for cost-reimbursement R&D contracts under which no supplies are

deliverable, only the condition in paragraph (a)(3) of this section applies):

(1) The total value of the contract (including options as defined in FAR subpart 17.2) is \$1,000,000 or more.

(2) The period of performance under the contract overlaps the succeeding fiscal year.

(3) The funds are not available to fund the total contract value fully at award.

(b) Fixed-price contracts, other than those for research and development, shall not be incrementally funded.

(c)(1) Fixed-price contracts for research and development may be incrementally funded if the conditions in 1832.702-70(a) (1) through (3) are met and the initial funding of the contract is not less than 50 percent of the total fixed price.

(2) Incrementally funded fixed-price contracts shall be fully funded as soon as adequate funding becomes available.

(d) The procurement officer, with the concurrence of the installation Comptroller, may waive any of the conditions set forth in paragraphs 1832.702-70 (a) through (c). The procurement officer shall maintain a record of all such approvals during the fiscal year.

(e) A class deviation from the conditions set forth in paragraphs 1832.702-70 (a) through (c) exists to permit incremental funding of contracts under Phase II of the Small Business Innovation Research (SBIR) Program (through September 30, 2000) and Phase II of the Small Business Technology Transfer (STTR) program (through September 30, 1997). This deviation exists with the understanding that the contracts will be fully funded when funds become available.

1832.704 Limitation of cost or funds.

1832.704-70 Incrementally funded fixed-price contracts.

(a) Upon receipt of the contractor's notice under paragraph (c)(1) of the clause at 1852.232-77, Limitation of Funds (Fixed Price Contract), the contracting officer shall promptly provide written notice to the contractor that the Government is—

(1) Allotting additional funds in a specified amount for continued performance;

(2) Terminating the contract; or

(3) Considering whether to allot additional funds; and

(i) The contractor is entitled to stop work in accordance with paragraph (b) of the clause at 1852.232-77, Limitation of Funds; and

(ii) Any costs expended beyond the amount specified in paragraph (a) of the clause at 1852.232-77, Limitation of

Funds, are incurred at the contractor's risk.

(b) Upon determining that the contract will receive no further funds, the contracting officer shall promptly give notice of the Government's decision and terminate for the convenience of the Government.

1832.705 Contract clauses.

1832.705-2 Clauses for limitation of cost or funds.

1832.705-270 NASA clauses for limitation of cost or funds.

(a) The contracting officer shall insert the clause at 1852.232-77, Limitation of Funds (Fixed-Price Contract), in solicitations and contracts for fixed-price incrementally funded research and development.

(b) The contracting officer shall insert a clause substantially as stated at 1852.232-81, Contract Funding, in Section B of solicitations and contracts containing the clause at FAR 52.232-22, Limitation of Funds. Insert the amounts of funds available for payment, the items covered, and the applicable period of performance. The amount obligated for fee in paragraph (b) of the clause should always be sufficient to pay fee anticipated to be earned for the work funded by the amount in paragraph (a) of the clause.

Subpart 1832.9—Prompt Payment

1832.903 Policy.

Invoice and contractor financing payments for contracts (other than Fixed-Price Architect-Engineer Contracts, Construction Contracts, and contracts for meats, perishables and dairy products) with the Canadian Commercial Corporation (CCC) shall be made earlier than the standard contract payment due dates. (See 1832.970).

1832.906 Contract financing payments. (NASA supplements paragraph (a))

(a) Except as authorized in 1832.903, it is NASA's policy to make contract financing payments on the 30th day after the designated billing office has received a proper request. However the due date for making contract financing payments for a specific contract may be earlier than the 30th day, but not earlier than 7 days, after the designated billing office has received a proper request, provided that:

(i) The contractor provides consideration whose value is determined to be greater than the cost to the United States Treasury of interest on funds paid prior to the 30th day, calculated using the Current Value of Funds Rate published annually in the

Federal Register (subject to quarterly revision);

(ii) The contracting officer approves the payment date change, with the concurrence of the installation Financial Management Officer; and

(iii) The contract file includes documentation regarding the value of the consideration and the analysis determining that value.

1832.908 Contract clauses. (NASA supplements paragraphs (c) and (d))

(c) When the clause at FAR 52.232-25, Prompt Payment, is used in contracting with the CCC subject to the conditions at 1832.903, make the following modifications:

(i) Insert "17" in lieu of "30" in paragraphs (a)(2) (i) and (a)(2) (ii); and

(ii) Insert "17th" in paragraph (b) (2).

(iii) Annotate the clause "as modified by NASA (October 1960)".

(d) When a clause at FAR 52.232-25, 52.232-26 or 52.232-27 is used, the clause at 52.232-28 shall be used, modified as follows:

(i) Delete the words "and contract number" from paragraph (d).

(ii) Insert the following language in lieu of paragraph (b)(4):

"The Contractor shall submit a Standard Form 3881 to the installation awarding this contract. If a Standard Form 3881 previously submitted to the installation awarding this contract is still valid, resubmittal is not necessary, unless requested by NASA."

(iii) Annotate the clause "as modified by NASA (October 1996)".

1832.970 Payments to Canadian Commercial Corporation.

As authorized by FAR 32.903, the phrase "the 17th day" shall be used in lieu of the "the 30th day" at FAR 32.905(a)(1), 32.905(a)(2) and 32.906(a).

Subpart 1832.10—Performance-Based Payments

1832.1004 Procedure. (NASA supplements paragraph (b))

(b) (2) In determining the amount of performance-based payments, contracting officers shall ensure that the payments will not result in an unreasonably low or negative level of contractor investment. To make this assessment, contracting officers shall request the contractor to submit with its proposal a numeric and graphic funding profile showing the cash flow and contractor investment in the contract.

1832.1005 Contract clauses. (NASA supplements paragraph (a))

(a) If the contract is for launch services, the contracting officer shall delete paragraph (f) of the clause at FAR 52.232-32 in accordance with 1832.1009.

1832.1006 Agency approvals.

Performance-based payments shall be approved in accordance with field installation procedures.

1832.1009 Title.

In accordance with 42 U.S.C. 2465d, NASA shall not take title to launch vehicles under contracts for launch services unless one of the exceptions in the law applies. However, the law does not eliminate NASA's right to take title to other property acquired or produced by the contractor under a contract containing a title provision.

7. Part 1833 is revised to read as follows:

PART 1833—PROTESTS, DISPUTES, AND APPEALS

Sec.

Subpart 1833.1—Protests

1833.103 Protests to the agency.

1833.104 Protest to GAO.

1833.106 Solicitation provision and contract clause.

Subpart 1833.2—Disputes and Appeals

1833.209 Suspected fraudulent claims.

1833.211 Contracting officer's decision.

1833.215 Contract clause.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1833.1—Protests

1833.103 Protests to the agency. (NASA supplements paragraph (b))

(b)(1) Protests received at NASA offices or locations other than that of the cognizant contracting officer shall be immediately referred to the contracting officer for disposition (see 1833.106(a)). The contracting officer shall advise the Headquarters Officer of the General Counsel (Code GK) of the receipt of the protest and the planned and actual dispositions.

1833.104 Protests to GAO. (NASA supplements paragraphs (a), (b), (c), and (f))

The Associate Administrator for Procurement is the sole authority for deciding whether to defend a protest to GAO or to direct remedial action. NASA personnel shall take no action to respond to or resolve any protest filed with GAO other than in accordance with this part and other guidance provided by NASA Headquarters.

(a)(2) The Headquarters Office of Procurement (Code HS) shall notify the contracting officer of protest receipt, and the contracting officer shall immediately give notice of the protest to all interested parties. Oral contracting officer notices shall be subsequently confirmed in writing, and the

contracting officer shall also send a copy of the written confirmation to Code HS, the Headquarters Office of the General Counsel (Code GK), and the installation Chief Counsel.

(3)(i) The contracting officer shall send four copies of the protest report, consisting of the protest file, the contracting officer's statement of facts, and a draft memorandum of law to Code GK within 20 days after GAO notification of protest receipt. Also include a copy of the file index in electronic format. The contracting officer shall retain a minimum of two copies of the protest file.

(ii) When an actual or prospective offeror requests access to a protest file, the contracting officer shall take the following actions, except the actions defined in paragraph (a)(3)(ii) (a) and (b) are not required if already accomplished:

(a) Send a copy of the protest file index to Code GK within 10 days of receipt of the request.

(b) Send a copy of the protest file to Code GK within 15 days of receipt of the request.

(c) With Code GK concurrence, send the protest file and index to the requesting party to ensure delivery within 20 days after receipt of the request.

(iii) Code GK shall submit the protest file to GAO.

(4)(i) Code GK shall provide copies of the report to the protestor(s), any intervenors, and the installation Chief Counsel.

(b)(1) The Associate Administrator for Procurement (Code HS) is the approval authority for contract award.

(c)(1) The contracting officer shall consult Code HS before terminating a protested contract.

(2) See 1833.104(b)(1).

(f) The Agency may request GAO reconsideration of its decision within 10 days of issuance. If reconsideration is appropriate, the installation Chief Counsel shall forward a draft request for reconsideration, with any additional supporting documentation, to Code GK within 6 days of issuance of the GAO decision.

1833.106 Solicitation provision and contract clause. (NASA supplements paragraph (a))

(a) The contracting officer shall be the designated recipient of Agency protests in paragraph (a) of the provision at FAR 52.233-2.

Subpart 1833.2—Disputes and Appeals

1833.209 Suspected fraudulent claims.

The contracting officer shall report suspected fraudulent claims to the

Headquarters Officers of Inspector General (Code W) and the General Counsel (Code G).

1833.211 Contracting officer's decision. (NASA supplements paragraph (a))

(a)(4)(v) The Armed Services Board of Contract Appeals is the NASA Administrator's authorized representative for hearing appeals of contracting officer final decisions. Accordingly, contracting officers shall cite that fact in the final decision letter, provide the Board's mailing address (Armed Services Board of Contract Appeals, Skyline Six, 5109 Leesburg Pike, Falls Church, VA 22041-3208), and include a notification that the Board's operating procedures appear in Title 48, Code of Federal Regulations, Chapter 2, Appendix A.

1833.215 Contract clause.

The contracting officer shall use the clause at FAR 52.233-1, Disputes, with its Alternate I whenever continued performance is vital to national security, the public health and welfare, important agency programs, or other essential supplies or services whose timely procurement from other sources would be impracticable.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.228-70 [Amended]

8-9. Section 1852.228-70 is revised to read as follows:

1852.228-70 Aircraft Ground and Flight Risk.

As prescribed in 1828.370(a), insert the following clause. The purpose of this clause is to have the Government assume risks that generally entail unusually high insurance premiums and are not covered by the contractor's contents, work-in-process, and similar insurance. Since the definitions in the clause may not cover every situation that should be covered to achieve this purpose, the clause may be modified as follows: If the contract covers helicopters, vertical take-off aircraft, lighter-than-air airships, or other nonconventional types of aircraft, the definition of "aircraft" should be modified to specify that the aircraft has reached a point of manufacture comparable to that specified in the standard definition, which is written for conventional winged aircraft. The definition of "in the open" may be modified to include "hush houses," test hangars, comparable structures, and other designated areas. In addition, clause paragraph (d)(3) may be modified to provide for Government assumption

of risk of transportation by conveyance on streets or highways if the contracting officer determines that this transportation is limited to the vicinity of the contractor's premises and is merely incident to work being performed under the contract.

Aircraft Ground and Flight Risk October 1996

(a) Notwithstanding any other provisions of this contract, except as may be specifically provided in the Schedule as an exception to this clause, the Government, subject to the definitions and limitations of this clause, assumes the risk of damage to, or loss or destruction of, aircraft in the open, during operation, or in flight and agrees that the Contractor shall not be liable to the Government for any such damage, loss, or destruction.

(b) For the purposes of this clause, the following definitions apply:

(1) Unless otherwise specifically provided in the Schedule, "aircraft" includes—

(i) Aircraft (including both complete aircraft and aircraft in the course of being manufactured, disassembled, or reassembled; provided that an engine, wing, or a portion of a wing is attached to the fuselage) to be furnished to the Government under this contract (whether before or after Government acceptance); and

(ii) Aircraft (regardless of whether in a state of disassembly or reassembly) furnished by the Government to the Contractor under this contract, including all property installed in, being installed in, or temporarily removed from them, unless the aircraft and property are covered by a separate bailment agreement.

(2) "In the open" means located wholly outside of buildings on the Contractor's premises, or at such other places as may be described in the Schedule as being in the open for the purposes of this clause, except that aircraft furnished by the Government are considered to be in the open at all times while in the Contractor's possession, care, custody, or control.

(3) "Flight" includes any flight demonstration, flight test, taxi test, or other flight made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the Contracting Officer.

(i) With respect to land-based aircraft, flight commences with the taxi roll from a flight line on the Contractor's premises and continues until the aircraft has completed the taxi roll in returning to a flight line on the Contractor's premises.

(ii) With respect to seaplanes, flight commences with the launching from a ramp on the Contractor's premises and continues until the aircraft has completed its landing run upon return and is beached at a ramp on the Contractor's premises.

(iii) With respect to helicopters, flight commences upon engagement of the rotors for the purpose of take-off from the Contractor's premises and continues until the aircraft has returned to the ground on the Contractor's premises and the rotors are disengaged.

(iv) With respect to vertical take-off aircraft, flight commences upon disengagement from any launching platform or device on the Contractor's premises and continues until the aircraft has been re-engaged to any launching platform or device on the Contractor's premises; provided, however, that aircraft off the Contractor's premises shall be deemed to be in flight when on the ground or water only during periods of reasonable duration following emergency landing, other landings made in the performance of this contract, or landings approved by the Contracting Officer in writing.

(4) "Contractor's premises" means those premises designated as such in the Schedule or in writing by the Contracting Officer, and any other place to which aircraft are moved for the purpose of safeguarding the aircraft.

(5) "Operation" means operations and tests, other than on any production line, of aircraft not in flight, whether or not the aircraft is in the open or in motion. It includes operations and tests of equipment, accessories, and power plants only when installed in aircraft.

(6) "Flight crew members" means the pilot, copilot, and, unless otherwise specifically provided in the Schedule, the flight engineer and navigator when requirement or assigned to their respective crew positions to conduct any flight on behalf of the Contractor.

(7) "Contractor's managerial personnel" means the Contractor's directors, officers, and any managers, superintendents, or equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business or of the Contractor's operations at any one plant, a separate location at which this contract is performed, or a separate and complete major industrial operation in connection with the performance of this contract.

(c)(1) The Government's assumption of risk under this clause, as to aircraft in the open, shall continue in effect unless terminated pursuant to paragraph (c)(3) of this clause. If the Contracting Officer finds that an aircraft is in the open under unreasonable conditions, the Contracting Officer shall notify the Contractor in writing of the conditions found to be unreasonable and require the Contractor to correct them within a reasonable time.

(2) Upon receipt of this notice, the Contractor shall act promptly to correct these conditions, regardless of whether it agrees that they are in fact unreasonable. To the extent that the Contracting Officer may later determine that they were not in fact unreasonable, an equitable adjustment shall be made in the contract price to compensate the Contractor for any additional costs incurred in correcting them, and the contract shall be modified in writing accordingly.

(3)(i) If the Contracting Officer finds that the Contractor has failed to act promptly to correct unreasonable conditions or has failed to correct them within a reasonable time, the Contracting Officer may by written notice terminate the Government's assumption of risk under this clause for any aircraft which is in the open under those conditions. This termination shall be effective at 12:01 A.M.

on the 15th day following the day of receipt by the Contractor of the notice.

(ii) If the Contracting Officer later determines that the Contractor acted promptly to correct the conditions or that the time taken by the Contractor was not in fact unreasonable, an equitable adjustment shall, notwithstanding paragraph (g) of this clause, be made to compensate the Contractor for any additional costs incurred as a result of the termination, and the contract shall be modified in writing accordingly.

(4) If the Government's assumption of risk under this clause is terminated in accordance with paragraph (c)(3) of this clause, the risk of loss with respect to Government-furnished property shall be determined in accordance with the Government property clause of this contract, if any, until the Government's assumption of risk is reinstated in accordance with paragraph (c)(5) of this clause.

(5)(i) When unreasonable conditions have been corrected, the Contractor shall promptly notify the Government. The Government may or may not elect to reassume the risks and relieve the Contractor of liabilities as provided in this clause, and the Contracting Officer shall notify the Contractor of the Government's election.

(ii) If, after correction of the conditions, the Government elects to reassume the risks and relieve the Contractor of liabilities, the Contractor shall be entitled to an equitable adjustment for any costs of insurance extending from the end of the third working day after the Contractor notifies the Government of the correction until the Government notifies the Contractor of that election.

(iii) If the Government elects not to reassume the risks and the conditions have in fact been corrected, the Contractor shall be entitled to an equitable adjustment for any costs of insurance extending after the third working day referred to in paragraph (c)(5)(ii) of this clause.

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of aircraft—

(1) Resulting from failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel, to maintain and administer a program for protecting and preserving aircraft in the open and during operation, in accordance with sound industrial practice;

(2) Sustained during flight if the flight crew members conducting the flight have not been approved in writing by the Contracting Officer;

(3) While in the course of transportation by rail or by conveyance on public streets, highways, or waterways, except for Government-furnished property;

(4) The extent that the damage, loss, or destruction is in fact covered by insurance;

(5) Consisting of wear and tear, deterioration (including rust and corrosion), freezing, or mechanical, structural, or electrical breakdown or failure, unless this damage is the result of other loss, damage, or destruction covered by this clause (except that, in the case of Government-furnished property, if the damage consists of reasonable wear and tear or deterioration or results from

an inherent defect in such property, this exclusion shall not apply); or

(6) Sustained while the aircraft is being worked upon and directly resulting from the work, including but not limited to any repairing, adjusting, servicing, or maintenance operation, unless the damage, loss, or destruction is of a type that would be covered by insurance that would customarily have been maintained by the Contractor at the time of the damage, loss, or destruction, but for the Government's assumption of risk under this clause.

(e)(1) With the exception of damage to, or loss or destruction of, aircraft in flight, the Government's assumption of risk under this clause shall not extend to the first \$1,000 of loss or damage resulting from each separately occurring event. The Contractor assumes the risk of and shall be responsible for the first \$1,000 of loss of or damage to aircraft in the open or during operation resulting from each separately occurring event, except for reasonable wear and tear and except to the extent the loss or damage is caused by negligence of Government personnel.

(2) If the Government elects to require that the aircraft be replaced or restored by the Contractor to its condition immediately prior to the damage, the equitable adjustment in the price authorized by paragraph (i) of this clause shall not include the dollar amount of the risk assumed by the Contractor under this paragraph (e). If the Government does not elect repair or replacement, the Contractor agrees to credit the contract price or pay the Government \$1,000 (or the amount of the loss if smaller) as directed by the Contracting Officer.

(f) No subcontractor may be relieved from liability for damage to, or loss or destruction of, aircraft while in its possession or control, except to the extent that the subcontract, with the Contracting Officer's prior written approval, provides for relief of the subcontractor from that liability. In the absence of such approval, the subcontract shall require the return of the aircraft in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract. If a subcontractor has not been relieved from liability and any damage, loss, or destruction occurs, the Contractor shall enforce the liability of the subcontractor for that damage to, or loss or destruction of, the aircraft for the benefit of the Government.

(g) The Contractor warrants that the contract price does not and will not include, except as this clause may otherwise authorize, any charge or contingency reserve for insurance (including self-insurance funds or reserves) covering any damage to, or loss or destruction of, aircraft while in the open, during operation, or in flight, the risk of which has been assumed by the Government under this clause, whether or not such assumption may be terminated as to aircraft in the open.

(h)(1) In the event of damage to, or loss or destruction of, aircraft in the open, during operation, or in flight, the Contractor shall take all reasonable steps to protect the aircraft from further damage, separate damaged and undamaged aircraft, and put all

aircraft in the best possible order. Further, except in cases covered by paragraph (e) of this clause, the Contractor should furnish to the Contracting Officer a statement of—

(i) The damaged, lost, or destroyed aircraft;

(ii) The time and origin of the damage, loss, or destruction;

(iii) All known interests in commingled property of which aircraft are a part; and

(iv) Any insurance covering any part of the interest in the commingled property.

(2) Except in cases covered by paragraph (e) of this clause, an equitable adjustment shall be made in the amount due under this contract for expenditures made by the Contractor in performing its obligations under this paragraph (h), and this contract shall be modified in writing accordingly.

(i)(1) If, before delivery and acceptance by the Government, any aircraft is damaged, lost, or destroyed and the Government has under this clause assumed the risk of that damage, loss, or destruction, the Government shall either

(i) Require that the aircraft be replaced or restored by the Contractor to its condition immediately prior to the damage or

(ii) Terminate this contract with respect to that aircraft.

(2) If the Government requires that the aircraft be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and the contract shall be modified in writing accordingly.

(3) If this contract is terminated under this paragraph (i)(1)(ii) with respect to the aircraft, and under this clause the Government has assumed the risk of the damage, loss, or destruction, the Contractor shall be paid the contract price for the aircraft (or, if applicable, any work to be performed on the aircraft) less any amounts the Contracting Officer determines (i) that it would have cost the Contractor to complete the aircraft (or any work to be performed on it), together with any anticipated profit on the uncompleted work and (ii) to be the value, if any, of the damaged aircraft or any remaining portion of it retained by the Contractor. The Contracting Officer shall have the right to prescribe the manner of disposition of the damaged, lost, or destroyed aircraft or any remaining parts of it, and, if the Contractor incurs additional costs as a result of such disposition, a further equitable adjustment shall be made in the amount due to the Contractor.

(j)(1) If the Contractor is at any time reimbursed or compensated by any third person for any damage, loss, or destruction of any aircraft, the risk of which has been assumed by the Government under this clause and for which the Contractor has been compensated by the Government, it shall equitably reimburse the Government.

(2) The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the Contracting Officer, shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suits and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

1852.228-71 [Amended]

10. In the introductory text to section 1852.228-71, the citation "1828.311-270" is revised to read "1828.311-2".

1852.228-74, 1852.228-77 [Removed]

11. Sections 1852.228-74 and 1852.228-77 are removed.

1852.231-71 [Removed]

12. Section 1852.231-71 is removed.

1852.232-12, 1852.232-70, 1852.232-83, 1852.232-84 [Removed]

13. Sections 1852.232-12, 1852.232-70, 1852.232-83, and 1852.232-84 are removed.

[FR Doc. 96-26338 Filed 10-28-96; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961021289-6289-01; I.D. 100196C]

RIN 0648-AJ26

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 19

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 19 to the Northeast Multispecies Fishery Management Plan (FMP). This rule changes the time and area of the current multispecies Mid-coast Closure Area within the Gulf of Maine (GOM) and establishes an exemption to allow sink gillnet vessels to fish in the reopened area when utilizing acoustic devices (pingers) on their nets. The intent of this action is to reduce the overall economic impact of the area closure while achieving the objectives of the FMP.

EFFECTIVE DATE: October 24, 1996.

ADDRESSES: Copies of Amendment 7 to the Northeast Multispecies Fishery Management Plan (Amendment 7), its regulatory impact review (RIR) and the final regulatory flexibility analysis (RFA) contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 19 documents are available upon request from Christopher B. Kellogg, Acting Executive Director, New England

Fishery Management Council (Council), 5 Broadway, Saugus, MA, 01906-1097.

FOR FURTHER INFORMATION CONTACT:

Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION:

Amendment 7 to the FMP (61 FR 27710, May 31, 1996), effective on July 1, 1996, established comprehensive measures to rebuild the important multispecies stock complex primarily through effort reduction controls and area closures. In addition to the year-round closure areas on Georges Bank and Southern New England, several alternative GOM area closures were considered by the Council during the development of Amendment 7. However, due to the controversy and complication of developing additional area closures and because of the need to have measures in place as soon as possible, the Council adopted the existing GOM harbor porpoise protection closures as the default closures for multispecies until such time that these closures could be modified through the framework adjustment procedure.

At the July 17-18, 1996, meeting, the Council initiated action to replace the default GOM Mid-coast Area Closure with the intent to minimize the time period and the size of the area. The purpose of this action was to reduce the overall economic impact of the area closure while achieving equivalent conservation value and to address concerns about the distribution of economic impacts of the existing closure, which may disproportionately affect small inshore vessels.

Based on the Northeast Fisheries Science Center analysis, several alternatives to the current default closure were found to have equivalent conservation value but resulted in significantly improved revenues. At the final framework meeting on this action, held on September 9, 1996, the Council proposed to close an area referred to as Jeffreys Ledge (bounded by the following lines of coordinates: 43°30' N. lat., 70°00' W. long., 42°30' N. lat., and 70°30' W. long.) for the period May 1 through May 31, 1997, and, for 1998 and beyond, to close the existing Mid-coast Closure Area but with a change in time period to May 10 through May 30. Both of these alternatives improve revenues by well over \$2 million relative to the existing time/area closure, without changing the impact on GOM cod. By replacing the existing November through December Mid-coast Area Closure with a spring closure, small vessels that are more constrained by winter weather will be able to fish on their traditional grounds in November

and December when alternatives are fewer than in May.

Although Council members were generally in agreement regarding the Jeffreys Ledge closure in May, concern that vessels may be displaced to a relatively small area shoreward of the Jeffreys Ledge area, possibly resulting in increased gear conflicts, induced the Council to propose a different closure for 1998 and beyond to address this potential problem. To prevent the current default closure from taking effect on November 1, 1996, the Council believed it necessary to move forward with this alternative to alleviate unnecessary economic impacts until such time as the Council is able to develop a proposal to satisfy all concerns. In the unlikely event that the Council is unable to reach a consensus in time for the 1998 fishing year, the revised closure would serve as a fallback measure. Further explanation of this second-year closure can be found in the comment and response section of this preamble.

An issue of concern involves the fact that both the proposed change to the current November/December Mid-coast Closure Area, and its proposed default for 1998 and beyond, occur in the month of May. Since May represents the beginning of the 1997 multispecies fishing year, implementation of this proposal would result in the elimination of the closure for the 1996 fishing year and the conservation benefits for multispecies, particularly for GOM cod, would be foregone both for the 1996 calendar year and the fishing year. However, while delay of this closure may negatively impact the target 1996 total allowable catches (TACs) in the GOM, the conservation benefits that would accrue from this area would be realized at the beginning of the 1997 fishing year, a 6-month deferral as opposed to a full year. Also, since May

represents a period of time when catch rates are at their highest and fish prices are at their lowest, a May replacement closure would be the least economically burdensome to the fishing industry while still achieving equivalent conservation benefits in relation to a November/December closure.

Nevertheless, a likely consequence resulting from the delay of these management measures is the possibility that the target TACs will be exceeded. Due to this possibility, the Multispecies Monitoring Committee will need to take these postponed reductions into account when recommending target TACs for the 1997 fishing year.

In addition to changing the time/area closure for the Mid-coast area, this action enables sink gillnet vessels to fish in the harbor porpoise Mid-coast Closure Area provided pingers are employed on the gear. The Council agreed to this based on information resulting from a 1994 experiment conducted by the New England Aquarium, Woods Hole Oceanographic Institution, and the New Hampshire Commercial Fishermen's Association and a 1995 experimental fishery that evaluated the effectiveness of pinger use in the GOM sink gillnet fishery. Both of these efforts indicated that, with the use of pingers, in the months of November and December the harbor porpoise bycatch in the Mid-coast area was reduced to insignificant levels. Based on the results of these experiments, NMFS agrees that an exemption program is warranted in this area during the November through December time period, provided the nets are equipped with pingers as prescribed in the 1995 and 1996 NMFS-authorized experimental fisheries.

This final rule changes the season termination date for Small Mesh Area 1 from October 31 to November 15 for the 1997 fishing year. With the

implementation of Amendment 7 to the FMP, the harbor porpoise Mid-coast Closure Area was expanded to all gear types capable of catching multispecies. Due to this action, the termination date for Small Mesh Area 1 was changed from November 15 to October 31 as this exemption area lay completely within the November/December Mid-coast Closure Area. This rule reestablishes the original season for this exempted small mesh area. Additionally, since part of Small Mesh Area 2 lies within and takes place during the 1998 default Mid-coast Closure Area, this rule reduces the area of Small Mesh Area 2 during the time period May 10 through May 30.

NMFS is making this adjustment to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR part 648, subpart F. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and opportunity to comment on them prior to and at a second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Administrator that the measures be published as a final rule if certain conditions are met. The Regional Administrator may publish the measures as a final rule, or as a proposed rule if additional public comment is needed.

The public was provided the opportunity to express opinions at numerous meetings beginning in February 1996. The following list indicates the 1996 meetings at which this action was on the agenda, discussed, and public comment was heard:

Date	Meeting	Location
February 27-28	Council	Danvers, MA.
Apr. 11	Multispecies O/S	Peabody, MA.
Apr. 17-18	Council	Danvers, MA.
June 5-6	Council	Danvers, MA.
June 11	Multispecies O/S	Portland, ME.
July 9	Multispecies O/S	Peabody, MA.
July 17-18	Council	Peabody, MA.
Aug. 5	Subcommittee	Saugus, MA.
Aug. 13	Multispecies O/S	Peabody, MA.
Aug. 21-22	Council	Danvers, MA.
Aug. 27	Multispecies O/S	Woods Hole, MA.
Sept. 9	Council	Peabody, MA.

Documents summarizing the Council's proposed action, and the analysis of biological and economic

impacts of this and alternative actions, were available for public review 5 days prior to the Council's final September 9,

1996, meeting, which is required under the framework adjustment process. Also, written comments were accepted

up to and at the September 9, 1996, Council meeting.

Comments and Responses

Comment 1: A Council member presented comments from small-boat fishers in New Hampshire and Newburyport, MA, that the proposed Jeffreys Ledge Closure Area for the month of May could force a large number of small boats inshore to the area known as Ipswich Bay, because they are physically limited from fishing elsewhere. The fishers are concerned that the increased density of fishing activity would be detrimental to the resource in Ipswich Bay and would increase the incidence of gear conflicts.

Response: The Council adopted a second-year plan that would close the entire Mid-coast Closure Area from May 10 through May 30. While this may result in requiring some vessels to tie up during this period, the time of the closure is reduced by 11 days as compared to the 1997 Jeffreys Ledge closure, and it applies over a broader area. This is a risk-averse approach that will implement a more conservative measure unless the Council determines that the measure for 1997 is effective and does not have the effort-displacement problems anticipated by some fishers. If the Council makes such a determination, it would have to make an adjustment through the framework process before May 1998.

Comment 2: One commentor stated that this proposed action would change the Mid-coast Closure Area for all vessels capable of catching multispecies, it does not automatically open this area to gillnetting since the area is also closed to protect harbor porpoise. The NMFS-authorized experiment to test the use of pingers in this area indicated that they are effective in reducing harbor porpoise bycatch.

Response: The Council added a measure that would allow gillnets equipped with pingers to fish in the area during November and December as supported by experimental fishery results.

Comment 3: Two inshore trawl fishers from Gloucester commented that they supported the Multispecies Committee's recommendation to close just Jeffreys Ledge, and that the closure of the larger 1998 default Mid-coast Closure Area would force them to fish offshore.

Response: The Council noted that the proposed action retains the committee's recommendation for the first year but that it is including the broader closure for the second year as a conservative default strategy to address concerns of other industry members about increased density of fishing activity in a small

inshore area. The Council will monitor the area for effort shifts during 1997 and may adjust the second-year measure if the problem anticipated by those fishers does not occur in the first year.

Comment 4: A member of the industry commented that an area closure unfairly impacts only those vessels displaced by the closure and those that fish in nearby areas where the displaced boats will fish. He suggested that a fairer system would be to reduce days-at-sea equally for all vessels.

Response: The Council recognizes that area closures may have differential impacts on vessels that fish in or near the affected area. However, the area closures are designed as a conservation measure to protect fish in that area, and closures exist throughout the region that affect only segments of the entire fleet. The Council also indicated that it had considered the days-at-sea reduction schedule in the development of Amendment 7 and that it was not going to adjust the schedule at this early point in the amendment's implementation.

Comment 5: An industry representative from Maine and a representative of the fishing industry in Gloucester, MA, commented that fishing for pelagic species with a mid-water trawl is still prohibited in the proposed closure area(s) despite its insignificant bycatch of multispecies and that it should be allowed.

Response: The Council has directed the Multispecies Committee to address this issue and make a recommendation that could be implemented before the May closure. Adherence to Framework Procedure Requirements

The Council considered public comment prior to making its recommendation to the Regional Administrator under the provisions for abbreviated rulemaking in this FMP. The Council requests publication of these management measures as a final rule after considering the required factors stipulated under the framework measures in the FMP, 50 CFR 648.90, and has provided supporting analyses for each factor considered. Classification.

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and an opportunity for public comment to be heard and considered; therefore, further notice and opportunity to comment is unnecessary. The AA finds that under 5 U.S.C. 553(d), the need to have this regulation in place by

November 1, 1996, is good cause to waive the 30-day delay in effectiveness of this regulation. Implementation of this regulation by November 1, 1996, would relieve a restriction on vessels that have traditionally fished in the Mid-coast Closure Area during the months of November and December.

Because a general notice of proposed rulemaking is not required to be published for this rule by 5 U.S.C. 553 or by any other law, this rule is exempt from the requirement to prepare an initial or final RFA under the Regulatory Flexibility Act. As such, none has been prepared. The primary intent for this action is to reduce economic impacts on small fishing vessels by changing the timing and location of the area closure, which will allow small vessels to be able to fish on their traditional grounds in November and December when fishing alternatives are fewer.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 23, 1996.

Rolland A. Schmitt, Jr.,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended to read as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.14, paragraph (a)(52) is revised and paragraph (a)(89) is added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(52) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81 (f)(1) through (i)(1) during the time period specified, except as provided in § 648.81(d), (f)(2), (g)(2), (h)(2), and (i)(2).

* * * * *

(89) Fish with, set, haul back, possess on board a vessel, unless stowed in accordance with § 648.23(b), or fail to remove a sink gillnet from the EEZ portion of the areas, and for the times specified in § 648.87 (a) and (b), except as provided in § 648.87(b)(1)(i), or unless authorized in writing by the Regional Director.

3. In § 648.80, paragraph (a)(8) is revised to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(8) *Small Mesh Area 1/Small Mesh Area 2.* (i) Vessels subject to the minimum mesh size restrictions specified in paragraph (a)(2) of this section may fish with or possess nets with a mesh size smaller than the minimum size specified from July 15 through November 15 when fishing in Small Mesh Area 1, and from January 1 through June 30 when fishing in Small Mesh Area 2 in 1997 and in 1998 and beyond, except as specified in paragraph (a)(8)(ii) of this section. A vessel may not fish for, possess on board, or land any species of fish other than: Butterfish, dogfish, herring, mackerel, ocean pout, scup, squid, silver hake, and red hake, except for the following species, with the restrictions noted, as allowable bycatch species: Longhorn sculpin; monkfish and monkfish parts—up to 10 percent, by weight, of all other species on board; and American lobster—up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less. These areas are defined by straight lines connecting the following points in the order stated (copies of a map depicting these areas are available from the Regional Director upon request):

SMALL MESH AREA 1

Point	N. lat.	W. long.
SM1	43°03'	70°27'
SM2	42°57'	70°22'
SM3	42°47'	70°32'
SM4	42°45'	70°29'
SM5	42°43'	70°32'
SM6	42°44'	70°39'
SM7	42°49'	70°43'
SM8	42°50'	70°41'
SM9	42°53'	70°43'
SM10	42°55'	70°40'
SM11	42°59'	70°32'
SM1	43°03'	70°27'

SMALL MESH AREA 2

Point	N. lat.	W. long.
SM13	43°20.3'	69°59.4'
SM14	43°25.9'	69°45.6'
SM15	42°49.5'	69°40'
SM16	42°41.5'	69°40'
SM17	42°34.9'	70°00'
SM13	43°20.3'	69°59.4'

(ii) In 1998 and thereafter, the portion of Small Mesh Area 2 that is north of 43°00.0' N. lat. shall be closed to all fishing during the period May 10

through May 30 to coincide with the Mid-coast Closure Area specified in § 648.81(g)(1). Therefore, during the May 10 through May 30 time period in 1998 and beyond, Small Mesh Area 2 is defined by straight lines connecting the following points in the order stated:

SMALL MESH AREA 2

[May 10–May 30, 1998 and beyond]

Point	N. lat.	W. long.
SM18	43°00.0'	69°41.6'
SM15	42°49.5'	69°40'
SM16	42°41.5'	69°40'
SM17	42°34.9'	70°00'
SM19	43°00.0'	69°59.7'
SM18	43°00.0'	69°41.6'

* * * * *

4. In § 648.81, paragraphs (d) and (g)(1) are revised and paragraph (i) is added to read as follows:

§ 648.81 Closed areas.

* * * * *

(d) *Transiting.* Vessels may transit Closed Area I, the Nantucket Lightship Closed Area, the NE Closure Area, the Mid-coast Closure Area, the Massachusetts Bay Closure Area, and the Jeffreys Ledge Closure Area, as defined in paragraphs (a)(1), (c)(1), (f)(1), (g)(1), (h)(1), and (i)(1), respectively, of this section, provided that their gear is stowed in accordance with the provisions of paragraph (e) of this section.

* * * * *

(g) * * * (1) For the calendar year 1997, vessels are subject to the Jeffreys Ledge Closure Area restrictions specified under paragraph (i) of this section. For all other years beyond 1997, during the period May 10 through May 30, no fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching multispecies, unless otherwise allowed in this part, may be in, the area known as the Mid-coast Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (d) and (g)(2) of this section: (Copies of a map depicting this area are available from the Regional Director upon request):

MID-COAST CLOSURE AREA

Point	N. lat.	W. long.
MC1	42°30'	(¹)
MC2	42°30'	70°15'
MC3	42°40'	70°15'
MC4	42°40'	70°00'
MC5	43°00'	70°00'
MC6	43°00'	69°30'

**MID-COAST CLOSURE AREA—
Continued**

Point	N. lat.	W. long.
MC7	43°15'	69°30'
MC8	43°15'	69°00'
MC9	(²)	69°00'

¹ Massachusetts shoreline.

² Maine shoreline.

* * * * *

(i) *Jeffreys Ledge Closure Area.* (1) For the calendar year 1997, during the period May 1 through May 31, no fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching multispecies, unless otherwise allowed in this part, may be in, the area known as the Jeffreys Ledge Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (d) and (i)(2) of this section (copies of a map depicting this area are available from the Regional Director upon request):

JEFFREYS LEDGE CLOSURE AREA

Point	N. lat.	W. long.
JL8	43°30'	(¹)
JL9	43°30'	70°00'
JL10	42°30'	70°00'
JL11	42°30'	70°30'
JL12	(¹)	70°30'

¹ Maine shoreline.

(2) Paragraph (i)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraph (f)(2)(i), (f)(2)(ii), or (f)(2)(iii) of this section.

5. In § 648.87, paragraph (b)(1) is revised to read as follows:

§ 648.87 Sink gillnet requirements to reduce harbor porpoise takes.

* * * * *

(b) * * *

(1) *Mid-coast Closure Area.* (i) From March 25 through April 25 and from September 15 through December 31 of each fishing year, the restrictions and requirements specified in this paragraph (b) apply to the Mid-coast Closure Area, as defined under § 648.81(g)(1), except as provided in paragraph (b)(1)(ii) of this section.

(ii) Sink gillnet vessels subject to the restrictions and regulations specified in this paragraph (b) may fish in the Mid-coast Closure Area, as defined under § 648.81(g)(1), from November 1 through December 31 of each fishing year, provided that an acoustic deterrent device ("pinger") is attached at the end of each string of nets and at the bridle of every net within a string of nets, and

is maintained as operational and functioning. Each pinger, when immersed in water, must broadcast a $10\text{kHz} \pm 2\text{kHz}$ sound at $132\text{ dB} \pm 4\text{dB}$ re 1 micropascal at 1 m. This sound must last 300 milliseconds and repeat every 4 seconds.

* * * * *

[FR Doc. 96-27730 Filed 10-24-96; 4:44 pm]

BILLING CODE 3510-22-W

Proposed Rules

Federal Register

Vol. 61, No. 210

Tuesday, October 29, 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.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80-286; FCC 96J-2]

Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; recommended decision.

SUMMARY: On September 27, 1996, the Federal-State Joint Board in CC Docket No. 80-286 adopted a Recommended Decision regarding permanent rules for the separation of the expenses assigned to the other billing and collecting category of the Commission's rules (OB&C) between the state and interstate jurisdictions.¹ In a Notice of Proposed Rulemaking released May 15, 1995,² the Commission had requested that the Joint Board recommend permanent rules that would reflect reasonable principles of cost causation and would not be unnecessarily burdensome to implement and administer. Through its Recommended Decision, the Joint Board intended to assist the Commission in formulating permanent rules for the jurisdictional separation of OB&C expenses that satisfy the Commission's stated goals that the permanent rules reflect principles of cost causation, not be unnecessarily burdensome to implement and administer, be simple to audit, and be certain and predictable in their effect.³

FOR FURTHER INFORMATION CONTACT: Jon Reel, (202) 418-0872, Common Carrier Bureau, Accounting and Audits Division.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal-State Joint

Board recommendation to the Federal Communication Commission, Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Recommended Decision*, FCC 96J-2, CC Docket No. 80-286, adopted and released September 27, 1996. This action was initiated by a Notice of Proposed Rulemaking released May 15, 1995 (60 FR 30059). The Commission has made the full text of the Recommended Decision available for inspection and copying during normal business hours in the Commission's Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554, and will publish it in the FCC Record. The full text of the Recommended Decision may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037, telephone number (202) 857-3800.

Summary of Recommended Action: The Recommended Decision of the Federal-State Joint Board in CC Docket No. 80-286 concerns the allocation of OB&C expenses between the federal and state jurisdictions. OB&C expenses are the expenses incurred by incumbent local exchange carriers (ILECs) in preparing and rendering customer bills and in accounting for revenues generated by those bills. Under the recommended permanent rules, OB&C expenses would be allocated equally among local exchange, intrastate toll, and interstate toll service. This allocation would result in allocating two-thirds of OB&C expenses to the state jurisdiction, and one third of OB&C expenses to the interstate jurisdiction. ILECs that do not bill for interexchange carriers will allocate five percent of OB&C expenses to the interstate jurisdiction to cover the cost of billing the federal Subscriber Line Charge. The Joint Board found that, because OB&C expenses are largely joint and common expenses, an allocation procedure based on usage of individual services would not allocate expenses more accurately than a fixed allocation factor. The Joint Board therefore gave great weight to additional considerations such as convenience and predictability, and found that a fixed-factor method of allocation best satisfied those considerations.

2. Recommendation Clauses: For all the reasons discussed in this

Recommended Decision, this Federal State Joint Board recommends, pursuant to Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 410(c), that the Federal Communications Commission amend Part 36, Subpart D of the Commission's Rules, 47 CFR Part 36, Subpart D.

List of Subjects in 47 CFR Part 36

Communications common carriers, Jurisdictional separations procedures, Reporting and recordkeeping requirements, Telephone, Universal System of Accounts.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-27684 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Parts 36 and 69

[CC Docket No. 96-45; DA 96-1078]

Common Carrier Bureau Seeks Further Comment on Specific Questions Regarding the Universal Service Notice of Proposed Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On March 14, 1996, (61 FR 10499) the Commission published in the Federal Register a notice of proposed rulemaking regarding the implementation of universal service support pursuant to section 254 in the 1996 Telecommunications Act. A public notice, which was released by the Common Carrier Bureau on July 3, 1996, sought further comment on 72 specific questions regarding the universal service notice of proposed rulemaking. This public notice extended the comment period until August 2, 1996. The purpose of the public notice was to supplement information received in response to the universal service NPRM. **DATES:** The July 3, 1996, public notice extended the comment period until August 2, 1996.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 1919 M St., N.W., Room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Astrid Carlson, Universal Service

¹ Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Recommended Decision*, FCC 96J-2, CC Docket No. 80-286 (rel. Sept. 27, 1996).

² Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Notice of Proposed Rulemaking*, 10 FCC Rcd 7013 (1995) (*Notice*).

³ *Notice*, 10 FCC Rcd at 7015.

Branch, Accounting and Audits Division, Common Carrier Bureau, at (202) 530-6023.

SUPPLEMENTARY INFORMATION: Although the Commission received hundreds of comments in response to the NPRM in this docket released March 8, 1996, the Common Carrier Bureau issued a public notice in order to supplement the record by asking for comment on 72 focused questions involving universal service support for high cost, rural and insular areas, support for schools, libraries and health care providers, support for low income individuals and administration of the support mechanism.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Bureau Chief, Common Carrier Bureau.

[FR Doc. 96-26429 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 36 and 69

[CC Docket No. 96-45; DA 96-1094]

Common Carrier Bureau Seeks Further Comment on Cost Models Regarding the Universal Service Notice of Proposed Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On March 14, 1996, (61 FR 10499) the Commission published in the Federal Register a notice of proposed rulemaking regarding the implementation of universal service support pursuant to section 254 in the 1996 Telecommunications Act. A public notice, which was released by the Common Carrier Bureau on July 10, 1996, sought comment on cost models discussed in the universal service notice of proposed rulemaking. This public notice extended the comment period until August 9, 1996. The purpose of this public notice was to supplement information regarding cost models received in response to the NPRM.

DATES: The July 10, 1996, public notice extended the comment period until August 9, 1996.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 1919 M St., NW. Room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Astrid Carlson, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau, at (202) 530-6023.

SUPPLEMENTARY INFORMATION: Although the Commission received hundreds of

comments in response to the NPRM in this docket released March 8, 1996, the Common Carrier Bureau issued a Public Notice in order to supplement the record by asking for additional comments on the Benchmark Cost Model, the Benchmark Cost Model 2, the Hatfield model and the Cost Proxy Model.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Bureau Chief, Common Carrier Bureau.

[FR Doc. 96-26430 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 96-214; RM-8886]

Radio Broadcasting Services; Dededo, Guam

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Rolando Manuntag proposing the allotment of Channel 286C at Dededo, Guam, as the community's first local aural transmission service. Channel 286C can be allotted to Dededo in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 286C at Dededo are North Latitude 13-29-01 and East Longitude 144-49-29.

DATES: Comments must be filed on or before December 9, 1996 and reply comments on or before December 24, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Wayne Coy, Jr., Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., Suite 600, Washington, DC 20036-1573 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-214, adopted October 11, 1996, and released October 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The

complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 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. 96-27688 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-212, RM-8884]

Radio Broadcasting Services; Portland and Seaside, Oregon

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Radio Systems of Miami, Inc., requesting the substitution of Channel 254C1 for Channel 253C at Portland, OR, and the modification of Station KUPL-FM's license to specify operation on the lower class channel. The substitution of channels could enable Station KUPL-FM to relocate its transmitter and eliminate its use of a translator station. To accommodate the substitution of channels at Portland, the petitioner also requests that Channel 235A or Channel 272A be substituted for Channel 255A at Seaside, OR, and the construction permit of Station KULU(FM) be modified to specify the alternate Class A channel. Channel 254C1 can be allotted to Portland in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.6 miles) west, at coordinates 45-30-58 NL; 122-43-59 WL, to accommodate petitioner's

desired transmitter site. Channels 235A and 272A can both be allotted to Seaside at the transmitter site set forth in Station KULU(FM)'s construction permit, at coordinates 45-54-35 NL; 123-56-07 WL, which is 10.1 kilometers (6.3 miles) south. Canadian concurrence in the allotments is required since both communities are located 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before December 9, 1996, and reply comments on or before December 24, 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 R. Feore, Jr., H. Anthony Lehv, Dow, Lohnes and Albertson, P.L.L.C., 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036 (Counsel to 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.96-212, adopted October 11, 1996, and released October 18, 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. 96-27689 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-123, RM-8875]

Radio Broadcasting Services; Tullahoma, Tennessee

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Tri County Broadcasting Company, Inc., proposing the allotment of Channel 296A at Tullahoma, Tennessee, as the community's second local FM service. Channel 296A can be allotted to Tullahoma in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.5 kilometers (7.1 miles) west in order to avoid short-spacing conflicts with the licensed sites of Station WSKZ(FM), Channel 293C, Chattanooga, Tennessee; Station WBLG(FM), Channel 296C2, Smith Grove, Kentucky and to Station WQLT(FM)'s construction permit for Channel 297C1, Florence, Alabama. The coordinates for Channel 296A at Tullahoma are 35-20-55 and 86-20-13.

DATES: Comments must be filed on or before December 9, 1996, and reply comments on or before December 24, 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: Joe Brewer, President, Tri County Broadcasting Company, Inc., P.O. Box 398, Cowan, Tennessee 37318 (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. 96-213, adopted October 11, 1996, and released October 18, 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. 96-27690 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

[I.D. 050294D]

Endangered and Threatened Species; Extension of Public Comment Period on the Proposed Rule to List West Coast Steelhead and Notice of Public Hearing

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

ACTION: Proposed rule; extension of public comment period and notice of public hearing.

SUMMARY: NMFS is extending the public comment period on the proposed rule to list several Evolutionarily Significant Units (ESUs) of steelhead (*Oncorhynchus mykiss*). NMFS is also announcing details of an additional public hearing in Idaho. This will allow additional time for all interested parties to submit written comments on the proposal and to provide information and testimony at a public hearing.

DATES: The comment period, which would otherwise close on November 7, 1996, has been extended and now closes on January 6, 1997. A public hearing will be held on December 3, 1996, 6:30 p.m. to 9:30 p.m., Pocatello, ID.

ADDRESSES: Written comments and materials regarding the proposed rule should be directed to Garth Griffin, National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, OR 97232. The hearing will be held at Pocatello-Pocatello City Hall - Council Chambers, 911 N. 7th, Pocatello, ID 83205.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503-231-2005; Craig Wingert, 310-980-4021; or Marta Nammack, 301-713-1401.

SUPPLEMENTARY INFORMATION: On August 9, 1996, NMFS published a proposed

rule to list 10 ESUs of west coast steelhead as threatened or endangered under the Endangered Species Act (ESA) (61 FR 41541). Public comments were solicited, public hearings were announced (61 FR 51398, October 2, 1996), and the comment period was set to expire on November 7, 1996. NMFS has recently received several requests for further opportunity for public input, including a request for an additional public hearing in Idaho. NMFS is keenly aware of the public interest in the status of west coast steelhead. Interested parties will have opportunity to provide

oral and written testimony at the public hearing. This hearing will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Matthew Eagleton at (503) 230-5433.

Dated: October 23, 1996.

Stephen M. Waste,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 96-27728 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 61, No. 210

Tuesday, October 29, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB-97-01]

Public Hearing Regarding Establishment of a New Tobacco Auction Market

Notice is hereby given of a public hearing regarding an application to combine the Tabor City and Whiteville, North Carolina, tobacco markets.

Date: November 6, 1996.

Time: 9:00 a.m. local time.

Place: Dales Family Seafood and Steakhouse, 100 701 Bypass, Tabor City, North Carolina.

Purpose: To hear testimony and to receive evidence regarding an application for tobacco inspection and price support services to a new market, which would be a consolidation of the currently designated markets of Tabor City and Whiteville, North Carolina. The application was made by Donald B. Watson, H.B. Buffkin, Jr., and Joey E. Coleman, warehousemen, Tabor City Tobacco Market, Tabor City, North Carolina; and Emory Smith, Dial Gray, Jack Cox, Wayne Miller, J.T. Smith and J.D. Gore, warehousemen, Whiteville Tobacco Market, Whiteville, North Carolina.

This public hearing will be conducted pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR §§ 29.1 through 29.3), issued under the Tobacco Inspection Act, as amended (7 U.S.C. 511 *et seq.*) and the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714 *et seq.*).

Dated: October 24, 1996.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 96-27710 Filed 10-25-96; 8:45 am]

BILLING CODE 3410-02-P

Commodity Credit Corporation

Disaster Reserve Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The Commodity Credit Corporation (CCC) is announcing the availability of assistance under the Disaster Reserve Assistance Program to relieve the distress of livestock producers whose production of livestock feed has been adversely affected by natural disasters.

FOR FURTHER INFORMATION CONTACT:

Leona Dittus, Director, Emergency and Noninsured Assistance Program Division, Farm Service Agency, United States Department of Agriculture, STOP 0527, P.O. Box 2415, Washington, DC, 20013-2415, 202-720-3168.

SUPPLEMENTARY INFORMATION: Pursuant to the authority set forth in section 813(c) of the Agricultural Act of 1970, as amended, it has been determined that:

1. Severe and prolonged drought conditions and other natural disasters adversely affecting livestock producers across the country warrant implementing a Disaster Reserve Assistance Program to alleviate the distress caused by natural disaster conditions.

2. Given the need to act expeditiously, the terms and conditions setting forth the suspended Emergency Livestock Assistance Program in 7 CFR Part 1439 will be used to administer the Disaster Reserve Assistance Program. The following list explains how the provisions of 7 CFR Part 1439 will apply to the Disaster Reserve Assistance Program:

Section 1439.1. The Disaster Reserve Assistance Program shall provide feed assistance to livestock owners only in a county where a livestock feed emergency has been determined to exist.

Section 1439.2. All provisions of this section are applicable to the Disaster Reserve Assistance Program.

Section 1439.3. For the Disaster Reserve Assistance Program, feed available means the owner's current year feed production available anytime during the feeding period. Feeding period means for all livestock (except fish for food) the period beginning and ending on the date determined according to the following conditions.

The period shall begin on: (1) the first day of the 1996 crop year in counties approved and contiguous for 1995 or 1996 Livestock Feed Program and in counties in which natural disaster conditions existed before the beginning of the 1996 crop year, if natural disaster conditions are continuing; or (2) the date the producer filed an application, for progressive natural disaster, such as drought, in counties where the occurrence began or became apparent after the beginning of the 1996 crop year; or (3) the date of the occurrence for sudden natural disasters, such as tornados, earthquakes, etc., that occurred after the beginning of the 1996 crop year.

Section 1439.4 (a). For the Disaster Reserve Assistance Program, requests submitted by a county committee for a livestock feed emergency determination must be submitted to the State committee and must contain: (1) for counties approved or contiguous to an approved county for 1995 or 1996 Livestock Feed Program: (a) a report of existing feed production conditions, and (b) a certification by the county committee and a State committee representative, of continuing natural disaster conditions; (2) for all other counties: (a) a County Feed Loss Assessment Report, Form CCC-654; (b) rainfall data by month expressed in inches and percent of normal for the current calendar year and the 2 previous calendar years if the request is due to the occurrence of drought or excess moisture; and (c) a report of an on-site visit by the county committee and a State committee representative stating existing production conditions.

Section 1439.4 (b). For the Disaster Reserve Assistance Program, for county requests received in the State office by July 19, 1996, the State committee shall make a determination and advise the Deputy Administrator for Farm Programs. For county requests received in the State office after July 19, 1996, the State committee shall forward the request with a recommendation of whether the request should be approved to the Deputy Administrator for Farm Programs.

Section 1439.4 (c). This provision is applicable to the Disaster Reserve Assistance Program.

Section 1439.4 (d). For the Disaster Reserve Assistance Program, owners in any county contiguous to a county that

has been designated as a livestock feed emergency county under the Disaster Reserve Assistance Program shall not be eligible to receive assistance unless a livestock feed emergency has been determined to exist in that county.

Section 1439.5 and 1439.6 (a) and (b). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.6(c). For the Disaster Reserve Assistance Program, a Form CCC-652 application worksheet and Form CCC-651 contract must be filed at the county office in the approved county.

Section 1439.6(d) (1) and (2). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.6(d)(3). For the Disaster Reserve Assistance Program, owners in a county contiguous to a county where a livestock feed emergency has been determined to exist may not file for assistance in the contiguous county unless a livestock feed emergency has been determined to exist in that county.

Section 1439.6(e), (f) and (g)(1). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.6(g)(2). For the Disaster Reserve Assistance Program, current crop year production of feed available anytime during the feeding period including any grain pledged as collateral for a Commodity Credit Corporation price support loan.

Section 1439.6(g) (3), (4), (5), (6), (7) and (8). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.6(g)(9). For the Disaster Reserve Assistance Program, any donated feed received during the current year including current and prior years production that is available anytime during the feeding period except for feed grain donated by Commodity Credit Corporation under the Indian Acute Distress Donation Program.

Section 1439.6(g) (10), (11), (12) and (h) (i) and (j). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.7, 1439.8 (a) and (b). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.8(c)(1)(i). For the Disaster Reserve Assistance Program, Commodity Credit Corporation-owned feed grains are not available for sale under the Disaster Reserve Assistance Program.

Section 1439.8(c)(1)(ii). This provision is applicable to the Disaster Reserve Assistance Program.

Section 1439.8(c)(1) (iii). For the Disaster Reserve Assistance Program, Commodity Credit Corporation-owned

feed grains are not available for donation.

Section 1439.8(c)(2)(i). For the Disaster Reserve Assistance Program, Commodity Credit Corporation-owned feed grains are not available for sale.

Section 1439.8(c)(2)(ii). This provision is applicable to the Disaster Reserve Assistance Program.

Section 1439.8(c)(2)(iii). For the Disaster Reserve Assistance Program, Commodity Credit Corporation-owned feed grains are not available for donation other than as indicated in this notice.

Section 1439.9(a). For the Disaster Reserve Assistance Program, the county office shall provide payment upon presentation to the county office, by the owner, of valid livestock feed purchase receipts and after the owner has shown that the terms and conditions of the contract have been met.

Section 1439.9(b), (c) and (d). These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.9(e). For the Disaster Reserve Assistance Program, the owners who file applications shall execute a contract for the feeding period for which the owner is eligible. When the Disaster Reserve Assistance Program authorized period is continued, the owner must request, in writing, that the feeding period ending date remain as previously established or be changed to one of the following: (1) the ending date for implementation of the Disaster Reserve Assistance Program as established by the Deputy Administrator for Farm Programs; or (2) any date after the previously established date but prior to the ending date for implementation as established by the Deputy Administrator for Farm Programs.

Section 1439.10(a). For the Disaster Reserve Assistance Program, owners who filed an initial application prior to the termination of the program will not be eligible to file subsequent applications and contracts. Owners may file new applications if the Disaster Reserve Assistance Program is continued.

Section 1439.10(b). This provision is inapplicable.

Section 1439.11 through 24. These provisions are applicable to the Disaster Reserve Assistance Program.

Section 1439.101 through 104. These provisions are inapplicable.

Section 1439.201 through 202. These provisions are inapplicable.

Section 1439.301. This provision is applicable to the Disaster Reserve Assistance Program.

Section 1439.302(a). For the Disaster Reserve Assistance Program, an owner of eligible livestock who has submitted

an application for participation and a contract has been approved by a representative of Commodity Credit Corporation in accordance with 1439.1 through 1439.25 of this part shall receive monetary assistance for not more than 30 percent of the cost of eligible feed purchased by the owner not to exceed the monetary amount stated on the contract provided the owner presents evidence of the purchase of feed to the approving official at any time during the terms of the contract.

Section 1439.401 through 403. These provisions are inapplicable.

Section 1439.501 through 504. These provisions are inapplicable.

3. Indian Tribal councils that determine acute economic distress exists because of the affects of a natural disaster on reservation lands may request donated grain for needy members according to requirements established for the Indian Acute Distress Donation Program under Executive Order 11336 and Memorandum of Understanding No. 5 between the Department of Agriculture and the Department of the Interior.

4. Based on the above determinations, the Disaster Reserve Assistance Program is authorized for 1996 crop year losses for livestock owners who are determined eligible. Producer applications, for existing natural disasters, must be received in county offices that have been approved for the Disaster Reserve Assistance Program by the date announced by CCC. Such date is on file in each county Farm Service Agency office. Program payments will be contingent on the availability of CCC funds.

Signed at Washington, DC, on October 23, 1996.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96-27666 Filed 10-28-96; 8:45 am]

BILLING CODE 3410-05-P

Forest Service

Huckleberry Land Exchange With Weyerhaeuser Company, Mt. Baker-Snoqualmie National Forest, Skagit, Snohmoish, King, Lewis, and Perce Counties, Washington

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: On July 14, 1995, a notice of intent to prepare an environmental impact statement (EIS) for the

Huckleberry Land Exchange with Weyerhaeuser Company was published in the Federal Register (60 FR 36257). This notice announced the responsible official as Wendy M. Herrett, Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region. The responsibility for this Huckleberry Land Exchange EIS and decision has been delegated to the Forest Supervisor of the Mt. Baker-Snoqualmie National Forest.

FOR FURTHER INFORMATION CONTACT: Vicky Maggiora, Regional Exchange Program Manager, 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon 97208-3623 phone 503-326-6652.

Dated: October 22, 1996.

Wendy M. Herbett,
Director, Recreation, Lands, and Mineral Resources.
[FR Doc. 96-27674 Filed 10-28-96; 8:45 am]
BILLING CODE 3410-11-M

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.
ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the Complaints and Compensation for Construction Defects.

DATES: Comments on this notice must be received by December 30, 1996 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Michael Colbert, Senior Loan Specialist, Single Family Housing Processing Division, RHS, US Department of Agriculture, STOP 0783, 1400 Independence Avenue, SW, Washington, DC 20250-0783, Telephone (202) 690-3832.

SUPPLEMENTARY INFORMATION:

Title: FmHA Instruction 1924-F, "Complaints and Compensation for Construction Defects".

OMB Number: 0575-0082.

Expiration Date of Approval: March 31, 1997.

Type of Request: Extension of a currently approved information collection.

Abstract: The Complaints and Compensation for Construction Defects

program under Section 509(c) of Title V of the Housing Act of 1949, as amended, provides eligible persons who have Structural Defects the opportunity to correct their problems. Structural Defects are defects in the dwelling, installation of a manufactured home (unit), or a related facility or a deficiency in the site or site development which directly and significantly reduces the useful life, habitability or integrity of the dwelling or unit. The defect may be due to faulty material, poor workmanship, or latent causes that existed when the dwelling or unit was constructed. The period in which to place a claim for a defect is within 18 months after the date that financial assistance was granted. If the defect is determined to be structural and is covered by the builders/dealers-contractor's warranty, the contractor is expected to correct the defect. If the contractor cannot or will not correct the defect, the borrower may be compensated for having the defect corrected, under the Complaints and Compensation for Construction Defects program. Provisions of this subpart do not apply to dwellings financed with guaranteed section 502 loans.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .28 hours per response.

Respondents: Individuals or households.

Estimated Number of Respondents: 5,000

Estimated Number of Responses per Respondent: 1.06

Estimated Total Annual Burden on Respondents: 1,500 hours.

Copies of this information collection can be obtained from Johnnie Anderson, Regulations and Paperwork Management Division, at (202) 720-9735.

Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information, including the validity of methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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.

Comments may be sent to Johnnie Anderson, Regulations and Paperwork Management Division, US Department of Agriculture, Rural Development, STOP 0743, 1400 Independence Avenue, SW, Washington, DC 20250-0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 15, 1996.

Jan E. Shadburn,

Acting Administrator, Rural Housing Service.
[FR Doc. 96-27725 Filed 10-28-96; 8:45 am]

BILLING CODE 3410-XV-U

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, D.C. on Tuesday, Wednesday, and Thursday, November 12-14, 1996 at the times and location noted below.

DATES: The schedule of events is as follows:

Tuesday, November 12, 1996

9:00-Noon ADAAG Review Presentation

1:30-3:15 PM ADAAG Review Presentation (continued)

3:30-5:00 PM Technical Programs Committee

Wednesday, November 13, 1996

9:00-Noon Committee on the Whole (Closed Meeting)

1:30-3:30 PM Board Meeting

Thursday, November 14, 1996

8:30-11:00 AM Ad Hoc Committee on Bylaws and Statutory Review

ADDRESSES: The meetings will be held at: Marriott at Metro Center, 775 12th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272-5434 ext. 14 (voice) and (202) 272-5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items:

- Approval of the Minutes of the September 11 Board Meeting.
- Committee of the Whole Report.
- Technical Programs Committee Report.
- Ad Hoc Committee on Bylaws and Statutory Review Report.
- Telecommunications Access Advisory Committee Report.
- Play Facilities Regulatory Negotiation Committee Report.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 96-27732 Filed 10-28-96; 8:45 am]

BILLING CODE 8150-01-P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Survey of U.S. Chemical Industry to Ensure Compliance With the Provisions of the Chemical Weapons Convention

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before December 30, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Baker, U.S. Dept. of Commerce, 14th & Constitution Ave., NW, room 677, Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information that will be collected by this survey is necessary to ensure that the U.S. is in compliance with certain provisions of the Chemical Weapons Convention (CWC). The CWC

is a multilateral arms control treaty that seeks to achieve an international ban on chemical weapons. The CWC was signed by the U.S. in Paris on January 13, 1993, and was submitted by President Clinton to the U.S. Senate on November 23, 1993, for its advice and consent to ratification. The CWC prohibits, *inter alia*, the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons.

II. Method of Collection

Written survey.

III. Data

OMB Number: 0694-xxxx.

Form Number: None.

Type of Review: New collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 40.

Estimated Time Per Response: 3 hours per response.

Estimated Total Annual Burden Hours: 120.

Estimated Total Annual Cost: \$4,320.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: October 22, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96-27667 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-DT-P

International Trade Administration

[A-533-809]

Certain Forged Stainless Steel Flanges From India; Notice of Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On March 19, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 11184) a notice announcing the initiation of an administrative review of the antidumping duty order on certain forged stainless steel flanges from India, covering the period February 1, 1995, through January 31, 1996, and one manufacturer/exporter of the subject merchandise, Akai Impex Ltd. (Akai). This review has now been terminated as a result of the withdrawal of the request for administrative review by the interested party.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or John Kugelman, AD/CVD Enforcement, Group III, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone (202) 482-2704 or 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 29, 1996, we received a request from Akai to conduct an administrative review pursuant to section 353.22(a) of the Department's regulations. No other interested party requested this review. On March 19, 1996, we published in the Federal Register (61 FR 11184) the notice of initiation of administrative review. On October 8, 1996, Akai withdrew its request for an administrative review.

Termination of Review

The Department's regulations, at 19 CFR 353.22(a)(5)(1994), state that "the Secretary may permit a party that requests a review under paragraph (a) of this section to withdraw the request not later than 90 days after the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so." No interested party other than Akai requested this review, and the review is

still at a relatively early stage. In light of these facts, completing this review would place an unnecessary burden on the parties and the Department. Therefore, we have determined that it is reasonable to allow Akai to withdraw its request for review. See *Steel Wire Rope From Japan; Partial Termination of Antidumping Duty Administrative Reviews*, 56 FR 41118 (August 19, 1991). Accordingly, the Department is terminating this review.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with Section 353.34(d) of the Department's regulations. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We will issue appraisal instructions directly to the U.S. Customs Service.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22(a)(5). Joseph A. Spetrini,

Deputy Assistant Secretary Enforcement Group III.

[FR Doc. 96-27627 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-DS-P

National Institute of Standards and Technology

[Docket No. 960924270-6270-01]

RIN 0693-ZA09

Precision Measurement Grants

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform potential applicants that the National Institute of Standards and Technology (NIST) is continuing a program of research grants, formally titled Precision Measurement Grants, to faculty members of U.S. universities or colleges for significant, primarily experimental research, in the field of fundamental measurement or the determination of fundamental constants. Applicants must submit an abbreviated proposal for preliminary screening: Based on the merit of the abbreviated proposal, applicants will be advised whether a full proposal should be submitted.

DATES: Abbreviated proposals must be received at the address listed below no later than 5 p.m. EST on February 3, 1997. The semi-finalists will be notified of their status by March 24, 1997, and will be requested to submit their full proposals to NIST by 5 p.m. EDT on May 9, 1997. Selection of the awards will be made in August 1997.

ADDRESSES: Applicants are requested to submit an abbreviated proposal (original and two (2) signed copies), using Standard Form 424 (Rev. 4/92) with a description of their proposed work of no more than five (5) double spaced pages. Standard Form 424A(4-92) and 424B(4-92) are also required. Copies should be sent to the following address: Dr. Barry N. Taylor, Chairman, NIST Precision Measurement Grants Committee, Building 245, Room C229, National Institute of Standards and Technology, Gaithersburg, MD 20899-0001.

FOR FURTHER INFORMATION CONTACT: Technical questions concerning the NIST Precision Measurement Grants Program may be directed to the above address or call Dr. Taylor at (301) 975-4220. Prospective applicants with general questions may contact Dr. Taylor before preparing their abbreviated proposal. Specific inquiries as to the usefulness or merit of any particular project or other specific inquiries that deal with evaluation criteria can potentially impede the competitive selection process and, therefore, cannot be answered.

Administrative questions concerning the NIST Precision Measurement Grants Program may be directed to the Grants Office at (301) 975-6329. Written inquiries should be forwarded to the following address: Grants Office, Acquisition and Assistance Division, Building 301, Room B129, National Institute of Standards and Technology, Gaithersburg, MD 20899-0001.

SUPPLEMENTARY INFORMATION

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards; 11.609.

Authority: As authorized by Section 2 of the Act of March 3, 1901 as amended (15 U.S.C. 272(b)(2) and (c)(3)), NIST conduct, directly and supports through grants and cooperative agreements, a basic and applied research program in the general area of fundamental measurement and the determination of fundamental constants of nature. The annual budget for Precision Measurement Grants is approximately \$300,000. Because of the commitments for the support of multi-year programs, only a portion of the budget is available to initiate new programs in any one year. The issuance of awards is contingent upon availability of

funding. As part of this research program, since 1970 NIST has awarded Precision Measurement Grants to faculty members of U.S. universities and colleges for significant, primarily experimental research in the field of fundamental measurement or the determination of fundamental constants.

Award Period: NIST is now accepting applications for two new grants in the amount of \$50,000 per year to be awarded for the period October 1, 1997, through September 30, 1998 (fiscal year 1998). Each grant may be renewed for up to two additional years; however, future or continued funding will be at the discretion of NIST based on such factors as satisfactory performance and the availability of funds.

Program Description: NIST sponsors these grants to encourage basic, measurement-related research in U.S. universities and colleges and to foster contacts between NIST scientists and those faculty members of U.S. academic institutions who are actively engaged in such work. The Precision Measurement Grants are also intended to make it possible for such faculty members to pursue new, fundamental measurement ideas for which other sources of support may be difficult to find.

Matching Requirements: The Precision Measurement Grant Program does not involve the payment of any matching funds and does not directly affect any state or local government.

Research Topics: There is some latitude in the kind of research projects that will be considered for support under the Precision Measurement Grants Program. The key requirement is that they are consistent with NIST's mission in the field of basic measurement science, for example:

(1) Experimental and theoretical studies of fundamental physical phenomena which test the basic laws of physics or which may lead to new or improved fundamental measurement methods and standards.

(2) The determination of important fundamental physical constants.

(3) The development of new standards for physical measurement of the highest possible precision and accuracy.

In general, proposals for experimental research will be given preference over proposals for theoretical research because of the greater expense of experimental work. Proposals from workers at the assistant and associate professor level who have some record of accomplishment are especially encouraged in view of the comparative difficulty aspiring researchers have in obtaining funds.

Typical projects which have been funded through the NIST Precision Measurement Grants Program include:

"Fine-Structure constant determination using precision Stark spectroscopy," Michael G. Littman, Princeton University.

"Eötös experiment-cryogenic version," D.F. Bartlett, University of Colorado.

"A test of local Lorentz invariance using polarized ^{21}Ne nuclei," T.E. Chupp, Harvard University.

"A new method to search for an electric dipole moment of the electron," L.R. Hunter, Amherst College.

"High precision timing of millisecond pulsars," D.R. Stinebring, Princeton University.

"Precision optical spectroscopy of positronium," S. Chu, Stanford University.

"Spectroscopy of Francium: Towards a precise parity non-conservation measurement in a laser trap," L. Orozco, State University of New York at Stony Brook.

"Measurement of the magnetically-induced birefringence of the vacuum," S.A. Lee, Colorado State University.

Eligibility: Eligible applicants under the Precision Measurement Grants Program are limited to U.S. universities and colleges.

Selection Procedure: To simplify the proposal writing and evaluation process, the following selection procedure will be used:

On the basis of the abbreviated proposals, four to eight semifinalist candidates will be selected by the NIST Precision Measurements Grants Committee and the Outside Review Committee and requested to submit full proposals. The same committees will evaluate the detailed proposals, and on the basis of their evaluation, the two grantees for fiscal year 1998 will be selected.

Evaluation Criteria: The criteria to be used in evaluating the preapplication proposals and full proposals include:

1. Importance of the proposed research to science—does it have the potential of answering some currently pressing question or of opening up a whole new area of activity?

2. The relationship of the proposed research to measurement science—is there a possibility that it will lead to a new or improved fundamental measurement method or to a better understanding of important, but already existing, measurement methods or physical standards?

3. The feasibility of the research—is it likely that significant progress can be made in a three year time period with the funds and personnel available?

4. The past accomplishments of the applicant—is the quality of the research previously carried out by the

prospective grantee such that there is a high probability that the proposed research will be successfully carried out?

Each of these factors is given equal weight in the selection process.

Paperwork Reduction Act: The Standard Forms 424, 424A, 424B, and LLL mentioned in this notice are subject to the requirements of the Paperwork Reduction Act and have been cleared by the Office of Management and Budget (OMB) under control numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046.

Application Kit: An application kit, containing all required application forms and certifications, is available by calling Michelle Hane, NIST Precision Measurement Grants Committee, (301) 975-4397. An application kit includes the following:

SF-424 (Rev 4/92)—Application for Federal Assistance

SF-424A (REV 4/92)—Budget Information—Non-Construction Programs

SF-424B (REV 4/92)—Assurances—Non-Construction Programs

CD-511 (7/91)—Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying

CD-512 (7/91)—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions and Lobbying

SF-LLL—Disclosure of Lobbying Activities

Additional Requirements

Past Performance: Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Preaward Activities: Applicants that incur any costs prior to an award being made do so solely at their own risk of not being reimbursed by the Government. Applicants are also hereby notified that notwithstanding any verbal assurance that they may have received, there is no obligation on the part of DoC to cover pre-award costs.

Primary Application Certification: All primary applicants must submit a completed Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations must be provided:

1. **Nonprocurement Debarment and Suspension:** Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and

Suspension" and the related section of the certification form prescribed above applies;

2. **Drug-Free Workplace:** Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

3. **Anti-Lobbying:** Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. **Anti-Lobbying Disclosure:** Any applicant that has been paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

5. **Lower Tier Certifications:** Grant recipients shall require applicants/bidders for subgrants, contacts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DoC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

Name Check Reviews: All for-profit and nonprofit applicants will be subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, prejury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Executive Order Statement: This funding notice was determined to be not significant for purposes of Executive Order 12866.

False Statements: Applicants are reminded that a false statement on an application is grounds for denial or termination of funds and grounds for

possible punishment by fine or imprisonment as provided in 18 U.S.C. 1001.

Delinquent Federal Debts: No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full;
2. A negotiated repayment schedule is established and at least one payment is received; or
3. Other arrangements satisfactory to DoC are made.

No Obligation for Future Funding: If an application is accepted for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award, increased funding, or extending the period of performance is at the total discretion of NIST.

Federal Policies and Procedures: Recipients and subrecipients under the Precision Measurement Grants Program are subject to all Federal laws and Federal and Departmental policies, regulations, and procedures applicable to Federal financial assistance awards. The Precision Measurement Grants Program does not directly affect any state or local government. Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Purchase of American-Made Equipment and Products: Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

Indirect Costs: The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

Dated: October 22, 1996.

Samuel Kramer,
Associate Director.

[FR Doc. 96-27706 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[I.D. 102196D]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Reef Fish Stock Assessment Panel.

DATES: The meeting will begin at 1:30 p.m. on November 18, 1996, and will conclude at 5:00 p.m. on November 20, 1996.

ADDRESSES: The meeting will be held at the NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL.

FOR FURTHER INFORMATION CONTACT: Steve Atran, Population Dynamics Statistician; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The Reef Fish Stock Assessment Panel will review a new stock assessment for vermilion snapper, an update to the 1995 stock assessment for red snapper, and available biological information and landings data for amberjack species. For red snapper, the panel will recommend a range of allowable biological catch (ABC) which is consistent with a rebuilding schedule for this stock. For the other species, the panel may recommend an ABC range if there is sufficient biological information available to determine an ABC range for achieving optimum yield, or they may identify future research needs.

Under the Reef Fish Fishery Management Plan's framework procedure for setting total allowable catch (TAC), the Council may implement through a regulatory amendment, for species where an ABC range has been specified, a TAC which is allocated between the recreational and commercial sectors, and quotas, bag limits, size limits, and other measures needed to attain TAC. If an ABC range and TAC is not specified, the Council must use the more lengthy plan amendment process to implement any changes to management measures.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by November 11, 1996.

Dated: October 22, 1996.

Bruce Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 96-27729 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 102396B]

Endangered Species; Permits

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

ACTION: Receipt of an application for modification 2 to enhancement permit 895 (P504D).

SUMMARY: Notice is hereby given that the U.S. Army Corps of Engineers in Walla Walla, WA (Corps) has applied in due form for a modification to a permit that authorizes takes of endangered and threatened anadromous fish for the purpose of enhancement.

DATES: Written comments or requests for a public hearing on this application must be received on or before November 29, 1996.

ADDRESSES: The application and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

Written comments or requests for a public hearing should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: The Corps requests a modification to a permit under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

The Corps requests modification 2 to enhancement permit 895 for an increase in the annual indirect take of adult, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with the juvenile fish transportation facilities at four hydroelectric projects on the Snake and Columbia Rivers in the Pacific Northwest (Lower Granite, Little Goose, Lower Monumental, and McNary Dams). Permit 895 authorizes annual takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*); adult and juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); and adult and juvenile, threatened, Snake River fall chinook salmon associated with the operation of the Juvenile Fish Transportation Program.

At the four projects with juvenile fish transportation facilities, a small percentage of adult salmon that pass each project move back downstream by entering the juvenile fish bypass systems. The adult fish that cross the juvenile fish separators at each project are bypassed back to the river to continue their migration. Passing the adults from the separators usually requires some handling of the fish or delays in adult fish passage through the facilities. An increase in the annual indirect take of adult, ESA-listed, Snake River fall chinook salmon is requested because the Corps anticipates larger adult fall chinook salmon runs, earlier migrating runs, and/or an increase in the incidence of adult salmon fallbacks. Modification 2 is requested for the duration of the permit. Permit 895 expires on December 31, 1998.

Those individuals requesting a hearing should set out the specific reasons why a hearing on this application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: October 23, 1996.

Eric H. Ostrovsky,

*Acting Chief, Endangered Species Division,
Office of Protected Resources, National
Marine Fisheries Service.*

[FR Doc. 96-27727 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 102196C]

Marine Mammals; Permit No. 966 (P586)

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Continental Shelf Associates, Inc., 328 Aris Avenue, Metairie, Louisiana 70005-3427, has requested an amendment to permit No. 966.

DATES: Written comments must be received on or before November 29, 1996.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West

Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive, North, St. Petersburg, FL 33702-2532 (813/570-5301).

Written data or views, or requests for a public hearing on this request should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject amendment to permit no. 966 issued on August 2, 1995 (60 FR 42546), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Permit no. 966 authorizes the permit holder to conduct aerial surveys of marine mammals and sea turtles within potential SEAWOLF shipshock test site areas in Mayport, FL and Norfolk, VA. The permit holder requests authorization to extend the permit to May 31, 1999 and expand the research area to include Charleston, SC (32°44.00'N latitude) to Cape Canaveral, FL (28°50.00'N latitude). The boundaries extend out to a distance of 160 nmi offshore.

Dated: October 22, 1996.

William W. Windom,

*Acting Chief, Permits and Documentation
Division, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 96-27726 Filed 10-28-96; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Grant a Limited Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force

announces its intention to grant EPI-MBE Production Group, a corporation of the State of Minnesota, a limited exclusive license under U.S. Patent No. 5,540,780.

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within sixty (60) days from the date of publication of this notice. Copies of the patent may be obtained, on request, from the same addressee.

All communications concerning this notice should be sent to: Mr. Samuel B. Smith, Jr., Chief, Intellectual Property Branch, Commercial Litigation Division, Air Force Legal Services Agency, 1501 Wilson Blvd, Suite 805, Arlington, VA 22209-2403, telephone number (703) 696-9034.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96-27697 Filed 10-28-96; 8:45 am]

BILLING CODE 3910-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Request for Complaint Procedures for State Administered Programs/IASA

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On September 23, 1996, a notice of proposed information collection for Complaint Procedures for State Administered Programs was published in the Federal Register at 61 FR 49754 which solicited public comments for a 60 day period through November 22, 1996. The public comment period, in the September 23, 1996 Federal Register notice was published in error. The public comment period will be provided with the publication of the Final Regulations for this program.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651. Telephone (202) 708-8196.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: October 23, 1996.
 Gloria Parker,
Director, Information Resources Group.
 [FR Doc. 96-27664 Filed 10-28-96; 8:45 am]
 BILLING CODE 4000-01-P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.
ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 30, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-8196.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping

burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: October 23, 1996.
 Gloria Parker,
Director, Information Resources Group.

Office of the Under Secretary

Type of Review: New.
Title: Longitudinal Evaluation of School Change and Performance.
Frequency: Annually.
Affected Public: State, local or Tribal Government, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:

Responses: 4,820.
 Burden Hours: 6,550.
Abstract: The Longitudinal Evaluation of School Change and Performance is being conducted in response to the legislative requirement in P.L. 103-382, Section 1501 to assess the implementation of Title I and related education reforms. The information will be used to examine changes—over a 3-year period—that are occurring in schools and classrooms. Teachers and teacher aides will complete a mail survey, and district Title I administrators, principals, school-based staff, and parents will be interviewed during on-site field work.

[FR Doc. 96-27665 Filed 10-28-96; 8:45 am]
 BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

[6450-01-P]

Inventions Available for License

AGENCY: Office of General Counsel, Department of Energy.
ACTION: Notice.

SUMMARY: The U.S. Department of Energy announces that the following inventions are available for license in accordance with 35 U.S.C. 207-209: U.S. Patent No. 5,473,953, "Device for Inspecting Vessel Surfaces;"

U.S. Patent No. 5,433,236, "Apparatus for Moving a Pipe Inspection Probe through Piping;"

U.S. Patent No. 5,398,560 "Apparatus for Inspecting Piping."

A copy of the patents may be obtained, for a modest fee, from the U.S. Patent and Trademark Office, Washington, D.C. 20231.

FOR FURTHER INFORMATION: Robert J. Marchick, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585; Telephone (202) 586-2802.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 207 authorizes licensing of Government-owned inventions. Implementing regulations are contained in 37 CFR Part 404. 37 CFR 404.7(a)(1) authorizes exclusive licensing of Government-owned inventions under certain circumstances, provided that notice of the invention's availability for license has been announced in the Federal Register.

Issued in Washington, D.C., on October 23, 1996.

Eric J. Fygi,
Deputy General Counsel.
 [FR Doc. 96-27682 Filed 10-28-96; 8:45 am]
 BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

Information Collection Submitted for Review and Request for Comments (FERC-582)

October 24, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: In compliance with the requirements of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission) is submitting a collection of information listed in this notice to OMB for review under the provisions of the Act. **DATES:** Comments regarding this collection of information are best assured of having their full effect if received by no later than November 29, 1996.

ADDRESSES: Copies of the 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 NE., Washington, DC 20426. Comments should also be addressed to: Desk Officer, Federal Energy Regulatory Commission, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

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:

Abstract: The information collected under the requirements of FERC-582 "Oil, Gas and Electric Fees and Annual Charges" (OMB No. 1902-0132) is used by the Commission to implement the statutory provisions of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509), Title III, Subtitle E, Section 3401. Congress directed the Commission to "assess and collect fees and annual charges in any fiscal year in amount equal to all of the costs incurred by the Commission in that fiscal year." The Commission implements a program of annual charges to be assessed against interstate natural gas and oil pipelines, electric utilities, electric cooperatives and power marketing agencies. The Commission computes annual charges based on information of adjusted sales for resale and adjusted coordination of sales data. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 381.108, 381.302 and 382.201(b).

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	Number of responses per respondent	Average burden hours per response	Total annual burden hours
(1)	(2)	(3)	(1) × (2) × (3)
179	1	4 hours	716 hours.

Estimated cost burden to respondents: 716 hours/2,087 hours per year × \$104,350 per year = \$35,800.

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.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27741 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[FERC-583]

Information Collection Submitted for Review and Request for Comments

October 24, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: In compliance with the requirements of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission) is submitting a collection of information listed in this notice to OMB for review under the provisions of the Act. **DATES:** Comments regarding this collection of information are best assured of having their full effect if received by no later than November 29, 1996.

ADDRESSES: Copies of the 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. Comments should also be

addressed to: Desk Officer, Federal Energy Regulatory Commission, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503.

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:

Abstract: The information collected under the requirements of FERC-583 "Annual Kilowatt Generating Report" (OMB No. 1902-0136) is used by the Commission to implement the statutory provisions of Section 10(e) of the Federal Power Act (FPA), Part I, 16 U.S.C. 803(e) which requires the Commission to collect annual charges from hydropower licensees for, among other things, the cost of administering Part I of the FPA and for the use of United States dams. In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA) authorizes the Commission to "assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year." The information is collected annually and used to determine the amount of annual charges to be assessed licensees for reimbursable government administrative costs and for use of government dams. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 11.

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	Number of responses per respondent	Average burden hours per response	Total annual burden hours
(1)	(2)	(3)	(1) × (2) × (3)
660*	1	2 hours	1,320 hours.

*This is an adjustment from the Commission's initial estimate of 640 respondents.

Estimated cost burden to respondents: 1,320 hours / 2,087 hours per year × \$104,350 per year = \$66,000.

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.

Lois D. Cashell,
Secretary.

[FR Doc. 96-27745 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-37-000]

Canyon Creek Compression Company; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 18, 1996, Canyon Creek Compression Company (Canyon) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain tariff sheets to be effective December 1, 1996.

Canyon states that the purpose of the filing is to comply with the Commission's Order No. 582 issued on September 28, 1995 in Docket No. RM95-3-000.

Canyon requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective December 1, 1996.

Canyon states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory agencies.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections

385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 96-27659 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OR95-9-000]

Colonial Pipeline Company; Notice of Informal Settlement Conference

October 23, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, November 5, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring a possible settlement of the issues in this proceeding.

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, please contact Donald Williams at (202) 208-0743 or J. Carmen Gastilo at (202) 208-2182.

Lois D. Cashell,
Secretary.

[FR Doc. 96-27654 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-36-000]

Energy Management Corporation v. Peoples Gas System; Notice of Compliant

October 23, 1996.

Take notice that on October 16, 1996, Energy Management Corporation, (EMCO) tendered for filing a complaint against Peoples Gas System, Inc. (Peoples).

EMCO states that Peoples is engaged in a course of conduct which is designed to frustrate the clear meaning, intent, and spirit of, and does violence to FERC Order No. 636, Voluntary

Reallocation of Firm Transportation Capacity, FERC Statutes and Regulations, Section C.2, Paragraph 30,939, as follows:

Since on or about August 22, 1996 and continuing to date, Peoples has unlawfully failed and refused to permit its core customers the utilization of secondary release capacity behind its city gate pipeline system; that, in fact, end users behind Peoples who are desirous of availing themselves of secondary release capacity are prohibited from so doing by Peoples; and are confined to the utilization of Peoples' primary firm capacity. EMCO also argues that core customers are therefore restricted from acquiring release capacity in the secondary market.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before November 22, 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. Answers to this complaint shall be due on or before November 22, 1996.

Lois D. Cashell,
Secretary.

[FR Doc. 96-27658 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP97-32-000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

October 23, 1996.

Take notice that on October 15, 1996, Equitrans, L.P. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket No. CP97-32-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install one delivery tap under Equitrans's blanket certificate issued in Docket No. CP83-508-000 and CP86-676-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Equitrans proposes to install the proposed delivery tap on Equitrans field gathering pipeline No. F-671 in

Doddridge County, West Virginia. The tap will be instituted to provide transportation deliveries to Equitable Gas for ultimate distribution to one residential customer. Equitrans will charge Equitable the applicable transportation rate contained in Equitrans FERC Gas Tariff on file with and approved by the Commission. Equitrans projects that the 1 Mcf per day of peak service requested is within the entitlements of Equitable Gas, and will not impact Equitrans peak day and annual deliveries. Equitrans has sufficient capacity to accomplish the deliveries described herein without detriment to its other customers.

Equitrans states that the new delivery tap is not prohibited by its existing tariff and the total volumes delivered to Equitable Gas will not exceed total volumes authorized prior to the request.

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. 96-27648 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP97-43-000, CP97-45-000, CP97-47-000]

Equitrans, L.P.; Notice of Requests Under Blanket Authorization

October 23, 1996.

Take notice that on October 18, 1996, Equitrans, L.P. (Equitrans), 3500 Park Lane, Pittsburgh, PA. 15275-1102 filed in Docket Nos. CP97-43-000, CP97-45-000, and CP97-47-000, requests pursuant to Sections 157.205, and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval and permission to install and operate delivery taps for Equitable Gas Company (Equitable) for ultimate distribution to three distinct residential customers in West Virginia and

Pennsylvania, under the blanket certificate issued in Docket No. CP83-508-000, and transferred to Equitrans 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 requests which are on file with the Commission and open to public inspection.

Equitrans states that it proposes to install delivery taps in Braxton and Upshur Counties, West Virginia, and Greene County, Pennsylvania for ultimate distribution to Otis Ice, Route 2, Box 67, Frametown, West Virginia; Russell Robinson, Route 6, Box 211, Buckhannon, West Virginia; and Scott and Kelly Kiger, R.D. 3, Box 153, Shriver Hill Road, Waynesboro, Pennsylvania. Equitrans further states that the quantity of gas to be delivered through each proposed delivery tap will be approximately 1 Mcf on a peak day. Equitrans asserts that the total volumes of gas to be delivered to Equitable after these requests do not exceed the total volumes authorized before these requests. Equitrans further asserts that it has sufficient capacity to accomplish the deliveries described herein without detriment to its other customers.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (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 requests. 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 requests shall be treated as applications for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,
Secretary.

[FR Doc. 96-27651 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP97-38-000]

Florida Gas Transmission Company; Notice of Application for Abandonment

October 23, 1996.

Take notice that on October 15, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP97-38-000, an application pursuant to

Section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations for permission and approval to abandon two transportation services, known as FGT's Rate Schedules X-8 and X-19, which FGT used to provide service for Southern Natural Gas Company (SNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By letter agreements, signed by FGT on August 21, 1996, and accepted by SNG on September 30, 1996, FGT and SNG have agreed to terminate the two transportation agreements designated in FGT's FERC Gas Tariff, Original Volume No. 3 as Rate Schedule X-8 and X-19. Rate Schedule X-8, dated August 16, 1978, and Rate Schedule X-19, dated November 25, 1980, are transportation services by FGT for SNG from Vermilion Parish, Louisiana to Washington Parish, Louisiana.

FGT states that the proposed abandonment will not result in the abandonment of any facilities nor will it result in the abandonment of service to any other customers of FGT nor will it disadvantage any customers of FGT.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 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 and 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 in any proceeding herein 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 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 permission and approval for the proposed abandonment are 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 FGT to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27649 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-2435-000]

J.D. Enterprises; Notice of Issuance of Order

October 24, 1996.

J.D. Enterprises (Enterprises) submitted for filing a rate schedule under which Enterprises will engage in wholesale electric power and energy transactions as a marketer. Enterprises also requested waiver of various Commission regulations. In particular, Enterprises requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Enterprises.

On October 16, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Enterprises should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Enterprises is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Enterprises' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 15, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27743 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER95-791-003]

Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company; Notice of Filing

October 23, 1996.

Take notice that on August 16, 1996, the GPU Service Corporation on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company tendered for filing its compliance report in the above-referenced docket.

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 November 1, 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. 96-27653 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-40-000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 18, 1996, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Second Revised Volume No. 2, certain tariff sheets to be effective December 1, 1996.

Natural states that the purpose of the filing is to comply with the Commission's Order No. 582 issued on

September 28, 1995 in Docket No. RM95-3-000.

Natural requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective December 1, 1996.

Natural states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27662 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP97-39-000]

NorAm Gas Transmission Company; Notice of Request Under Blanket Authorization

October 23, 1996.

Take notice that on October 17, 1996, NorAm Gas Transmission Company (NorAm), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP97-39-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate certain upgraded facilities in Crittenden County, Arkansas. NorAm makes such request, under its blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

NorAm specifically proposes to upgrade and operate an existing 1-inch rural delivery tap to provide service to customers other than the original right-of-way grantor. NorAm states that ARKLA, a distribution division of

NorAm Energy Corp. (ARKLA), will replace its existing 1-inch meter at this location with a 2-inch L-Shape meter station to connect this delivery tap to ARKLA's new rural distribution line, R.E. No. 1393. NorAm further indicates that ARKLA will construct the meter at its cost and convey ownership to NorAm, and that NorAm will own and operate the 2-inch meter along with its existing 1-inch tap and regulator.

It is averred that approximately 1,108 MMBtu annually and 10 MMBtu on a peak day will be delivered, and that the delivery volumes will be within ARKLA's certificated entitlements.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 175.205) 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. 96-27650 Filed 10-12-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-200-011]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 21, 1996, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet to be effective October 1, 1996:

Substitute Sixth Revised Sheet No. 7

NGT states that the purpose of this filing is to correct an inadvertent administrative error made on the rate of one shipper on the tariff sheet filed October 1, 1996 in the above referenced docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and

Procedure (18 CFR 385.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. The 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. 96-27657 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-39-000]

Stringray Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 18, 1996, Stingray Pipeline Company (Stingray) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain tariff sheets to be effective December 1, 1996.

Stingray states that the purpose of the filing is to comply with the Commission's Order No. 582 issued on September 28, 1995 in Docket No. RM95-3-000.

Stingray requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective December 1, 1996.

Stingray states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 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. 96-27661 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-737-001]

Texas-Ohio Pipeline, Inc.; Notice of Amendment to Application

October 23, 1996.

Take notice that on October 16, 1996, Texas-Ohio Pipeline, Inc. (Texas-Ohio), 800 Gessner, Suite 900, Houston, Texas 77024, filed to amend its application in Docket No. CP96-737-000 which sought pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon, by sale to Total Compression Incorporated (TCI), two compressors and appurtenant equipment from its existing facilities located in Garrard County, Kentucky, and for the authority to lease back from TCI one of the compressors for continued service on its existing pipeline facilities. Texas-Ohio's amendment requests the additional authority to lease a second compressor from Global Compression Services, Inc. (GCS) for continued service on its existing facilities, effective November 1, 1996, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas-Ohio states that, since the filing of its original application on August 21, 1996, the circumstances surrounding its operations have changed. Texas-Ohio states that, as noted on page six of its Application, it was in the process of a corporate ownership change in which Public Service Company of Colorado, through a wholly-owned subsidiary, had agreed to purchase all of the outstanding stock of Texas-Ohio. It is stated that the stock purchase transaction was completed on September 4, 1996. Although Texas-Ohio remains a stand-alone entity with its own operating personnel, it is stated that the ownership change has provided Texas-Ohio with enhanced marketing capabilities. As a result, Texas-Ohio contends that it has identified significant potential gas transportation opportunities for the upcoming winter heating season in addition to the volumes it projected at the time the initial application was filed. It is stated that because of these potential additional transportation opportunities, which would require the operation of two compressors, rather than one compressor, on its pipeline facilities, Texas-Ohio has entered into an agreement into GCS to lease and operate a second compressor and appurtenant equipment for use during the upcoming winter heating season. Texas-Ohio states that lease agreement for the second compressor will become effective on November 1, 1996. It is stated that no increase in the originally certificated

configuration or daily capacity (60,000 Mcf) will occur, and that Texas-Ohio will not install this second compressor until the Commission grants it the authority requested herein.

Texas-Ohio states that the abandonment and sale of the two compressors and the subsequent lease back of two compressors will lead to a reduction in its operating expenses and cost-of-service as compared to the costs underlying its present rates. Accordingly, Texas-Ohio contends that it will be able to reduce its rates in order to become more competitive, and that its current and prospective shippers shall benefit from these lower rates and enhanced system competitiveness. Upon approval of its application and amendment, Texas-Ohio states that it will file to amend its rates and tariff to reflect the abandonment of facilities and the leaseback arrangements.

Any person desiring to be heard or to make a protest with reference to said amendment should on or before November 4, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 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 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 permission and approval for the proposed abandonment are 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 Texas-Ohio to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27646 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-38-000]

Trailblazer Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 18, 1996, Trailblazer Pipeline Company (Trailblazer) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain tariff sheets to be effective December 1, 1996.

Trailblazer states that the purpose of the filing is to comply with the Commission's Order No. 582 issued on September 28, 1995 in Docket No. RM95-3-000.

Trailblazer requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective December 1, 1996.

Trailblazer states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27660 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-291-006]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 23, 1996.

Take notice that on October 21, 1996, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, 3rd Revised Sheet No. 5B.02, with an effective date of November 1, 1996:

Transwestern states that on October 11, 1996, it made a filing to revise the Shared Cost Surcharge rate for certain Current Customers in compliance with provisions of a Stipulation and Agreement (Settlement) in the above-noted dockets. In revising Sheet No. 5B.02 of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1 (the sheet on which the Shared Cost Surcharge is stated) Transwestern states that it submitted the sheet with incorrect pagination.

Transwestern submitted the revision as 1st Revised Sheet No. 5B.02 when in fact it should have been 3rd Revised Sheet No. 5B.02

In addition, Transwestern states that it used TCR II Reservation Surcharge rates elsewhere on that page from Original Sheet No. 5B.02. These rates had been revised in two filings made by Transwestern on October 11, 1996 that submitted 1st Revised Sheet No. 5B.02 and 2nd Revised Sheet No. 5B.02. Transwestern is therefore correcting the TCR II Reservation Surcharge to reflect the rates that were submitted in the October 11, 1996 filing on 2nd Revised Sheet No. 5B.02.

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 Rules 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. 96-27656 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP97-41-000]**Transwestern Pipeline Company;
Notice of Proposed Changes in FERC
Gas Tariff**

October 23, 1996.

Take notice that on October 18, 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 December 1, 1996:

9th Revised Sheet No. 4
5th Revised Sheet No. 4A
2nd Revised Sheet No. 4B
2nd Revised Sheet No. 4C
4th Revised Sheet No. 93

By order issued April 29, 1996 in Docket Nos. CP96-10-000 and CP96-10-001 (April 29 Order), Transwestern was authorized to acquire an undivided ownership interest in the La Plata Facilities from Northwest Pipeline Corporation (Northwest). The La Plata Facilities commence at a new measurement facility and custody transfer point between Northwest and Transwestern located downstream of the discharge side of the La Plata B compressor station located in La Plata County, Colorado, and extend south to the existing interconnect with the Blanco Hub located in San Juan County, New Mexico. Transwestern's purchase of an undivided ownership interest in the La Plata Facilities from Northwest was effective September 1, 1996.

Section 28 of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, Receipt/Delivery Point Areas, describes the physical boundaries and territory included in each one of Transwestern's Areas.

Transwestern states that the purpose of this filing is to amend Section 28 to include La Plata County, Colorado in the San Juan Lateral Area.

Transwestern states that it is also submitting amended maps that will reflect the purchase of an undivided ownership interest in the La Plata Facilities.

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 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. All such motions or protests must be filed as provided in Section 154.210 of the

Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27663 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-3019-000]**Wascana Energy Marketing (U.S.) Inc.;
Notice of Issuance of Order**

October 24, 1996.

Wascana Energy Marketing (U.S.) Inc. (Wascana Energy) submitted for filing a rate schedule under which Wascana Energy will engage in wholesale electric power and energy transactions as a marketer. Wascana Energy also requested waiver of various Commission regulations. In particular, Wascana Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Wascana Energy.

On October 16, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wascana Energy 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).

Absent a request for hearing within this period, Wascana Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be

adversely affected by continued approval of Wascana Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 15, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27744 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP97-29-000]**Williston Basin Interstate Pipeline
Company; Notice of Request Under
Blanket Authorization**

October 23, 1996.

Take notice that on October 16, 1996, Williston Basin Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP97-29-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to operate an existing tap to accommodate deliveries of gas to Montana-Dakota Utilities Co. in Custer County, Montana, under Williston Basin's blanket certificate issued in Docket No. CP82-487-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Williston Basin proposes to utilize the tap for the delivery of 100 Mcf of natural gas per day to M-D Utilities, a local distribution company. It is stated that the end use of the gas will be residential. Williston Basin proposes to transport gas to M-D Utilities under its Rate Schedules FT-1 and/or IT-1. It is asserted that the proposed deliveries will have no significant effect on Williston Basin's peak day or annual requirements. It is stated that Williston Basin has sufficient capacity to make the deliveries and that Williston Basin's tariff does not prohibit the addition of new delivery points. It is further stated that the deliveries are within the existing entitlement of M-D Utilities.

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 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. 96-27647 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP97-48-000]

Williston Basin Interstate Pipeline Company; Notice of Application

October 23, 1996.

Take notice that on October 18, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed an application with the Commission in Docket No. CP97-48-000 pursuant to Section 7(c) of the Natural Gas Act (NGA) for authorization to delete a receipt point from which gas is received onto the Williston Basin system and to reassign the existing transportation Maximum Daily Receipt Quantities (MDRQ) from the deleted receipt point to currently effective receipt points applicable to transportation service provided to Northern States Power Company (NSP), all as more fully set forth in the application which is open to the public for inspection.

Williston Basin proposes to delete the Bowdoin (KNE Whitewater Exchange) receipt point located in Phillips County, Montana, as an authorized receipt point¹ to its existing Transportation Service Agreement (TSA) at the NSP's request. Williston Basin states that the TSA is a part of Rate Schedule X-13 contained in its FERC Gas Tariff, Original Volume No. 2. Williston Basin also proposes to reassign the transportation MDRQ under Rate Schedule X-13 from the deleted Bowdoin (KNE Whitewater Exchange) receipt point to the Lignite Plant receipt point and the Many Islands Pipe Line-Portal receipt point, both located in Burke County, North Dakota. Williston Basin would delete any reference to a change in MDRQ from the summer

season to the winter season for all receipt points.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 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 NGA 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 Williston Basin to appear or be represented at the hearing. Lois D. Cashell,

Secretary.

[FR Doc. 96-27652 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

Notice of Amendment of License Application

October 23, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Type of Application: Amendment of License Application.
- b. Project No.: P-11163-001.
- c. Date Filed: September 26, 1996.
- d. Applicants: Consolidated Hydro Maine, Inc. and Consolidated Hydro New Hampshire, Inc.

e. Name of Project: Salmon Falls Hydro Project.

f. Location: On the Salmon Falls River, in South Berwick Township, in York County, Maine, and Strafford County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791-825(r).

h. Applicants Contact:

Stephen E. Champagne, Esq., Curtis Thaxter Stevens Broder & Micoleau, LLC, One Canal Plaza, P.O. Box 7320, Portland, ME 04112, (207) 775-2361
Edward M. Stern, Esq., Consolidated Hydro, Inc., 680 Washington Blvd., Stamford, Ct 06901, (203) 425-8850

i. FERC Contact: Ed Lee (202) 219-2809.

j. Comment Date: November 27, 1996.

k. Description of Request:

Consolidated Hydro Maine, Inc. (Consolidated), applicant for the pending license application for Project No. 11163-001, and Consolidated Hydro New Hampshire, Inc. (CHNHI) request that the license application for the project be amended to change the name of the applicant from Consolidated to CHNHI. Consolidated and CHNHI are wholly owned subsidiaries of CHI Universal, Inc. which is restructuring the ownership of certain projects within its portfolio.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888

¹ 58 FERC ¶ 61,344 (1992).

First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96-27655 Filed 10-28-96; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5642-6]

Clean Air Act Advisory Committee— Notice of Charter Renewal

The Charter for the Environmental Protection Agency's (EPA) Clean Air Act Advisory Committee (CAAAC) will be renewed for an additional two-year period, beginning on November 15, 1996, as a necessary committee which is in the public interest, in accordance with provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. appl. 2 section 9(c). The purpose of the CAAAC is to provide independent advice and counsel to the EPA on policy and technical issue associated with implementation of the Clean Air Act of 1990. It is determined that CAAAC is in the public interest in connection with the performance of duties imposed on the Agency by law.

Inquiries may be directed to Paul Rasmussen, Designated Federal Official, CAAAC, U.S. EPA, Senior Advisor, Office of Air and Radiation (6102), 401 M Street, S.W., Washington, D.C. 20460.

Dated: October 23, 1996.

Paul Rasmussen,

Designated Federal Official.

[FR Doc. 96-27696 Filed 10-28-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5643-4]

Notice of Data Availability and Extension of Comment Period on Environmental Release Descriptions Supporting the Hazardous Wastes Characteristics Scoping Study

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of the individual facility site profiles associated with the draft report entitled "Hazardous Waste Characteristics Scoping Study: Environmental Release Descriptions." This report, which focuses on environmental contamination resulting from the management of non-hazardous wastes, was made available to the public for comment on September 25, 1996 (61 FR 50295). The draft report itself presents the criteria for the selection of data, the methodologies used to gather the data, and the initial results. However, there was a delay in making available the appendix to the report which contains the individual facility site descriptions because the Agency wanted to allow the affected facilities and states an opportunity to comment on them before they were available to the public. EPA believes that commenters should have additional time to review the individual descriptions in preparing their comments on the draft report and, therefore, is extending the original comment deadline on the report. The report was prepared in support of a study being conducted by the Agency under a May 17, 1996 consent agreement with the Environmental Defense Fund to investigate if there are gaps in coverage in the existing hazardous waste characteristics under the Resource Conservation and Recovery Act (RCRA), as well as the nature and extent of such gaps. The overall study is referred to as the "Hazardous Waste Characteristic Scoping Study."

DATES: Copies of the appendix, which contains the individual facility site descriptions, to EPA's draft report on environmental release descriptions will be available from the RCRA Information Center (RIC) after October 28, 1996. Written comments on both the draft report on environmental release descriptions and the appendix must be received by November 7, 1996 to be considered in completion of the Scoping study. Comments received after November 7, 1996 will be utilized by the Agency in follow-up activities associated with the Scoping study.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F-96-ERDA-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-96-ERDA-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

The draft report "Hazardous Waste Characteristics Scoping Study: Environmental Release Descriptions", the appendix, and any public comments are available for viewing in the RCRA Information Center, located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603-9230. The public may copy a maximum of 100 pages from any docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Persons needing further information regarding this notice should contact Tamara M. Irvin, Office of Solid Waste, 5304W, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; telephone: (703)-308-8807; e-mail: irvin.tamara@epamail.epa.gov. General questions about the regulatory requirements under RCRA should be directed to the RCRA Hotline, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; telephone: toll-free at 800-424-9346, TDD: 800-553-7672, or locally at 703-412-9810.

SUPPLEMENTARY INFORMATION: Under the Resource Conservation and Recovery Act Section 3001, EPA is charged with

defining which solid wastes are hazardous by identifying the characteristics of hazardous waste and listing particular hazardous wastes. The current hazardous characteristics are ignitability, corrosivity, reactivity, and toxicity. As stated above, EPA has entered into a consent decree with the Environmental Defense Fund to conduct a study of the potential gaps in these characteristics. As part of this study, EPA has collected facility specific data on human health or environmental damages from the management of non-hazardous waste.

For a paper copy of the draft report "Hazardous Waste Characteristics Scoping Study: Environmental Release Descriptions" or the facility site descriptions appendix, please contact the RIC at the address in the **ADDRESSES**, section of this notice. The report and the appendix are also available in electronic format on the Internet. Follow these instructions to access the report.

WWW: <http://www.epa.gov>

Gopher: <gopher.epa.gov/epaoswer>

Dial-up: 919 558-0335

If you are using the gopher or direct dial-up; once you are connected to the EPA Public Access Server, look for the report in the following directory: EPA Offices and Regions/Office of Solid Waste and Emergency Response (OSWER)/Office of Solid Waste (RCRA)/Hazardous Waste Identification.

FTP: <ftp.epa.gov>

Login: anonymous

Password: your Internet address

Files are located in /pub/gopher/OSWRCRA.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the location described in **ADDRESSES** above.

Dated: October 24, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96-27832 Filed 10-28-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

October 22, 1996.

The Federal Communications Commission (FCC) has received Office

of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Public Law 96-511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Dorothy Conway, Federal Communications Commission, (202) 418-0217.

Federal Communications Commission

OMB Control No.: 3060-0398.

Expiration Date: 10/31/99.

Title: Equipment Authorization Measurement Standards—47 CFR 2.948, 15.117(g)(2).

Form No.: N/A.

Estimated Annual Burden: 9,100 annual hour; average 28.43 hours per respondent; 320 respondents.

Description: The information gathered is used by the Commission to ensure that data accompanying all requests for equipment authorization are valid, and that proper testing procedures are used. Testing ensures that potential interference to radio communications is controlled, and if necessary, the data gathered may be used for investigating complaints or harmful interference, or for verifying the manufacturer's compliance with the Commission's Rules. This collection was revised to eliminate the necessity for manufacturer's to file UHF noise figure data documenting the performance of TV receivers tested and marketed in the U.S. The requirement was eliminated from the rules by the adoption of the Report and Order ET 95-144.

OMB Control No.: 3060-0707.

Expiration Date: 10/31/99.

Title: Restrictions on Over-the-Air Reception Devices: Television Broadcast and Multichannel Multipoint Distribution Services.

Form No.: N/A.

Estimated Annual Burden: 3,376 annual hours; 2-5 hours per respondent; 996 respondents.

Description: Pursuant to Section 207 of the Telecommunications Act of 1996, the Commission has adopted final rules for preemption of state, local and nongovernmental regulations that impair viewers' ability to receive over-the-air signals. Rules and regulations serving safety purposes are exempt from the Commission's prohibition. State,

local and nongovernmental entities may demonstrate the reasonableness of their regulations by filing requests for declaratory rules or petitions for waivers with the Commission. These filings constitute the information collection foreseen by the Commission.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-27622 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 55150, October 24, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m. Thursday, October 21, 1996.

CANCELLATION OF THE MEETING: Notice is hereby given of the cancellation of the Federal Housing Finance Board meeting scheduled for October 24, 1996.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408-2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96-27812 Filed 10-25-96; 11:13 am]

BILLING CODE 6725-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 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, DC 20573.

M 7 Consolidation, Inc., 555 East Ocean Blvd., Suite 217, Long Beach, CA 90802, Officers: Harald Nienhenke, CEO, John J. Brown, President
Chippey's Enterprises, Inc., d/b/a CEI Freight Forwarding, 744 N.W. 107th Street, Miami, FL 33168-2101, Officers: Dwight A. Sheriff, President, Alan Grant, Vice President
Columbia Shipping, Inc. (Scranton), 201 Hangar Road, Avoca, PA 18641, Officers: Catherine D. Delaney,

President, Lawrence F. Bauer,
Secretary

Dated: October 23, 1996.

Joseph C. Polking,
Secretary.

[FR Doc. 96-27625 Filed 10-28-96; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 96-19]

Comm-Sino Ltd., Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984; Order of Investigation and Hearing

Comm-Sino Ltd. is a tariffed and bonded non-vessel-operating common carrier ("NVOCC") located at Flat E, 21st Floor, Block 7, Phase V, Greenwood Court, Greenvale in Hong Kong. Comm-Sino holds itself out as an NVOCC pursuant to its filed tariff FMC No. 001, filed November 9, 1995.

Comm-Sino currently maintains an NVOCC bond, No. 5888, in the amount of \$50,000 with the American Contractors Indemnity Company, located in Los Angeles, California. Pursuant to Rule 24 of Comm-Sino's tariff, American Contractors Indemnity Company also serves as the U.S. resident agent for purposes of receiving service of process on behalf of Comm-Sino Ltd.

It appears that Comm-Sino, acting as shipper on certain shipments on which either Comm-Sino or its untariffed affiliate Goldline Ltd.¹ was acting as NVOCC, misdescribed the commodity on at least 13 shipments² transported by an ocean common carrier between December 2, 1995 and February 22, 1996. The shipments originated in Hong Kong and were destined for Miami and other locations in Florida. In each of these instances, Comm-Sino was listed as shipper on the ocean carrier's bill of lading, and destination agents in the U.S. for Comm-Sino or Goldline acted as the consignee or notify party. Each shipment reflects that a Comm-Sino or Goldline "house", or NVOCC, bill of lading was issued for tender by the ultimate consignee to Goldline's agent upon arrival of the cargo at destination, which correctly describes the commodity shipped.

In each of the thirteen (13) instances cited, the ocean common carrier rated the commodities in accordance with the inaccurate description furnished by Comm-Sino, while the NVOCC's agents accepted delivery of the cargo and made payment to the ocean common carrier

on the basis of the lower rate attributable to the misdescribed commodity. Contemporaneous with its payment of the freight due, Goldline agents in the U.S. also would make entry of the goods through the U.S. Customs Service, in each case correctly describing the commodity based on actual contents shipped and paying the applicable duty, if any.

While it appears that a Goldline house bill of lading may have been issued even in those instances where its tariffed NVOCC affiliate Comm-Sino is identified as the shipper on the master bill of lading, in at least four instances³ occurring between March 1 and April 3, 1996, Comm-Sino appears both as shipper and as a carrier issuing its own (Comm-Sino) NVOCC bill of lading with respect to the commodity being shipped. The rates assessed and collected by Comm-Sino and its U.S. agents for these shipments, however, bear no relation to the rates set forth in Comm-Sino's ATFI tariff then on file with the Commission.⁴

Section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. § 1709(a)(1), prohibits any person knowingly and willfully, directly or indirectly, by means of false billings, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, to obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable. Section 10(b)(1), 46 U.S.C. app. section 1709(b)(1), prohibits a common carrier from charging, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges set forth in its tariff. Under section 13 of the 1984 Act, 46 U.S.C. app. section 1712, a person is subject to a civil penalty of not more than \$25,000 for each violation knowingly and willfully committed, and not more than \$5,000 for other violations. Section 13 further provides that a common carrier's tariff may be suspended for violations of section 10(b)(1), for a period not to exceed one year.

Now therefore, *it is ordered*, That pursuant to sections 10, 11, and 13 of the 1984 Act, 46 U.S.C. app. sections

³ Also shown in Attachment A.

⁴ Since filing its tariff in the ATFI system in November 1995, Comm-Sino has maintained only a "shell" tariff consisting of three classes of Cargo N.O.S. rates. Comm-Sino does not publish "per container" rates, nor does it appear to charge those Cargo N.O.S. rates which it does publish, inasmuch as its rates are tariffed solely on a weight/measurement (W/M) ton basis.

1709, 1710, and 1712, an investigation is instituted to determine:

(1) Whether Comm-Sino Ltd., in its capacity as a shipper in relation to an ocean common carrier, violated section 10(a)(1) of the 1984 Act by directly or indirectly obtaining transportation at less than the rates and charges otherwise applicable through the means of misdescription of the commodities actually shipped;

(2) Whether Comm-Sino Ltd., in its capacity as a common carrier, violated section 10(b)(1) of the 1984 Act by charging, demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its NVOCC tariff;

(3) Whether, in the event violations of sections 10(a)(1) and 10(b)(1) of the 1984 Act are found, civil penalties should be assessed and, if so, the amount of such penalties;

(4) Whether, in the event violations of sections 10(b)(1) of the 1984 Act are found, the tariff of Comm-Sino Ltd. should be suspended; and

(5) Whether, in the event violations are found, an appropriate cease and desist order should be issued.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That Comm-Sino Ltd. is designated a Respondent in this proceeding;

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served on parties of record;

¹ Prior to May 25, 1995, Goldline Ltd. was a tariffed and Bonded NVOCC.

² These shipments are identified in Attachment A hereto.

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing

conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record; and

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by October 27, 1997 and the final decision of the Commission shall be issued by February 20, 1998.

Joseph C. Polking,
Secretary.

ATTACHMENT A—LIST OF COMM-SINO LTD. SHIPMENTS

Carrier	Vessel	Voy.	Discharge	Bill of lading No.	Arrived
Shipments Involving Alleged Section 10(a)(1) Violations					
SeaLand	Marchen Maersk	602	Miami	SEAU955353956	2-21-96
SeaLand	Marchen Maersk	602	Miami	SEAU955353955	2-21-96
SeaLand	Mette Maersk	602	Miami	SEAU955350733	1-31-96
SeaLand	Maren Maersk	602	Miami	SEAU955344818	1-24-96
SeaLand	Maren Maersk	602	Miami	SEAU955344820	1-24-96
SeaLand	Madison Maersk	602	Miami	SEAU955342729	1-11-96
SeaLand	Madison Maersk	602	Miami	SEAU955342320	1-11-96
SeaLand	McKinney Maersk	602	Miami	SEAU955341550	1-4-96
SeaLand	Magleby Maersk	602	Miami	SEAU955334898	12-26-95
SeaLand	Magleby Maersk	602	Miami	SEAU955334897	12-26-95
SeaLand	Magleby Maersk	602	Miami	SEAU955334896	12-26-95
SeaLand	Magleby Maersk	602	Miami	SEAU955334895	12-26-95
SeaLand	Magleby Maersk	602	Miami	SEAU955340690	12-26-95
House B/L No.	Vessel	Voy.	Discharge	Master B/L No.	Arrived
Shipments Involving Alleged Section 10(b)(1) Violations					
GL603HEI072	SL Racer	001	L.A	SEAU955363709	3-17-96
GL603HEI014	SL Racer	001	L.A	SEAU955363357	3-17-96
GL603HEI130	SL Meteor	002	Oakland	SEAU955364021	3-25-96
GL603HEI093	Maj. Maersk	604	Miami	SEAU955363878	4-3-96

[FR Doc. 96-27624 Filed 10-28-96; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of

Governors. Comments must be received not later than November 12, 1996.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272;

1. *Dolph Briscoe, Jr., and Janey S. Briscoe*, both of Uvalde, Texas; to acquire an additional 58.41 percent, for a total of 59.18 percent, of the voting shares of Zavala Bankshares, Inc., Crystal City, Texas, and thereby indirectly acquire Zavala County State Bank, Crystal City, Texas.

2. *James David Williams*, Plainview, Texas; to acquire an additional 20.69 percent, for a total of 36.96 percent, and Brian Joseph Pohlmeier, Plainview, Texas, to acquire an additional 8.39 percent, for a total of 9.35 percent, of the voting shares of HaleCo Bancshares, Inc., Plainview, Texas, and thereby indirectly acquire Hale County State Bank, Plainview, Texas.

Board of Governors of the Federal Reserve System, October 23, 1996.

Jennifer J. Johnson,
Deputy Secretary of the Board.

[FR Doc. 96-27669 Filed 10-28-96; 8:45 am]
BILLING CODE 6210-01-F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 22, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *1st Floyd Bankshares, Inc.*, Rome, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of 1st Floyd Bank, Rome, Georgia.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *MainBancorp, Inc.*, Austin, Texas, and *MainCorp Intermediate Holding Company, Inc.*, Wilmington, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of *ROSB Bancorp, Inc.*, Red Oak, Texas, and thereby indirectly acquire *MainBank*, Red Oak, Texas.

Board of Governors of the Federal Reserve System, October 23, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-27670 Filed 10-28-96; 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 12, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *MainStreet BankGroup Incorporated*, Martinsville, Virginia; to engage *de novo* through its subsidiary, *MainStreet Trust Company, NA*, Martinsville, Virginia, in trust activities, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 23, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-27671 Filed 10-28-96; 8:45 am]

BILLING CODE 6210-01-F

Sunshine Meeting Notice

TIME AND DATE: 11:00 a.m., Monday, November 4, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 25, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-27886 Filed 10-25-96; 3:23 pm]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91N-0404]

Agency Information Collection; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collections of information by November 29, 1996.

ADDRESSES: Submit written comments on the collections of information to the

Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Charity B. Smith, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B-19, Rockville, MD 20857, 301-827-1686.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 26, 1996 (61 FR 33232), FDA issued a final rule implementing the provisions of the Safe Medical Devices Act (the SMDA)

regarding Humanitarian Use Devices (HUD's). The final rule contained information collection requirements subject to the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3507). In compliance with section 3507 of the PRA, FDA has submitted the following proposed collection of information to OMB for review and clearance:

Title: Medical Devices; Humanitarian Use Devices.

Description: This regulation implements the provision of the SMDA regarding HUD's. A HUD is exempt from the effectiveness requirements of sections 514 and 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

360d and 360e). In order to implement this exemption, FDA is amending the premarket approval regulations in 21 CFR part 814 by creating new subpart H. This final regulation prescribes the procedures for submitting Humanitarian Device Exemption (HDE) applications, amendments and supplements; procedures for obtaining an extension of the exemption; and the criteria for FDA review and approval of HDE's. This final rule will create a needed incentive for the development of devices for use in the treatment or diagnosis of diseases or conditions affecting a small number of individuals.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
814.102	20	1	20	40	800
814.104	15	1	15	320	4,800
814.106	10	1	10	120	1,200
814.108	12	1	12	80	960
814.110(a)	1	1	1	80	80
814.112(b)	1	1	1	8	8
814.116(b)	12	1	12	8	96
814.118(d)	1	1	1	8	8
814.120(b)	10	1	10	200	2,000
814.124(b)	2	1	2	2	4
814.126(b)(I)	2	1	2	120	240
Total					10,196

There are no capital costs or operating and maintenance costs associated with this collection.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
814.126(b)(ii)	12	1	12	2	24
Total					24

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: October 24, 1996.

William B. Schultz,
Deputy Commissioner for Policy.

[FR Doc. 96-27737 Filed 10-24-96; 3:21 pm]

BILLING CODE 4160-01-F

[Docket No. 96N-0325]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management

and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 29, 1996.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attention: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Charity B. Smith, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, rm. 16B-19, MD 20857, 301-827-1686.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the

Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance: Food Canning Establishment Registration, Process Filing and Recordkeeping for Acidified Foods and Thermally Processed Low-Acid Foods in Hermetically Sealed Containers—(21 CFR 108.25(c)(1) and (c)(2), (d), (e), (g); 108.35(c)(1), (c)(2), (d), (e), (f), (h); 113.60(c); 113.83; 113.87; 113.89; 113.100; 114.80(b); 114.89; 114.100(a) through (d)) (OMB Control Number 0910-0037—Reinstatement).

Under the Federal Food, Drug, and Cosmetic Act (the act), FDA is authorized to prevent the interstate distribution of food products that may be injurious to health or that are otherwise adulterated, as defined in

section 402 of the act (21 U.S.C. 342). Under the authority granted to FDA by section 404 of the act (21 U.S.C. 344), FDA regulations require registration of food processing establishments, filing of process or other data, and maintenance of processing and production records for acidified foods and thermally processed low-acid foods in hermetically sealed containers. These requirements are intended to ensure safe manufacturing, processing, and packing procedures and to permit FDA to verify that these procedures are being followed. Improperly processed low-acid foods present life-threatening hazards if contaminated with foodborne microorganisms, especially *Clostridium botulinum*. The spores of *C. botulinum* must be destroyed or inhibited to avoid production of the deadly toxin that causes botulism. This is accomplished with good manufacturing procedures, which must include the use of adequate heat processes or other means of preservation.

To protect the public health, FDA's regulations require that each firm that manufactures, processes, or packs

acidified foods or thermally processed low-acid foods in hermetically sealed containers for introduction into interstate commerce register the establishment with FDA using Form FDA 2541 (§§ 108.25(c)(1) and 108.35(c)(1) (21 CFR 108.25(c)(1) and 108.35(c)(1))). In addition to registering the plant, each firm is required to provide data on the processes used to produce these foods, using Form FDA 2541a for all methods except aseptic processing, or Form FDA 2541c for aseptic processing of low-acid foods in hermetically sealed containers (§§ 108.25(c)(2) and 108.35(c)(2)). Plant registration and process filing may be accomplished simultaneously. Process data must be filed prior to packing any new product, and operating processes and procedures must be posted near the processing equipment or made available to the operator (§ 113.87(a) (21 CFR 113.87(a))).

Regulations in parts 108, 113, and 114 (21 CFR parts 108, 113, and 114) require firms to maintain records showing adherence to the substantive requirements of the regulations. These

records must be made available to FDA on request. Firms are also required to: (1) Document corrective actions when process controls and procedures do not fall within specified limits (§§ 113.89, 114.89, and 114.100(c)); (2) report any instance of potential health-endangering spoilage, process deviation, or contamination with microorganisms where any lot of the food has entered distribution in commerce (§§ 108.25(d), 108.35(d), and (e)); and (3) develop and keep on file plans for recalling products that may endanger the public health (§§ 108.25(e) and 108.35(f)). To permit lots to be traced after distribution, acidified foods and thermally processed low-acid foods in hermetically sealed containers must be marked with an identifying code (§§ 113.60(c) (thermally processed low-acid foods) and 114.80(b) (acidified foods)).

FDA estimates the burden of complying with the information collection provisions of the agency's regulations for acidified foods and thermally processed low-acid foods in hermetically sealed containers as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Form No.	21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Form FDA 2541 (Registration)	108.25(c)(1) and 108.35(c)(1)	300	1	300	.17	51
Form FDA 2541a (Process Filing)	108.25(c)(2) and 108.35(c)(2)	1,000	6.5	6,500	.333	2,165
Form FDA 2541c (Process Filing)	108.35(c)(2)	1,000	.50	500	.75	375
Total				7,300		2,591

ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Part	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
108, 113, and 114	5,388	1	5,388	250	1,347,000

There are no capital costs or operating and maintenance costs associated with this collection.

The reporting burden for §§ 108.25(d) and 108.35(d) and (e) is insignificant because notification of spoilage, process deviation, or contamination of product in distribution occurs less than once a year. Most firms discover these problems before the product is distributed and, therefore, are not required to report the occurrence. To avoid double-counting, estimates for §§ 108.25(g) and 108.35(h) have not been included because they merely cross-reference recordkeeping

requirements contained in parts 113 and 114. No burden has been estimated for the coding requirements in §§ 113.60(c) and 114.80(b) because coding is a usual and customary practice in the foods industry for liability purposes, inventory control, and process control in the event of a problem with the product. Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting,

recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities.

Dated: October 23, 1996.

William K. Hubbard,

Associate Commissioner for Policy.

[FR Doc. 96-27746 Filed 10-28-96; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 96N-0335]

Agency Information Collection Activities; Submission for OMB Review; Comment Request**AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collections of information listed below have been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collections of information by November 29, 1996.

ADDRESSES: Submit written comments on the collections of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Kim A. Sanders, Office of Information

Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B-19, Rockville, MD 20857, 301-827-1473.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FDA has submitted the following proposed collections of information to OMB for review and clearance:

1. Temporary Marketing Permit Applications (21 CFR 130.17(c) and (i)) (OMB Control Number 0910-0133—Reinstatement)

Section 401 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 341) directs FDA to issue regulations establishing definitions and standards of identity for food “whenever * * * such action will promote honesty and fair dealing in the interest of consumers.” Under section 403(g) of the act (21 U.S.C. 343(g)), a food that is subject to a definition and standard of identity prescribed by regulation is misbranded if it does not conform to such definition and standard of identity. Section 130.17 (21 CFR 130.17) provides for the

issuance by FDA of temporary marketing permits that enable the food industry to test consumer acceptance and measure the technological and commercial feasibility in interstate commerce of experimental packs of food that deviate from applicable definitions and standards of identity. Section 130.17(c) specifies the information that a firm must submit to FDA to obtain a temporary marketing permit. The information required in a temporary marketing permit application under § 130.17(c) enables the agency to monitor the manufacture, labeling, and distribution of experimental packs of food that deviate from applicable definitions or standards of identity. The information so obtained can be used in support of a petition to establish or amend the applicable definition or standard of identity to provide for the variations. Section 130.17(i) specifies the information that a firm must submit to FDA to obtain an extension of a temporary marketing permit.

FDA estimates the burden of the temporary marketing permit application requirements as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
130.17	15	1.33	20	11.5	230

There are no capital costs or operating and maintenance costs associated with this collection.

The estimated number of temporary marketing permit applications and hours per response is an average based on the agency's experience with applications received from October 30, 1991, through September 30, 1994.

2. State Petitions for Exemption From Preemption (21 CFR 100.1(d)) (OMB Control Number 0910-0277—Reinstatement)

Under section 403A(b) of the act (21 U.S.C. 343-1(b)), States may petition FDA for exemption from Federal preemption of State food labeling and standard of identity requirements. Section 100.1(d) (21 CFR 100.1(d)) sets

forth the information a State is required to submit in such a petition. The information required under § 100.1(d) enables FDA to determine whether the State food labeling or standard of identity requirement comports with the statutory criteria for exemption from Federal preemption.

FDA estimates the burden resulting from the requirements of § 100.1(d) as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
100.1(d)	5	1	5	40	200

There are no capital costs or operating and maintenance costs associated with this collection.

Since the enactment of section 403A(b) of the act as part of the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), FDA has received eight petitions for exemption from preemption. Based upon these submissions, FDA estimates that no

more than five petitions will be submitted annually. Because § 100.1(d) implements a statutory information collection requirement, only the additional burden attributable to the regulation has been included in the estimate.

3. State Enforcement Notification (21 CFR 100.2(d)) (OMB Control Number 0910-0275—Reinstatement)

Section 310(b) of the act (21 U.S.C. 337(b)) authorizes States to enforce certain sections of the act in their own

names, but provides that States must notify FDA before doing so. Section 100.2(d) (21 CFR 100.2(d)) sets forth the information that a State must provide to FDA in a letter of notification when it intends to take enforcement action under the act against a particular food

located in the State. The information required under § 100.2(d) will enable FDA to identify the food against which the State intends to take action and advise the State whether Federal action has been taken against it. With certain narrow exceptions, Federal enforcement

action precludes State action under the act.

FDA estimates the burden of complying with the enforcement notification requirement as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
100.2(d)	5	1	5	2	10

There are no capital costs or operating and maintenance costs associated with this collection.

Based upon the small number of enforcement notifications received from the States since the enactment of section 310(b) of the act in 1990, FDA estimates that no more than five notifications will be submitted annually. Because 21 CFR 100.21(d) implements a statutory information collection requirement, only the additional burden attributable to the regulation has been included in the estimate.

4. Reference Amount Petitions (21 CFR 101.12(h)) (OMB Control Number 0910-0286—Reinstatement)

Section 403(q)(1)(A) of the act (21 U.S.C. 343(q)(1)(A)) requires that the

label or labeling of food provide nutrition information that includes the serving size or, if the food is not typically expressed in a serving size, the common household unit of measure that expresses the serving size of the food. In response to section 2(b)(1)(B) of the 1990 amendments, FDA issued regulations defining the serving size (or other unit of measure) for various types of food. Food producers are required to use the reference amount values provided in § 101.12 (21 CFR 101.12) and the rules for establishing serving sizes that are prescribed in 21 CFR 101.9(b) to determine the appropriate

serving size for their products; however, a manufacturer or other interested person may submit a petition to establish or amend the reference amount value for a food or to create a new food subcategory with its own reference amount. Section 101.12(h) sets forth the information the petitioner is required to include in the petition.

FDA estimates the burden resulting from the requirements of § 101.12(h) as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours	Total Operating & Maintenance Costs
101.12(h)	5	1	5	80	400	\$400,000

There are no capital costs associated with this collection.

Since the enactment of the 1990 amendments that revised the act by adding section 403(q), FDA has received nine petitions to amend existing reference amounts. Based upon these submissions, FDA estimates that no more than five such petitions will be submitted annually. The estimate for operating and maintenance costs is based on the average cost of conducting a consumer survey to support a reference amount petition.

Dated: October 23, 1996.

William K. Hubbard,
Associate Commissioner for Policy
Coordination.

[FR Doc. 96-27747 Filed 10-28-96; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 96N-0345]

Issues Related to Pharmaceutical Laboratory Practices Procedures; Notice of Public Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meetings; request for submission of topics.

SUMMARY: The Food and Drug Administration's (FDA's) Office of Regulatory Affairs (ORA) is announcing a series of meetings to be held with the pharmaceutical industry. These meetings will follow a prescribed format and will involve representatives from ORA's Division of Field Science, Field Drug laboratories, Center for Drug Evaluation and Research's (CDER's) Office of Pharmaceutical Science and other representatives from the field and headquarters. The purpose of these meetings is to continue a dialogue with

trade associations, technical and professional organizations, and FDA to discuss issues of mutual concern to the agency and industry associated with pharmaceutical laboratory practices and procedures. The intent of the dialogue is to explore issues of mutual concern that affect the agency and industry laboratories.

DATES: The first meeting will be held on Wednesday, November 20, 1996, from 8:30 a.m. to 4:30 p.m. Submit topics and written comments by Friday, November 8, 1996. Interested persons may contact the information contact person (address below) for registration forms. There is no registration fee for this meeting. However, advance registration is required because space is limited.

ADDRESSES: The first meeting will be held at the Parklawn Bldg., 5600 Fishers Lane, conference room M, Rockville, MD. Submit written comments to the

Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Persons who are unable to attend, or who cannot be accommodated due to space limitations, are invited to provide written comments. A transcript of the meeting may be seen at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Elise A. Murphy or Richard A. Baldwin, Division of Field Science (HFC-141), 5600 Fishers Lane, rm. 12-41, Rockville, MD 20857, 301-443-3320, FAX 301-443-6388.

SUPPLEMENTARY INFORMATION: This dialogue will be accomplished by the submission of topics by participants. Topics should be submitted with a justification for their relevance and significance within the pharmaceutical industry. All topics will be considered for their inclusion into the meetings. After each meeting, a report will be prepared and made available to the public.

I. Background

On March 28, 1996, members of the pharmaceutical industry and FDA came together to informally discuss practical problems associated with laboratory aspects of the development and monitoring of pharmaceutical products. Prior to this, a series of meetings was held in the Mid-Atlantic region on December 15, 1994, February 24, May 1, and July 20, 1995. Following are the topics of meetings that were held in the Mid-Atlantic Region. Topics previously discussed locally can be revisited in the future if there is an interest.

A. Topics That Have Been Discussed Previously in the Mid-Atlantic Region

Topics that have been discussed previously are laboratory computer validation, laboratory automation and robotics, computer systems and subsystem validations, validation of software updates, vendor support of outdated software, integrity of data in electronic signatures, regulatory requirements for electronic signatures, bar coding technology, systems for sample tracking, installation qualification (IQ), operation qualification (OQ), and performance qualification (PQ) of laboratory instruments.

On March 28, 1996, the meeting was convened by FDA's facilitator Richard

A. Baldwin, Director, Division of Field Science. Gerald E. Vince, Director, Office of Regional Operations, gave the opening remarks and indicated that communication is beneficial to FDA and industry. Several presentations were given: Jeanne White from the Office of the Commissioner spoke about previous grassroots exercises and how successful they have been and Marie Urban, ORA 21 Coordinator, spoke on various initiatives by ORA in response to the Clinton Administration's National Performance Review and the Government Performance and Results Act of 1993. To conclude the presentations, James Farley, Director of the Philadelphia District Laboratory, gave background information as to how the discussion group came into existence.

An open dialogue was initiated as to how the discussion group should proceed and what the shared expectations should be for the group. The guiding principles and the items that emerged from the meeting are listed below.

B. Meeting Objectives (Guiding Principles)

One of the primary purposes of the discussion group is information sharing, which is vital for future success. At the March 28, 1996 meeting, it was suggested that FDA work with the trade associations to disseminate information, and utilize the associations as a vehicle for eliciting a priority list of topics from industry. Discussions will be open to all of the pharmaceutical industry and others so that everyone who is interested can participate. Another vehicle which was suggested was the use of the Internet and the FDA homepage for announcing the meetings and sharing information. Other suggestions for sharing information included focus groups, roundtable discussions, forums, and working groups.

The overall purpose of these meetings is to facilitate discussion and get a better understanding of expectations. The intent is a 360 degree understanding in context of flexibility—understanding the breath and depth of an issue from the various perspectives. There was an overall consensus that if there were a better understanding of each others situations, the agency and industry could work together to provide safer products to consumers.

II. Laboratory Issues: New Topics

Some laboratory issues and new topics that may be addressed at future meetings include the following: Identifying the acceptable "best

practices," research/quality assurance (QA), acceptable uses of technology, changes in technology, and pharmaceutical science-data integrity. FDA is interested in hearing whether there is interest in discussing these topics, as well as suggestions for other topics, by November 8, 1996.

Dated: October 23, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96-27678 Filed 10-28-96; 8:45 am]

BILLING CODE 4160-01-F

National Institutes of Health

Notice of Establishment

Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Director, National Institutes of Health (NIH), announces the establishment of the Special Programs Emphasis Panel of the Office of the Director, National Institutes of Health.

The Special Programs Emphasis Panel of the Office of the Director, National Institutes of Health will provide advice and guidance to the Director, NIH, and other Federal officials in special areas of scientific programmatic need.

Unless renewed by appropriate action prior to its expiration, the Special Programs Emphasis Panel of the Office of the Director, National Institutes of Health will terminate two years from the date of establishment.

Dated: October 21, 1996.

Harold Varnus,

Director, National Institutes of Health.

[FR Doc. 96-27632 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Notice of Meeting

Notice is hereby given of the meeting of the National Cancer Institute Board of Scientific Advisors on November 21-22, 1996 in Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open on November 21 from 8:30 am to approximately 5 pm and on November 22 from 8:30 am to adjournment at 1 pm. Agenda items will include: NCI Director's Report; Board operating procedures and representation at scientific meetings; presentation and discussion on how NCI distributes RPG funds and the RFA and contract support mechanisms; Board working group updates, presentation on the Cancer Genome Anatomy Project, and concept

reviews. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations and additional information pertaining to the meeting should contact Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute Board of Scientific Advisors, 6130 Executive Blvd., EPN, Rm. 600C, Bethesda, MD 20892 (301-496-4218).

Dated: October 22, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27633 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Cancer 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 meeting of the National Cancer Institute Initial Review Group:

Purpose/Agenda: Review, discussion and evaluation of individual grant applications.

Committee Name: NCI Initial Review Group—Basic & Preclinical Sciences Subcommittee (C).

Date: December 2-4, 1996.

Time: December 2, 7:30 p.m., December 3-4, 8 a.m.

Place: The Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

Contact Person: Dr. Virginia P. Wray, Scientific Review Administrator, National Cancer Institute, NIH, Executive Plaza North, Room 635, 6130 Executive Boulevard MSC 7405, Bethesda, MD 20892-7405, Telephone: 301/496-9236.

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 Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: October 22, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27634 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Eye 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 National Eye Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Clinical Research.

Date: November 18, 1996.

Time: 9:00 a.m.

Place: National Eye Institute, Executive Plaza South, Room 350, 6120 Executive Blvd., Bethesda, MD 20892-7164.

Contact Person: Andrew P. Mariani, Ph.D., Executive Plaza South, Room 350, 6120 Executive Blvd., Bethesda, MD 20892-7164, (301) 496-5561.

Purpose/Agenda: Review of Grant Applications.

The meeting will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research: National Institutes of Health.)

Dated: October 22, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27637 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Notice of Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Heart, Lung, and Blood Institute at 8:30 a.m. on December 12-13, 1996, National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7S235, Bethesda, Maryland 20892.

In accordance with the provisions set forth in sec. 552b(c)(6), Title 5, U.S.C. and 10(d) of Pub. L. 92-463, the entire meeting will be closed to the public for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, 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.

Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH,

Building 10, Room 7N214, phone (301) 496-2116, will furnish substantive program information.

Dated: October 23, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27638 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Aging; 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:

Name of Panel: National Institute on Aging Special Emphasis Panel.

Date of Meeting: October 29-30, 1996.

Time of Meeting: October 29—7:30 p.m. to recess; October 30—8:00 a.m. to adjournment.

Place of Meeting: Kahler Hotel, 20 SW Second Avenue, Rochester, MN 55902.

Purpose/Agenda: To review a grant application.

Contact Person: James P. Harwood, Ph.D., Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892-9205, (301) 496-9666.

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 Panel: National Institute on Aging Special Emphasis Panel.

Date of Meeting: November 20, 1996.

Time of Meeting: 12:00 noon to 1:00 p.m.

Place of Meeting: Grand Hyatt Washington at Washington Center, Washington, D.C.

Purpose/Agenda: To review a grant application.

Contact Person: Louise L. Hsu, Ph.D., Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892-9205, (301) 496-9666.

Name of Panel: Neuroscience Aging Review Committee.

Dates of Meeting: December 2-4, 1996.

Time of Meeting: December 2, 7:00 p.m. to recess; December 3, 8:00 a.m. to recess; December 4, 8:00 a.m. to adjournment.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Purpose/Agenda: To review a grant applications.

Contact Person: Louise L. Hsu, Ph.D., Maria Mannarino, M.D., Scientific Review Administrators, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892-9205, (301) 496-9666.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the

applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health.)

Dated: October 21, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27636 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Neurological Disorders and Stroke, Division of Extramural Activities; 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:

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: November 21, 1996.

Time: 1-6 p.m.

Place: Marriott at Metro Center, 775 12th Street, NW, Washington, DC 20005.

Contact Person: Dr. Katherine Woodbury, Scientific Review Administrator, National Institutes of Health, 7550 Wisconsin Avenue, Room 9C10, Bethesda, MD 20892, (301) 496-9223.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences)

Dated: October 23, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27640 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

Office of Extramural Research; Notice of Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Peer Review Oversight Group (PROG) to be held November 20-21, 1996, in the Rockledge II Centre, 9th Floor Conference Room, 6701 Rockledge Drive, Bethesda, Maryland 20817. The

meeting will be held from 9:00 a.m. to 5:00 p.m. on November 20 and from 8:30 a.m. to 12:00 p.m. on November 21. The meeting is open to the public, with attendance limited to space available.

Topics for discussion include: the Rating of Grant Application Pilot Studies, the Integration of Neuroscience Reviews, and the review of applications by the Division of Research Grants and the Institute and Center review groups.

The meeting agenda and roster of committee members are available on the World Wide Web via the NIH Home Page (<http://www.nih.gov.grants/>) or from Peggy McCardle, Ph.D., Executive Secretary, PROG, and Special Assistant to the Deputy Director for Extramural Research, OD, NIH, Building 1, Room 150, Bethesda, Maryland 20892, (301) 402-2246. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other special accommodations, should contact Dr. McCardle by November 13, 1996.

Dated: October 22, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27635 Filed 10-28-96; 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 19, 1996.

Time: 9:00 a.m.

Place: Holiday Inn, Silver Spring, MD.

Contact Person: Dr. Anita Miller Sostek, Scientific Review Administrator, 6701 Rockledge Drive, Room 5202; Bethesda, Maryland 20892, (301) 435-1260.

Name of SEP: Biological and Physiological Sciences.

Date: November 26, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4206, Telephone Conference.

Contact Person: Dr. Betty Hayden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4206, Bethesda, Maryland 20892, (301) 435-1223.

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 23, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96-27639 Filed 10-28-96; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4073-N-02]

Housing Counseling Program: Announcement of Funding Awards for FY 1996

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement of Housing Counseling Funding Awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding award decisions made by the Department under its Housing Counseling Program for Fiscal Year 1996. The announcement contains the names and addresses of the award winners and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Joan Morgan, Chief, Product Development and Special Projects Branch, Office of Housing, Department of Housing and Urban Development, Room 9272, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-0614, extension 2315 (this is not a toll free number). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: HUD's housing counseling program is authorized under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). The purpose of the program is to promote and protect the interests of housing consumers participating in HUD and other housing programs, as well as to help protect the interests of HUD and mortgage lenders. Under the housing counseling program, HUD contracts with pre-qualified public or private nonprofit organizations to provide the services authorized by the

statute. These organizations are referred to as "HUD approved housing counseling agencies". When Congress makes funds available for this purpose, HUD announces the availability of such funds, and invites applications from eligible agencies, through a notice of funding availability (NOFA) published in the Federal Register.

In a Notice of Funding Availability (NOFA) published in the Federal Register on July 8, 1996 (61 FR 35906), HUD announced the availability of \$10.5 million to provide Housing Counseling Grants in accordance with Section 106: (1) to help fund national, regional and multi-State HUD approved housing counseling intermediary organizations, and, (2) to help fund local HUD approved counseling agencies.

The catalog of Federal Domestic Assistance for the Housing Counseling Program number is 14.169.

In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is publishing (by State) the names and addresses of the HUD-approved agencies awarded funds under the FY 1996 Housing Counseling NOFA, and the amount of funds awarded to each agency. This information is provided in Appendix A to this document.

Dated: October 23, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A—Housing Counseling Program Awardee for Fiscal Year 1996

Intermediary Organizations

Neighborhood Reinvestment Corporation, 1325 G Street, N.W., Suite 800, Washington, DC 20005–3100. Amount Awarded: \$985,000

National Association of Housing Partnerships, Inc., 569 Columbus Ave., Boston, MA 02118. Amount Awarded: \$1,000,000

Catholic Charities USA, 1731 King Street, Suite 200, Alexandria, VA 22314. Amount Awarded: \$650,000

ACORN Housing Corporation, 846 N. Broad St., Philadelphia, PA 19130. Amount Awarded: \$900,000

Local Organizations

Quincy Community Action Programs, Inc., 1509 Hancock Street, Quincy, MA 02169. Amount Awarded: \$5,000

Consumer Credit Counseling Service of Connecticut, 151 New Park Avenue, Hartford, CT 06106. Amount Awarded: \$50,000

Champlain Valley Office of Economic Opportunity, P.O. Box 1603, Burlington, VT 05402. Amount Awarded: \$8,829

Coastal Enterprises, Inc., P. O. Box 268, Wiscasset, ME 04578. Amount Awarded: \$10,000

Consumer Credit Counseling Service, 535 Centerville Rd., Suite #103, Warwick, RI 02886. Amount Awarded: \$50,000

Urban League of Rhode Island, Inc., 246 Prairie Avenue, Providence, RI 02905. Amount Awarded: \$45,595

Albany County Rural Housing Alliance, Inc., P.O. Box 407, 34 S. Main Street, Voorheesville, NY 12186. Amount Awarded: \$6,107

Better Neighborhoods, Inc., 986 Albany Street, Schenectady, NY 12307. Amount Awarded: \$22,000

Housing Council in the Monroe County Area, Inc., 111 East Avenue, Suite 200, Rochester, NY 14604. Amount Awarded: \$50,000

Housing Assistance Center of Niagara Frontier, Inc., 1233 Main Street, Buffalo, NY 14209. Amount Awarded: \$52,816

Atlantic Human Resources, Inc., One South New York Avenue, Atlantic City, NJ 08401. Amount Awarded: \$9,000

Isles, Inc., 10 Wood Street, Trenton, NJ 08618. Amount Awarded: \$23,000

Asian Americans For Equality, Inc., 111 Division Street, New York, NY 10002. Amount Awarded: \$100,000

Open Housing Center Inc., 594 Broadway, Suite 608, New York, NY 10012. Amount Awarded: \$99,850

Somerset County Coalition on Affordable Housing, 9 Easy Street, P.O. Box 149, Bound Brook, NJ 08805–0149. Amount Awarded: \$60,000

Housing Coalition of Central Jersey, 78 New Street, New Brunswick, NJ 08901. Amount Awarded: \$47,800

St. Ambrose Housing Aid Center, 321 E. 25th Street, Baltimore, MD 21218–9999. Amount Awarded: \$80,000

Shore Up, P.O. Box 430, 520 Snow Hill Road, Salisbury, MD 21801. Amount Awarded: \$25,709

Anne Arundel Co. Economic Opportunity Committee, 251 West Street, Annapolis, MD 21401. Amount Awarded: \$27,000

St. Pius v. Housing Committee, Inc., 1017 Edmondson Avenue, Baltimore, MD 21223. Amount Awarded: \$16,000

Dorchester Community Development Corp., P.O. Box 549, 435 High Street, Cambridge, MD 21613. Amount Awarded: \$25,500

Inner City Community Development Corp., 3030 W. North Avenue, Baltimore, MD 21216. Amount Awarded: \$46,500

Community Assistance Network, 7701 Dunmanway, Baltimore, MD 21222. Amount Awarded: \$15,000

Neighborhood House, Inc., 1218 B Street, Wilmington, DE 19801. Amount Awarded: \$15,000

Commission on Economic Opportunity Luzerne Cty, 165 Amber Lane, Wilkes-Barre, PA 18702. Amount Awarded: \$15,000

Ncall Research, Inc., 20 E. Division Street, Dover, DE 19903. Amount Awarded: \$10,000

Harrisburg Fair Housing Council, 2100 N. 6th Street, Harrisburg, PA 17110. Amount Awarded: \$10,000

Economic Opportunity Cabinet Schuylkill County, 225 North Centre Street, Pottsville, PA 17901. Amount Awarded: \$15,000

Housing Council of York, 116 North George Street, York, PA 17401. Amount Awarded: \$12,000

Berks Community Action Program, Inc., 227–229 North Fourth Street, Reading, PA 19601. Amount Awarded: \$15,000

Bayfront NATO Inc., 312 Chestnut St., Erie, PA 16507–1222. Amount Awarded: \$9,900

Booker T. Washington Center, 1720 Holland St., Erie, PA 16503. Amount Awarded: \$7,707

Greater Erie Community Action Comm., 18 W 9th St., Erie, PA 16501. Amount Awarded: \$5,500

Housing Opportunities, Inc., 133 Seventh Ave., PO Box 9, McKeesport, PA 15134. Amount Awarded: \$35,000

Indiana Co. Community Action Program, Inc., 827 Water St., PO Box 187, Indiana, PA 15701. Amount Awarded: \$8,000

Shenango Valley Urban League, Inc., 601 Indiana Ave., Farrell, PA 16121. Amount Awarded: \$20,000

Urban League of Pittsburgh, Inc., One Smithfield St., Pittsburgh, PA 15222. Amount Awarded: \$45,000

People Incorporated of Southwest Virginia, 1173 West Main Street, Abingdon, VA 24210. Amount Awarded: \$2,500

Housing Opportunities Made Equal of Richmond, 1218 West Cary Street, Richmond, VA 23220–0331. Amount Awarded: \$55,000

Monticello Area Community Action Agency, 1025 Park Street, Charlottesville, VA 22901. Amount Awarded: \$10,000

Office of Human Affairs, P. O. Box 37, 6060 Jefferson Avenue 12–C, Newport News, VA 23605. Amount Awarded: \$32,715

Skyline Community Action Program, Inc., P. O. Box 588, Madison, VA 22727. Amount Awarded: \$8,855

The Southeastern Tidewater Opportunity Project, Inc., 2551 Almeda Avenue, Norfolk, VA 23513. Amount Awarded: \$44,000

Virginia Eastern Shore Economic Empowerment & Housing Corp., P. O. Box 814, Nassawadox, VA 23413. Amount Awarded: \$50,000

Near Northeast Community Improvement Corporation, 1326 Florida Avenue, NE, Washington, DC 20002. Amount Awarded: \$17,177

Marshall Heights Community Development Organization, Inc., 3917 Minnesota Avenue, NE 2nd Floor, Washington, DC 20019. Amount Awarded: \$18,000

Prince William County Cooperative Extension, 8033 Ashton Avenue Suite 105, Manassas, VA 20109. Amount Awarded: \$41,500

Dekalb Housing Counseling Center, Inc., 4151 Memorial Drive, Suite 107–E, Decatur, GA 30032. Amount Awarded: \$100,000

Economic Opportunity for Savannah-Chatham County Area, Inc., 618 West Anderson Street, Savannah, GA 31401. Amount Awarded: \$100,000

Community Service Programs of West Alabama, Inc., 601 17th Street, Tuscaloosa, AL 35401. Amount Awarded: \$8,022

Community Action Agency of North Central Alabama, Inc., P. O. Box 1788, 107 Second Avenue, N.E., Decatur, AL 35602. Amount Awarded: \$43,970

- Mobile Housing Board, 151 S. Claiborne Street, Mobile, AL 36602. Amount Awarded: \$45,000
- Community Action Agency Huntsville/Madison & Limestone, 3516 Stringfield Road, Huntsville, AL 35810. Amount Awarded: \$35,000
- Consumer Credit Counseling of Palm Beach & the Treasure Coast, 2330 Congress Avenue South, Suite 1A, West Palm Beach, FL 33406. Amount Awarded: \$28,000
- Broward County Housing Authority, 1773 North State Road 7, Lauderhill, FL 33313. Amount Awarded: \$20,108
- Urban League of Palm Beach County, Inc., 1700 North Australian Avenue, West Palm Beach, FL 33407. Amount Awarded: \$14,300
- Greenville Urban League, 15 Regency Hill Drive, Greenville, SC 29607. Amount Awarded: \$50,000
- Wateree Community Actions, Inc., P.O. Box 1838, Sumter, SC 29151-0000. Amount Awarded: \$7,000
- Sandhills Community Action Program, Inc., P.O. Box 937, 103 Saunders Street, Carthage, NC 28327-0000. Amount Awarded: \$59,982
- Guilford County Community Action Program, Inc., P.O. Box 21961, 201 S. Elm Street, Greensboro, NC 27420-0000. Amount Awarded: \$8,990
- Gulf Coast Community Action Agency, Inc., 500 24th Street, P.O. Box 519, Gulfport, MS 39502-0519. Amount Awarded: \$20,000
- Mississippi Department of Human Services, 750 North State Street, Jackson, MS 39202. Amount Awarded: \$9,000
- Family Counseling Services, Inc., 1639 Atlantic Boulevard, Jacksonville, FL 32207-0000. Amount Awarded: \$18,000
- Tallahassee Urban League, Inc., 923 Old Bainbridge Road, Tallahassee, FL 32303-0000. Amount Awarded: \$24,000
- Tenant Services & Hsng Counseling, Inc., 136 N. Martin Luther King Blvd, Lexington, KY 40507. Amount Awarded: \$30,000
- Northern Kentucky Community Center, P.O. Box 2030, 824 Greenup Street, Covington, KY 41011. Amount Awarded: \$35,000
- Louisville Urban League, 1535 West Broadway, Louisville, KY 40203. Amount Awarded: \$32,500
- Family & Children's Services of Chattanooga, Inc., 300 East 8th Street, Chattanooga, TN 37403. Amount Awarded: \$20,000
- Knoxville Area Urban League, Inc., P.O. Box 1911, Knoxville, TN 37901. Amount Awarded: \$65,000
- Knox Housing Partnership, 220 Carrick Street, Suite 124, Knoxville, TN 37921. Amount Awarded: \$28,000
- West Tennessee Legal Services, 210 W. Main Street, Jackson, TN 38302-2066. Amount Awarded: \$60,000
- Memphis Area Legal Services, 109 N. Main Street, Suite 200, Memphis, TN 38103-5013. Amount Awarded: \$100,000
- Citizens For Affordable Housing, 1719 West End Avenue, Suite 607W, Nashville, TN 37203. Amount Awarded: \$100,000
- Hope, Incorporated, 1501 Herman Street, Suite S, Nashville, TN 37208. Amount Awarded: \$6,000
- Nashville Urban League, Inc., 1219 9th Avenue North, Nashville, TN 37208. Amount Awarded: \$35,871
- Family Counseling Center of Brevard, Inc., 220 Coral Sands Drive, Rockledge, FL 32955. Amount Awarded: \$25,000
- Housing and Neighborhood Development Services of Central FL, 2211 E. Hillcrest Street, Orlando, FL 32803. Amount Awarded: \$20,000
- Consumer Credit Counseling Service of Central FL, Inc., 455 S. Orange Avenue, Orlando, FL 32801. Amount Awarded: \$100,000
- Ceiba Housing & Economic Development Corp., 252 Lauro Pinero Ave., P.O. Box 203, Ceiba, PR 00735. Amount Awarded: \$50,000
- Consumer Credit Counseling Service of P.R., Inc., 1603 Ponce de Leon Ave., Pda. 23 Suite GM-03, Santurce, PR 00909. Amount Awarded: \$75,000
- Manatee Opportunity Council, Inc., 347 6th Avenue, West, Bradenton, FL 34205. Amount Awarded: \$36,425
- Consumer Credit Counseling Service of the Florida Gulf, 5201 West Kennedy Blvd., Suite 110, Tampa, FL 33609. Amount Awarded: \$45,000
- Spanish Coalition for Housing, 4035 West North Avenue, Chicago, IL 60639. Amount Awarded: \$100,000
- DuPage Homeownership Center, Inc., 1333 North Main Street, Wheaton, DuPage County, IL 60187. Amount Awarded: \$20,000
- Community Service Council of Northern Will County, 719 Parkwood Avenue, Romeoville, IL 60441. Amount Awarded: \$70,000
- CEFS Economic Opportunity Corporation, 101 N. 4th Street, 4th fl, P.O. Box 928, Effingham, IL 62401. Amount Awarded: \$16,000
- The Better Housing League, 2400 Reading Road, Cincinnati, OH 45202. Amount Awarded: \$75,000
- Montgomery County Community Action Agency, 318 South Main Street, P.O. Box 4-08, Dayton, OH 45401-4008. Amount Awarded: \$30,000
- Lutheran Housing Corporation, 13944 Euclid Avenue, Suite 208, East Cleveland, OH 44112. Amount Awarded: \$100,000
- Housing Directions of Greater Toledo, 1326 Collingwood Blvd. at Dorr, Toledo, OH 43602. Amount Awarded: \$15,000
- Near West Side Multi-Service Corporation, 4115 Bridge Avenue, Cleveland, OH 44113. Amount Awarded: \$41,471
- Consoc Housing Counseling, Inc., 1889 E. Livingston Avenue, P.O. Box 15247, Columbus, OH 43215. Amount Awarded: \$60,000
- Columbus Housing Partnership, Inc., 562 East Main Street, Columbus, OH 43215. Amount Awarded: \$79,568
- Detroit Non-Profit Housing Corp., 1200 6th Street, #404, Detroit, MI 48226. Amount Awarded: \$100,000
- Oakland County Michigan, 1200 N. Telegraph Road, Pontiac, MI 48341-9901. Amount Awarded: \$75,122
- Michigan Housing Counselors, Inc., 237 S.B. Gratiot, Mount Clemens, MI 48043. Amount Awarded: \$24,000
- Housing Resource Center, 300 N. Washington Sq., Suite 103, Lansing, MI 48933. Amount Awarded: \$31,652
- Anderson Housing Authority, 528 West 11th Street, Anderson, IN 46016. Amount Awarded: \$20,500
- Hammond Housing Authority, 7329 Columbia Circle West, Hammond, IN 46324. Amount Awarded: \$16,000
- Housing Assistance Office, Inc., P.O. Box 1558, 1138 Lincolnway East, South Bend, IN 46601. Amount Awarded: \$17,000
- Housing Authority of the City of Fort Wayne, P.O. Box 13489, 2013 South Anthony Boulevard, Ft. Wayne, IN 46869-3489. Amount Awarded: \$16,500
- Walker's Point Development Corporation, 914 South Fifth Street, Milwaukee, WI 53204. Amount Awarded: \$100,000
- Community Action, Inc. of Rock and Walworth Counties, 2300 Kellogg Avenue, Janesville, WI 53546. Amount Awarded: \$6,139
- Urban League of Flint, 5005 Cloverlawn, Drive, Flint, MI 48504. Amount Awarded: \$25,000
- Human Development Commission, 429 Montague Avenue, Caro, MI 48723. Amount Awarded: \$10,000
- Community Action for Suburban Hennepin, 33 Tenth Ave So. Suite 150, Hopkins, MN 55343. Amount Awarded: \$37,000
- Senior Housing, Incorporated, 2021 E. Hennepin Ave, Suite 130, Minneapolis, MN 55413. Amount Awarded: \$14,510
- Consumer Credit Counseling Services Southwest, 2727 San Pedro, NE, Suite 117, Albuquerque, NM 87110. Amount Awarded: \$33,010
- Consumer Credit Counseling Service of Greater Dallas, Inc., 8737 King George Drive, Suite 200, Dallas, TX 75235. Amount Awarded: \$100,000
- Housing Opportunities of Fort Worth, 1305 West Magnolia, Fort Worth, TX 76104. Amount Awarded: \$24,000
- Consumer Credit Counseling Service, 4600 Gulf Freeway, Suite 500, Houston, TX 77023. Amount Awarded: \$100,000
- Gulf Coast Community Services Association, 6300 Bowling Green, Houston, TX 77021. Amount Awarded: \$100,000
- Universal Housing Development Corporation, P.O. Box 846, Russellville, AR 72801. Amount Awarded: \$30,888
- In Affordable Housing Inc., 801 John Barrow Road, #18, Little Rock, AR 72205. Amount Awarded: \$50,000
- Greater El Paso S.E.R., 4838 Montana Avenue, El Paso, TX 79903. Amount Awarded: \$44,500
- YWCA—Del Norte Region CCS, 1918 Texas Avenue, El Paso, TX 79901. Amount Awarded: \$38,741
- St. Martin, Iberia, Lafayette Community Action Agency, Inc., 501 St. John Street, P. O. Box 3343, Lafayette, LA 70502. Amount Awarded: \$15,000
- Central City Housing Development Corporation, 2020 Jackson Avenue, New Orleans, LA 70113. Amount Awarded: \$15,000
- Chickasaw Nation; Housing Authority of, P.O. Box 668, Ada, OK 74820. Amount Awarded: \$5,000
- Consumer Credit Counseling Service of Central Okla. Inc., 3230 North Rockwell, Bethany, OK 73008. Amount Awarded: \$7,655

- Consumer Credit Counseling Service of San Antonio, 6851 Citizens Parkway, Suite 100, San Antonio, TX 78229-3601. Amount Awarded: \$50,000
- Community Development Corporation of Brownsville, 1150 East Adam, 2nd Floor, Brownsville, TX 78520. Amount Awarded: \$20,000
- Child and Family Service, Incorporated, 1221 West Ben White Boulevard, Suite 108a, Austin, TX 78704. Amount Awarded: \$14,736
- Marshall Housing Authority, 1401 Poplar, P. O. Box 609, Marshall, TX 75671. Amount Awarded: \$44,000
- Quachita Multi-Purpose Community Action Program, Inc., 315 Plum, P. O. Box 3086, Monroe, LA 71210-3086. Amount Awarded: \$40,000
- Credit Counseling Centers of Oklahoma, Inc., 4646 South Harvard, P.O. Box 4450, Tulsa, OK 74159-0450. Amount Awarded: \$80,000
- Deep Fork Community Action Foundation, Inc., 313 West 8th Street, P.O. Box 670, Okmulgee, OK 74447-0670. Amount Awarded: \$20,000
- City of Des Moines, Dept. of Community Development, 602 East First Street, Des Moines, IA 50309-1881. Amount Awarded: \$14,000
- Hawkeye Area Community Action Program, Inc., P.O. Box 789, Cedar Rapids, IA 52406-0789. Amount Awarded: \$13,500
- A.I.D. (Assistance, Information, Direction) Center, 206 6th Street, Sioux City, IA 51101. Amount Awarded: \$10,000
- Housing and Credit Counseling, Inc., 1195 SW Buchanan—Suite 203, Topeka, KS 66604-1183. Amount Awarded: \$28,000
- Housing Information Center, 3810 Paseo, Kansas City, MO 64109-2721. Amount Awarded: \$40,000
- Mennonite Housing Rehabilitation Service, 3033 W. 2nd Street, Wichita, KS 67203. Amount Awarded: \$8,000
- Urban League of Wichita, Inc., 1802 East 13th Street, Wichita, KS 67214. Amount Awarded: \$18,500
- Family Housing Advisory Services, Inc., 2416 Lake Street, Omaha, NE 68111. Amount Awarded: \$37,000
- Lincoln Action Program, Inc., 2202 South 11th Street, Lincoln, NE 68502. Amount Awarded: \$4,000
- Urban League of Metropolitan St. Louis, 3701 Grandel Square, St. Louis, MO 63108. Amount Awarded: \$26,000
- Housing Options Provided for the Elderly, Inc., 4265 Shaw, St. Louis, MO 63110. Amount Awarded: \$3,000
- Legal Services of Eastern Missouri, Inc., 4232 Forest Park Boulevard, St. Louis, MO 63108. Amount Awarded: \$12,796
- Northside Residential Housing Corporation, 5647 Delmar, St. Louis, MO 63112. Amount Awarded: \$7,776
- Black Hills Legal Services, Inc., 1301 Mt. Rushmore Road, Rapid City, SD 57709-1500. Amount Awarded: \$6,163
- CCCS Service of No. Colorado and SE Wyoming, Inc., 126 West Harvard, Suite 5, Fort Collins, CO 80525-2142. Amount Awarded: \$11,293
- Adams County Housing Authority, 7190 Colorado Blvd., Sixth Floor, Commerce City, CO 80022. Amount Awarded: \$18,268
- CCCS of Lutheran Social Services, 705 East 41st Street, Suite 100, Sioux Falls, SD 57105. Amount Awarded: \$15,756
- Brothers Redevelopment, Inc., 2250 Eaton Street, Denver, CO 80214. Amount Awarded: \$7,275
- Boulder County Housing Authority, P.O. Box 471, 14th and Spruce, Boulder, CO 80306. Amount Awarded: \$21,357
- City of Aurora-Home Ownership Assistance Program, 9801 East Colfax Avenue, Aurora, CO 80010. Amount Awarded: \$14,670
- CCCS of the Black Hills, 621 6th Street, Suite 201, Rapid City, SD 57701. Amount Awarded: \$21,327
- Neighbor to Neighbor, Inc., 424 Pine Street, Suite #203, Fort Collins, CO 80524. Amount Awarded: \$25,511
- Catholic Social Services, Inc., 302 Jefferson Street, Pueblo, CO 81004-2318. Amount Awarded: \$12,171
- Northeast Denver Housing Center, Inc., 1735 Gaylord Street, Denver, CO 80206. Amount Awarded: \$5,332
- Community Action Program Region VII, Inc., 2105 Lee Avenue, Bismarck, ND 58504-6798. Amount Awarded: \$8,916
- Women's Opportunity & Resource Development, Inc., 127 North Higgins, Missoula, MT 59802-0000. Amount Awarded: \$17,173
- Helena Housing Authority, 812 Abbey, Helena, MT 59601-0000. Amount Awarded: \$5,000
- Northwest Montana Human Resources, Inc., P. O. Box 8300, Kalispell, MT 59904-1300. Amount Awarded: \$13,000
- Community Action Services, 257 East Center Street, Provo, UT 84606. Amount Awarded: \$7,000
- Family Life Center, Utah State University, Logan, UT 84322. Amount Awarded: \$11,400
- Your Community Connection, 2261 Adams Avenue, Ogden, UT 84401. Amount Awarded: \$15,600
- Salt Lake Community Action Program, 764 South 200 West, Salt Lake City, UT 84101. Amount Awarded: \$30,000
- Hawaii Credit Counseling Service, 2153 N. King Street #316, Honolulu, HI 96819. Amount Awarded: \$89,837
- Legal Aid Society of Hawaii, 1108 Nuuanu Avenue, Honolulu, HI 96817-5119. Amount Awarded: \$88,134
- Consumer Credit Counselors of Los Angeles, 600 Citadel Drive, Suite 490, Los Angeles, CA 90040. Amount Awarded: \$100,000
- Consumer Credit Counseling Services SouthWest, 2535 West Camelback Road, Phoenix, AZ 85017. Amount Awarded: \$92,000
- City of Phoenix Neighborhood Services Department, 200 West Wahington 4th Floor, Phoenix, AZ 85003. Amount Awarded: \$38,000
- Washoe Legal Services, 650 Tahoe Street, Reno, NV 89509. Amount Awarded: \$45,000
- Consumer Credit Counseling Services of Sacramento, 11130 Sun Center Drive, Suite E, Rancho Cordova, CA 95670. Amount Awarded: \$100,000
- Consumer Credit Counseling Services of Mid Counties, 1776 W. March Lane, Suite 420, Stockton, CA 95207. Amount Awarded: \$90,000
- San Diego Home Loan Counseling Service, 2859 El Cajon Blvd., Ste. 1A, San Diego, CA 92104. Amount Awarded: \$30,000
- Neighborhood House Association, 3043 Fourth Ave., San Diego, CA 92103. Amount Awarded: \$100,000
- CCC of San Francisco, 77 Maiden Lane, San Francisco, CA 94108. Amount Awarded: \$75,000
- ECHO, 770 A Street, Hayward, CA 94541. Amount Awarded: \$20,000
- Inland Mediation Board, 1005 Begonia Ave, Ontario, CA 91762. Amount Awarded: \$55,939
- Consumer Credit Counseling Service of Inland Empire, 3576 Arlington Ave, Suite 105, Riverside, CA 92506. Amount Awarded: \$81,630
- Consumer Credit Counseling Service of Southern Nevada, 3650 South Decatur, Suite 30, Las Vegas, NV 89103. Amount Awarded: \$42,000
- Consumer Credit Counseling Services Southwest, 2802 N. Alvernon, Suite 110, Tucson, AZ 85712. Amount Awarded: \$30,000
- Southeastern Arizona Governments Organization, 118 Arizona Street, Bisbee, AZ 85603. Amount Awarded: \$30,000
- Consumer Credit Counseling of Alaska, 208 East 4th Avenue, Anchorage, AK 99501. Amount Awarded: \$12,630
- Community Action Agency, 124 New Sixth Street, Lewiston, ID 83501. Amount Awarded: \$10,000
- Umpqua Community Action Network, 2448 West Harvard, Roseburg, OR 97470. Amount Awarded: \$20,000
- Portland Housing Center, 1605 NE 45th, Portland, OR 97213. Amount Awarded: \$15,000
- Pierce County Community Action Programs, 8811 South Tacoma Way, Pierce County, Tacoma, WA 98499. Amount Awarded: \$18,502
- Community Health Center La Clinica, 1517 N 5th Avenue, P.O. Box 1523, Pasco, WA 99301. Amount Awarded: \$30,000
- Spokane Neighborhood Action Programs, 2116 E First Avenue, Spokane County, Spokane, WA 99202. Amount Awarded: \$74,000
- Other Grant/Cooperative Agreement Awards*
- National Foundation for Consumer Credit, Inc., 8611 Second Ave, Suite 100, Silver Spring, MD 20910. Amount Awarded: \$162,260
- Congress of National Black Churches, 1225 I St. NW, Suite 750, Washington, DC 20005-3914. Amount Awarded: \$300,000
- AARP Foundation, 601 E Street, NW, Washington, DC 20049. Amount Awarded: \$200,000
- American Homeowner Counseling and Education Institute, 2445 M St., NW, Washington, DC 20037. Amount Awarded: \$500,000

[FR Doc. 96-27708 Filed 10-28-96; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Proposed Information Collection for Public Comment**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The proposed collection of information described below will be submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. Copies of the information collection requirement and related forms and explanatory material may be obtained by contacting the Service's Information Collection Clearance Officer at the phone number listed below. The Service is soliciting comments and suggestions on the requirement as described below.

DATES: Comments must be submitted on or before December 30, 1996.

ADDRESSES: Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 224—Arlington Square, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Phyllis H. Cook, Service Information Collection Clearance Officer, 703/358-1943; 703/358-2269 (fax).

SUPPLEMENTARY INFORMATION: The Service specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Title: Clean Vessel Act Pumpout Grant Program Accomplishment Survey.

OMB Approval Number: N/A. This is a new requirement.

Description: In order to evaluate the effectiveness and track the accomplishments of the Clean Vessel Act Pumpout Grant Program, the Service will query boaters about their knowledge of the program. The best way to reach the greatest number of boaters would be via a readership survey to be carried in one of this country's premiere recreational boating magazines, "Soundings." The magazine has offered to let the Service place a readership

survey postcard into a future issue. The magazine's circulation consists of 85,000 East Coast and Great Lakes boaters and anglers. Since the East Coast and the Great Lakes harbor the majority of installed pumpout facilities, this provides the Service an excellent and efficient method of carrying out its Congressional obligation.

The readership survey card would contain no more than seven questions concerning the availability and ease of the use of pumpouts. Most of the questions are to be multiple choice so that the reader would only have to check the appropriate box on most. The card will be a business reply card to which no postage would need to be affixed and is to have a special four digit ZIP Code addition.

Frequency: One time only.

Description of Respondents: Individuals or households.

Estimated Completion Time: The reporting burden is estimated to average 1 minute per response.

Annual Responses: 51,000.

Annual Burden Hours: 850.

Dated: October 21, 1996.

Daniel M. Ashe,

Assistant Director—External Affairs.

[FR Doc. 96-27631 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[WY-921-41-5700; WYW136643]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

October 21, 1996.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW136643 for lands in Converse County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW136643 effective July 1, 1996, subject to the original terms and

conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 96-27699 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-22-P

[WY-921-41-5700; WYW136645]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

October 21, 1996.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW136645 for lands in Converse County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW136645 effective July 1, 1996, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 96-27700 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-22-P

[WY-921-41-5700; WYW136644]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

October 21, 1996.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW136644 for lands in Converse County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW136644 effective July 1, 1996, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 96-27701 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-22-P

[CO-956-96-1420-00]

Colorado: Filing of Plats of Survey

September 30, 1996.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 am., September 30, 1996. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

The plat representing the dependent resurvey of portions of the south and west boundaries and subdivisional lines and the subdivision of sections 29, 30, 31, and 32, T. 46 N., R. 15 W., New Mexico Principal Meridian, Group 1105, Colorado was accepted September 4, 1996.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision and the metes-and-bound survey of a body of land described in homestead entry No. 07582 in section 29, T. 45 N., R. 12 W., New Mexico Principal Meridian, Group 1111, Colorado, was accepted September 5, 1996.

The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines and the subdivision of sections 8 and 9, T. 9 S., R. 94 W., Sixth Principal Meridian, Group 1089, Colorado, was accepted September 17, 1996.

The plat representing the dependent resurvey of portions of the subdivisional lines and subdivision of section 20 and the metes-and-bounds survey of the proposed boundary of the Anvil Points Landfill, T. 6 S., R. 94 W., Sixth Principal Meridian, Group 1129, Colorado, was accepted September 9, 1996.

The supplemental plat creating new lots 11 thru 32 and Parcel A in section 12, T. 3 S., R. 92 W., Sixth Principal Meridian, Colorado, was accepted August 20, 1996.

The supplemental plat creating new lots 59 and 60 from original lot 58 and lots 61 and 62 from original lot 19, T. 5 S., R. 76 W., Sixth Principal Meridian, Colorado, was accepted September 9, 1996.

These surveys were required for the administrative purposes of this Bureau.

The plat representing the dependent resurvey of a portion of the Ninth Standard Parallel North (South boundary T. 37 N., Rgs. 2 and 2 1/2 W.), the south boundary, portions of the west boundary and subdivisional lines, and the subdivision of certain sections, T. 36 N., R. 2 1/2 W., New Mexico Principal Meridian, Group 1109, Colorado, was accepted September 17, 1996.

The plat representing the dependent resurvey of a portion of the line between sections 18 and 19 and a portion of the metes-and-bounds survey between certain lots in section 18, and a metes-and-bounds survey of a portion of the south right-of-way of U.S. Highway No. 6 and between certain lots in section 18, T. 5 S., R. 76 W., Sixth Principal Meridian, Group 1128, Colorado, was accepted July 22, 1996.

These surveys were required for the administrative purposes of the Forest Service.

Colin R. Kelley,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 96-27630 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-JB-P

[NM-952-06-1420-00]

Notice of Filing of Plat of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plat of survey described below will be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on November 12, 1996.

New Mexico Principal Meridian, New Mexico

Beaubien and Miranda (Maxwell) Grant for Group 929 NM.

If a protest against this survey, as shown on the above plat is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and

become final or appeals from the dismissals affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

The above-listed plat represent dependent resurvey, survey, and subdivision.

This plat will be in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: October 11, 1996.

Kelley R. Williamson, Jr.,

Acting Chief Cadastral Surveyor for New Mexico.

[FR Doc. 96-27698 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-FB-M

[NM-952-07-1420-00]

Notice of Filing of Plat of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below will be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on November 18, 1996.

New Mexico Principal Meridian, New Mexico

T. 21 N., R. 21 W., accepted July 3, 1996, and T. 21 N., 20 W., accepted July 3, 1996, for Group 871 NM., and T. 29 N., R. 15 W., NM, accepted July 18, 1996, for Group 930 NM, and Protraction Diagrams for T. 5 N., R. 4 E., accepted September 12, 1996, T. 4 N., R. 4 E., accepted September 12, 1996, and T. 18 S., R. 9 W., accepted July 17, 1996.

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

The above-listed plats represent dependent resurveys, surveys, and subdivisions.

These plats will be in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: October 15, 1996.

Kelley R. Williamson, Jr.,

Acting Chief Cadastral Surveyor for New Mexico.

[FR Doc. 96-27777 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-FB-M

[NV-930-1430-01; N-60594]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice will extend the period of time to submit comments on the Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada, which was published in the 61 FR 39982, July 31, 1996.

ADDRESSES: Comments should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 702-785-6532.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada, which was published in the 61 FR 39982, July 31, 1996, required that comments be submitted on or before October 29, 1996, for the proposed withdrawal of 17,892 acres of public lands in Carson City. The comment period is being extended for an indefinite period. A subsequent notice will be published in the Federal Register and a newspaper in the general vicinity of the lands to be withdrawn to establish a final date for receiving comments and to set a time and place for a public meeting regarding the proposed withdrawal.

Dated: October 23, 1996.

William K. Stowers,

Lands Team Lead.

[FR Doc. 96-27673 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-HC-P

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service, DOT.

ACTION: Notice of information collection solicitation.

SUMMARY: Under the Paperwork Reduction Act of 1995, the Minerals Management Service (MMS) is soliciting comments on an information collection for Requests for Royalty Refunds and Credits.

DATES: Written comments should be received on or before December 30, 1996.

ADDRESSES: Comments sent via the U.S. Postal Service should be sent to: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, P.O. Box 25165, MS 3101, Denver, Colorado 80225-0165; courier address is: Building 85, Room A-212, Denver Federal Center, Denver, Colorado 80225; e-Mail address is: David_Guzy@smtp.mms.gov.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Procedures Staff, phone (303) 231-3046, FAX (303) 231-3194, e-Mail Dennis_Jones@smtp.mms.gov.

SUPPLEMENTARY INFORMATION: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 each agency shall provide notice and otherwise consult with members of the public and affected agencies concerning collection of information in order to solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

The Minerals Management Service (MMS) Royalty Management Program

(RMP) is requesting the continuation of a collection of information codified at 30 CFR 230. The purpose of this regulation is to codify the Department of the Interior interpretation and application of Section 10, of the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1339, incorporating policies and decisions, and administrative practices. This regulation also clarifies the information required from lease holders requesting a royalty refund or credit from Section 10 OCS leases.

For production months prior to August 1996, no person may recover an excess royalty payment unless a request for refund or credit is made in accordance with regulations at 30 CFR 230.453. Recovery of overpayments for production months after August 1996 are not subject to the requirements of 30 CFR 230, per the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. To ensure consideration of a refund request, the regulations at 30 CFR 230.453 stipulate that:

- The request must be in writing. An oral request would not be acceptable.
 - The MMS-established payor code must be provided to ensure that the request is made by the person who has a legal right to a refund or credit.
 - The leases involved and the sales months in which the excess payments occurred must be identified to enable MMS to trace the overpayment amount to the original submission on Form MMS-2014, Report of Sales and Royalty Remittance.
 - The amount of the excess payment must be stated. In some situations it may not be possible to determine an exact amount, for example, if there is a pending administrative or judicial proceeding that will establish the amount. In such situations it would be acceptable to describe the class of payments that may be excess.
 - The specific reason why a refund or credit is due must be provided.
 - The person submitting the request must certify that, to the best of their knowledge, the information in the request is accurate and complete.
 - MMS must receive the request for refund or credit within 2 years of the date the excess payment was received.
- Requests for refunds are received by RMP where they are scanned for timeliness. If the original payment was made more than 2 years previous to the refund request, the request is denied. If the request is timely, it is forwarded to an MMS contractor for further review to see that all required information is included. The contractor prepares a list of overpayments that MMS proposes to refund. The list is returned to MMS and is then forwarded to the Congress.

Congress is given 30 days to act on the proposed refunds. After 30 days, a letter is issued to the companies informing them that the recoupment is authorized.

Companies request about 500 refunds annually. MMS estimates that the average time required to prepare a refund request is 1 hour per request. At approximately \$25 an hour, annual cost to payors is \$12,500.

500 requests×1 hour×\$25=\$12,500

Estimated annual company burden hours is 500 hours.

500 requests×1 hour=500 burden hours.

Dated: October 21, 1996.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 96-27644 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-MR-P

National Park Service

Subsistence Resource Commission Meeting

SUMMARY: The Superintendent of Gates of the Arctic National Park and the Chairperson of the Subsistence Resource Commission for Gates of the Arctic National Park announce a forthcoming meeting of the Gates of the Arctic National Park Subsistence Resource Commission.

The following agenda items will be discussed:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of summary of meeting minutes for May 15-17, 1996.
- (4) Review agenda.
- (5) Superintendent's introductions of guests and staff and review of SRC's function and purpose.
- (6) Superintendent's management/research reports:
 - a. Administration and management.
 - b. Park operations.
 - c. Resource management.
 - d. Subsistence program.
- (7) Public and agency comments.
- (8) Old business:
 - a. Incoming correspondence.
 - b. Federal Subsistence Program update.
 - c. Comment on draft NPS Subsistence Issue Paper.
 - d. Review status of Hunting Plan recommendation #12, *Residency Requirement for Cabin Use on Public Land*.
 - e. Discuss Resolution 96-01, Kobuk River Corridor Controlled Use Area.
 - f. Implementation of Anaktuvuk Pass Land Exchange Legislation.
- (9) New business:
 - a. Proposed Federal Regional Council actions that may affect subsistence

regulations for the park or preserve.
b. Result of SRC Chairs meeting in June in Anchorage.

- (10) Set time and place of next meeting.
- (11) Adjournment.

DATES: The meeting will be held Wednesday and Thursday, November 13-14, 1996. The meeting will begin at 8:30 a.m. and conclude around 5 p.m. each day.

LOCATION: The meeting will be held in the Community Hall, Anaktuvuk Pass, Alaska.

FOR FURTHER INFORMATION CONTACT:

Dave Mills, Superintendent, Gates of the Arctic National Park and Preserve, P.O. Box 74680, Fairbanks, Alaska 99707. Phone (907) 456-0281.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Robert D. Barbee,

Field Director.

[FR Doc. 96-27681 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-70-M

Manzanar National Historic Site Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Manzanar National Historic Site Advisory Commission will be held at 1:00 p.m. on Friday, November 22, 1996, at the Inyo County Administrative Center, Board of Supervisors' Chambers, 224 N. Edwards Street (U.S. Highway 395), Independence, California, to hear presentations on issues related to the planning, development, and management of Manzanar National Historic Site.

The Advisory Commission was established by Public Law 102-248, to meet and consult with the Secretary of the Interior or his designee, with respect to the development, management, and interpretation of the site, including the preparation of a general management plan for the Manzanar National Historic Site. Members of the Commission are as follows:

Ms. Sue Kunitomi Embrey, Chairperson
Mr. William Michael, Vice Chairperson
Mr. Keith Bright
Ms. Martha Davis
Mr. Ronald Izumita
Mr. Gann Matsuda
Mr. Vernon Miller
Mr. Mas Okui

Mr. Glenn Singley
Mr. Richard Stewart

The main agenda items at this meeting of the Commission will include the following:

(1) Status report on the development of Manzanar National Historic Site by Superintendent Ross R. Hopkins.

(2) General discussion of miscellaneous matters pertaining to future Commission activities and Manzanar National Historic Site development issues.

(3) Public comment period.

This meeting is open to the public. It will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Commission. A transcript will be available after January 31, 1997. For a copy of the minutes, contact the Superintendent, Manzanar National Historic Site, P.O. Box 426, Independence, California 93526.

Dated: October 16, 1996.

Ross R. Hopkins,

Superintendent, Manzanar National Historic Site.

[FR Doc. 96-27680 Filed 10-28-96; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

[F.C.S.C. Meeting Notice No. 9-96]

Foreign Claims Settlement Commission

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Mon., November 18, 1996, 10:00 a.m.

Subject Matter: 1. Consideration of Proposed Decisions on claims against Albania.

2. Oral Hearings on objections to Proposed Decisions in the following claims against Albania:

ALB-023—Duli Dema

ALB-082—Eda Dushollari

3. Hearings on the record on objections to Proposed Decisions in the following claims against Albania:

ALB-027—John Demma

ALB-087—Ismet Hysenaj et al.

ALB-217—Arthur Generalis

Status: Open.

Subject matter not disposed of at the scheduled meeting may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6029, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC, October 23, 1996.

Judith H. Lock,

Administrative Officer.

[FR Doc. 96-27814 Filed 10-25-96; 11:33 am]

BILLING CODE 4410-01-M

[F.C.S.C. Meeting Notice No. 10-96]

Foreign Claims Settlement Commission

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Mon., November 18, 1996, approximately 11:30 a.m.

Subject Matter: Consideration of Proposed Decisions on claims of Holocaust survivors against Germany.

Status: Closed.

Subject matter not disposed of at the scheduled meeting may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6029, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC, October 23, 1996.

Judith H. Lock,

Administrative Officer.

[FR Doc. 96-27815 Filed 10-25-96; 11:33 am]

BILLING CODE 4410-01-P

Immigration and Naturalization Service

Agency Information Collection Activities: Revision of Existing Collection; Comment Request

ACTION: Notice of information collection under review; Inter-agency record of individual requesting change/adjustment to or from A or G status; or requesting A, G, or NATO dependent employment authorization.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register on April 16, 1996, at 61 FR 16647, allowing for a 60-day public comment period. No comments were received.

The purpose of this notice is to allow an additional 30 days for public comments until November 29, 1996. This process is in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202-514-1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) *Type of information collection.* Revision of an already approved collection.

(2) *The title of the form/collection.* Inter-Agency Record of Individual Requesting Change/Adjustment To or

From A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form I-566. Office of Examinations, Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract.* Primary: Individuals or Households. This information will help facilitate processing of application benefits filed by dependents of diplomatic, international organizations, and NATO personnel by the Immigration and Naturalization Service and the Department of State.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond.* 4,400 responses at 15 minutes (.250) per response.

(6) *An estimate of the total burden (in hours) associated with the collection.* 1,100 annual burden hours.

Public comment on this proposed information is strongly encouraged.

Dated: October 23, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-27672 Filed 10-28-96; 8:45 am]

BILLING CODE 4410-18-M

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of information collection under review; petition for alien fiancé(e).

Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register on August 9, 1996, at 61 FR 41654, allowing for a 60-day public comment period. No comments were received by the Immigration and Naturalization Service.

The purpose of this notice is to allow an additional 30 days for public comments until November 29, 1996. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Office, Washington, DC 20530. Additionally,

comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514-1534.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Petition for Alien Fiancé(e).

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I-129F. Adjudications Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. Through the filing of this form a United States citizen may facilitate the entry of his/her fiancé(e) into the United States so that a marriage may be concluded within 90 days of entry between the U.S. citizen and the beneficiary of the petition.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 20,000 respondents at 30 minutes (.500) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 10,000 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: October 24, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-27736 Filed 10-28-96; 8:45 am]

BILLING CODE 4410-18-M

Office of Justice Programs

Bureau of Justice Assistance; Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of information collection under review; application evaluation for Local Law Enforcement Block Grant Program.

This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until December 30, 1996. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, e.g., permitting electronic submission of responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Patricia Dobbs-Medaris, (202) 305-2088, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

Overview of this information collection:

(1) Type of information collection: New collection.

(2) The title of the form/collection: Local Law Enforcement Block Grants Program Application Evaluation.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local and Tribal Governments. Other: None. Public Law 104-134 enacted the Local Law Enforcement Block Grants Program. This program awards grant money to units of local government to reduce crime and improve public safety.

The Application Evaluation will be completed by each eligible State and Local applicant and will provide input on the Local Law Enforcement Block Grants Program application process.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 3254 respondents, at approximately 10 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 542 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-27621 Filed 10-28-96; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR**Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting Notice**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: November 14, 1996, 10:00 am–12:00 noon, U.S. Department of Labor, C-5310 1A/B, 200 Constitution Ave., NW., Washington, D.C. 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to section 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For further information, contact: Jorge Perez-Lopez, Director, Office of International Economic Affairs Phone: (202) 219-7597.

Signed at Washington, D.C. this 23rd day of October, 1996.

Andrew J. Samet,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 96-27722 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration**Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of October, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-32,648; *Raster Graphics, Inc., Redmond, OR*

TA-W-32,719; *Contact Technologies, Inc., St. Marys, PA*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-32,721; *Whirlpool Corp., Evansville, IN; York, SC*

TA-W-32,643; *L.L. Brewton Lumber Co., Inc., Winnfield, LA*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-32,624; *Dura-Bond Coating, Inc., Highspire, PA*

TA-W-32,702; *C.J. Enterprises, Morganton, NC*

TA-W-32,606; *Bonaventure Textiles USA, New York, NY*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-32,638; *EJL Boot Manufacturing, El Paso, TX*

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location for each determination references the impact date for all workers for such determination.

TA-W-32,691; *Smith Corona Corp., Cortland, NY; October 6, 1996*

TA-W-32,763; *F.K. Apparel (Future Knits, Inc.), Charlotte, NC; September 5, 1995*

TA-W-32,772; *Wan-Pat, Inc., T/A Silki Sportswear Ltd II, Newport, PA; September 1, 1995*

TA-W-32,749; *G.H. Bass & Co., Wilton, ME; August 29, 1995*

TA-W-32,712; *Johnson & Johnson Medical, Inc., El Paso, TX; August 29, 1995*

TA-W-32,756; *Mountain Bag Manufacturing Corp., Kalispell, MT; September 6, 1995*

TA-W-32,610; *Runnymede Mills, Inc., Tarboro, NC; July 19, 1995*

TA-W-32,617; *Jolie Handbag, Inc., Hialeah, FL; May 11, 1995*

TA-W-32,636; *Columbia Textile, Paterson, NJ; July 23, 1995*

TA-W-32,644; *Manson Wear, Inc., Tower City, PA; August 7, 1995*

TA-W-32,655; *Clothes Connection, Santa Ana, CA; August 8, 1995*

TA-W-32,695; *US Colors, Inc., Rocky Mount, NC; August 15, 1995*

TA-W-32,622; *Bee Jay Apparel, Inc., Sparta, TN; July 25, 1995*

TA-W-32,631; *S & D Creations, d.b.a. Santos By Donna, Owasso, OK; July 30, 1995*

TA-W-32,741; *Jaywein Fashions, Inc., New York, NY; July 9, 1995*

TA-W-32,762; *Austin Apparel Manufacturing, Inc., Louisa, KY; July 30, 1995*

TA-W-32,667; *Jar-Car Manufacturing, Inc., El Paso, TX; July 24, 1995*

TA-W-32,681; *Robertshaw Controls Co., Appliance Controls Div., Ellijay, GA; August 12, 1995*

TA-W-32,664; *Mobil Exploration & Producing U.S., Inc. (MEPUS), Mobil Exploration and Producing Services, Inc. (MEPSI), Mobil Business Resources Corp. (formerly MASCI) (MBRC) Headquartered in Dallas, TX; and Operating in the Following States: A; TX, B; LA, C; CA, D; CO, E; AL, F; KS, G; NM, H; OK, I; UT, J; WY; September 30, 1996*

TA-W-32,664 K; *Mobil Exploration and Producing Technical Center (MEPTC), All Locations in The State of NJ; July 26, 1995*

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of October, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-01218; *Decotech Innovations, Marion, NC*

NAFTA-TAA-01191; *Dico Tire, Inc., A Titan Wheel Co., Clinton, TN*

NAFTA-TAA-01214; *Menominee Paper Co., A Div. of Bell Packaging Corp., Menominee, MI*

NAFTA-TAA-01186; *Raster Graphics, Inc., Redmond, OR Washington,*

NAFTA-TAA-01185; *Hodge Apparel, Inc., Harrisville, WV*

NAFTA-TAA-01210; *Murray, Inc., Lawrenceburg, TN*

NAFTA-TAA-01224; *Penn Mould Industries, Inc., Washington, PA*

NAFTA-TAA-01235; *Schreiber Foods, Inc., Green Bay, WI*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-01161; *Dura-Bond Industries, Dura-Bond Coating, Inc., Highspire, PA*

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA-TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

NAFTA-TAA-01254; *Nu-Tech Precision Metals, Waterbury, CT: September 20, 1995.*

NAFTA-TAA-01189; *Precision Machining & Polishing, Milwaukee, WI: August 13, 1995.*

NAFTA-TAA-01168; *Holiday Hosiery, Inc., Hudson, NC: August 1, 1995.*

NAFTA-TAA-01174; *Tyler Farms, Inc., Balm, FL: July 17, 1995.*

NAFTA-TAA-01190; *Strick Corp., Hughesville, PA: August 5, 1995.*

NAFTA-TAA-01216; *Goodyear Tire & Rubber Co., Topeka, KS: August 28, 1995.*

NAFTA-TAA-01226; *Mountain Bag Manufacturing Corp., Kalispell, MT: September 6, 1995.*

NAFTA-TAA-01222; *Douglas Randall, Inc., (A.K.A. Crydom Corp), A Subsidiary of Silicon Power Corp., Pawcatuck, CT: August 23, 1995.*

I hereby certify that the aforementioned determinations were issued during the month of October, 1996. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 16, 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27713 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-32,662]

New Thermal Corporation, Keasbey, New Jersey; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 19, 1996, in response to a worker petition which was filed on August 19, 1996, on behalf of workers at New Thermal Corporation, Keasbey, New Jersey.

The subject firm closed in November of 1995. Repeated attempts by the Department of Labor to locate and contact principals of the firm to obtain information were unsuccessful. Consequently, further investigations in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 18th day of October, 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27717 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1996.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of October, 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX
[Petitions Instituted on 10/07/96]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
32,793	PCI Group, Inc (Comp)	New Bedford, MA	09/18/96	Shoe Eyelets.
32,794	Americal, Inc (Wkrs)	Pacific, MO	09/24/96	Heat Transfers for Decorations.
32,795	Jody Lynn Sportswear (Comp)	Middleburg, PA	09/27/96	Children's Sportswear.
32,796	Perdue Farms, Inc (Wkrs)	Fayetteville, NC	08/15/96	Chickens.
32,797	Joslyn-Power Products (Wkrs)	Alsip, IL	09/20/96	Electrical Components.
32,798	Rochwell International (IAMAW)	Cedar Rapids, IA	09/23/96	Newspaper Printing Presses.
32,799	Camden Wire Co., Inc (Wkrs)	Camden, NY	09/25/96	Bare Copper Wire.
32,800	TRW Automotive Products (Comp)	McAllen, TX	09/16/96	Remanufacture Rack and Pinion Steering.
32,801	Weyerhaeuser Co (Wkrs)	Kamath Falls, OR	09/19/96	Logs and Chips converted to Plywood.
32,802	Matsushita Electric Corp (Wkrs)	Fort Worth, TX	09/13/96	Warehouse and Dist. (Col. TV, Microwaves).
32,803	Monon Corp/Rosby Corp (UBC)	Monon, IN	09/10/96	Semi Trailers.
32,804	Consolidated Electric (Wkrs)	Miami, FL	09/11/96	Electrical Distributors.
32,805	B.M.I. France Refractories (Wkrs)	Snow Shoe, PA	09/24/96	Refractory Brick.
32,806	Dew Enterprises (Wkrs)	Tyler, TX	09/16/96	Coils for Colored TV's and Microwaves.
32,807	Horsehead Resource Dev. (USWA)	Palmerton, PA	09/27/96	Recycling Materials—Zinc Processing.
32,808	Warnaco, Inc. (Wkrs)	City of Commerce, CA	09/16/96	Ladies' Intimate Apparel.
32,809	Parkway Industries, Inc (Comp)	Spencer, TN	09/27/96	Sporting Goods Apparel.
32,810	Man Roland, Inc (Comp)	Groton, CT	09/24/96	Large Newspaper Printing Presses.

[FR Doc. 96-27714 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-32,737]

**TAMAC, Tamacqua, Pennsylvania;
Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 9, 1996 in response to a worker petition which was filed on September 9, 1996 on behalf of workers at TAMAC, Tamacqua, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

signed in Washington, D.C. this 15th day of October, 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27715 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

**Investigations Regarding Certifications
of Eligibility To Apply for NAFTA
Transitional Adjustment Assistance**

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (P.L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Program Manager of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment after December 8, 1993 (date of enactment of Public Law 103-182) are eligible to apply for NAFTA-TAA under

Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Program Manager of OTAA at the U.S. Department of Labor (DOL) in Washington, D.C. provided such request is filed in writing with the Program Manager of OTAA not later than November 8, 1996.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Program Manager of OTAA at the address shown below not later than November 8, 1996.

Petitions filed with the Governors are available for inspection at the Office of the Program Manager, OTAA, ETA, DOL, Room C-4318, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of October, 1996.

Russell T. Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
C.J. Enterprises (Co.)	Morganton, NC	08/22/96	NAFTA-01208	Textiles ladies and men's socks.
Lambda Electronics (Co.)	Tucson, AZ	08/27/96	NAFTA-01209	High end power supplies.
Murray, Inc. (Wkrs)	Lawrenceburg, TN	08/20/96	NAFTA-01210	Bicycles and lawn movers.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
Mercury Industries (Wkrs)	Fayetteville, NC	10/03/96	NAFTA-01211	Electric brush assemblies.
Tell City Chair Company (GMP)	Tell City, IN	08/23/96	NAFTA-01212	Wood household furniture.
Intercontinental Branded Apparel (UNITE)	Dunkirk, NY	08/23/96	NAFTA-01213	Men's dress pants.
Menominee Paper Company; A Division of Bell Packaging Corp. (Wkrs)	Menominee, MI	08/20/96	NAFTA-01214	Household waxed paper and recycled linerboard.
Constant Velocity (Co.)	Everett, WA	08/28/96	NAFTA-01215	Front wheel drive axles.
Goodyear Tire and Rubber Company (USWA)	Topeka, KA	08/29/96	NAFTA-01216	Inflatable tires.
Temple-Inland (Wkrs)	Silsbee, TX	08/29/96	NAFTA-01217	Wood chip.
Decotech Innovations (Wkrs)	Marion, NC	08/26/96	NAFTA-01218	Woven textiles.
Steven Hint Farms (Wkrs)	Midland, TX	08/30/96	NAFTA-01219	Raw cotton.
Trinity Industries (Co.)	New London, MN	08/30/96	NAFTA-01220	Pressure tanks (propane and anhydrous ammonia).
UNIFI Yarns (Wkrs)	Sanford, NC	09/05/96	NAFTA-01221	Yarn for making sweat suits, socks, tee-shirts.
Douglas Randall; a/k/a Crydom Corp.—Subsid. Silicon Power (UNITE)	Pawcatuck, CT	08/27/96	NAFTA-01222	Electric heating devices.
Johnson and Johnson Medical (Co.)	El Paso, TX	09/04/96	NAFTA-01223	Cut material for assembly of surgical gowns, drapes and sheets.
Pen Mould Industries ()	Washington, PA	08/29/96	NAFTA-01224	Molds for glass bottle industry.
W.W. Henry; Division of Armstrong (Co.)	South River, NJ	09/06/96	NAFTA-01225	Powders, grouts and adhesives.
Mountain Bag Manufacturing (Co.)	Kalispell, MT	09/10/96	NAFTA-01226	Bulk bags such as flexible intermediate bulk containers.
Ozark Quilt Supply (Wkrs)	Winona, MO	09/10/96	NAFTA-01227	Quilts, quilt tops, pillow shams and dust ruffles.
Boise Cascade; White Paper Division (AWPPW)	Vancouver, WA	09/09/96	NAFTA-01228	Base stocks.
Amana Refrigeration (Wkrs)	Delaware, OH	08/26/96	NAFTA-01229	Low end manual clean kitchen ranges.
Pendleton Woolen Mills (Wkrs)	Portland, OR	09/09/96	NAFTA-01230	Shirts, coats and jackets.
The Guardian Life Insurance Co.; Sale Office (Wkrs).	Portland, OR	09/09/96	NAFTA-01231	None.
Hoskins Manufacturing Co. (USWA)	New Paris, IN	09/12/96	NAFTA-01232	Spark plug alloys.
American Cometa; Rockland Pipeline Co. (Wkrs).	Fort Worth, TX	09/12/96	NAFTA-01233	Natural gas, natural gas liquids and crude oil.
Phillip Burlington Environmental (IBT)	Seattle, WA	09/12/96	NAFTA-01234	Hazard waste.
Schreiber Foods (IBT)	Green Bay, WI	09/12/96	NAFTA-01235	Cheese.
Eastern Associated Coal (UMWA)	Chas, WV	09/05/96	NAFTA-01236	Coal.
Burlington Industrial, Inc.; JC Cowan Plant (Co.).	Forest City, NC	09/13/96	NAFTA-01237	Wool yarn, wool dyeing and finishing fabric.
Monon Corp. (UBC)	Monon, IN	09/20/96	NAFTA-01238	Semi trailers.
A.P. Green Refractories (USWA)	Rockdale, IL	09/17/96	NAFTA-01239	Soft gaskets.
Victor Products Division (Co.)	Robinson, IL	09/18/96	NAFTA-01240	Soft gaskets for motors.
Olga Company (Wkrs)	City of Commerce, CA	09/19/96	NAFTA-01241	Lingerie.
Tyrone Apparel Manufacturing (Wkrs)	Tyrone, PA	09/17/96	NAFTA-01242	Work pants, jeans, casual dress pants.
Walker Information (Co.)	Indianapolis, IN	09/23/96	NAFTA-01243	Telephone data collection.
Walker Information (Wkrs)	Tempe, AZ	09/20/96	NAFTA-01244	Telephone data collection.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
Opto Technology (Wkrs)	Platteville, WI	09/23/96	NAFTA—01245	Small electrical pieces for gas meters and pumps.
Hudson RCI (Wkrs)	Temecula, CA	09/24/96	NAFTA—01246	Respiratory equipment.
Herdez Corporation; Festin Foods (Wkrs)	Carlsbad, CA	09/23/96	NAFTA—01247	Mexican food.
TRW Automotive (Wkrs)	McAllen, TX	09/24/96	NAFTA—01248	Rack and pinion assembly.
R and G Sloane Manufacturing (Wkrs)	Little Rock, AR	09/30/96	NAFTA—01249	Pipe fittings.
Mission Plastics (Wkrs)	Nashville, AR	09/27/96	NAFTA—01250	Housing shield bulbs, bearing brackets, gear.
Saldan Bindery (Wkrs)	Brooklyn, NY	09/27/96	NAFTA—01251	Accordian and expandable files.
FK Apparel (Co.)	Charlotte, NC	10/02/96	NAFTA—01252	Tee-shirts.
Weyerhaeuser Company (Wkrs)	Tacoma, WA	09/26/96	NAFTA—01253	Logs and chips converted to plywood.
Nu-Tech Precision Metals (Wkrs)	Waterbury, CT	09/25/96	NAFTA—01254	Titanium tubes and clad copper.
Dew Enterprises/SANCO (Wkrs)	Benton, AR	09/27/96	NAFTA—01255	Electrical wires for televisions.
Personal Products Company (Co.)	North Little Rock, AR	09/27/96	NAFTA—01256	Sanitary protection and incontinence products.
Aalfs Manufacturing (UFCW)	Texarkana, AR	09/27/96	NAFTA—01257	Jeans.
River Heights (Wkrs)	Crump, TN	09/23/96	NAFTA—01258	Knit shirts.
Lee Apparel (Wkrs)	Dalton, GA	10/02/96	NAFTA—01259	Jeans.
Lafayette Apparel (Wkrs)	Lafayette, TN	10/02/96	NAFTA—01260	Men's apparel.
Joslyn Power Products (Wkrs)	Alsip, IL	09/30/96	NAFTA—01261	High-voltage switch gear.
American Bank Note (GCIU)	Bedford, IL	09/24/96	NAFTA—01262	Security documents.
Mueller Company ()	Decatur, IL	09/25/96	NAFTA—01263	Industrial valves.
Petersburg Garment Co. (Wkrs)	Petersburg, WV	10/02/96	NAFTA—01264	Garments.
Raymondville Apparel; Fruit of the Loom (Wkrs).	Raymondville, TX	10/04/96	NAFTA—01265	Fleece sweatshirt.
Redpath Apparel Group (Wkrs)	Denison, TX	10/07/96	NAFTA—01266	Children's clothing.
Barney and Company (Wkrs)	Atlanta, GA	10/07/96	NAFTA—01267	Women's apparel (swimsuits and coverup).
Crouzet Corp. (Wkrs)	Carrollton, TX	10/08/96	NAFTA—01268	Electro mechanical and solid control, timers and relays.
Beavers Dental (Wkrs)	Massena, NY	10/08/96	NAFTA—01269	Dental drills.
Lockheed Martin (Wkrs)	Syracuse, NY	10/08/96	NAFTA—01270	Printed circuit boards.
Acme Boot (Wkrs)	El Paso, TX	09/12/96	NAFTA—01271	Leather goods.
Kimble Glass (AFGW)	Vineland, NJ	10/11/96	NAFTA—01272	Coffee pots.
TRW, Inc.; TRW Vehicle Safety Systems (UAW).	Washington, MI	10/10/96	NAFTA—01273	Fabricated metal stampings.

[FR Doc. 96-27712 Filed 10-28-96; 8:45 am]
BILLING CODE 4510-30-M

[NAFTA-00696, NAFTA-00696A]

Intercontinental Branded Apparel, Hialeah, Florida and M. Wile and Company d/b/a Intercontinental Branded Apparel, Buffalo, New York; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on January 18, 1996, applicable to all workers of Intercontinental Branded Apparel, located in Hialeah, Florida. The certification was published in the Federal Register February 6, 1996 (61 FR 4492).

Based on new information received from petitioners, the Department, reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at M. Wile and Company d/b/a Intercontinental Branded Apparel plant in Buffalo, New York. The workers produce men's suits.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports. Accordingly, the Department is amending the certification to include workers at the Buffalo, New York production facility.

The amended notice applicable to NAFTA-00696 is hereby issued as follows:

"All workers of Intercontinental Branded Apparel, Hialeah, Florida (NAFTA-00696) and M. Wile and Company d/b/a Intercontinental Branded Apparel, Buffalo, New York (NAFTA-00696A) who became totally or partially separated from employment on or after November 15, 1994, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed in Washington, D.C., this 18th day of October 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27716 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[NAFTA-01213]

M. Wile and Company, d/b/a Intercontinental Branded Apparel, Buffalo, NY; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on August 23, 1996 in response to a petition filed on behalf of workers at M. Wile and Company, d/b/a Intercontinental Branded Apparel located in Buffalo, New York. The workers produce men's suits.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA-00696A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 18th day of October 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27721 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[NAFTA-00683, 00683A, 00683B, 00683C and 00683D]

Lee Apparel Company, et al; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on December 1, 1995, applicable to all workers of Lee Apparel Company located in St. Joseph, Missouri.

At the request of the State agency and petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in employment related to the production of jeans. New information received by the Department shows that worker separations are occurring at Lee Apparel Company facilities in Seymour and Lebanon, Missouri, Irvington, Alabama and Dalton, Georgia.

The intent of the Department's certification is to include all workers of Lee Apparel Company who were adversely affected by imports from

Mexico. Accordingly, the Department is amending the certification to cover the workers separated from Lee Apparel Company, Seymour and Lebanon, Missouri, Irvington, Alabama, and Dalton, Georgia.

The amended notice applicable to NAFTA-00683 is hereby issued as follows:

"All workers of Lee Apparel Company, St. Joseph, Missouri (NAFTA-00683) and Seymour, Missouri (NAFTA-00683A), Lebanon, Missouri (NAFTA-00683B), Irvington, Alabama (NAFTA-00683C), and Dalton, Georgia (NAFTA-00683D) who became totally or partially separated from employment on or after November 8, 1994 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of October 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96-27718 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[NAFTA-01155A & 01155B]

The Olga Company, Division of Warnaco, Incorporated Fillmore, and Commerce, CA; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on August 14, 1996, applicable to all workers of The Olga Company, Division of Warnaco, Incorporated, located in Fillmore, California. The certification was published in the Federal Register September 13, 1996 (61 FR 48505).

Based on new information received from the petitioners, the Department, reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at The Olga Company, Division of Warnaco, Incorporated, located in Commerce, California. The workers produce women's intimate apparel.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports. Accordingly, the Department is amending the certification to include workers at the Commerce, California production facility.

The amended notice applicable to NAFTA-01155A is hereby issued as follows:

"All workers of The Olga Company, Division of Warnaco, Incorporated, Fillmore, California (NAFTA-01155A) and The Olga Company, Division of Warnaco, Incorporated, Commerce, California (NAFTA-01155B) who became totally or partially separated from employment on or after June 27, 1995, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed in Washington, D.C., this 18th day of October 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services Office of Trade Adjustment Assistance.

[FR Doc. 96-27719 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

[NAFTA-01241]

The Olga Company, Division of Warnaco, Incorporated, Commerce, CA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on September 19, 1996 in response to a petition filed on behalf of workers at The Olga Company, Division of Warnaco, Incorporated located in Commerce, California. The workers produce women's intimate apparel.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA-01155B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 18th day of October 1996.

Russell T. Kile,

Program Manager, Policy and Reemployment Services Office of Trade Adjustment Assistance.

[FR Doc. 96-27720 Filed 10-28-96; 8:45 am]

BILLING CODE 4510-30-M

LEGAL SERVICES CORPORATION

Grant Awards to Applicants for Funds to Provide Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 1997

AGENCY: Legal Services Corporation.

ACTION: Announcement of 1997 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC or Corporation)

hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 1997.

DATES: All comments and recommendations must be received on or before the close of business on November 29, 1996.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 750 First Street, NE., 10th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Merceria Ludgood, Deputy Director, Office of Program Operations, (202) 336-8865.

SUPPLEMENTARY INFORMATION: Pursuant to the Corporation's announcement of funding availability on May 24, 1996 (61 FR 26225), the LSC will award funds to one or more of the following organizations to provide civil legal services in the indicated service areas.

Service area	Applicant name
CA-3	Central California Legal Services.
CA-4	California Legal Foundation. Legal Aid Foundation of Long Beach.
CA-5	California Legal Foundation. Legal Aid Foundation of Los Angeles.
CA-6	Legal Aid Society of Alameda County.
CA-7	Channel Counties Legal Services Association. Oxnard Legal Clinic, Inc.
CA-8	San Fernando Valley Neighborhood Legal Services, Inc.
CA-9	California Legal Foundation. Legal Services Program for Pasadena and San Gabriel-Pomona Valley.
CA-10	Legal Aid Society of San Mateo County.
CA-11	Contra Costa Legal Services Foundation.
CA-12	Inland Counties Legal Services Inc.
CA-13	Legal Services of Northern California Inc.
CA-14	Legal Aid Society of San Diego, Inc.
CA-15	California Rural Legal Assistance, Inc. Leroy George Siddell.
CA-16	San Francisco Neighborhood Legal Assistance Foundation. Legal Aid of Marin.
CA-17	Community Legal Services, Inc.
CA-18	Legal Aid Society of Orange County, Inc.
CA-19	Legal Aid for the Central Coast. Leroy George Siddell.
CA-20	Tulare/Kings Counties Legal Services, Inc.
CA-21	Legal Aid for the Central Coast. Redwood Legal Assistance.
CA-22	California Indian Legal Services, Inc.
CA-23	California Rural Legal Assistance, Inc. Oxnard Legal Clinic, Inc.
NCA-1	Pikes Peak Legal Services. Colorado Rural Legal Services, Inc.
MCA	Legal Aid Society of Metropolitan Denver, Inc. Colorado Rural Legal Services, Inc.
CO-1	Pikes Peak Legal Services. Pueblo County Legal Services, Inc.
CO-2	Colorado Rural Legal Services, Inc.
CO-3	Statewide Legal Services of Connecticut, Inc.
CO-4	—NO APPLICANT—. Statewide Legal Services of Connecticut, Inc.
NCO-1	Legal Services Corporation of Delaware, Inc.
MCO	Legal Aid Bureau, Inc. Lawrence & Associates Legal Group.
CT-1	
NCT-1	
MCT	
DE-1	
MDE	
DC-1	
AL-1	Legal Services Corporation of Alabama, Inc.
AL-2	Legal Services of North-Central Alabama, Inc.
AL-3	Legal Services of Metro Birmingham, Inc.
MAL	Legal Services Corporation of Alabama, Inc.
AK-1	Alaska Legal Services Corporation.
NAK-1	Alaska Legal Services Corporation.
AZ-1	Pinal & Gila Counties Legal Aid Society.
AZ-2	DNA-People's Legal Services, Inc.
AZ-3	Community Legal Services, Inc.
AZ-4	Southern Arizona Legal Aid, Inc.
NAZ-1	Pinal & Gila Counties Legal Aid Society.
NAZ-2	Community Legal Services, Inc.
NAZ-3	Papago Legal Services, Inc.
NAZ-4	Southern Arizona Legal Aid, Inc.
NAZ-5	DNA-People's Legal Services, Inc.
MAZ	Community Legal Services, Inc. Pinal & Gila Counties Legal Aid Society.
AR-1	Ozark Legal Services.
AR-2	Legal Services of Northeast Arkansas, Inc.
AR-3	Western Arkansas Legal Services, Inc.
AR-4	East Arkansas Legal Services.
AR-5	Center For Arkansas Legal Services.
MAR	Center For Arkansas Legal Services.
CA-1	California Indian Legal Services, Inc.
CA-2	Greater Bakersfield Legal Assistance, Inc. Jones and Kramer, LLC.

Service area	Applicant name	Service area	Applicant name	Service area	Applicant name
	Neighborhood Legal Services Program of the District of Columbia.	KY-3	Central Kentucky Legal Services, Inc.		Legal Services of Southeastern Michigan, Inc.
FL-1	Central Florida Legal Services, Inc.	KY-4	Northeast Kentucky Legal Services, Inc.	MP-1	Micronesian Legal Services Corporation.
FL-2	Legal Aid Service of Broward County, Inc.	KY-5	Appalachian Research and Defense Fund of Kentucky.	MN-1	Legal Aid Service of Northeastern Minnesota.
FL-3	Florida Rural Legal Services, Inc.	KY-6	Cumberland Trace Legal Services, Inc.	MN-2	Judicare of Anoka County, Inc.
FL-4	Jacksonville Area Legal Aid, Inc.	KY-7	Western Kentucky Legal Services, Inc.	MN-3	Central Minnesota Legal Services, Inc.
FL-5	Legal Services of Greater Miami, Inc.	MKY	Appalachian Research and Defense Fund of Kentucky.	MN-4	Legal Services of Northwest Minnesota.
FL-6	Legal Services of North Florida, Inc.	LA-1	Capital Area Legal Services Corporation.	MN-5	Southern Minnesota Regional Legal Services, Inc.
FL-7	Greater Orlando Area Legal Services, Inc.	LA-2	Southwest Louisiana Legal Services Society, Inc.	NMN-1	Anishinabe Legal Services, Inc.
FL-8	Bay Area Legal Services, Inc.	LA-3	North Louisiana Legal Assistance Corporation.	MMN	Southern Minnesota Regional Legal Services, Inc.
FL-9	Withlacoochee Area Legal Services, Inc.	LA-4	New Orleans Legal Assistance Corporation.	MS-1	Central Mississippi Legal Services.
FL-10	Three Rivers Legal Services, Inc.	LA-5	Northwest Louisiana Legal Services, Inc.	MS-2	North Mississippi Rural Legal Services, Inc.
FL-11	Northwest Florida Legal Services, Inc.	LA-6	Acadiana Legal Service Corporation.	MS-3	South Mississippi Legal Services Corporation.
FL-12	Gulfcoast Legal Services, Inc.	LA-7	Kisatchie Legal Services Corporation.	MS-4	East Mississippi Legal Services Corporation.
MFL	Florida Rural Legal Services, Inc.	LA-8	Southeast Louisiana Legal Services Corporation.	MS-5	Southeast Mississippi Legal Services Corporation.
GA-1	Atlanta Legal Aid Society, Inc.	MLA	Acadiana Legal Service Corporation.	MS-6	Southwest Mississippi Legal Services Corporation.
GA-2	Georgia Legal Services Program.	ME-1	Pine Tree Legal Assistance, Inc.	NMS-1	Choctaw Legal Defense.
MGA	Georgia Legal Services Program.	NME-1	Pine Tree Legal Assistance, Inc.	MMS	East Mississippi Legal Services Corporation.
GU-1	Guam Legal Services Corporation.	MME	Pine Tree Legal Assistance, Inc.		Central Mississippi Legal Services.
HI-1	Legal Aid Society of Hawaii.	MD-1	Legal Aid Bureau, Inc.	MO-1	Southeast Missouri Legal Services, Inc.
NHI-1	Native Hawaiian Legal Corporation.	MMD	Legal Aid Bureau, Inc.	MO-2	Meramec Area Legal Aid Corporation.
MHI	Legal Aid Society of Hawaii.	MA-1	Volunteer Lawyers Project of the Boston Bar Association, Inc.	MO-3	Legal Aid of Western Missouri.
ID-1	Idaho Legal Aid Services, Inc.	MA-2	South Middlesex Legal Services, Inc.	MO-4	Legal Services of Eastern Missouri, Inc.
NID-1	Idaho Legal Aid Services, Inc.	MA-3	Legal Services for Cape Cod and Islands, Inc.	MO-5	Mid-Missouri Legal Services Corporation.
MID	Idaho Legal Aid Services, Inc.	MA-4	Merrimack Valley Legal Services, Inc.	MO-6	Legal Aid of Southwest Missouri.
IL-1	Cook County Legal Assistance Foundation, Inc.	MA-5	New Center for Legal Advocacy.	MMO	Legal Aid of Western Missouri.
IL-2	Legal Assistance Foundation of Chicago.	MA-6	Massachusetts Justice Project, Inc.	MT-1	Montana Legal Services Association.
IL-3	Land of Lincoln Legal Assistance Foundation, Inc.	MA-7	Massachusetts Justice Project, Inc.	NMT-1	Montana Legal Services Association.
IL-4	Prairie State Legal Services, Inc.	MMA	Massachusetts Justice Project, Inc.	MMT	Montana Legal Services Association.
IL-5	West Central Illinois Legal Assistance.	MI-1	Legal Services of Southeastern Michigan, Inc.	NE-1	Legal Services of Southeast Nebraska.
MIL	Legal Assistance Foundation of Chicago.	MI-2	Legal Services Organization of Southcentral Michigan.	NE-2	Legal Aid Society, Inc.
IN-1	Legal Services of Maumee Valley, Inc.	MI-3	Wayne County Neighborhood Legal Services, Inc.	NE-3	Western Nebraska Legal Services, Inc.
IN-2	Legal Services of Northwest Indiana, Inc.	MI-4	Legal Services of Eastern Michigan.	NNE-1	Legal Aid Society, Inc.
IN-3	Legal Services Organization of Indiana, Inc.	MI-5	Legal Aid of Central Michigan.	MNE	Western Nebraska Legal Services, Inc.
IN-4	Legal Services Program of Northern Indiana, Inc.	MI-6	Lakeshore Legal Services, Inc.	NV-1	Nevada Legal Services, Inc.
MIN	Legal Services Organization of Indiana, Inc.	MI-7	Oakland Livingston Legal Aid.	NNV-1	Nevada Legal Services, Inc.
IA-1	Legal Services Corporation of Iowa.	MI-8	Berrien County Legal Services Bureau, Inc.	MNV	Nevada Legal Services, Inc.
IA-2	Legal Aid Society of Polk County.	MI-9	Legal Services of Northern Michigan, Inc.	NH-1	New Hampshire Legal Services, Inc.
MIA	Legal Services Corporation of Iowa.	MI-10	Legal Aid of Western Michigan.	MNH	Pine Tree Legal Assistance, Inc.
KS-1	Kansas Legal Services, Inc.	MI-11	Legal Aid Bureau of Southwestern Michigan, Inc.	NJ-1	Cape-Atlantic Legal Services, Inc.
MKS	Kansas Legal Services, Inc.	NMI-1	Michigan Indian Legal Services, Inc.	NJ-2	Warren County Legal Services, Inc.
KY-1	Northern Kentucky Legal Aid Society, Inc.	MMI	Legal Services of Eastern Michigan.	NJ-3	Camden Regional Legal Services, Inc.
KY-2	Legal Aid Society, Inc.			NJ-4	Union County Legal Services Corporation.

Service area	Applicant name	Service area	Applicant name	Service area	Applicant name
NJ-5	Hunterdon County Legal Service Corporation.	MNY	Legal Aid Society of Mid-New York, Inc.		Leslie Levi Payton. Philadelphia Legal Assistance Center.
NJ-6	Bergen County Legal Services.	NC-1	Legal Services of North Carolina, Inc.	PA-2	Legal Services, Inc.
NJ-7	Hudson County Legal Services Corporation.	NC-2	Legal Services of Southern Piedmont, Inc.	PA-3	Delaware County Legal Assistance Association, Inc.
NJ-8	Essex-Newark Legal Services Project, Inc.	NC-3	North Central Legal Assistance Program, Inc.	PA-4	Delaware Valley Legal Services.
NJ-9	Middlesex County Legal Services Corporation.	NC-4	Legal Aid Society of Northwest North Carolina, Inc.	PA-5	Bucks County Legal Aid Society.
NJ-10	Passaic County Legal Aid Society.	NNC-1	Legal Services of North Carolina, Inc.	PA-6	Delaware Valley Legal Services.
NJ-11	Somerset-Sussex Legal Services Corporation.	MNC	Legal Services of North Carolina, Inc.	PA-7	Laurel Legal Services, Inc.
NJ-12	Law Office of Lynn A Kenneally. Ocean-Monmouth Legal Services, Inc.	ND-1	Legal Assistance of North Dakota, Inc.	PA-8	Southern Alleghenys Legal Aid, Inc.
NJ-13	Legal Aid Society of Mercer County.	ND-2	North Dakota Legal Services, Inc.	PA-9	Central Pennsylvania Legal Services.
NJ-14	Legal Aid Society of Morris County.	NND-1	Legal Assistance of North Dakota, Inc.	PA-10	Neighborhood Legal Services Association.
MNJ	Camden Regional Legal Services, Inc.	NND-2	North Dakota Legal Services, Inc.	PA-11	Northern Pennsylvania Legal Services, Inc.
NM-1	Law Office of Lynn A Kenneally. DNA-People's Legal Services, Inc.	MND	Southern Minnesota Regional Legal Services, Inc.	PA-12	Keystone Legal Services, Inc.
NM-2	Legal Aid Society of Albuquerque, Inc.	OH-1	Western Reserve Legal Services.	PA-13	Southwestern Pennsylvania Legal Aid Society, Inc.
NM-3	Southern New Mexico Legal Services, Inc.	OH-2	Stark County Legal Aid Society.	PA-14	Delaware Valley Legal Services.
NM-4	Northern New Mexico Legal Services, Inc.	OH-3	Legal Aid Society of Cincinnati.	PA-15	Legal Aid of Chester County, Inc.
MNM	Southern New Mexico Legal Services, Inc.	OH-4	The Legal Aid Society of Cleveland.	PA-16	Legal Services of Northeastern Pennsylvania, Inc.
NNM-1	Southern New Mexico Legal Services, Inc.	OH-5	The Legal Aid Society of Columbus.	PA-17	Susquehanna Legal Services.
NNM-2	DNA-People's Legal Services, Inc.	OH-6	Ohio State Legal Services.	PA-18	Northwestern Legal Services.
NNM-3	Indian Pueblo Legal Services, Inc.	OH-7	Legal Aid Society of Dayton, Inc.	PA-19	Blair County Legal Services Corporation.
NY-1	Legal Aid Society of Northeastern New York, Inc.	OH-8	Legal Aid Society of Lorain County, Inc.	PA-19	Lehigh Valley Legal Services, Inc.
NY-2	Monroe County Legal Assistance Corporation.	OH-9	Butler-Warren Legal Assistance Association.	MPA	Delaware Valley Legal Services.
NY-3	Legal Aid for Broome and Chenango, Inc.	OH-10	Allen County-Blackhoof Area Legal Services Association.	PR-1	Philadelphia Legal Assistance Center.
NY-4	Neighborhood Legal Services, Inc.	OH-11	Central Ohio Legal Aid Society, Inc.	PR-2	Puerto Rico Legal Services, Inc.
NY-5	Chautauqua County Legal Services, Inc.	OH-12	Advocates for Basic Legal Equality, Inc.	MPR	Community Law Office, Inc.
NY-6	Chemung County Neighborhood Legal Services, Inc.	OH-13	The Toledo Legal Aid Society.	RI-1	Puerto Rico Legal Services, Inc.
NY-7	Nassau/Suffolk Law Services Committee, Inc.	OH-14	Wooster-Wayne Legal Aid Society, Inc.	MSC	Rhode Island Legal Services, Inc.
NY-8	Legal Aid Society of Rockland County, Inc.	OH-15	Northeast Ohio Legal Services.	MRI	Rhode Island Legal Services, Inc.
NY-9	Legal Services for New York City.	OH-16	Rural Legal Aid Society of West Central Ohio.	SC-1	Neighborhood Legal Assistance Program, Inc.
NY-10	Niagara County Legal Aid Society, Inc.	MOH	Advocates for Basic Legal Equality, Inc.	SC-2	Palmetto Legal Services.
NY-11	—SERVICE AREA NOT COMPETED FOR 1997—	OK-1	Legal Aid of Western Oklahoma, Inc.	SC-3	Carolina Regional Legal Services Corporation.
NY-12	Monroe County Legal Assistance Corporation.	OK-2	Legal Services of Eastern Oklahoma, Inc.	SC-4	Legal Services Agency of Western Carolina, Inc.
NY-13	Legal Services of Central New York, Inc.	NOK-1	Oklahoma Indian Legal Services, Inc.	SC-5	Piedmont Legal Services, Inc.
NY-14	Legal Aid Society of Mid-New York, Inc.	MOK	Legal Aid of Western Oklahoma, Inc.	SC-6	Piedmont Legal Services, Inc.
NY-15	Westchester/Putnam Legal Services.	OR-1	Oregon Legal Services Corporation.	MSC	Neighborhood Legal Assistance Program, Inc.
NY-16	North Country Legal Services, Inc.	OR-2	Lane County Legal Aid Service, Inc.	SD-1	Black Hills Legal Services, Inc.
NY-17	Southern Tier Legal Services.	OR-3	Multnomah County Legal Aid Service, Inc.	SD-2	East River Legal Services Corporation.
		OR-4	Marion-Polk Legal Aid Service, Inc.	SD-3	Dakota Plains Legal Services, Inc.
		NOR-1	Oregon Legal Services Corporation.	NSD-1	Dakota Plains Legal Services, Inc.
		MOR	Oregon Legal Services Corporation.	MSD	Black Hills Legal Services, Inc.
		PA-1	Delaware Valley Legal Services.	TN-1	Southeast Tennessee Legal Services, Inc.
				TN-2	Legal Services of Upper East Tennessee, Inc.
				TN-3	Knoxville Legal Aid Society, Inc.
				TN-4	Johnson & Settle, P.C.

Service area	Applicant name	Service area	Applicant name
	Memphis Area Legal Services, Inc.	WI-3	Legal Services of Northeastern Wisconsin, Inc.
TN-5	Legal Aid Society of Middle Tennessee.	WI-4	Western Wisconsin Legal Services, Inc.
TN-6	Rural Legal Services of Tennessee, Inc.	NWI-1	Wisconsin Judicare, Inc.
TN-7	West Tennessee Legal Services.	MWI	Legal Action of Wisconsin, Inc.
TN-8	Legal Services of South Central Tennessee, Inc.	WY-1	Legal Aid Services, Inc.
MTN	Legal Services of Upper East Tennessee, Inc.		Legal Services for Southeastern Wyoming, Inc.
TX-1	Legal Aid of Central Texas.	WY-2	Wind River Legal Services, Inc.
TX-2	Coastal Bend Legal Services.		Legal Aid Services, Inc.
TX-3	Legal Services of North Texas.		Legal Services for Southeastern Wyoming, Inc.
TX-4	El Paso Legal Assistance Society.	WY-3	Wind River Legal Services, Inc.
TX-5	West Texas Legal Services, Inc.		Legal Aid Services, Inc.
TX-6	Gulf Coast Legal Foundation.		Legal Services for Southeastern Wyoming, Inc.
TX-7	Laredo Legal Aid Society, Inc.	NWY-1	Wind River Legal Services, Inc.
TX-8	Bexar County Legal Aid Association, Inc.		Legal Aid Services, Inc.
TX-9	Heart of Texas Legal Services Corporation.	MWY	Wind River Legal Services, Inc.
TX-10	Texas Rural Legal Aid, Inc.		
TX-11	East Texas Legal Services, Inc.		
NTX-1	Texas Rural Legal Aid, Inc.		
MTX	Texas Rural Legal Aid, Inc.		
UT-1	DNA-People's Legal Services, Inc.		
	Utah Legal Services, Inc.		
NUT-1	Utah Legal Services, Inc.		
MUT	Utah Legal Services, Inc.		
VT-1	Legal Services Law Line of Vermont, Inc.		
MVT	Legal Services Law Line of Vermont, Inc.		
VI-1	Legal Services of the Virgin Islands.		
VA-1	Legal Services of Northern Virginia, Inc.		
VA-2	Charlottesville-Albemarle Legal Aid Society.		
VA-3	Rappahannock Legal Services, Inc.		
VA-4	Southwest Virginia Legal Aid Society, Inc.		
VA-5	Peninsula Legal Aid Center, Inc.		
VA-6	Central Virginia Legal Aid Society, Inc.		
VA-7	Legal Aid Society of New River Valley, Inc.		
VA-8	Legal Aid Society of Roanoke Valley.		
VA-9	Tidewater Legal Aid Society.		
VA-10	Virginia Legal Aid Society, Inc.		
VA-11	Southside Virginia Legal Services, Inc.		
VA-12	Blue Ridge Legal Services, Inc.		
VA-13	Client Centered Legal Services of Southwest Virginia, Inc.		
MVA	Peninsula Legal Aid Center, Inc.		
WA-1	Northwest Justice Project.		
NWA-1	Northwest Justice Project.		
MWA	Northwest Justice Project.		
WV-1	Appalachian Research and Defense Fund, Inc.		
WV-2	Legal Aid Society of Charleston.		
WV-3	West Virginia Legal Services Plan, Inc.		
MWV	West Virginia Legal Services Plan, Inc.		
WI-1	Legal Action of Wisconsin, Inc.		
WI-2	Wisconsin Judicare, Inc.		

These grants and contracts will be awarded under the authority conferred on LSC by the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(a)(1)). Awards will be made so that each service area indicated is served by one of the organizations listed above, although none of the listed organizations are guaranteed an award or contract. This public notice is issued pursuant to the LSC Act (42 U.S.C. 2996f(f)), with a request for comments and recommendations concerning the potential grantees within a period of thirty (30) days from the date of publication of this notice. Grants will become effective and grant funds will be distributed on or about January 1, 1997.

Date Issued: October 24, 1996.

Merceria L. Ludgood,
Deputy Director, Office of Program Operations.

[FR Doc. 96-27734 Filed 10-28-96; 8:45 am]

BILLING CODE 7050-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-23, issued to Carolina Power & Light Company (CP&L or the licensee) for operation of the H.B. Robinson Steam Electric Plant, Unit No. 2 (HBR), located in Darlington County, South Carolina.

The proposed amendments, requested by the licensee in a letter dated August 27, 1996, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. NUREG-1431 was developed through working groups composed of NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors of July 22, 1993, to the current HBR TS, and, using NUREG-1431 as a basis, developed a proposed set of improved TS for HBR. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG-1431 and do not involve technical changes to the existing TS. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information that must be supplied on a plant-specific basis, and that may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified

in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in that portion of their August 27, 1996, application titled "Application of Selection Criteria to the H.B. Robinson Steam Electric Plant, Unit No. 2 Technical Specifications, in Enclosure 3 of the submittal. The affected structures, systems components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems components or variables will be relocated from the TS to administratively controlled documents such as the Final Safety Analysis Report (FSAR), the BASES, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), plant procedures, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems and components described in the safety analyses. For each requirement in the current HBR TS that is more restrictive than the corresponding requirement in NUREG-1431 that the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that

have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the improved Standard Technical Specifications. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and thus provides a basis for these revised TS or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive and less restrictive changes to the requirements of the current TS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the changes described above, the licensee proposed certain changes to the existing technical specifications that deviated from the standard technical specifications in NUREG-1431. The licensee provided a justification for differences between the proposed Improved Technical Specifications (ITS) for HBR and the Improved Standard Technical Specifications (ISTS) in NUREG-1431.

Section 3.4.12 in NUREG-1431 has the standard TS on the Low Temperature Overpressure Protection (LTOP) System. The licensee has performed a reanalysis of overpressurization events in Mode 4 (hot shutdown) and is proposing to revise the current licensing basis for this postulated event. The reanalysis is described in Enclosure 5 of the licensee's August 27, 1996 submittal along with the proposed TS.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 29, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10

CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific

sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mark Reinhart, Acting Director, Project Directorate II-1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 27, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland, this 22nd day of October, 1996.

For the Nuclear Regulatory Commission,
Bartholomew C. Buckley,

*Acting Director, Project Directorate II-1,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 96-27692 Filed 10-28-96; 8:45 am]

BILLING CODE 7590-01-P

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 88th meeting on November 12 and 13, 1996, Room T-2B3, at 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Wednesday, December 6, 1995 (60 FR 62485).

The entire meeting will be open to public attendance. The schedule for this meeting is as follows:

Tuesday, November 12, 1996—8:30

A.M. until 6:00 P.M.

Wednesday, November 13, 1996—8:30

A.M. until 4:00 P.M.

During this meeting, the Committee plans to consider the following:

A. *Planning Session*—The ACNW will conduct a planning session during which the Committee will discuss the conduct of Committee activities, procedures and operations, and priorities for ACNW tasks. The Committee will not formulate advice for the Commission during this session.

B. *Preparation of ACNW Reports*—The Committee will discuss proposed reports, including: (1) radionuclide transport at Yucca Mountain, (2) specification of a critical group and reference biosphere to be used in the performance assessment for a nuclear waste disposal facility, (3) consideration of coupled processes (thermal-mechanical-hydrological-chemical) in the design of a high-level waste repository, (4) time of compliance in high- and low-level waste disposal, (5) comments on selected NRC Strategic Assessment and Rebaselining Decision Setting Issue papers, (6) shallow land

burials licensed under the former 10 CFR 20.304 and 20.302 requirements, and (7) ACNW Priority Issues.

C. *Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards*—The Director will discuss items of current interest related to the Division of Waste Management programs including: progress at the Yucca Mountain site, the status of the EPA work on the development of revised Yucca Mountain high-level waste disposal standards, and NRC's high-level waste regulations.

D. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

E. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on October 8, 1996 (61 FR 52814). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Major as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements

and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415-7366), between 8:00 A.M. and 5:00 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303-9672; the local direct dial number is 703-321-3339.

Dated: October 23, 1996.

Andrew L. Bates,

Advisory Committee Management Office.

[FR Doc. 96-27693 Filed 10-28-96; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting Notice

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of October 28, 1996.

A closed meeting will be held on Thursday, October 31, 1996, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, October 31, 1996, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Opinions.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942-7070.

Dated: October 24, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96-27809 Filed 10-25-96; 11:13 am]

BILLING CODE 8010-01-M

[Release No. 34-37852; File No. SR-CBOE-96-47]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Permitting a Subject of an Exchange Investigation To Submit a Videotaped Response in Lieu of or in Addition to a Written Response

October 22, 1996.

I. Introduction

On July 10, 1996, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder.² The rule change amends CBOE Rules to permit the subject of an Exchange investigation to submit a videotaped presentation to the Exchange's Business Conduct Committee in response to Exchange staff's notice given pursuant to Rule 17.2(d).

Notice of the proposed rule change, together with the substance of the proposal, was provided by issuance of a release (Securities Exchange Act Release No. 37646, September 5, 1996) and by publication in the Federal Register (61 FR 48181, September 12, 1996). No comments were received. This order approves the proposed rule change.

II. Description of the Proposal

The rule change approved today permits the subject of an Exchange investigation to submit a videotaped presentation to the Business Conduct Committee ("BCC") in response to Exchange staff's notice given pursuant to Rule 17.2(d). That notice describes the general nature of allegations against a Subject of the Exchange investigation ("Subject"), and the specific rules that appear to have been violated. This videotaped presentation may be submitted to the BCC in lieu of or in addition to submitting a written statement as permitted by Rule 17.2(d).

Under existing Rule 17.2, if, after conducting an investigation, Exchange staff finds that there are reasonable

grounds to believe that a rule violation has been committed, the Exchange staff submits a written report to the BCC.³ Prior to submitting the report to the BCC, the Exchange staff notifies the Subject of the general nature of the allegations and the specific provisions of the rules or regulations that appear to have been violated.

Pursuant to Rule 17.2(d), except when the BCC determines that expeditious action is required, the Subject then has fifteen (15) days from the date of the Exchange staff's notice to submit a written statement to the BCC explaining why no disciplinary action should be taken. The rule change permits the Subject's statement to be made in a videotaped format instead of or in addition to submitting a written response.

The Exchange stated that it decided to propose this change because a number of members have indicated that they would be more comfortable presenting their positions orally, rather than attempting to draft persuasive response letters. The Exchange also stated that it believes that permitting a Subject of an investigation to respond on videotape, which could then be viewed by BCC members at their convenience, would be beneficial to the BCC and the Subject.

III. Conclusion

The Commission finds that the rule change is consistent with the provisions of Section 6(b)(7) of the Act. The rule change is designed to improve the speed, fairness, and efficiency of disciplinary hearings by providing Subjects added flexibility to determine the format of statements permitted under Rule 17.2(d) that they believe will best serve their interests, thereby promoting a fair procedure for the disciplining of members and persons associated with members.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR-CBOE-96-47 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-27694 Filed 10-28-96; 8:45 am]

BILLING CODE 8010-01-M

³ Exchange staff may draft and submit a report to the BCC if it finds that there are not reasonable grounds to believe a violation has been committed; however, such a report is not required under Exchange rules.

⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

SMALL BUSINESS ADMINISTRATION**[Declaration of Disaster Loan Area #2894]****North Carolina; Declaration of Disaster Loan Area (Amendment #3)**

In accordance with notices from the Federal Emergency Management Agency, effective October 18, 1996, the above-numbered Declaration is hereby amended to include Chowan and Davidson Counties in the State of North Carolina as a disaster area due to damage caused by Hurricane Fran beginning on September 5, 1996 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Davie, Rowan, and Perquimans may be filed until the specified date at the previously designated location. All other counties contiguous to the above-named counties have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is November 4, 1996, and for loans for economic injury the deadline is June 6, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 22, 1996.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 96-27642 Filed 10-28-96; 8:45 am]

BILLING CODE 8025-01-P

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Order of the United States District Court for the Western District of Oklahoma, dated September 18, 1996, the United States Small Business Administration hereby revokes the license of Oklahoma Capital Corporation, an Oklahoma corporation, to function as a small business investment company under the Small Business Investment Company License No. 06/06-0178 issued to Oklahoma Capital Corporation on September 10, 1975 and reissued November 20, 1978 and said license is hereby declared null and void as of September 18, 1996.

Dated: October 17, 1996.

United States Small Business Administration
Don A. Christensen,
Associate Administrator for Investment.

[FR Doc. 96-27641 Filed 10-28-96; 8:45 am]

BILLING CODE 8025-01-P

TRADE AND DEVELOPMENT AGENCY**SES Performance Review Board**

AGENCY: Trade and Development Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the Trade and Development Agency's Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Deirdre E. Curley, Assistant Director for Management, Trade and Development Agency, State Annex—16, Room 309, Washington, D.C. 20523-1602, (703) 875-4357.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5), U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The following have been selected as acting members of the Performance Review Board of the Trade and Development Agency: Arnold Haiman, Assistant General Counsel for Ethics and Administration, Office of the General Counsel, Agency for International Development; Mary Anne O'Sullivan, Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development; and Margaret Thome, Director of the Office of Management Operations, Agency for International Development.

Dated: October 21, 1996.

Deirdre E. Curley,

Assistant Director for Management.

[FR Doc. 96-27623 Filed 10-28-96; 8:45 am]

BILLING CODE 8040-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****[CGD 96-056]****Agency Information Collection Activities Under OMB Review**

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act, the U.S. Coast Guard announces six Information Collection Requests (ICR) for renewal and one new ICR. These ICRs include:

1. Boating Accident Report; 2. Certificate of Discharge to Merchant Mariners; 3. Report of Oil or Hazardous Substance Discharge; 4. Plan Approval and Records for Marine Engineering Systems; 5. Benzene; 6. Vessel Identification System (VIS); and 7. Application for Use of U.S. Coast Guard Telecommunications Facilities. Before submitting the ICR packages to the Office of Management and Budget (OMB), the U.S. Coast Guard is soliciting comments on specific aspects of the collections as described below.

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

ADDRESSES: Comments may be mailed to Commandant (G-SII-2), U.S. Coast Guard Headquarters, Room 6106 (Attn: Barbara Davis), 2100 Second St. SW, Washington, DC 20593-0001, or may be hand delivered to the same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-2326. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, U.S. Coast Guard, Office of Information Management, telephone (202) 267-2326.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The U.S. Coast Guard encourages interested persons to submit written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this Notice and the specific ICR to which each comment applies, and give reasons for each comment. The U.S. Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

Interested persons can receive copies of the complete ICR by contacting Ms. Davis where indicated under **ADDRESSES**.

Information Collection Requests

1. *Title:* Boating accident Report.
OMB No.: 2115-0010.

Summary: The collection of information requires operators of recreational boats that are involved in an accident to notify the nearest reporting authority of the accident and

submit a casualty or accident report to that authority.

Need: Title 46 U.S.C. 6102(a) requires the establishment of a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a State to compile and submit to the Coast Guard; reports, information and statistics on casualties that are reported to the State.

Respondents: Operators of recreational boats.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4,000 hours annually.

2. Title: Certificate of Discharge to Merchant Mariners.

OMB No.: 2115-0042.

Summary: This collection of information requires a master or mate of a shipping company to submit information on merchant mariners to the U.S. Coast Guard that: (1) establishes their sea service time; (2) sets forth their qualifications for their original or upgrading their existing credentials; and (3) sets forth their qualifications for retirement or insurance benefits.

Need: Under Title 46 USC 10311, the information collected is used to show eligibility for merchant mariners documents and to provide information to the Maritime Administration on the availability of mariners in a time of National emergency.

Respondents: Masters or Mates of Shipping Companies and Merchant Mariners.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4,500 hours annually.

Title: Report of Oil or Hazardous Substance Discharge.

OMB No.: 2115-0137.

Summary: The collection of information requires any person in charge of a vessel or an onshore or offshore facility to report to the National Response Center, as soon as they have knowledge of, any discharge of oil or hazardous substance by telephone, radio, telecommunication or a similar means of rapid communication.

Need: Title 49 CFR 171.15, 33 CFR 153.203 and 40 CFR 264, has mandated that the National Response Center be the central place to report all pollution spills by the public.

Respondents: Persons in charge of a vessel or onshore/offshore facility.

Frequency: On occasion.

Burden: The estimated burden is 32,832 hours annually.

4. Title: 46 CFR Subchapter F—Plan Approval and Records for Marine Engineering Systems.

OMB No.: 2115-0142.

Summary: The collection of information requires owners or builders of commercial vessels to submit to the U.S. Coast Guard for review and approval, plans pertaining to the marine engineering system prior to construction to ensure that the vessel, if built in accordance with the plans, will meet the regulatory standards.

Need: Under 46 U.S.C. 3306, 46 U.S.C. 8105, and 49 CFR 1.46, the U.S. Coast Guard has promulgated safety regulations for the marine engineering systems on board commercial vessels to ensure that safety standards are met.

Respondents: Owners and builders of commercial vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 3727 hours annually.

5. Title: Benzene.

OMB No.: 2115-0586.

Summary: The collection of information requires owners of U.S. Coast Guard inspected vessels, including tank ships and barges that transport benzene (except vessels of foreign registry) to: (1) test and monitor those vessels for benzene vapor; (2) provide medical surveillance, training and other protective measure for those employees exposed to benzene vapor in excess of the action level; and (3) keep records to show that they have met each requirement.

Need: Under 46 U.S.C. 3703 and 49 CFR 1.46 the Coast Guard is authorized to issue regulations dealing with the handling and storage of cargo and the protection of life and property in the marine area.

Respondents: Owners of inspected vessels, tank ships and barges.

Frequency: As required.

Burden Estimate: The estimated burden is 59,755 hours annually.

6. Title: Vessel Identification System (VIS).

OMB No.: 2115-0607.

Summary: The collection of information requires States and U.S. Territories, who wish to participate, to provide data on State numbered and titled recreational vessels to a central database known as the "Vessel Identification System" (VIS) which is maintained by the U.S. Coast Guard.

Need: Under Title 46 U.S.C. Chapters 121, 123, 125 and 33 CFR, Part 187, the U.S. Coast Guard has established a national vessel identification system for State numbered and titled vessels to be used by State and Federal agencies and local law enforcement.

Respondents: State agencies and U.S. Territories.

Frequency: Daily (automatic computer driven upload of data).

Burden Estimate: The estimated burden is 2,057 hours annually.

7. Title: Application For Use of U.S. Coast Guard Telecommunications Facilities.

OMB No.: 2115-New.

Summary: The collection of information requires respondents desiring to place commercial antennas on Coast Guard facilities to provide technical data, on a four part form, that will be used to evaluate the electromagnetic effects of these antennas on the environment.

Need: The Telecommunications Act of 1996, Section 704(c), directs the President or his designee to prescribe procedures by which Federal departments and agencies may make available property, rights-of-way, and easements under their control, on a fair, reasonable, and nondiscriminatory basis.

Respondent: Commercial Mobile Telecommunications Service applicants.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4000 hours annually.

Dated: October 24, 1996.

J. T. Tozzi,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

[FR Doc. 96-27702 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

[FHWA Docket No. MC-96-40]

Motor Carrier Regulatory Relief and Safety Demonstration Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental notice; request for comments.

SUMMARY: The FHWA is inviting comment on the issue of Federal preemption of State motor carrier laws or regulations as they may relate to the proposed Motor Carrier Regulatory Relief and Safety Demonstration Project (the Project). The Project itself was originally proposed, and comment thereon sought, by a notice dated August 28, 1996 (61 FR 44385). The Project would allow motor carriers operating certain commercial motor vehicles (CMVs) in interstate commerce to qualify for exemption from certain Federal Motor Carrier Safety Regulations (FMCSRs) for a three year period.

DATES: Written comments pursuant to this notice must be received on or before November 29, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC-96-40, Room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., Office of Motor Carrier Research and Standards, (202) 366-4009, or Ms. Grace Reidy, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, DOT, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On November 28, 1995, the President signed the National Highway System Designation Act (Pub. L. 104-59, 109 Stat. 568 (1995)(NHS Act)). Section 344 of the NHS Act, now codified at 49 U.S.C. 31136, mandated that the FHWA implement a pilot program for motor carriers operating CMVs with a gross vehicle weight rating between 10,001 and 26,000 pounds in interstate commerce to qualify for exemption from certain of the FMCSRs (49 CFR Part 350 *et seq.*). Notice was given on August 28, 1996, proposing the Motor Carrier Regulatory Relief and Safety Demonstration Project, and seeking comment thereon. The comment period closed on September 27, 1996; a notice of final determination will be published as soon as practicable.

Docket comments received concerning the Project raised the issue of the relation between this Project and the existing motor carrier regulations of the States, and the potential use of Federal preemption to resolve any conflicts between the Federal and State provisions. This notice solicits further public comment upon this issue.

Section 31141 of Title 49, United States Code, provides the Secretary with the authority to preempt a State law or regulation that is less stringent than a regulation issued pursuant to 49 U.S.C. 31136. A State law or regulation that is additional to or more stringent than a Federal statute may also be preempted if the Secretary determines that it has no safety benefit, is incompatible with the regulations prescribed by the Secretary, or that enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

In its August 28, 1996, notice, the FHWA stated that it is seeking to implement the Project in partnership with the States. Some commenters have

asserted that relief from the enforcement of Federal rules will have little value to participating motor carriers without relief from similar State laws or regulations. Accordingly, the FHWA requests comments, particularly from the various States, from the highway safety community, and from the motor carrier industry, on the need for, and the extent of, any Federal preemption of State laws to ensure that the Project is effectively and efficiently executed.

As stressed in the notice of August 28, 1996, notwithstanding the FHWA's preemption authority, it is FHWA's stated intent to implement this Project in a cooperative manner with the States. This Project is designed to minimize the disruption to the States and motor carriers, and to facilitate an examination of the effect of performance-based standards on a group of motor carriers while continuing to assure a high level of highway safety. With the cooperation of FHWA's State partners, this Project could provide data which will serve as the foundation for a new regulatory scheme which advances the public safety interests of the FHWA and the States effectively and efficiently.

(49 U.S.C. 31136 and 31141; 49 CFR 1.48)

Issued on: October 23, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96-27748 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-22-P

National Highway Traffic Safety Administration

[Docket No. 96-110; Notice 1]

Cosco, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Cosco, Inc. (Cosco), of Columbus, Indiana, has manufactured and distributed add-on child restraint systems that fail to conform to the requirements of 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Cosco has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118(d) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

In FMVSS No. 213, Paragraph 5.2.3.2 states that "each system surface, * * * which is contactable by the dummy head when the system is tested in accordance with Section 6.1, shall be covered with slow recovery, energy absorbing material with the following characteristics:

"(a) A 25 percent compression-deflection resistance of not less than 0.5 and not more than 10 pounds per square inch when tested in accordance with S6.3

"(b) A thickness of not less than 1/2 inch for materials having a 25 percent compression-deflection resistance of not less than 1.8 and not more than 10 pounds per square inch when tested in accordance with S6.3. Materials having a 25 percent compression-deflection resistance of less than 1.8 pounds per square inch shall have a thickness of not less than 3/4 inch."

Cosco's description of the noncompliance follows: Cosco has determined that a limited number of Grand Explorer booster seats, Cosco model 02-424 GDM and 02-424-OXF manufactured during certain weeks of May/June, 1996, contain foam in the barrier pad that does not meet the requirements of FMVSS No. 213.

The barrier pad on a production unit of the Grand Explorer did not meet Paragraph 5.2.3.2 in that it appeared to be less dense and have less compression-deflection resistance than required by the Standard. Cosco has determined that 7,004 noncomplying units were shipped to retailers of vehicles, 2,711 units were returned. The balance of 4,293 units that have not been returned are presumed to have been sold to consumers.

Cosco stated that, in anticipation of amendments to FMVSS No. 213 adding new test dummies and different dynamic test parameters, it [Cosco] developed a new booster child restraint system known as the Grand Explorer. This model has a removable shield of slightly different design than the original Explorer. When the shield is removed, the Grand Explorer serves as a belt positioning booster seat. Production of the Grand Explorer began in January 1996.

When the Grand Explorer with the shield was dynamically tested using the three year old test dummy, the head of the dummy contacted the shield's surface. Cosco then specified that the foam in the pad for the Grand Explorer comply with FMVSS 213 S. 5.2.3.2 (b), that is foam having a 25 percent compression-deflection resistance of between 0.5 and 1.8 pounds per square inch with a thickness of not less than 3/4 inch. Cosco specified that the foam for

the seat pad of the Grand Explorer, which is not required to comply with this standard, be of a less dense material. The dimensions of the seat pad foam are very close to the dimensions of the barrier pad foam.

On June 6, 1996, Cosco Product Development employees, while evaluating the barrier pad on a production unit of the Grand Explorer, discovered that the foam did not meet paragraph 5.2.3.2, in that it appeared to be less dense and have less compression-deflection resistance than required by that paragraph. All shipments of the Grand Explorer were immediately suspended and all production red-tagged to identify potentially noncomplying units. On June 7, 1996, it was confirmed that some barrier pads for two SKU's of the Grand Explorer that were supplied by one vendor did not comply with this section of FMVSS 213 and that some of the Grand Explorers had been shipped to certain retailers.

Cosco promptly notified all retailers which had received the potentially noncomplying product and arrangements were made for their return. All returned units were inspected and noncomplying units were counted and segregated for rework. All

affected units in Cosco's inventory were red-tagged, and inspected and those units with the noncomplying pads were reworked. All barrier pads in inventory were red-tagged, inspected and reworked as necessary. The return and rework program was completed on July 27, 1996. On July 31, 1996, Cosco submitted its final Defect Information Report relative to this matter which identified two SKU's of the Grand Explorer which were involved.

Cosco supported its application for inconsequentiality of the noncompliance with the following:

"1. Dynamic test results measuring Head Injury Criteria (HIC) are equal for Grand Explorer units tested with noncomplying and complying barrier foam.

"2. The total of 4,293 noncomplying Grand Explorer booster seats in the hands of consumers are insignificant when compared to the total number of all models of Explorers sold since 1990. A notification and remedy program involving such a proportionately small number of units will cast doubt on the performance and effectiveness of millions of proven child restraints that have been used successfully for many years, potentially resulting in significant nonuse of an effective child restraint."

A detailed discussion of Cosco's arguments in support of this petition follows:

"In testing initial production units of the Grand Explorer with the three year old dummy in the shield configuration with barrier pad foam in compliance with S5.2.3.2 (b), Cosco obtained acceptable HIC results.

"When evaluating the effect of the subject noncompliance on motor vehicle safety, engineers at Cosco were interested in determining what difference, if any, in HIC results would be obtained with the noncomplying foam in the barrier pad. A series of sled tests were performed at Calspan on August 16, 1996, as requested by Cosco.

"Four sled tests were performed. For test 11675, two units were run during the same test, one unit with a complying barrier foam pad and one unit with a noncomplying barrier foam pad. For test 11676, two units, one complying and one noncomplying were again run, with the location of the units switched to compare any difference with the location of the child restraint on the seat bench. Tests 11677 and 11678 were each run with one unit with a noncomplying barrier pad in the center of the test bench. The test results are summarized on the following page:

AUGUST 9, 1996, TEST PLAN—CALSPAN TEST

	Test No.	Test dummy (years)	Test description	Velocity	Pulse	HIC	CR
1167-5	1N	3	With Shield, Lap Belt Only 1.8 Density Foam Padding	28.2	Std. 213	673	39.7
1167-5	1S	3	With Shield, Lap Belt Only 1.2 Density Foam Padding	28.2	Std. 213	569	35.8
1167-6	2N	3	With Shield, Lap Belt Only 1.2 Density Foam Padding	28.4	Std. 213	717	42.7
1167-6	2S	3	With Shield, Lap Belt Only 1.8 Density Foam Padding	28.4	Std. 213	549	38.8
1167-7	3	3	With Shield, Lap Belt Only 1.2 Density Foam Padding	28.3	Std. 213	856	42.5
1167-8	4	3	With Shield, Lap Belt Only 1.2 Density Foam Padding	28.4	Std. 213	828	43.1

"When evaluating the results of tests 11675 and 11676, there is no statistical difference between the complying versus noncomplying units when run on the same position on the test bench in the two tests. The complying unit in the southern position had a HIC result of 549, while the noncomplying unit in the same position had a HIC result of 569. The noncomplying unit in the north position had a HIC result of 717 while the complying unit in the same position had a HIC result of 673.

"In tests 11677 and 11678, the HIC results of 856 and 828, respectively, are consistent with and not statistically different than the HIC results of Calspan tests 11276 and 11277, which were 836 and 856, respectively. These tests conclusively establish that the difference between the noncomplying

and complying foam in the barrier pads of the Grand Explorer has no statistically significant effect on the key dynamic measurement of head injury potential for child restraints, and is thus inconsequential as it relates to motor vehicle safety.

"The number of units of the noncomplying grand explorer sold to consumers is insignificant when all circumstances are considered. Since 1990, Cosco has sold 3,051,003 units of the original Explorer. Since beginning production in January 1996, Cosco has shipped 144,453 units of the Grand Explorer. The maximum number of Grand Explorers with the noncomplying barrier pad foam that could have been sold to consumers is 4,293 units."

In conclusion, Cosco submits that a reasonable evaluation of all of the facts

surrounding this noncompliance results in the conclusion that no practical safety issue exists and that the limited number of noncomplying child restraints in the hands of consumers poses absolutely no safety risks to the public. The fact that no actual safety risks to the public exists as a result of this technical noncompliance establishes conclusively this noncompliance is inconsequential.

Interested persons are invited to submit written data, views, and arguments on the application of Cosco, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, D.C., 20590. It is requested

but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: November 29, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: October 23, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-27679 Filed 10-28-96; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on two information collections that are due for renewed approval by the Office of Management and Budget. The Office of International Financial Analysis within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BL-2/BL-2(SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Payable in Dollars; and Treasury International Capital Form BQ-2, Part 1: Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Banks, Broker or Dealer, Currencies.

DATES: Written comments should be received on or before December 30, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Gary A. Lee, Manager, Treasury International Capital Reporting System, Department of the Treasury, Room 5464, 1500 Pennsylvania Avenue NW, Washington DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Gary A. Lee, Manager, Treasury International Capital

Reporting System, Department of the Treasury, Room 5464, 1500 Pennsylvania Avenue NW, Washington DC 20220, (202) 622-2270.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BL-2/BL-2 (SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Payable in Dollars; and Treasury International Capital Form BQ-2, Part 1: Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Foreign Currencies.

OMB Numbers: 1505-0018 and 1505-0020.

Abstracts: Forms BL-2/BL-2(SA) and BQ-2 are required by law (22 U.S.C. 286f; 22 U.S.C. 3103; EO 10033; 31 CFR 128) and are designed to collect timely information on international portfolio capital movements. Form BL-2 is a monthly report (with a semiannual supplement) that covers the U.S. dollar custody liabilities of banks, other depository institutions, brokers and dealers, *vis-à-vis* foreign residents. Form BQ-2 is a quarterly report that covers the liabilities to and claims on foreigners of banks, brokers and dealers, and the custody claims on foreigners of banks, brokers and dealers, that are payable in foreign currencies. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for use in formulating U.S. international financial and monetary policies.

Current Actions: No changes to reporting requirements for either form are proposed at this time.

Type of Review: Extensions.

Affected Public: Business or other for-profit.

Form BL-2/BL-2(SA) (1505-0018)

Estimated Number of Respondents: 150.

Estimated Average Time per Respondent: Five (5) hours per respondent per filing.

Estimated Total Annual Burden Hours: 9,000 hours, based on twelve reporting periods per year.

Form BQ-2 (1505-0020)

Estimated Number of Respondents: 290.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 4,640 hours, based on four reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Forms BL-2/BL-2(SA) and BQ-2 are necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dated: October 23, 1996.

Thomas Ashby McCown,
Director, Office of International Financial Analysis.

[FR Doc. 96-27643 Filed 10-28-96; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TREASURY

Customs Service

Performance Review Board—Appointment of Members

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

ACTION: General notice.

SUMMARY: This Notice announces the appointment of the members of the United States Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executives' performance appraisals and make recommendations regarding performance appraisals and performance awards.

EFFECTIVE DATE: October 20, 1996.

FOR FURTHER INFORMATION, CONTACT: Bob Smith, Director, Office of Personnel, Office of Human Resources Management, United States Customs Service, Post Office Box 66008, Washington, DC 20035; telephone (202) 634-5270.

Background

There are two (2) PRB's in the U.S. Customs Service.

Performance Review Board 1

The purpose of this Board is to review the performance appraisals of senior

executives rated by the Commissioner or Deputy Commissioner of Customs. The members are:

John C. Doohar, Director, Washington Center, Federal Law Enforcement Training Center General Office
John W. Mangels, Associate Director, Office of Management/CFO, Financial Crimes Enforcement Network
Patrick R. Schambach, Chief, Information Resources Management Division, U.S. Secret Service
Michael T. Smokovich, Deputy Commissioner, Financial Management Service
Jane L. Sullivan, Director, Information Resources Management, Department of the Treasury

Performance Review Board 2

The purpose of this Board is to review the performance appraisals of all senior executives except those rated by the Commissioner or Deputy Commissioner of Customs. All are Assistant Commissioners of the U.S. Customs Service. The members are:

Assistant Commissioners
Walter B. Biondi, Office of Investigations
Douglas M. Browning, Office of International Affairs
Vincette L. Goerl, Office of Finance
Edward F. Kwas, Office of Information and Technology

Stuart P. Seidel, Office of Regulations and Rulings

Deborah J. Spero, Office of Human Resources Management

Robert S. Trotter, Office of Field Operations

Homer J. Williams, Office of Internal Affairs

Charles W. Winwood, Office of Strategic Trade

Dated: October 23, 1996.

George J. Weise,

Commissioner of Customs.

[FR Doc. 96-27626 Filed 10-28-96; 8:45 am]

BILLING CODE 4820-02-P

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

7 CFR Part 92

[Docket Number S&TD-96-004]

Removal of Selected Regulations

Correction

In rule document 96-24664 beginning on page 51349 in the issue of Wednesday, October 2, 1996, make the following correction:

PART 92—[CORRECTED]

On page 51350, in the third column, in amendatory instruction 2. to part 92, in the fifth and sixth lines, “Science and Technology’s” should read “Science and Technology Division’s”.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT97-3-000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

Correction

In notice document 96-26545 appearing on page 54183 in the issue of Thursday, October 17, 1996 make the following correction:

In the second column, the docket heading should read as set forth above.

BILLING CODE 1505-01-D

FEDERAL TRADE COMMISSION

16 CFR Parts 306 and 460

Debt Collection Improvement Act of 1996

Correction

In rule document 96-26495 beginning on page 54548 in the issue of Monday, October 21, 1996, make the following corrections:

§ 306.1 [Corrected]

1. On page 54549, in the second column, in § 306.1, in the third line, insert “)” after “chapter”.

§ 460.1 [Corrected]

2. On page 54549, in the third column, in § 460.1, in the first line at the top, insert “)” after “chapter”.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-010-06-2822-00-F284]

Eighth Street Fire in Ada County, ID; Emergency Closure

Correction

In notice document 96-25565 beginning on page 52457 in the issue of Monday, October 7, 1996 make the following correction:

On page 52458, in the first column, under **EFFECTIVE DATE**, in the last line “1988” should read “1998”.

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 274a

[INS No. 1738-95]

RIN 1115-AE21

Employer Sanctions Modifications; Warning Notices; Generation of Blank Employment Eligibility Verification Forms (Forms I-9)

Correction

In rule document 96-25659 beginning on page 52235 in the issue of Monday, October 7, 1996 make the following correction:

On page 52235, in the first column, in the **DATES** section, in the last line “November 6, 1996” is corrected to read “December 6, 1996”.

BILLING CODE 1505-01-D

Environmental
Protection Agency
Federal Register

Tuesday
October 29, 1996

Part II

Environmental Protection Agency

40 CFR Part 63

Aerospace Manufacturing and Rework
Facilities; National Emissions Standards;
Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5636-1]

RIN 2060-AG65

National Emission Standards for Hazardous Air Pollutants and Control Techniques Guideline Document; Aerospace Manufacturing and Rework Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed amendments to final rule and release of draft control techniques guideline (CTG) document for public review.

SUMMARY: This action proposes several amendments to the national emission standards for hazardous air pollutants (NESHAP) for aerospace manufacturing and rework facilities promulgated in the Federal Register on September 1, 1995 (60 FR 45948). This action proposes corrections to several references in the rule; revisions and additions to definitions; clarification of the applicability of the cleaning operations standards; clarification of the applicability of the rule to space vehicles; addition of standards for Type I chemical milling maskants; revision of standards for new and existing sources using dry particulate filters to control emissions from topcoat and primer application and depainting operations; addition of a test method for determining the filtration efficiency of dry particulate filters; addition of an exemption for certain water-reducible coatings; addition of an essential use exemption for cleaning solvents; clarification of compliance dates; clarification of the applicability of new source MACT to spray booth standards; clarification of the requirements for new and existing primer and topcoat application operations; clarification of monitoring requirements for dry particulate filter usage; addition of appendix A to this subpart containing definitions for specialty coatings; and addition of a cross reference to requirements in the General Provisions in subpart A of part 63.

In addition, today's document announces the availability of a draft CTG document for control of volatile organic compound (VOC) emissions from aerospace manufacturing and rework facilities for public review and comment. This document has been prepared to assist States in analyzing and determining reasonably available control technology (RACT) for

stationary sources of VOC emissions located within ozone national ambient air quality standard nonattainment areas.

DATES: *Comments.* Comments on these proposed changes and on the CTG must be received on or before December 30, 1996.

ADDRESSES: *Comments.* Interested parties may submit written comments (in duplicate, if possible) on the proposed changes to the NESHAP to: Air and Radiation Docket and Information Center (6102), (LE-131), Attention, Docket No. A-92-20, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments on the proposed changes to the NESHAP may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments regarding the draft CTG to Mr. James Szykman, Policy Planning and Standards Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

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 diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A-92-20. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Docket. Docket No. A-92-20, containing the proposed regulatory text, proposed Method 319, and other materials related to this rulemaking used in developing the NESHAP, is available for public inspection and copying between 8:30 a.m. to noon, and from 1 and 3 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, 401 M Street, SW., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying. The docket for the CTG is available for public inspection and copying at the Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

Control Techniques Guideline

Copies of the draft CTG may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, NC 27711; telephone (919) 541-2777.

The proposed amendments, proposed Method 319, and CTG also are available

on the Technology Transfer Network (TTN), one of EPA's electronic bulletin boards. The service is free, except for the cost of a phone call. Dial (919) 541-5742 with a modem of up 14,400 baud per second (BPS). If more information on the TTN is needed, call the HELP line at (919) 541-5384.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards or the CTG, contact Mr. James Szykman, Policy Planning and Standards Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541-2452.

SUPPLEMENTARY INFORMATION:

Regulated Entities.

Entities potentially regulated by this action are owners or operators of facilities that are engaged, either in part or in whole, in the manufacturing or rework of commercial, civil, or military aerospace vehicles or components and that are major sources as defined in § 63.2. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities which are major sources of hazardous air pollutants and manufacture, rework, or repair aircraft such as airplanes, helicopters, missiles, rockets, and space vehicles.
Federal Government.	Federal facilities which are major sources of hazardous air pollutants and manufacture, rework, or repair aircraft such as airplanes, helicopters, missiles, rockets, and space vehicles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in § 63.741 of the NESHAP for aerospace manufacturing and rework facilities promulgated in the Federal Register on September 1, 1995 (60 FR 45948).

The information presented below is organized as follows:

- I. Background
- II. Summary of and Rationale for Rule Changes
 - A. Corrections to References
 - B. Definitions
 - C. Cleaning Operations
 - D. Applicability to Space Vehicles
 - E. Standards for Type I Maskants

F. Test Method for Determining Filtration Efficiency
 G. Standards for Dry Particulate Filters
 H. Exemption for Waterborne Coatings
 I. Essential Use Exemption for Cleaning Solvents
 J. Compliance Dates
 K. Requirements for New Affected Sources (Spray Booths)
 L. Requirements for New and Existing Primer and Topcoat Application Operations
 M. Monitoring Requirements for Dry Particulate Filter Usage
 N. Depainting Operations
 O. Applicability of General Provisions
 III. Control Techniques Guideline
 IV. Administrative Requirements
 A. Docket
 B. Paperwork Reduction Act
 C. Executive Order 12866
 D. Regulatory Flexibility Act

E. Regulatory Review
 F. Unfunded Mandates Act

I. Background

National emission standards for hazardous air pollutants for aerospace manufacturing and rework facilities were proposed in the Federal Register on June 6, 1994 (60 FR 29216). Public comments were received regarding the standards and the final NESHAP was promulgated in the Federal Register on September 1, 1995 (60 FR 45948). This action proposes to amend §§ 63.741, 63.742, 63.743, 63.744, 63.745, 63.746, 63.747, 63.749, 63.750, 63.751, 63.752 and 63.753 of subpart GG of 40 CFR part 63. These sections deal with applicability, definitions, general standards, cleaning operations, topcoat

and primer application operations, depainting operations, chemical milling maskant application operations, compliance dates and determinations, test methods and procedures, monitoring requirements, recordkeeping requirements, and reporting requirements.

II. Summary of and Rationale for Proposed Rule Changes

Table 1, Summary of Subpart GG of 40 CFR Part 63—National Emission Standards for Aerospace Manufacturing and Rework Facilities, was included as part of the preamble when the final rule was published in the Federal Register. Because of the many proposed corrections, revisions, and additions to the final rule reflected in this notice,

TABLE 1.—SUMMARY OF SUBPART GG OF 40 CFR PART 63—NATIONAL EMISSION STANDARDS FOR AEROSPACE MANUFACTURING AND REWORK FACILITIES

Affected source	Requirement	Description
Aerospace Facilities	Applicability: General Information	This rule applies to facilities engaged in original equipment manufacture and/or rework of aerospace vehicles components and assemblies and that are major sources as defined in 40 CFR part 63. Specific operations are covered by the rule. (63.741)
	Estimated Number of Facilities ...	Over 2,800 facilities are expected to be affected by the rule. Applicable SIC codes include 3720, 3721, 3724, 3728, 3760, 3761, 3764, 3765, and 4581.
	Permit Requirements	Major sources required to obtain operating permit in State where facility is located according to procedures in 40 CFR part 70 and applicable State regulations. (63.741(d))
All Affected Sources	Standards	1. Comply with § 63.4 through § 63.6 of the General Provisions of 40 CFR part 63, subpart A, except as provided in Table 3. ^a (63.743(a)) 2. Submit a startup, shutdown, and malfunction plan, except for new sources or filter systems operated per manufacturer's instructions. (63.743(b)) 3. Obtain approval to use control device not listed in this subpart. (63.743(c)) 4. Wastes subject to RCRA are exempt from the requirements of this subpart. (63.741(e))
	Compliance Dates	As provided for in the General Provisions, within 3 years after the effective date for existing sources and no later than the standards' effective date or upon startup, as appropriate, for new and reconstructed sources. (63.749(a))
	Test Methods and Procedures	See individual affected sources. Also, comply with § 63.7 of the General Provisions. (63.749 & 63.750)
	Monitoring Requirements	See individual affected sources. Also, generally same as in § 63.8 (f) and (g) of the General Provisions. (63.751 (e) and (f))
	Recordkeeping Requirements	Comply with certain parts of § 63.10 of the General Provisions. (63.752(a))
	Reporting Requirements	1. See individual affected sources. Comply with certain parts of § 63.9 and § 63.10 of the General Provisions, except as specified in). 2. Operating permit application can be used for initial notification. (63.753(a)(2))
	Standards	Housekeeping measures specified for all cleaning operations at a facility subject to this subpart, except as provided in Table 4. Measures address placing cleaning solvent laden cloth or paper in closed containers, storing fresh and used cleaning solvent in closed containers, and minimizing spills during handling and transfer. (63.744(a))
Cleaning Operations	Test Methods and Procedures	See individual affected sources.
	Monitoring Requirements	See individual affected sources.
	Recordkeeping Requirements	The name and vapor pressure of each cleaning solvent, and supporting documentation. (63.752(b)(1))

TABLE 1.—SUMMARY OF SUBPART GG OF 40 CFR PART 63—NATIONAL EMISSION STANDARDS FOR AEROSPACE MANUFACTURING AND REWORK FACILITIES—Continued

Affected source	Requirement	Description
Hand-Wipe Cleaning Operations	Standards	1. Except for spray gun and flush cleaning, all HAP or VOC hand-wipe cleaning solvents must meet a composition requirement, have a vapor pressure less than or equal to 45 mm Hg at 20°C, or meet the requirements specified in an alternative compliance plan administered by the permitting authority and approved under Section 112(l) of the Clean Air Act. (63.744(b)) 2. List of cleaning operations exempt from composition and vapor pressure requirements. (63.744(e))
	Test Methods and Procedures	1. Composition determination through manufacturer's data. (63.750(a)) 2. Vapor pressure determination through readily available sources if single component; ASTM E 260–85 and composite vapor pressure determination procedure for multiple component solvents. (63.750(b))
	Monitoring Requirements	None.
	Recordkeeping Requirements	1. If complying with composition requirements, name, data/calculations, and annual volumes. (63.752(b)(2)) 2. If complying with vapor pressure limit, the name, vapor pressure, data/calculations/test results, and monthly volumes. (63.752(b)(3)) 3. For noncompliant cleaning solvents used in exempt operations, monthly volumes by operation, and master list of processes. (63.752(b)(4))
	Reporting Requirements	<i>Semiannual</i> 1. Noncompliant cleaning solvent usage. (63.753(b)(1)(i)) 2. New cleaning solvents and vapor pressure or composition. (63.753(b)(1)(ii)) 3. Statement certifying everything is in compliance. (63.753(b)(1)(v))
Spray Gun Cleaning	Standards	1. Use one of four specified techniques or an equivalent. (63.744(c)) 2. For enclosed spray gun cleaners, repair as soon as practicable, but within 15 days. (63.744(c)(1)(ii))
	Test Methods and Procedures	None.
	Monitoring Requirements	Visual inspection for leaks at least once per month. (63.751(a))
	Recordkeeping Requirements	Record all leaks, including source identification and dates leaks found and repaired. (63.752(b)(5))
Flush Cleaning	Reporting Requirements	<i>Semiannual</i> 1. Noncompliant spray gun cleaning method used. (63.753(b)(1)(iii)) 2. Leaks of enclosed spray gun cleaners not repaired within 15 days of detection. (63.753(b)(1)(iv)) 3. Statement certifying everything is in compliance. (63.753(b)(1)(v))
	Standards	Operating procedures specify emptying into enclosed container, collection system, or equivalent. (63.744(d))
	Test Methods and Procedures	None.
	Monitoring Requirements	None.
	Recordkeeping Requirements	None.
Primer and Topcoat Application Operations.	Reporting Requirements	<i>Semiannual</i> Statement certifying everything is in compliance. (63.753(b)(1)(v))
	Standards	Minimize spills during handling and transfer. (63.745(b))
		<i>Uncontrolled Primers</i> 1. Organic HAP content limit: 350 g/l (2.9 lb/gal) (less water) as applied. (63.745(c)(1)) 2. VOC content limit: 350 g/l (2.9 lb/gal) (less water and exempt solvents) as applied. (63.745(c)(2)) 3. Achieve compliance through: (1) use coatings below content limits, or (2) use monthly volume-weighted averaging to meet content limits. (63.745(e))
		<i>Uncontrolled Topcoats</i> 4. Organic HAP content limit: 420 g/l (3.5 lb/gal)(less water) as applied. (63.745(c)(3)) 5. VOC content limit: 420 g/l (3.5 lb/gal) (less water and exempt solvents). (63.745(c)(4)). 6. Achieve compliance as in 3. above. (63.745(e))
		<i>Controlled Primers and Topcoats</i> 7. If control system is used, must be designed to capture and control all emissions from the application operation and must achieve an overall control efficiency of at least 81%. (63.745(d)) <i>All Primers and Topcoats</i> 8. Specific application techniques must be used. If alternative is sought, can only be used if emissions are less than or equal to HVLP or electrostatic spray application techniques. (63.745(f)(1)) 9. All application equipment must be operated according to manufacturer's specifications, company procedures, or locally specified operating procedures. (63.745(f)(2))

TABLE 1.—SUMMARY OF SUBPART GG OF 40 CFR PART 63—NATIONAL EMISSION STANDARDS FOR AEROSPACE MANUFACTURING AND REWORK FACILITIES—Continued

Affected source	Requirement	Description
		<p>10. Exemptions from No. 8 above provided for in certain situations. (63.745(f)(3))</p> <p>11. Operating requirements for the application of primers or topcoats that contain inorganic HAP, including control with either particulate filters or waterwash, and shutdown if operated outside manufacturer's specified limits. (63.745(g) (1) through (3))</p> <p>12. Exemptions from No. 11 provided for certain application operations. (63.745(g)(4))</p>
	Performance Test Periods and Tests.	<p>1. For "compliant" coatings: each 30-day period. For "averaged" coatings: each 30-day period. For "controlled" coatings, noncarbon adsorber: three 1-hour runs. For "controlled" coatings, carbon adsorber: each rolling material balance period. (63.749(d)(1))</p> <p>2. Initial performance test for all control devices to demonstrate compliance with overall control efficiency requirement. (63.749(e)(2))</p>
	Test Methods and Procedures	<p>1. Organic HAP level determination procedures. (63.750 (c) and (d))</p> <p>2. VOC level determination procedures. (63.750 (e) and (f))</p> <p>3. Overall control efficiency of carbon adsorber system determined using provided procedures; for other control devices, determine capture efficiency and destruction efficiency. For capture efficiency, use Procedure T in Appendix B to 40 CFR 52.741 for total enclosures and 40 CFR 52.741(a)(4)(iii) procedures for all other enclosures. (63.750 (g) and (h))</p> <p>4. For alternative application methods, first determine emission levels for initial 30-day period or five aircraft using only HVLP or electrostatic, or a time period specified by the permitting agency. Then use alternative application method for period of time necessary to coat equivalent amount of parts with same coatings. Alternative application method may be used when emissions generated during the test period are less than or equal to the emissions generated during the initial 30-day period or five aircraft. Dried film thickness must be within specification for initial 30-day period or five aircraft as demonstrated under actual production conditions. (63.750(i))</p>
	Monitoring Requirements	<p>1. Temperature sensors with continuous recorders for incinerators, and install, calibrate, maintain, and operate temperature monitors according to manufacturer's specifications. Use CEMS as an alternative. (63.751(b))</p> <p>2. Continuously monitor pressure drop across filter; read and record pressure drop or water flow rate through waterwash once per shift. (63.751(c))</p>
	Recordkeeping Requirements	<p>1. Name and VOC content for all primers and topcoats. If coating contains exempt solvents, calculate total HAP content. (63.752(c)(1))</p> <p>2. For "compliant" coatings, organic HAP and VOC contents as applied, data/calculations or Method 24 used to determine them, and monthly usage. (63.752(c)(2))</p> <p>3. For "low-HAP/VOC" primers, annual purchase records, and data/calculations or Method 24 used to determine H. (63.752(c)(3))</p> <p>4. For "averaged" coatings, monthly values of VOC content (H_a and G_a), and data/calculations or Method 24 used to calculate H_a and G_a. (63.752(c)(4))</p> <p>5. For "controlled" coatings (incinerator), overall control efficiency and incinerator temperature(s). (63.752(c)(5))</p> <p>6. For "controlled" coatings (carbon adsorber), overall control efficiency and length of rolling period and all supporting data/calculations. (63.752(c)(6))</p> <p>7. Pressure drop across filter or water flow rate through waterwash once per shift, and acceptable limits. (63.752(d) (1) through (3))</p>
	Reporting Requirements	<p><i>Semiannual</i></p> <p>1. All instances where organic HAP/VOC limits were exceeded. (63.753(c)(1) (i) and (ii))</p> <p>2. Control device exceedances (out-of-compliance). (63.753(c)(1) (iii), (iv), and (v))</p> <p>3. Periods when operation not immediately shut down due to pressure drop or water flow rate being outside limits. (63.753(c)(1)(vi))</p> <p>4. Statement certifying everything is in compliance. (63.753(c)(vii))</p> <p><i>Annual</i></p> <p>5. Number of times the pressure drop or water flow rate limits were exceeded. (63.753(c)(2))</p>

TABLE 1.—SUMMARY OF SUBPART GG OF 40 CFR PART 63—NATIONAL EMISSION STANDARDS FOR AEROSPACE MANUFACTURING AND REWORK FACILITIES—Continued

Affected source	Requirement	Description
Depainting Operations	<p>Applicability</p> <p>Standards</p> <p>Performance Test Periods and Tests.</p> <p>Test Methods and Procedures</p> <p>Monitoring Requirements</p> <p>Recordkeeping Requirements</p> <p>Reporting Requirements</p>	<p>Applies to the outer surface of aerospace vehicles. Does not apply to parts or units normally removed. Fuselage, wings, and stabilizers always covered. Radomes, parts normally removed are exempt. (63.746(a))</p> <p>1. Unless exempted, no organic HAP are to be emitted from chemical strippers or softeners. (63.746(b)(1))</p> <p>2. Minimize inorganic HAP emissions during periods of nonchemical based equipment malfunction. (63.746(b)(2))</p> <p>3. Use of organic HAP material(s) for spot stripping and decal removal limited to 190 pounds per aircraft per year for commercial aircraft and 365 pounds per aircraft per year for military aircraft. (63.746(b)(3))</p> <p>4. Operating requirements for depainting operations generating airborne inorganic HAP, including control with particulate filters or waterwash systems. Mechanical and hand sanding are exempt. (63.746(b)(4) and (b)(5))</p> <p>5. Nonexempt organic HAP emissions controlled at 81% efficiency for systems installed before effective date. For newer systems, control at 95%. (63.746(c))</p> <p>1. For demonstrating no organic HAP emissions: each 24-hour period. (63.749(f)(1))</p> <p>2. For spot stripping and decal removal usage limits: each calendar year. (63.749(f)(1))</p> <p>3. Initial performance test for all control devices to demonstrate compliance with overall control efficiency requirement. (63.749(f)(1), (f)(2), and (f)(3))</p> <p>1. Procedures provided for determining pounds of organic HAP material(s) used for aircraft. (63.750(j))</p> <p>2. Overall control efficiency of carbon adsorber system determined using specified procedures; for other control devices, determine capture efficiency and destruction efficiency. For capture efficiency, use Procedure T in Appendix B to 40 CFR 52.741 for total enclosures and 40 CFR 52.741(a)(4)(iii) procedures for all other enclosures. (63.750(g) and (h))</p> <p>Continuously monitor pressure drop across filter; read and record pressure drop or water flow rate through waterwash once per shift. (63.751(d))</p> <p>1. Name and monthly usage (weight) of all organic HAP material(s) used in chemical strippers. (63.752(e)(1))</p> <p>2. For controlled chemical strippers (carbon adsorber), overall control efficiency and length of rolling period and all supporting data/calculations. (63.752(e)(2))</p> <p>3. For controlled chemical strippers (other control devices), overall control efficiency and supporting documentation. (63.752(e)(3))</p> <p>4. List of parts/assemblies normally removed. (63.752(e)(4))</p> <p>5. For nonchemical based equipment, name and type, and malfunction information including dates, description, and alternative methods used. (63.752(e)(5))</p> <p>6. For spot stripping and decal removal, annual volume used, annual average volume per aircraft, and all data/calculations used to calculate volume per aircraft. (63.752(e)(6))</p> <p>7. Pressure drop across filter or water flow rate through waterwash once per shift and acceptable limits. (63.752(e)(7))</p> <p><i>Semiannual</i></p> <p>1. 24-hour periods where organic HAP were emitted from depainting operations in violation of rule. (63.753(d)(1)(i))</p> <p>2. New and reformulated chemical strippers and HAP contents. (63.753(d)(1)(ii), (iii), and (iv))</p> <p>3. New non-chemical based depainting techniques. (63.753(d)(1)(v))</p> <p>4. Malfunction information on non-chemical based techniques including dates, description, and alternative methods used. (63.753(d)(1)(vi))</p> <p>5. Periods when operation not immediately shut down due to pressure drop or water flow rate being outside limits. (63.753(d)(1)(vii))</p> <p>6. List of new/discontinued aircraft models and, for new models, list of parts normally removed for depainting. (63.753(d)(1)(viii))</p> <p>7. Organic HAP control device exceedances. (63.753(d)(3))</p> <p>8. Statement certifying everything is in compliance. (63.753(d)(1)(ix))</p> <p><i>Annual</i></p> <p>9. Exceedances of average annual volume limits for spot stripping and decal removal. (63.753(d)(2)(i))</p>

TABLE 1.—SUMMARY OF SUBPART GG OF 40 CFR PART 63—NATIONAL EMISSION STANDARDS FOR AEROSPACE MANUFACTURING AND REWORK FACILITIES—Continued

Affected source	Requirement	Description
	Applicability	10. Number of times the pressure drop or water flow rate limits were exceeded. (63.753(d)(2)(ii)) Applies only to chemical milling maskant operations with Type I or II chemical milling maskants. (63.747(a))
	Standards	Minimize spills during handling and transfer. (63.747(b)) <i>Uncontrolled Maskants</i> 1. Organic HAP emissions: 622 g/l (5.2 lb/gal) (less water) as applied for Type I, ≤ 160 g/l (1.3 lb/gal) (less water) as applied for Type II. (63.747(c)(1)) 2. VOC emissions: 622 g/l (5.2 lb/gal) (less water and exempt solvents) as applied for Type I, ≤ 160 g/l (1.3 lb/gal) (less water and exempt solvents) as applied for Type II. (63.747(c)(2)) 3. Achieve compliance through: (1) use maskants below content limits, or (2) use monthly volume-weighted averaging to meet content limits. (63.747(e)) <i>Controlled Maskants</i> 4. If control device is used, system must be designed to capture and control all emissions from maskant operation and must achieve an overall control efficiency of at least 81% for systems installed before effective date. For newer systems, control at 95%. (63.747(d))
	Performance Test Periods and Tests.	1. For compliant maskants: each 30-day period. For averaged maskants: each 30-day period. For controlled coatings, carbon adsorber: each rolling period. For controlled coatings, noncarbon adsorber: three 1-hour runs. (63.749(h)(1)) 2. Initial performance test required for all control devices to demonstrate compliance with overall control efficiency requirement. (63.749(h)(2) and (h)(3))
	Test Methods and Procedures	Procedures provided essentially identical to those for primers and topcoats for organic HAP and VOC content levels. (63.750(g), (h), and (l)-(o))
	Monitoring Requirements	Same as for primers and topcoats if incinerators are used. (63.751(b))
	Recordkeeping Requirements	Same as for primers and topcoats. (63.752(f))
	Reporting Requirements	<i>Semiannual</i> 1. Exceedances of organic HAP/VOC limits. (63.753(e)(1), (2) and (7)) 2. Control device exceedances (out of compliance). (63.753(e)(3)) 3. New maskants. (63.753(e)(4)) 4. New control devices. (63.753(e)(5)) 5. Everything is in compliance. (63.753(e)(6))
Waste Handling and Storage Operations.	Standards	Minimize spills during handling and transfer. (63.748)
	Test Methods and Procedures	None.
	Monitoring Requirements	None.
	Recordkeeping Requirements	None.
	Reporting Requirements	None.

^a The EPA promulgated regulations for subpart A of 40 CFR part 63, which were published in the FEDERAL REGISTER on March 16, 1994 at 59 FR 12408.

Table 1 has been revised and is included as a reference summary of the revised standards.

A. Corrections to References

In the promulgated rule, there were several references to § 63.751(b)(7), which only existed in an earlier draft of the standard. The EPA proposes the following revisions: § 63.751(b)(6)(ii)(A) of the promulgated rule references (b)(7)(iii)(A)(3), but should reference paragraph (b)(6)(iii)(A)(2); § 63.751(b)(6)(iii) references (b)(7)(iii)(A), and (b)(7)(iii) (B) or (C), but should reference paragraphs (b)(6)(iii)(A), and (b)(6)(iii) (B) or (C); § 63.751(b)(6)(iii)(A)(2) references (b)(7)(iii)(A)(1), but should reference paragraph (b)(6)(iii)(A)(1);

§ 63.751(b)(6)(iii)(D) references (b)(7)(iii) (B) or (C), but should reference paragraph (b)(6)(iii) (B) or (C).

B. Definitions

The EPA proposes that several definitions should be added to § 63.742 and several should be revised, based on additional information submitted to the Agency after promulgation of the final rule. The EPA proposes to clarify the definition of cleaning solvent because many aqueous cleaners may contain negligible amounts of HAP and VOC. In the promulgated rule, the definition of cleaning solvent states that cleaning solvents do not include "solutions that contain no HAP and VOC." The EPA proposes revising the definition as follows:

Cleaning solvent means a liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain HAP or VOC below the de minimis levels specified in § 63.741(f) (e.g., water or acetone).

Based on additional information received from industry, the EPA proposes to change the definition of aircraft transparency. As promulgated, the definition is limited to the aircraft windshield. On a fighter aircraft, the windshield is only one component of the entire canopy. On a commercial aircraft, passenger windows are constructed of similar transparent materials as those used for the windshield. Also, many aircraft transparencies are not laminated, but are monolithic transparent materials.

The EPA proposes the following definition for aircraft transparency:

Aircraft transparency means the aircraft windshield, canopy, passenger windows, lenses, and other components that are constructed of transparent materials.

The Agency proposes to add a new definition of closed-cycle depainting system as follows:

Closed-cycle depainting system means a dust free, automated process that removes permanent coating in small sections at a time, and maintains a continuous vacuum around the area(s) being depainted to capture emissions.

The Agency is proposing this definition and is proposing an exemption from the total enclosure requirements found in § 63.746(b) for users of this emerging technology that encloses the area to be depainted and maintains a vacuum to capture all emissions. Captured emissions are then separated/filtered/treated and the resulting solid waste material is then appropriately disposed.

With these proposed requirements, the Agency intends to provide owners or operators of affected sources with the flexibility to use this emerging technology for depainting operations, while not penalizing the owner or operator by requiring the unnecessary enclosure of the vehicle or component being depainted.

The EPA proposes to change the definition of high volume low pressure (HVLP) spray equipment as follows:

High volume low pressure (HVLP) spray equipment means spray equipment that is used to apply coating by means of a spray gun that operates at 10.0 psig of atomizing air pressure or less at the air cap.

This change eliminates the 100 psig fluid delivery pressure specified in the final rule, since new technology has demonstrated that this requirement does not have to be met in order to ensure adequate transfer efficiency.

The EPA also proposes adding a definition of waterborne (water-reducible) coating as follows:

Waterborne (water-reducible) coating means any coating that contains more than 5 percent water by weight as applied in its volatile fraction.

The Agency has added and used this definition to encourage the use of water-reducible coatings (i.e., coatings that inherently result in lower organic HAP and VOC emissions). See Section H for additional information on exemption(s) of waterborne coatings.

The Agency also proposes adding a definition for antique aerospace vehicle or component so that these vehicles and components may be exempted from the regulation. It was never the Agency's

intent to require compliance for rework operations associated with antique aerospace vehicles or components including vintage aircraft or historical museum collections. The Agency agrees with members of the general aviation community that antique aerospace vehicles or components (i.e., aerospace vehicles or components more than 30 years old) present significant compliance challenges. Among these challenges are the difficulties in obtaining modifications to maintenance specifications (required if changes in coating or depainting operations are to be made) from manufacturing companies that are frequently no longer in operation. Another factor is the historical significance of maintaining the original integrity of the vehicle or component. In exempting these vehicles and components, the Agency proposes to adopt the definition of antique aircraft as defined in 14 CFR part 45 and limit the scope of this exemption to those vehicles or components that are not routinely in commercial service in the capacity for which they were designed. The Agency's intent in limiting this exemption is to require compliance for aerospace vehicles or components that may meet the age requirement but are still in routine commercial or military operation. The Agency also notes that this exemption would not apply to an airframe that may be more than 30 years old, but has been rebuilt and is still in routine commercial or military service in the capacity for which it was originally built.

The EPA also proposes revising the definition of specialty coating by adding a sentence that states, "Individual specialty coatings are defined in appendix A to this subpart and in the CTG for Aerospace Manufacturing and Rework Operations." This addition will allow affected owners or operators to easily identify which coatings are considered specialty coatings and are therefore exempt from this standard. The CTG also contains VOC limits for the specialty coatings defined in appendix A; appendix B (now redesignated as appendix A to this subpart) was referenced in § 63.743(a) of the final rule, but inadvertently omitted from the Federal Register publication of the final rule.

In appendix A to this subpart, the EPA proposes to revise the last sentence of the definition of adhesive bonding primer to state, "There are two categories of adhesive bonding primers: primers with a design cure at 250°F or below, and primers with a design cure above 250°F." This revision is a clarification that was omitted in the final rule.

C. Cleaning Operations

Under the promulgated rule, the standards for cleaning operations could be read to apply to all cleaning operations at a facility, not only to cleaning operations that involve aerospace vehicles, components, or coating equipment. In order to clarify the applicability of the standards for cleaning operations, the Agency proposes to limit the applicability of the final rule only to the manufacture or rework of aerospace vehicles or components. Other, non-aerospace activities are not subject to the requirements of this rule.

However, the owner or operator of a facility is not restricted from voluntarily extending to other operations the use of cleaning solvents which comply with the requirements of these NESHAP, where it is determined that such use is technologically feasible. For example, it might simplify purchasing, recordkeeping, or employee training, if the same hand-wipe cleaning solvents are used for several or all operations at a facility.

The EPA proposes replacing the word "solvent" with the defined term "cleaning solvent" for clarity and consistency in § 63.744, paragraphs (a), (b), (c), and (e).

The EPA also proposes a change to the cleaning rag storage requirement. The EPA proposes rewording the first sentence of § 63.744(a)(1) as follows:

Place cleaning solvent-laden cloth, paper, or any other absorbent applicators used for cleaning in bags or other closed containers upon completing their use.

The promulgated NESHAP requires that cleaning rags be stored immediately after use. The word "immediately" is being removed from the sentence to make the rule more consistent from a temporal standpoint with the storage requirements contained in the California SIP-approved rules that were the basis for this requirement.

Section 63.744(a)(1) of the promulgated rule also requires subject facilities to "[u]se bags and containers of such design so as to contain vapors of the cleaning solvent." It has been brought to the Agency's attention that a literal interpretation of this language means 100 percent capture efficiency, and even the most effective rag storage containers currently in use in the industry do not guarantee 100 percent capture of cleaning solvent vapors. The Agency did not intend such a literal interpretation of this requirement. The quoted language is intended to be implemented as a work practice standard, not as an absolute prohibition on emissions from rag containers. An

example of the type of container contemplated by this language would be a rigid container constructed of impermeable material and using a tight-fitting lid, such as a 55-gallon drum with a fitted lid. Such a container would satisfy this requirement even though it cannot guarantee 100-percent capture efficiency.

In addition, the EPA proposes changing the requirements for flush cleaning to cover the situation where an operator is cleaning multiple items at the same station, without leaving the station. The proposed change to § 63.744(d) is as follows: “* * * empty the used cleaning solvent each time aerospace parts or assemblies, or components of a coating unit (with the exception of spray guns) are flush cleaned * * *.” This change will better address the Agency’s intent in regulating flush cleaning.

Based on information from industry, the EPA proposes a modification to the exemption in § 63.744(e)(10). This exemption was intended to address windshield and canopy cleaning; however, many of the older canopies in service are constructed of acrylic, rather than polycarbonate. The Agency notes that acrylic canopies have the same critical cleaning requirements as the polycarbonate canopies, and believes that they therefore fall within this exemption as follows:

Cleaning of aircraft transparencies, polycarbonate, or glass substrates.

D. Applicability to Space Vehicles

Space vehicles (i.e., vehicles designed to travel beyond the limit of the earth’s atmosphere) are specifically exempted from the requirements of this rule, except for the standards for depainting operations. The EPA proposes removing the reference to these vehicles in § 63.741(f) and adding an additional specific exemption in a new paragraph, § 63.741(h), to clarify the exemption. The EPA proposes § 63.741(h) as follows:

Regulated activities associated with space vehicles designed to travel beyond the limit of the earth’s atmosphere, including but not limited to satellites, space stations, and the Space Shuttle System (including orbiter, external tanks, and solid rocket boosters), are exempt from the requirements of this subpart, except for depainting operations found in § 63.746.

E. Standards for Type I Maskants

The EPA proposes to establish an emission limitation for Type I maskants and to include Type I maskants within

the definition of chemical milling maskants.

Pursuant to section 114 of the Clean Air Act (Act), information regarding maskants was requested from nine companies that own or operate aerospace manufacturing and rework facilities. Information was requested for all types of maskants, including total quantity used, formulation data, VOC and organic HAP content as received and as applied, substrate category and the composition of the metal alloy on which the maskant is applied, a listing of the type of parts or specific aircraft surfaces on which the maskant is used, VOC and HAP emissions from maskant application operations, and type(s) of controls (if any). The information received on Type I maskants was used to calculate a MACT floor. The MACT floor was determined to be the weighted (by usage volume) average HAP emissions from the sources, 622 grams per liter [g/L] (5.2 pounds per gallon [lb/gal]).

The EPA proposes revising § 63.747(c) to include organic HAP and VOC content limits of 622 g/L (5.2 lb/gal) as the standard for uncontrolled Type I chemical milling maskants. The EPA proposes revising paragraphs (c)(1) and (2) to specify that the organic HAP and VOC limits of 160 g/L (1.3 lb/gal) apply only to Type II chemical milling maskants.

Due to the proposed addition of a standard for Type I chemical milling maskants, EPA also proposes removing the definition of Type I maskants from the list of specialty coatings in appendix A of this subpart and revising the definition for chemical milling maskant in § 63.742 of the promulgated rule to read as follows:

Chemical milling maskant means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. This does not include bonding maskants, line sealers, and critical use and seal coat maskants. Additionally, maskants that must be used on an individual part or subassembly with a combination of Type I or Type II etchants and any of the above types of maskants (e.g., bonding, line sealers, and critical use and seal coat) are also exempt from this subpart.

The EPA also proposes revising the definition for chemical milling maskant application operations in § 63.742 to “application of chemical milling maskant for use with Type I or Type II chemical milling etchants.” The EPA specifically requests comments on the development of the MACT floor for

Type I chemical milling maskants (Docket No. A-92-20).

F. Test Method for Determining Filtration Efficiency

The Agency is proposing a test method, test Method 319, for the determination of filtration efficiency for paint overspray arrestors (also referred to as particulate filters). The Agency is proposing that this method be used by filter manufacturers to certify the efficiency of their filters for meeting the dry particulate filter requirements also being proposed in today’s amendments.

The filter efficiency tables (Tables 1, 2, 3, and 4 of § 63.745) were developed from testing conducted in November, 1995 to determine the fractional filtration efficiency of high efficiency two- and three-stage, liquid- and solid-phase particulate filters, also referred to as paint overspray arrestors. The tests also developed a filtration efficiency test method for use in certifying filters to be used by owners or operators in complying with the aerospace NESHAP.

The EPA specifically requests comments on the proposed test method for certifying the filtration efficiency for these dry particulate filters.

G. Standards for Dry Particulate Filters

The Agency is proposing revised MACT requirements for the control of inorganic particulates from certain primer, topcoat, and depainting operations. Pursuant to section 114 of the Act, information regarding particulate filters was requested from nine companies that own or operate aerospace manufacturing and rework facilities. Information was requested for all types of particulate filters, including filter manufacturer, manufacturer’s part number, number of stages, type of operation being controlled (topcoat or primer operation, dry media blasting operation, or other), installation date, filter construction/structure/composition, and control efficiency (with supporting information).

TABLE 1 OF § 63.745 TWO-STAGE ARRESTOR; LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aero-dynamic particle size range, μ
>90	>5.7
>50	>4.1
>10	>2.2

TABLE 2 OF § 63.745 TWO-STAGE ARRESTOR; LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aero-dynamic particle size range, μ
>90	>8.1
>50	>5.0
>10	>2.6

TABLE 3 OF § 63.745 TWO-STAGE ARRESTOR; LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aero-dynamic particle size range, μ
>95	>2.0
>80	>1.0
>65	>0.42

TABLE 4 OF § 63.745 TWO-STAGE ARRESTOR; LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aero-dynamic particle size range, μ
>95	>2.5
>85	>1.1
>75	>0.70

For topcoat and primer operations, information was received on 510 booths with particulate filter controls. For dry media blasting (depainting) operations, information was received on 22 booths with particulate filter controls. Based on a review of the available data, the EPA proposes requiring existing sources using particulate filters in depainting as well as topcoat and primer operations, in which any of the coatings contain inorganic HAP, to meet the filtration efficiency established for the two-stage system that was tested. Specifically, the Agency proposes requiring owners or operators of existing sources to use particulate filters that are certified by the filter manufacturer to meet or exceed the efficiency data in Tables 1 and 2 of § 63.745 (developed from the two-stage filter testing).

The Agency is also proposing that new sources meet the filtration efficiency data points for the three-stage system that was tested. Specifically, the Agency proposes requiring owners or operators of new sources to use particulate filters that are certified by the filter manufacturer to meet or exceed the efficiency data in Tables 3 and 4 of § 63.745 (developed from the three-stage filter testing). The Agency

believes that proposed performance based control efficiency requirements for particulate filters used in painting and depainting operations will give owners and operators greater flexibility in selecting their particulate filter system and will not preclude the use of new, high-efficiency filtration technologies or very high efficiency one-stage filters that may be developed in the future. The EPA specifically requests comments on these proposed standards for particulate filters used in topcoat and primer application and dry media blasting (depainting) operations.

In announcing these revised MACT requirements for particulate emissions, the Agency realizes that there are unique circumstances where owners and operators who have commenced construction or reconstruction of a new spray booth or hangar after the proposed regulation and have had to comply with the requirements in the promulgated rule. For these situations, the Agency has provided these owners or operators of aerospace manufacturing or rework operations who have commenced construction or reconstruction of new spray booth or hangar for depainting operations, primer, or topcoat operations, in which any of the coatings contain inorganic HAP's, prior to October 29, 1996 the flexibility to meet either the requirements of the promulgated regulation or the proposed amendments to the final regulation found in today's notice. Existing sources will be required to meet the requirements for depainting operations and topcoat or primer application operations found in the final amended rule.

H. Exemption for Waterborne Coatings

The EPA proposes that any waterborne coating for which the manufacturer's supplied data demonstrate that the coating meets the organic HAP and VOC content limits for its coating type as specified in the regulation be exempt from many of the organic HAP and VOC related requirements of this regulation. If the manufacturer's supplied data indicate that the waterborne coating meets the organic HAP and VOC content emission limits for its coating type, as specified in §§ 63.745(c) and 63.747(c), then the owner or operator would not be required to demonstrate compliance for these coatings using the procedures in § 63.750(c). However, the owner or operator would still be required to maintain purchase records and manufacturer's supplied data sheets for exempt coatings. Owners or operators of facilities using waterborne coatings would also be required to handle and

transfer these coatings in a manner that minimizes spills, apply these coatings using one or more of the specified application techniques, and comply with inorganic HAP emission requirements. This exemption would be added as § 63.741(i) as follows:

Any waterborne coating for which the manufacturer's supplied data demonstrate that organic HAP and VOC contents are less than or equal to the organic HAP and VOC content limits for its coating type, as specified in §§ 63.745(c) and 63.747(c), is exempt from the following requirements of this subpart: §§ 63.745(d)-(e), 63.747(d)-(e), 63.749(d) and (h), 63.750(c)-(h) and (k)-(m), 63.752(c) and (f), and 63.753(c) and (e). A facility shall maintain the manufacturer's supplied data and annual purchase records for each exempt waterborne coating readily available for inspection and review, and shall retain these data for 5 years.

Section 63.741(f) would also be modified to include § 63.741(i) in the list of additional specific exemptions from regulatory coverage.

The EPA is proposing this exemption for waterborne coatings based on settlement discussions with the two petitioners that filed for review of the compliance demonstration provisions for waterborne coatings in § 63.750. The Agency is proposing this exemption to streamline and simplify the requirements for owners and operators of facilities using these coatings and to encourage the use of waterborne coatings which may result in lower emissions than other coating types.

I. Essential Use Exemption for Cleaning Solvents

Under title VI of the Act and the Montreal Protocol, Essential Use Waivers have been granted for limited applications of ozone depleting compounds (ODC's). The EPA proposes that an essential use exemption be added to this rule for cleaning operations that have been identified in an Essential Use Waiver. The exemption would be added as § 63.744(e)(13) as follows:

Cleaning operations identified in an Essential Use Waiver which has been reviewed and approved by the U. S. EPA and the voting parties of the International Montreal Protocol Committee [sections 604(d)(1) and (g)(2) of the Act].

The EPA requests comments on this proposed essential use exemption.

J. Compliance Dates

The EPA wishes to clarify an inconsistency between the preamble to the final rule and the regulation. The preamble to the final aerospace NESHAP states, "Owners or operators of new commercial, civil, or military

aerospace OEM and rework operations with initial startup after September 1, 1998 will be required to comply with all requirements upon startup." This statement is incorrect. The text of the promulgated regulation correctly states that new sources, with initial startup on or after September 1, 1995, must comply with all requirements upon startup. The EPA also proposes to clarify that the deadline for approval of an alternate control device is 120 days prior to the compliance date. This clarification, mistakenly omitted from the published final rule, would be reflected in § 63.743(c).

K. Requirements for New Affected Sources (Spray Booths)

The Agency wishes to clarify the requirements for new affected sources. An affected source is an emission unit, process, or operation identified in the NESHAP that is part of the entire facility, but is not necessarily a major source. In today's proposal the Agency is clarifying its intent that a spray booth or hangar that contains a primer or topcoat application operation subject to § 63.745(g) or a depainting operation subject to § 63.746(b)(4) is considered an affected source and has added this description under § 63.741(c). If such an affected source is constructed or reconstructed after October 29, 1996 then that spray booth or hangar must comply with the applicable inorganic control requirements. Construction or reconstruction of a new spray booth or hangar at a facility for an existing coating or depainting operation will not cause the existing operation to be subject to any other new source standards; only the new spray booth or hangar will be subject to the applicable new source requirements for inorganic HAP and will need to comply upon the effective date of the requirements or startup, whichever is later. The EPA also proposes making this clarification in the final rule in § 63.749(a).

In addition, EPA wishes to clarify that §§ 63.5(b)(3) and (4) of the General Provisions, which require advance notice and approval by the Agency prior to construction or reconstruction of a major affected source, shall apply to the construction or reconstruction of a new spray booth or hangar at a facility for an existing coating or depainting operation only if the booth or hangar will constitute a major source of inorganic HAP's. Owners or operators of an existing coating or depainting operation who construct or reconstruct a new booth or hangar which is not a major source of inorganic HAP's will only be required to submit an annual notification on or before March 1 of

each year. This annual notification shall include all of the information required in § 63.4(b)(4) for each such booth or hangar constructed or reconstructed in the prior calendar year, except that the information shall be limited to the inorganic HAP's from the new booth or hangar. Of course, any owner or operator that constructs or reconstructs a new spray booth or hangar at a facility at which there is no existing coating or depainting operation will be required to comply with all of the applicable notice and advance approval requirements of § 63.5.

L. Requirements for New and Existing Primer and Topcoat Application Operations

Since promulgation, the Agency has received reports of confusion in interpreting the applicability of primer and topcoat application requirements to an industry that utilizes a plasma spray operation to apply metallic coatings to a metallic substrate. In today's preamble, the Agency notes that such a plasma spray operation is not subject to the aerospace manufacture and rework NESHAP, but would rather be addressed under the miscellaneous metal parts and products (surface coating) NESHAP that is scheduled for promulgation in 2000.

The Agency has also provided additional flexibility to owners or operators of primer and topcoat application operations seeking to use alternative application methods. The promulgated NESHAP requires owners or operators to use the alternative application method in production on actual production parts or assemblies for a period of time sufficient to coat an equivalent amount of parts and assemblies with coatings identical to those used in an initial 30-day period. After this time the actual organic HAP and VOC emissions shall be calculated for this post-implementation period. The proposed amendments to the final NESHAP allow owners or operators an alternative approach whereby the proposed application method is tested against either HVLP or electrostatic spray application methods in a laboratory or pilot production area, using parts and coatings representative of the process(es) where the alternative method is to be used. Under this alternative, the laboratory test will use the same part configuration(s) and the same number of parts for both the proposed method and the HVLP or electrostatic spray application methods. The Agency has added this alternative in response to comments received from industry indicating that the original requirements would require actual production trials that could result in

ineffective application equipment being used on actual production parts or assemblies.

M. Monitoring Requirements for Dry Particulate Filter Usage

The Agency proposes to clarify the monitoring requirements for owners or operators of depainting and painting operations using dry particulate filters and HEPA filters to comply with this NESHAP. The final rule requires owners or operators to install and maintain devices to continuously measure the pressure drop across the system. In this proposal, the Agency continues to require owners or operators to operate a device to continuously monitor this parameter at all times. This requirement does not require an owner or operator to continuously record the pressure drop. However, the Agency is adding language to § 63.751(c)(1) to clarify that owners or operators only are required to read and record these pressure drop data once per shift.

N. Depainting Operations

Based on numerous comments on the depainting operation standard, the EPA proposes a clarification to § 63.746. The promulgated standard was presented in terms of volume (gallons) of organic HAP-containing chemical strippers per aircraft. Since the NESHAP is specific to HAP, the EPA proposes changing the units of the standard and stating the requirements in terms of weight (pounds) of organic HAP materials per aircraft. The proposed standard is equivalent in terms of actual HAP emissions to the atmosphere, but does allow greater flexibility to the owner or operator of a new or existing depainting operation in selecting materials to perform spot stripping and decal removal.

The EPA proposes rewording § 63.746(b)(3) as follows:

Each owner or operator of a new or existing depainting operation complying with paragraph (b)(1) shall not, on an annual average basis, use more than 190 pounds of organic HAP material(s) per commercial aircraft depainted or more than 365 pounds of organic HAP material(s) per military aircraft depainted for spot stripping and decal removal.

Similarly, the EPA also proposes revising Equation 20 in § 63.750(j)(3) as follows:

$$C = \frac{\sum_{i=1}^n (V_{si} (\sum_{h=1}^m W_{hi} * D_{hi}))}{A} \quad \text{Eq. 20}$$

Where:

C=annual average weight (lb per aircraft) of organic HAP-material (chemical stripper) used for spot stripping and decal removal.

m=number of organic HAPs contained in each chemical stripper, as applied.

n=number of organic HAP-containing chemical strippers used in the annual period.

W_{hi} =weight fraction (expressed as a decimal) of each organic HAP (i) contained in the chemical stripper, as applied, for each aircraft depainted.

D_{hi} =density (lbs/gal) of each organic HAP (i) contained in the chemical stripper, as applied, for each aircraft depainted.

V_{si} =volume (gal) of organic HAP-containing chemical stripper i used for during the annual period.

A=number of aircraft for which depainting operations began during the annual period.

As further clarification, the promulgated standard for depainting operations and the above proposed rewording are meant to allow averaging in terms of annual usages of chemical strippers. For example, if a facility depaints 10 aircraft in a given calendar year, the total allowable amount of organic HAP material(s) would be 1,900 pounds per year for commercial aircraft or 3,650 pounds per year for military aircraft.

O. Applicability of General Provisions

The EPA proposes the addition of Table 1. General Provisions Applicability to subpart GG, in order to clarify the applicability of the General Provisions to this rule. Table 1 is referenced in § 63.741 and is located at the end of the final rule text.

III. Control Techniques Guideline

Under the Act, as amended in 1990, State implementation plans (SIP's) for ozone nonattainment areas must be revised to require RACT for control of VOC emissions from sources for which the EPA has already published a CTG or for which it will publish a CTG between the date the Amendments were enacted and the date an area achieves attainment status (the Act, 182(b)(2)). The EPA has defined RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering the technological and economic feasibility" (44 FR 53761, September 17, 1979).

The CTG's review current knowledge and data concerning the technology and costs of various emissions control techniques. The CTG's are intended to

provide State and local air pollution authorities with an information base for proceeding with their own analyses of RACT to meet statutory requirements.

Each CTG contains a "presumptive norm" for RACT for a specific source category, based on the EPA's evaluation of the capabilities and problems general to the category. Where applicable, the EPA recommends that States adopt requirements consistent with the presumptive norm. However, the presumptive norm is only a recommendation. States may choose to develop their own RACT requirements on a case-by-case basis, considering the emission reductions needed to obtain achievement of the national ambient air quality standards and the economic and technical circumstances of the individual source.

This CTG addresses RACT for control of VOC emissions from aerospace manufacturing and rework facilities. Volatile organic compound emissions from primer, topcoat, and "specialty" coating application, maskant application, sealing, adhesives, and cleaning operations are addressed. Emission limits for processes also addressed in the NESHAP are identical to the NESHAP limits. Many of the steps in these operations involve the use of organic solvents and are sources of VOC emissions. The sources, mechanisms, and control of these VOC emissions are described in the CTG.

The EPA estimates that State and local regulations developed pursuant to this draft CTG would affect about 2,869 facilities. Since the only new requirements in the CTG (requirements that are not included in the NESHAP) concern sealants, adhesives, and specialty coatings, which represent only about 3 percent of all VOC emissions from aerospace operations, the additional costs and emission reductions resulting from the CTG will be negligible. Further information on costs is presented in the draft CTG document and in the NESHAP for Aerospace Manufacturing and Rework Facilities. The EPA requests comments from the public on all aspects of the draft CTG.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file of all of the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and the

industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and the EPA responses to significant comments, the content of the docket will serve as the record in case of judicial review (except for interagency review materials) (§ 307(d)(7)(A) of the Act).

B. Paperwork Reduction Act

The information collection requirements contained in this proposed amendment to a final rule have been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Request Document has been prepared by the EPA and assigned ICR No. 1687.03. The collection of information required by the proposed amendments to the final rule has an estimated nationwide recordkeeping and reporting burden of 829,500 hours (\$29 million). This represents a 6 percent reduction in the burden estimated for the final rule.

Send comments regarding any aspect of this collection of information to Director, Regulatory Information Division, U. S. Environmental Protection Agency (2136), 401 M Street, SW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

C. Executive Order 12866

Under Executive Order (E.O.) 12866 (58 FR 51735 [October 4, 1993]), the EPA is required to determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of this E.O. to prepare a regulatory impact analysis (RIA). The E.O. defines "significant regulatory action" as one that is likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is not a "significant regulatory action" within the meaning of the E.O.

Under E.O. 12866, the draft CTG document for aerospace manufacturing and rework facilities is considered "nonsignificant." This CTG document is not a "rulemaking," rather it provides information to States to aid them in developing rules.

D. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), I certify that this rule will not have a significant economic impact on a substantial number of small entities. This proposal would make clarifying amendments to the Aerospace NESHAP, including definitions, applicability, and several technical requirements. In addition, this notice proposes a standard for Type I chemical milling maskants and a test method for determining filtration efficiency of dry particulate filters. The overall impact of these amendments result in a net decrease in requirements on all entities affected by this rule, including small entities. Therefore these amendments will not have a significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act, an agency is not required to prepare a regulatory flexibility analysis for a rule that the agency head certifies will not have a significant economic impact on a substantial number of small entities. Consequently, a regulatory flexibility analysis is not required and has not been prepared.

E. Regulatory Review

In accordance with sections 112(d)(6) and 112(f)(2) of the Act, this regulation will be reviewed within 8 years of the date of promulgation. This review may include an assessment of such factors as evaluation of the residual health risk, any overlap with other programs, the existence of alternative methods of control, enforceability, improvements in emission control technology and health data, and recordkeeping and reporting requirements.

F. Unfunded Mandates Act

The economic impact analysis performed prior to the original proposal showed that the economic impacts from implementation of the proposed standards would not be "significant" as defined in Executive Order 12866 (see section III.E). No changes have been made that would increase the economic impacts to a level that would be considered significant. The Agency has prepared the following statement of impact to be considered in response to

the requirements of the Unfunded Mandates Act.

There are no Federal funds available to assist State, local, and tribal governments in meeting these costs. There are important benefits from VOC and HAP emission reductions because these compounds have significant, adverse impacts on human health and welfare and on the environment. The rule does not have any disproportionate budgetary effects on any particular region of the nation, any State, local, or tribal government, or urban, rural, or other type of community. On the contrary, the rule will result in only a minimal increase in the average product rates (less than 1 percent). Moreover, the rule will not have a material effect on the national economy.

Prior to issuing the final rule on September 1, 1995, the EPA provided numerous opportunities (e.g., public comment period; public hearing; roundtable meetings with industry, trade association, and State and local air pollution control agency representatives; environmental groups; State, local, and tribal governments; and concerned citizens) for consultation with interested parties. While small governments are not significantly or uniquely affected by the rule, these procedures, as well as additional public conferences and meetings, gave small governments an opportunity to give meaningful and timely input and obtain information, education, and advice on compliance.

The Agency considered several regulatory options in developing the rule. The options selected are the least costly and least burdensome alternatives currently available for achieving the objectives of section 112 of the Act. All but one of the regulatory options selected are based on pollution prevention measures. Finally, after careful consideration of the costs, the environmental impacts, and the comments, the Agency decided that the MACT floor was the appropriate level of control for this regulation.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances.

Dated: October 8, 1996.

Carol M. Browner,
Administrator.

For reasons set out in the preamble, part 63 of title 40, chapter I, of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart GG—[Amended]

2. Section 63.741 is amended by revising paragraphs (b), (c) introductory text, and the last three sentences in paragraph (f); and by adding paragraphs (c)(7), (h), (i), and (j) to read as follows:

§ 63.741 Applicability and designation of affected sources.

* * * * *

(b) The owner or operator of an affected source shall comply with the requirements of this subpart and of subpart A of this part, except as specified in § 63.743(a) and Table 1 of this subpart.

(c) *Affected sources.* The affected sources to which the provisions of this subpart apply are specified in paragraphs (c) (1) through (7) of this section. The activities subject to this subpart are limited to the manufacture or rework of aerospace vehicles or components as defined in this subpart. Where a dispute arises relating to the applicability of this subpart to a specific activity, the owner or operator shall demonstrate whether or not the activity is regulated under this subpart.

* * * * *

(7) Each spray booth or hangar that contains a primer or topcoat application operation subject to § 63.745(g) or a repainting operation subject to § 63.746(b)(4).

* * * * *

(f) * * * These requirements also do not apply to parts and assemblies not critical to the vehicle's structural integrity or flight performance. The requirements of this subpart also do not apply to primers, topcoats, chemical milling maskants, strippers, and cleaning solvents containing HAP and VOC at a concentration less than 0.1 percent for carcinogens or 1.0 percent for noncarcinogens, as determined from manufacturer's representations. Additional specific exemptions from regulatory coverage are set forth in paragraphs (e), (g), (h), (i), and (j) of this section, and §§ 63.744(a)(1), (b), (e), 63.745(a), (f)(3), (g)(4), 63.746(a), (b)(5), 63.747(c)(3), and 63.749(d).

* * * 49(d).

* * * * *

(h) Regulated activities associated with space vehicles designed to travel beyond the limit of the earth's atmosphere, including but not limited to satellites, space stations, and the Space Shuttle System (including orbiter, external tanks, and solid rocket

boosters), are exempt from the requirements of this subpart, except for repainting operations found in § 63.746.

(i) Any waterborne coating for which supplied data demonstrate that organic HAP and VOC contents are less than or equal to the organic HAP and VOC content limits for its coating type, as specified in §§ 63.745(c) and 63.747(c), is exempt from the following requirements of this subpart: §§ 63.745(d) through (e), 63.747(d) through (e), 63.749(d) and (h), 63.750(c) through (h) and (k) through (m), 63.752(c) and (f), and 63.753(c) and (e). A facility shall maintain the manufacturer's supplied data and annual purchase records for each exempt waterborne coating readily available for inspection and review and shall retain these data for 5 years.

(j) This subpart does not apply to rework operations performed on antique aerospace vehicles or components.

3. Section 63.742 is amended by revising the definitions for "aircraft transparency," "chemical milling maskant," "chemical milling maskant application operation," "cleaning solvent," "high volume low pressure (HVL) spray equipment," and "specialty coating"; and by adding in alphabetical order definitions for "antique aerospace vehicle or component," "closed-cycle repainting system," and "waterborne (water-reducible) coating" to read as follows:

§ 63.742 Definitions.

* * * * *

Aircraft transparency means the aircraft windshield, canopy, passenger windows, lenses, and other components that are constructed of transparent materials.

Antique aerospace vehicle or component means an antique aircraft, as defined by 14 CFR part 45, or components thereof. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

* * * * *

Chemical milling maskant means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. This does not include bonding maskants, line sealers, and critical use and seal coat maskants. Additionally, maskants that must be used on an individual part or subassembly with a combination of Type I or II etchants and any of the above types of maskants (e.g., bonding, line sealers, and critical use and seal coat) are also exempt from this subpart.

Chemical milling maskant application operation means application of

chemical milling maskant for use in Type I or Type II chemical milling etchants.

* * * * *

Cleaning solvent means a liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain HAP and VOC below the de minimis levels specified in § 63.741(f) (e.g., water or acetone).

Closed-cycle repainting system means a dust-free, automated process that removes permanent coating in small sections at a time and maintains a continuous vacuum around the area(s) being repainted to capture emissions.

* * * * *

High volume low pressure (HVL) spray equipment means spray equipment that is used to apply coating by means of a spray gun that operates at 10.0 psig of atomizing air pressure or less at the air cap.

* * * * *

Specialty coating means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection. Individual specialty coatings are defined in appendix A to this subpart and in the CTG for Aerospace Manufacturing and Rework Operations.

* * * * *

Waterborne (water-reducible) coating means any coating that contains more than 5 percent water by weight as applied in its volatile fraction.

* * * * *

4. Section 63.743 is amended by revising paragraphs (a) introductory text, (b) introductory text, and (c); and by adding paragraphs (a)(10) and (d) to read as follows:

§ 63.743 Standards: General.

(a) Except as provided in paragraphs (a)(4) through (a)(9) of this section and in Table 1 of this subpart, each owner or operator of an affected source subject to this subpart is also subject to the following sections of subpart A of this part:

* * * * *

(10) For the purposes of compliance with the requirements of § 63.5(b)(4) of the General Provisions and this subpart, owners or operators of existing primer or topcoat application operations and

repainting operations who construct or reconstruct a spray booth or hangar that is not a major source of inorganics shall only be required to notify the Administrator of such construction or reconstruction on an annual basis. Notification shall be submitted on or before March 1 of each year and shall include the information required in § 63.5(b)(4) for each such spray booth or hangar constructed or reconstructed during the prior calendar year, except that such information shall be limited to inorganic HAP's. No advance notification or written approval from the Administrator pursuant to § 63.5(b)(3) shall be required for the construction or reconstruction of such a spray booth or hangar unless the booth or hangar will constitute a major-emitting source or inorganic HAP's.

(b) *Startup, shutdown, and malfunction plan.* Each owner or operator that uses an air pollution control device or equipment to control HAP emissions shall prepare and operate in accordance with a startup, shutdown, and malfunction plan in accordance with § 63.6. Dry particulate filter systems operated per the manufacturer's instructions are exempt from a startup, shutdown, and malfunction plan. A startup, shutdown, and malfunction plan shall be prepared for facilities using locally prepared operating procedures. In addition to the information required in § 63.6, this plan shall also include the following provisions:

* * * * *

(c) An owner or operator who uses an air pollution control device or equipment not listed in this subpart shall submit a description of the device or equipment, test data verifying the performance of the device or equipment in controlling organic HAP and/or VOC emissions, as appropriate, and specific operating parameters that will be monitored to establish compliance with the standards to the Administrator for approval not later than 120 days prior to the compliance date.

(d)(1) Use any combination of primers, topcoats, or chemical milling maskants such that the monthly volume-weighted average organic HAP and VOC contents of the combination of primers, topcoats, or chemical milling maskants, as determined in accordance with the applicable procedures set forth in § 63.750, complies with the specified content limits, unless the permitting agency specifies a shorter averaging period as part of an ambient ozone control program.

(2) Averaging is allowed only for uncontrolled primers, topcoats, or chemical milling maskants.

(3) Each averaging scheme shall be approved in advance by the permitting agency and adopted as part of the facility's title V permit.

5. Section 63.744 is amended by revising paragraphs (a) introductory text, (b) introductory text, (a)(1), (a)(2), (c)(1)(ii), (c)(2), (c)(4), (e)(1), (e)(2), (e)(9), (e)(10); by adding paragraph (e)(13); and by redesignating Table 3 as Table 1 and revising it and transferring it from paragraph (a) to the end of section, as follows:

§ 63.744 Standards: Cleaning operations.

(a) *Housekeeping measures.* Each owner or operator of a new or existing cleaning operation subject to this subpart shall comply with the requirements in this paragraph unless the cleaning solvent used is identified in Table 1 of this section or contains HAP and VOC below the de minimis levels specified in § 63.741(f).

(1) Place cleaning solvent-laden cloth, paper, or any other absorbent applicators used for cleaning in bags or other closed containers upon completing their use. Ensure that these bags and containers are kept closed at all times except when depositing or removing these materials from the container. Use bags and containers of such design so as to contain the vapors of the cleaning solvent. Cotton-tipped swabs used for very small cleaning operations are exempt from this requirement.

(2) Store fresh and spent cleaning solvents, except semi-aqueous solvent cleaners, used in aerospace cleaning operations in closed containers.

(b) *Hand-wipe cleaning.* Each owner or operator of a new or existing hand-wipe cleaning operation (excluding cleaning of spray gun equipment performed in accordance with paragraph (c)(3) of this section) subject to this subpart shall use cleaning solvents that meet one of the requirements specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section. Cleaning solvent solutions that contain HAP or VOC below the de minimis levels specified in § 63.741(f) are exempt from the requirements in paragraphs (b)(1), (b)(2), and (b)(3).

(c) * * *
(1) * * *
(ii) If leaks are found during the monthly inspection required in § 63.751(a), repairs shall be made as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day after detection, the cleaning solvent shall be removed, and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(2) *Nonatomized cleaning.* Clean the spray gun by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. Direct the cleaning solvent from the spray gun into a vat, drum, or other waste container that is closed when not in use.

* * * * *

(4) *Atomizing cleaning.* Clean the spray gun by forcing the cleaning solvent through the gun and direct the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions.

* * * * *

(e) * * *

(1) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;

(2) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine);

* * * * *

(9) Cleaning of metallic and non-metallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components;

(10) Cleaning of aircraft transparencies, polycarbonate, or glass substrates;

* * * * *

(13) Cleaning operations identified in an Essential Use Waiver, which has been reviewed and approved by the U. S. EPA and the voting parties of the International Montreal Protocol Committee [sections 604(d)(1) and (g)(2) of the Act].

TABLE 1.—COMPOSITION REQUIREMENTS FOR APPROVED CLEANING SOLVENTS

Cleaning solvent type	Composition requirements
Aqueous	Cleaning solvents in which water is the primary ingredient (≥80 percent of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives, such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than 93°C (200°F) (as reported by the manufacturer), and the solution must be miscible with water.
Hydrocarbon-based	Cleaners that are composed of photochemically reactive hydrocarbons and oxygenated hydrocarbons and have a maximum vapor pressure of 7 mm Hg at 20°C (3.75 in H ₂ O at 68°F). These cleaners also contain no HAP or ozone depleting compounds.

6. Section 63.745 is amended by revising paragraph (e) introductory text, (g)(2)(i), (g)(2)(ii), (g)(2)(iii); removing paragraph (g)(2)(iv) and redesignating paragraphs (g)(2)(v) and (g)(2)(vi) as (g)(2)(iv) and (g)(2)(v), respectively, to read as follows:

§ 63.745 Standards: Primer and topcoat application operations.

* * * * *

(e) *Compliance methods.* Compliance with the organic HAP and VOC content limits specified in paragraphs (c)(1) through (c)(4) of this section shall be accomplished by using the methods specified in paragraphs (c)(1) through (c)(4) of this section and § 63.743(d) of this subpart either by themselves or in conjunction with one another.

* * * * *

(g) * * *

(2) * * *

(i) For existing sources, the owner or operator must choose one of the following:

(A) Before exhausting it to the atmosphere, pass the air stream through a dry particulate filter system certified by the filter manufacturer using the methods described in § 63.750(o) to meet or exceed the efficiency data points in Tables 1 and 2; or

TABLE 1.—TWO-STAGE ARRESTOR;
LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aerodynamic particle size range, μm
>90	>5.7
>50	>4.1
>10	>2.2

TABLE 2.—TWO-STAGE ARRESTOR;
SOLID PHASE CHALLENGE

Filtration efficiency requirement, %	Aerodynamic particle size range, μm
>90	>8.1
>50	>5.0
>10	>2.6

(B) Before exhausting it to the atmosphere, pass the air stream through a waterwash system that shall remain in operation during all coating application operations; or

(C) Before exhausting it to the atmosphere, pass the air stream through an air pollution control system that meets or exceeds the efficiency data points in Tables 1 and 2 and is approved by the permitting authority.

(ii) For new sources, either:

(A) Before exhausting it to the atmosphere, pass the air stream through a dry particulate filter system certified by the filter manufacturer using the methods described in § 63.750(o) to meet or exceed the efficiency data points in Tables 3 and 4; or

TABLE 3.—THREE-STAGE ARRESTOR;
LIQUID PHASE CHALLENGE

Filtration efficiency requirement, %	Aerodynamic particle size range, μm
>95	>2.0
>80	>1.0
>65	>0.42

TABLE 4.—THREE-STAGE ARRESTOR;
SOLID PHASE CHALLENGE

Filtration efficiency requirement, %	Aerodynamic particle size range, μm
>95	>2.5
>85	>1.1
>75	>0.70

(B) Before exhausting it to the atmosphere, pass the air stream through an air pollution control system that meets or exceeds the efficiency data points in Tables 3 and 4 and is approved by the permitting authority.

(iii) Owners or operators of new sources that have commenced construction or reconstruction after September 1, 1995, but prior to October

29, 1996, may comply with the following requirements in lieu of the requirements in paragraph (g)(2)(ii) of this section:

(A) Pass the air stream through either a two-stage dry particulate filter system or a waterwash system before exhausting it to the atmosphere.

(B) If the primer or topcoat contains chromium or cadmium, control shall consist of a HEPA filter system, three-stage filter system, or other control system equivalent to the three stage filter system as approved by the permitting agency.

7. Section 63.746 is amended by revising paragraphs (b)(1), (b)(3), (b)(4)(i), (b)(4)(ii), and the second sentence of paragraph (b)(4)(v) to read as follows:

§ 63.746 Standards: Depainting operations.

(b)(1) *HAP emissions—non-HAP chemical strippers and technologies.* Except as provided in paragraph (b)(2) or (b)(3) of this section, each owner or operator of a new or existing aerospace depainting operation subject to this subpart shall emit no organic HAP from chemical stripping formulations and agents or chemical paint softeners.

(3) Each owner or operator of a new or existing depainting operation complying with paragraph (b)(1) of this section shall not, on an annual average basis, use more than 190 pounds of organic HAP material(s) per commercial aircraft depainted or more than 365 pounds of organic HAP material(s) per military aircraft depainted for spot stripping and decal removal.

(4) * * *

(i) Perform the depainting operation in an enclosed area, unless a closed-cycle depainting system is used.

(ii) (A) For existing sources, pass any air stream removed from the enclosed area or closed-cycle depainting system through a dry particulate filter system, certified by the filter manufacturer using the method described in § 63.750(o) to meet or exceed the efficiency data points in Tables 1 and 2 of § 63.745, through a baghouse, or through a waterwash system before exhausting it to the atmosphere.

(B) For new sources pass any air stream removed from the enclosed area or closed-cycle depainting system through a dry particulate filter system certified by the filter manufacturer using the method described in § 63.750(o) to meet or exceed the efficiency data points in Tables 3 and 4 of § 63.745 or

through a baghouse before exhausting it to the atmosphere.

(v) * * * If the water path in the waterwash system fails the visual continuity/flow characteristics check or the water flow rate, as recorded pursuant to § 63.752(e)(7), or the water flow rate, as recorded pursuant to § 63.752(d)(2), exceeds the limit(s) specified by the booth manufacturer or in locally prepared operating procedures, or the booth manufacturer's or locally prepared maintenance procedures for the filter or waterwash system have not been performed as scheduled, shut down the operation immediately and take corrective action.

8. Section 63.747 is amended by revising paragraphs (c)(1), (c)(2) and (e) introductory text to read as follows:

§ 63.747 Standards: Chemical milling maskant application operations.

(1) Organic HAP emissions from chemical milling maskants shall be limited to organic HAP content levels of 622 grams of organic HAP per liter (5.2 lb/gal) of Type I chemical milling maskant (less water) as applied, and no more than 160 grams of organic HAP per liter (1.3 lb/gal) of Type II chemical milling maskant (less water) as applied.

(2) VOC emissions from chemical milling maskants shall be limited to VOC content levels of no more than 622 grams of VOC per liter (5.2 lb/gal) of Type I chemical milling maskant (less water and exempt solvents) as applied, and no more than 160 grams of VOC per liter (1.3 lb/gal) of Type II chemical milling maskant (less water and exempt solvents) as applied.

(e) *Compliance methods.* Compliance with the organic HAP and VOC content limits specified in paragraphs (c)(1) and (c)(2) of this section shall be accomplished by using the methods specified in paragraphs (c)(1) and (c)(2) of this section and § 63.743(d) of this subpart either by themselves or in conjunction with one another.

9. Section 63.749 is amended by revising paragraphs (a), (b), (f)(3)(ii)(A), and (h)(3)(i) to read as follows:

§ 63.749 Compliance dates and determinations.

(a) *Compliance dates.* Each owner or operator of an existing affected source subject to this subpart shall comply with the requirements of this subpart by

September 1, 1998, except as specified in this section. Owners or operators of new affected sources subject to this subpart shall comply on the effective date or upon startup, whichever is later. In addition, each owner or operator shall comply with the compliance dates specified in § 63.6(b) and § 63.6(c). Owners or operators of existing primer or topcoat application operations and repainting operations who construct or reconstruct a spray booth or hanger must comply with the new source requirements for inorganic HAP specified in §§ 63.745(g)(2)(ii) and 63.746(b)(4) for that new spray booth or hanger upon startup.

(b) *General.* Each facility subject to this subpart shall be considered in noncompliance if the owner or operator fails to submit a startup, shutdown, and malfunction plan as required by § 63.743(b) or uses a control device other than one specified in this subpart that has not been approved by the Administrator, as required by § 63.743(c).

* * * * *

(f) * * *

(3) * * *

(ii) * * *

(A) For any spot stripping and decal removal, the value of C, as determined using the procedures specified in § 63.750(j), is less than or equal to 190 pounds of organic HAP material(s) per commercial aircraft repainted or more than 365 pounds of organic HAP material(s) per aircraft repainted for military aircraft calculated on a yearly average; and

* * * * *

(h) * * *

(3) * * *

(i) For all uncontrolled chemical milling maskants, all values of H_i and H_a (as determined using the procedures specified in § 63.750(k) and (l)) are less than or equal to 622 grams of organic HAP per liter (5.2 lb/gal) of Type I chemical milling maskant as applied (less water), and 160 grams of organic HAP per liter (1.3 lb/gal) of Type II chemical milling maskant as applied (less water). All values of G_i and G_a (as determined using the procedures specified in § 63.750(m) and (n)) are less than or equal to 622 grams of organic VOC per liter (5.2 lb/gal) of Type I chemical milling maskant as applied (less water and exempt solvents), and 160 grams of VOC per liter (1.3 lb/gal) of Type II chemical milling maskant (less water and exempt solvents) as applied.

* * * * *

10. Section 63.750 is amended by revising paragraphs (c)(1), (e)(1),

Equation 7 ("Eq. 7") in (e)(2), (g)(3)(ii), (i)(1), (i)(2)(ii), (i)(2)(iii), (equation 19 remains unchanged), (j) introductory text, (j)(1), (j)(3) and (k)(1); and by adding paragraph (o) to read as follows:

§ 63.750 Test methods and procedures.

* * * * *

(c) * * *

(1) For coatings that contain no exempt solvents, determine the total organic HAP content using manufacturer's supplied data or Method 24 of 40 CFR part 60, appendix A, to determine the VOC content. The VOC content shall be used as a surrogate for total HAP content for coatings that contain no exempt solvent. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance shall be based on the results from the Method 24 analysis.

* * * * *

(e) * * *

(1) Determine the VOC content of each formulation (less water and exempt solvents) as applied using manufacturer's supplied data or Method 24 of 40 CFR part 60, appendix A, to determine the VOC content. The VOC content shall be used as a surrogate for total HAP content for coatings that contain no exempt solvent. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance shall be based on the results from the Method 24 analysis.

(2) * * *

$$G_i = \frac{M_{vi}}{(1 - V_{wi}) - V_{xi}} \quad \text{Eq. 7}$$

* * * * *

(g) * * *

(3) * * *

(ii) Assure that all HAP emissions from the affected HAP emission point(s) are segregated from gaseous emission points not affected by this subpart and that the emissions can be captured for measurement, as described in 63.750(g)(2)(ii)(A) and (B);

* * * * *

(i)(1) *Alternative application method—primers and topcoats.* Each owner or operator seeking to use an alternative application method (as allowed in § 63.745(f)(1)(ix)) in complying with the standards for primers and topcoats shall use either the procedures specified in paragraphs (i)(2)(i) or (i)(2)(ii) of this section to determine the organic HAP and VOC emission levels of the alternative application technique as compared to either HVLP or electrostatic spray application methods.

(2) * * *

(ii) Test the proposed application method against either HVLP or electrostatic spray application methods in a laboratory or pilot production area, using parts and coatings representative of the process(es) where the alternative method is to be used. The laboratory test will use the same part configuration(s) and the same number of parts for both the proposed method and the HVLP or electrostatic spray application methods.

(iii) Whenever the approach in either paragraph (i)(2)(i) or (i)(2)(ii) is used, the owner or operator shall calculate both the organic HAP and VOC emission reduction using equation 19:

* * * * *

(j) *Spot stripping and decal removal.*

Each owner or operator seeking to comply with § 63.746(b)(3) shall determine the weight of organic HAP material used per aircraft using the procedure specified in paragraphs (j)(1) through (j)(3) of this section.

(1) For each chemical stripper used for spot stripping and decal removal, determine for each annual period the total weight of organic HAP material using the procedure specified in paragraph (d)(2) of this section.

* * * * *

(3) Calculate the annual average weight of organic HAP material used for spot stripping and decal removal per aircraft using equation 20:

$$C = \frac{\sum_{i=1}^n (V_{si} (\sum_{i=1}^m W_{hi} * D_{hi}))}{A} \quad \text{Eq. 20}$$

Where:

C=annual average weight (lb per aircraft) of organic HAP-material (chemical stripper) used for spot stripping and decal removal.

m=number of organic HAPs contained in each chemical stripper, as applied.

n=number of organic HAP-containing chemical strippers used in the annual period.

W_{hi} =weight fraction (expressed as a decimal) of each organic HAP (i) contained in the chemical stripper, as applied, for each aircraft repainted.

D_{hi} =density (lbs/gal) of each organic HAP (i) contained in the chemical stripper, as applied, for each aircraft repainted.

V_{si} =volume (gal) of organic HAP-containing chemical stripper i used for during the annual period.

A=number of aircraft for which repainting operations began during the annual period.

(k) * * *

(1) For coatings that contain no exempt solvents, determine the total organic HAP content using manufacturer's supplied data or Method 24 of 40 CFR part 60, appendix A to determine the VOC content. The VOC content shall be used as a surrogate for total HAP content for coatings that contain no exempt solvent. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance shall be based on the results from the Method 24 analysis.

(c) *Inorganic HAP emissions—dry particulate filter certification requirements.* Dry particulate filters used to comply with § 63.745(g)(2) or § 63.746(b)(4) must be certified by the filter manufacturer, using method 319 in appendix A of subpart A of this part, to meet or exceed the efficiency data points found in Tables 4 and 5, or 6 and 7 of this section for existing or new sources respectively.

11. Section 63.751 is amended by revising the first sentence of paragraph (b)(6)(ii)(A), paragraph (b)(6)(iii) introductory text, and the first sentence of paragraph (b)(6)(iii)(A)(2), introductory text and paragraphs (b)(6)(iii)(D), (c)(1), (c)(2) and (d) to read as follows:

§ 63.751 Monitoring requirements.

* * * * *

(b) * * *
(6) * * *
(ii) * * *

(A) Except as allowed by paragraph (b)(6)(iii)(A)(2) of this section, all continuous emission monitors shall comply with performance specification (PS) 8 or 9 in 40 CFR part 60, appendix B, as appropriate depending on whether VOC or HAP concentration is being measured. * * *

* * * * *

(iii) Owners or operators complying with § 63.745(d), § 63.746(c), or § 63.747(d) through the use of a control device and establishing a site-specific operating parameter in accordance with paragraph (b)(1) shall fulfill the requirements of paragraph (b)(6)(iii)(A) of this section and paragraph (b)(6)(iii)(B) or (C) of this section, as appropriate.

* * * * *

(A) * * *

(2) For owners or operators using a nonregenerative carbon adsorber, in lieu

of using continuous emission monitors as specified in paragraph (b)(6)(iii)(A)(1) of this section, the owner or operator may use a portable monitoring device to monitor total HAP or VOC concentration at the inlet and outlet or the outlet of the carbon adsorber as appropriate. * * *

* * * * *

(D) If complying with § 63.745(d), § 63.746(c), or § 63.747(d) through the use of a nonregenerative carbon adsorber, in lieu of the requirements of paragraph (b)(6)(iii)(B) or (C) of this section, the owner or operator may replace the carbon in the carbon adsorber system with fresh carbon at a regular predetermined time interval as determined in accordance with paragraph (b)(2) of this section.

* * * * *

(c) * * *

(1) Each owner or operator using a dry particulate filter system to meet the requirements of § 63.745(g)(2) shall, while primer or topcoat application operations are occurring, continuously monitor the pressure drop across the system and read and record the pressure drop once per shift following the recordkeeping requirements of § 63.752(d).

(2) Each owner or operator using a waterwash system to meet the requirements of § 63.745(g)(2) shall, while primer or topcoat application operations are occurring, continuously monitor the water flow rate through the system and read and record the water flow rate once per shift following the recordkeeping requirements of § 63.752(d).

(d) *Particulate filters and waterwash booths—depainting operations.* Each owner or operator using a dry particulate filter or waterwash system in accordance with the requirements of § 63.746(b)(4) shall, while depainting operations are occurring, continuously monitor the pressure drop across the particulate filters or the water flow rate through the waterwash system and read and record the pressure drop or the water flow rate once per shift following the recordkeeping requirements of § 63.752(e).

* * * * *

12. Section 63.752 is amended by revising paragraphs (b)(1), (e)(6) and (f) introductory text; and by removing paragraph (d)(4) to read as follows:

§ 63.752 Recordkeeping requirements.

* * * * *

(b) * * *

(1) The name, vapor pressure, and documentation showing the organic HAP constituents of each cleaning solvent used for affected cleaning operations at the facility.

* * * * *

(e) * * *

(6) *Spot stripping and decal removal.* For spot stripping and decal removal, the weight of organic HAP-material used, the annual average weight of organic HAP-material used per aircraft, the annual number of aircraft stripped, and all data and calculations used.

* * * * *

(f) *Chemical milling maskant application operations.* Each owner or operator seeking to comply with the organic HAP and VOC content limits for the chemical milling maskant application operation, as specified in § 63.747(c) and (d), shall record the information specified in paragraphs (f)(1) through (f)(4) of this section, as appropriate.

* * * * *

13. Section 63.753 is amended by revising paragraph (a)(1) introductory text to read as follows:

§ 63.753 Reporting requirements.

(a)(1) Except as provided in paragraphs (a)(2) and (a)(3) of this section, each owner or operator subject to this subpart shall fulfill the requirements contained in § 63.9(a) through (e) and (h) through (j). Notification requirements, and § 63.10 (a), (b), (d), and (f), Recordkeeping and reporting requirements, of the General Provisions, 40 CFR part 63, subpart A, except that the initial notification requirements for new or reconstructed affected sources in § 63.9(b) (3) through (5) shall not apply, and that the initial notification for existing sources that the source is subject to the standard required in § 63.9(b)(2) shall be submitted not later than September 1, 1997. In addition to the requirements of 63.9(h), the notification of compliance status shall include:

* * * * *

14. Table 1 is added to the end of subpart GG to read as follows:

TABLE 1 TO SUBPART GG.—GENERAL PROVISIONS APPLICABILITY TO SUBPART GG

Reference	Applies to affected sources in subpart GG	Comment
63.1(a)(1)	Yes	

TABLE 1 TO SUBPART GG.—GENERAL PROVISIONS APPLICABILITY TO SUBPART GG—Continued

Reference	Applies to affected sources in subpart GG	Comment
63.1(a)(2)	Yes	Reserved.
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	
63.1(a)(5)	No	Reserved.
63.1(a)(6)	Yes	
63.1(a)(7)	Yes	
63.1(a)(8)	Yes	Reserved.
63.1(a)(9)	No	
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	Subpart GG does not apply to area sources. Reserved.
63.1(a)(12)	Yes	
63.1(a)(13)	Yes	
63.1(a)(14)	Yes	Reserved.
63.1(b)(1)	Yes	
63.1(b)(2)	Yes	
63.1(b)(3)	Yes	Reserved.
63.1(c)(1)	Yes	
63.1(c)(2)	Yes	
63.1(c)(3)	No	Reserved.
63.1(c)(4)	Yes	
63.1(c)(5)	Yes	
63.1(d)	No	Reserved.
63.1(e)	Yes	
63.2	Yes	
63.3	Yes	Reserved.
63.4(a)(1)	Yes	
63.4(a)(2)	Yes	
63.4(a)(3)	Yes	Reserved.
63.4(a)(4)	No	
63.4(a)(5)	Yes	
63.4(b)	Yes	Reserved.
63.4(c)	Yes	
63.5(a)	Yes	
63.5(b)(1)	Yes	Reserved.
63.5(b)(2)	No	
63.5(b)(3)	Yes	
63.5(b)(4)	Yes	Reserved.
63.5(b)(5)	Yes	
63.5(b)(6)	Yes	
63.5(c)	No	Reserved.
63.5(d)(1)(i)	Yes	
63.5(d)(1)(ii) (A)–(H)	Yes	
63.5(d)(1)(iii)(I)	No	Reserved.
63.5(d)(1)(ii)(J)	Yes	
63.5(d)(1)(iii)	Yes	
63.5(d) (2)–(4)	Yes	The standards in subpart GG are promulgated under section 112(d) of the Act. Reserved.
63.5(e)	Yes	
63.5(f)	Yes	
63.6(a)	Yes	§ 63.749(a) specifies compliance dates for new sources. Reserved.
63.6(b) (1)–(5)	No	
63.6(b)(6)	No	
63.6(b)(7)	Yes	The standards in subpart GG do not include opacity standards.
63.6(c)(1)	Yes	
63.6(c)(2)	No	
63.6(c) (3)–(4)	No	Reserved.
63.6(c)(5)	Yes	
63.6(d)	No	
63.6(e)	Yes	§ 63.743(b) includes additional provisions for the oper- ation and maintenance plan.
63.6(f)	Yes	
63.6(g)	Yes	
63.6(h)	No	The standards in subpart GG do not include opacity standards.
63.6(i) (1)–(3)	Yes	
63.6(i)(4)(i)(A)	Yes	
63.6(i)(4)(i)(B)	No	§ 63.743(a)(4) specifies that requests for extension of compliance must be submitted no later than 120 days before an affected source's compliance date.
63.6(i)(4)(ii)	No	
63.6(i)(4)(iii)	No	
63.6(i)(4)(iv)	No	The standards in subpart GG are promulgated under section 112(d) of the Act.

TABLE 1 TO SUBPART GG.—GENERAL PROVISIONS APPLICABILITY TO SUBPART GG—Continued

Reference	Applies to affected sources in subpart GG	Comment
63.6(i) (5)–(12)	Yes	Reserved.
63.6(i)(13)	Yes	
63.6(i)(14)	Yes	
63.6(i)(15)	No	
63.6(i)(16)	Yes	Reserved.
63.6(j)	Yes	
63.7(a)(1)	Yes	
63.7(a)(2) (i)–(vi)	Yes	
63.7(a)(2) (vii)–(viii)	No	Reserved.
63.7(a)(2)(ix)	Yes	
63.7(a)(3)	Yes	
63.7(b)	Yes	
63.7(c)	Yes	Reserved.
63.7(d)	Yes	
63.7(e)	Yes	
63.7(f)	Yes	
63.7(g)(1)	Yes	Reserved.
63.7(g)(2)	No	
63.7(g)(3)	Yes	
63.7(h)	Yes	
63.8(a) (1)–(2)	Yes	Reserved.
63.8(a)(3)	No	
63.8(a)(4)	Yes	
63.8(b)	Yes	
63.8(c)	Yes	The standards in subpart GG do not include opacity standards.
63.8(d)	No	
63.8(e) (1)–(4)	Yes	
63.8(e)(5)(i)	Yes	
63.8(e)(5)(ii)	No	The standards in subpart GG do not include opacity standards.
63.8(f)(1)	Yes	
63.8(f)(2) (i)–(vii)	Yes	
63.8(f)(2)(viii)	No	
63.8(f)(2)(ix)	Yes	§ 63.753(a)(1) requires submittal of the initial notification at least 1 year prior to the compliance date; § 63.753(a)(2) allows a title V or part 70 permit application to be substituted for the initial notification in certain circumstances.
63.8(f) (3)–(6)	Yes	
63.8(g)	Yes	
63.9(a)	Yes	
63.9(b)(1)	Yes	The standards in subpart GG do not include opacity standards.
63.9(b)(2)	Yes	
63.9(b)(3)	No	
63.9(b)(4)	No	
63.9(b)(5)	No	The standards in subpart GG do not include opacity standards.
63.9(c)	Yes	
63.9(d)	Yes	
63.9(e)	Yes	
63.9(f)	No	The standards in subpart GG do not include opacity standards.
63.9(g)(1)	No	
63.9(g)(2)	No	
63.9(g)(3)	No	
63.9(h) (1)–(3)	Yes	§ 63.753(a)(1) also specifies additional information to be included in the notification of compliance status.
63.9(h)(4)	No	
63.9(h) (5)–(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	Reserved.
63.10(a)	Yes	
63.10(b)	Yes	
63.10(c)(1)	No	
63.10(c) (2)–(4)	No	Reserved.
63.10(c)(5)–(8)	No	
63.10(c)(9)	No	
63.10(c) (10)–(13)	No	
63.10(c)(14)	No	§ 63.8(d) does not apply to this subpart.

TABLE 1 TO SUBPART GG.—GENERAL PROVISIONS APPLICABILITY TO SUBPART GG—Continued

Reference	Applies to affected sources in subpart GG	Comment
63.10(c)(15)	No	The standards in subpart GG do not include opacity standards.
63.10(d) (1)–(2)	Yes	
63.10(d)(3)	No	
63.10(d)(4)	Yes	The standards in subpart GG do not include opacity standards.
63.10(d)(5)	Yes	
63.10(e)(1)	No	
63.10(e)(2)(i)	No	
63.10(e)(2)(ii)	No	
63.10(e)(3)	No	The standards in subpart GG do not include opacity standards.
63.10(e)(4)	No	
63.10(f)	Yes	
63.11	Yes	
63.12	Yes	
63.13	Yes	
63.14	Yes	
63.15	Yes	

15. Appendix A of subpart GG is added to read as follows:

Appendix A to Subpart GG—Specialty Coating Definitions

Ablative coating—A coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.

Adhesion promoter—A very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.

Adhesive bonding primer—A primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250° F or below and primers with a design cure above 250° F.

Aerosol coating—A hand-held, pressurized, non-refillable container that expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

Antichafe coating—A coating applied to areas of moving aerospace components that may rub during normal operations or installation.

Bearing Coating—A coating applied to an antifriction bearing, a bearing housing, or the area adjacent to such a bearing to facilitate bearing functions or to protect base material from excessive wear.

Bonding maskant—A temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

Chemical agent-resistant coating (CARC)—An exterior topcoat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

Clear coating—A transparent coating usually applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat. In some cases, a clearcoat refers to any transparent coating without regard to substrate.

Commercial exterior aerodynamic structure primer—A primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, and landing gear and doors, for the purpose of extended corrosion protection and enhanced adhesion.

Commercial interior adhesive—Materials used in the bonding of passenger cabin interior components. These components must meet the FAA fireworthiness requirements.

Compatible Substrate Primer—Includes two categories: Compatible Epoxy Primer and Adhesive Primer. **Compatible Epoxy Primer** is primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings. **Adhesive Primer** is a coating that (1) inhibits corrosion and serves as a primer applied to bare metal surfaces or prior to adhesive application, or (2) is applied to surfaces that can be expected to contain fuel. Fuel tank coatings are excluded from this category.

Conformal Coating—Coating applied to electrical conductors and circuit boards to protect them against electrical discharge, damage, and/or corrosion.

Corrosion prevention system—A coating system that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

Critical use and line sealer maskant—A temporary coating, not covered under other maskant categories, used to protect selected

areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, high-strength steel, high precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes.

Materials used for repairs or to bridge gaps left by scribing operations (i.e. line sealer) are also included in this category.

Cryogenic flexible primer—A primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (– 275° F and below).

Cryoprotective coating—A coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or re-entry, and prevent ice formation.

Cyanoacrylate adhesive—A fast-setting, single component adhesive that cures at room temperature. Also known as “super glue.”

Dry Lubricative Coating—A coating consisting of lauric acid, cetyl alcohol, waxes, or other non-cross linked or resin-bound materials that act as dry lubricants.

Electric or radiation-effect coating—A coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lightning strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated “classified” by the Department of Defense are exempt.

Electrostatic discharge and electromagnetic interference (EMI) coating—A coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.

Elevated temperature skydrol resistant commercial primer—A primer applied

primarily to commercial aircraft (or commercial aircraft adapted for military use) that must withstand immersion in phosphate-ester (PE) hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150°F for 1,000 hours.

Epoxy polyamide topcoat—A coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.

Fire-resistant (interior) coating—For civilian aircraft, fire-resistant interior coatings are used on passenger cabin interior parts that are subject to the FAA fireworthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts subject to the flammability requirements of SE-R-0006 and SSP 30233.

Flexible primer—A primer that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin, and skin-to-skin joints on outer aircraft skins. This flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance.

Flight test coating—A coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

Fuel tank adhesive—An adhesive used to bond components exposed to fuel and that must be compatible with fuel tank coatings.

Fuel tank coating—A coating applied to fuel tank components to inhibit corrosion and/or bacterial growth and to assure sealant adhesion in extreme environmental conditions.

High temperature coating—A coating designed to withstand temperatures of more than 350°F.

Insulation covering—Material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.

Intermediate release coating—A thin coating applied beneath topcoats to assist in removing the topcoat in depainting operations and generally to allow the use of less hazardous depainting methods.

Lacquer—A clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resoluble in their original solvent.

Metalized epoxy coating—A coating that contains relatively large quantities of metallic pigmentation for appearance and/or added protection.

Mold release—A coating applied to a mold surface to prevent the molded piece from sticking to the mold as it is removed.

Non-structural adhesive—An adhesive that bonds non-load bearing aerospace

components in non-critical applications and is not covered in any other specialty adhesive categories.

Optical anti-reflection coating—A coating with a low reflectance in the infrared and visible wavelength ranges, which is used for anti-reflection on or near optical and laser hardware.

Part marking coating—Coatings or inks used to make identifying markings on materials, components, and/or assemblies. These markings may be either permanent or temporary.

Pretreatment coating—An organic coating that contains at least 0.5 percent acids by weight and is applied directly to metal surfaces to provide surface etching, corrosion resistance, adhesion, and ease of stripping.

Protective oils/waxes—Any material containing oils or waxes that is used as a temporary coating to provide corrosion protection by displacing water during manufacturing, storage, and transportation.

Rain erosion-resistant coating—A coating or coating system used to protect the leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc. against erosion caused by rain impact during flight.

Rocket motor bonding adhesive—An adhesive used in rocket motor bonding applications.

Rocket motor nozzle coating—A catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.

Rubber-based adhesive—Quick setting contact cements that provide a strong, yet flexible, bond between two mating surfaces that may be of dissimilar materials.

Scale inhibitor—A coating that is applied to the surface of a part prior to thermal processing to inhibit the formation of scale.

Screen print ink—Inks used in screen printing processes during fabrication of decorative laminates and decals.

Seal coat maskant—An overcoat applied over a maskant to improve abrasion and chemical resistance during production operations.

Sealant—A material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components. There are two categories of sealants: extrudable/rollable/brushable sealants and sprayable sealants.

Silicone insulation material—Insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

Solid film lubricant—A very thin coating consisting of a binder system containing as its chief pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene (PTFE), or other solids that act as a dry lubricant between faying surfaces.

Space vehicle coating—A coating applied to vehicles, assemblies, and components designed to travel beyond the limit of the earth's atmosphere.

Specialized function coating—Coatings that fulfill extremely specific engineering requirements that are limited in application and are characterized by low volume usage.

This category excludes coatings covered in other Specialty Coating categories.

Structural autoclavable adhesive—An adhesive used to bond load carrying aerospace components that is cured by heat and pressure in an autoclave.

Structural non-autoclavable adhesive—An adhesive cured under ambient conditions that is used to bond load carrying aerospace components or for other critical functions, such as non-structural bonding in the proximity of engines.

Temporary protective coating—A coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions. Coatings that provide this type of protection from chemical processing are not included in this category.

Thermal control coating—Coatings formulated with specific thermal conductive or radiative properties to permit temperature control of the substrate.

Touch-up and Repair Coating—A coating used to cover minor coating imperfections appearing after the main coating operation.

Wing coating—A corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

16. Appendix A to Part 63 is amended by adding method 319 in numerical order to read as follows:

Appendix A to Part 63—Test Methods

* * * * *

Method 319: Determination of Filtration Efficiency for Paint Overspray Arrestors

1.0 Scope and Application

1.1 This method applies to the determination of the initial, particle size dependent, filtration efficiency for paint arrestors over the particle diameter range from 0.3 to 10 µm. The method applies to single and multiple stage paint arrestors or paint arrestor media. The method is applicable to efficiency determinations from 0 to 99 percent. Two test aerosols are used—one liquid-phase and one solid-phase. Oleic acid, a low volatility liquid (CAS Number 112-80-1), is used to simulate wet paint overspray. The solid-phase aerosol is potassium chloride salt (KCl, CAS Number 7447-40-7) and is used to simulate a dry overspray. The method is limited to determination of the initial, clean condition of the arrestor. Changes in efficiency (either increase or decrease) due to the accumulation of paint overspray on and within the arrestor are not evaluated.

1.2 Efficiency is defined as 1 – Penetration (e.g., 70 percent efficiency is equal to 0.30 penetration). Penetration is based on the ratio of the downstream particle concentration to the upstream concentration. It is often more useful, from a mathematical or statistical point of view, to discuss the upstream and downstream counts in terms of penetration rather than the derived efficiency value. Thus, this document uses both penetration and efficiency as appropriate.

2.0 Summary of Method

2.1 This method applies to the determination of the fractional (i.e., particle size dependent) aerosol penetration of several types of paint arrestors. Fractional penetration is computed from aerosol concentrations measured upstream and downstream of an arrestor installed in a laboratory test rig. The aerosol concentrations upstream and downstream of the arrestors are measured with an aerosol analyzer that simultaneously counts and sizes the particles in the aerosol stream. The aerosol analyzer covers the particle diameter size range from 0.3 to 10 μm in a minimum of 12 contiguous sizing channels. Each sizing channel covers a narrow range of particle diameters. For example, Channel 1 may cover from 0.3 to 0.4 μm , Channel 2 from 0.4 to 0.5 μm , * * * By taking the ratio of the downstream to upstream counts on a channel by channel basis, the penetration is computed for each of the sizing channels.

2.2 The upstream and downstream aerosol measurements are made while injecting the test aerosol into the air stream upstream of the arrestor (ambient aerosol is removed with HEPA filters on the inlet of the test rig). This test aerosol spans the particle size range from 0.3 to 10 μm and provides sufficient upstream concentration in each of the OPC sizing channels to allow accurate calculation of penetration, down to penetrations of approximately 0.01 (i.e., 1 percent penetration; 99 percent efficiency). Results are presented as a graph and a data table showing the aerodynamic particle diameter and the corresponding fractional efficiency.

3.0 Definitions

Aerodynamic Diameter—diameter of a unit density sphere having the same aerodynamic properties as the particle in question.

Efficiency = 1 – Penetration.

Optical Particle Counter (OPC)—an instrument that counts particles by size using light scattering. An OPC gives particle diameters based on size, index of refraction, and shape.

Penetration—the fraction of the aerosol that penetrates the filter at a given particle diameter. Penetration equals the downstream concentration divided by the upstream concentration.

4.0 Interferences

4.1 The influence of the known interferences (particle losses) are negated by correction of the data using blanks.

5.0 Safety

5.1 There are no specific safety precautions for this method above those of good laboratory practice. This standard does not purport to address all of the safety problems, if any, associated with its use. It is the responsibility of the user of this method to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.

6.0 Equipment and Supplies

6.1 Test Facility. A schematic diagram of a test duct used in the development of the method is shown in Figure 319–1.

6.1.1 The test section, paint spray section, and attached transitions are constructed of stainless and galvanized steel. The upstream and downstream ducting is 20 cm diameter PVC. The upstream transition provides a 7° angle of expansion to provide a uniform air flow distribution to the paint arrestors. Aerosol concentration is measured upstream and downstream of the test section to obtain the challenge and penetrating aerosol concentrations, respectively. Because the downstream ducting runs back under the test section, the challenge and penetrating aerosol

taps are located physically near each other, thereby facilitating aerosol sampling and reducing sample-line length. The inlet nozzles of the upstream and downstream aerosol probes are designed to yield isokinetic sampling conditions.

6.1.2 The physical dimensions of the test duct can deviate from those of Figure 319–1 provided that the following key elements are maintained: the test duct must meet the criteria specified in Table 319–1; the inlet air is HEPA-filtered; the blower discharges into the test duct thereby creating a positive pressure in the duct relative to the surrounding room; the challenge air has a temperature between 60 and 80°F and a relative humidity of less than 70 percent; the angle of the upstream transition (if used) to the paint arrestor must not exceed 7°; the angle of the downstream transition (if used) from the paint arrestor must not exceed 30°; the test duct must provide a means for mixing the challenge aerosol with the upstream flow (in lieu of any mixing device, a duct length of 30 duct diameters fulfills this requirement); the test duct must provide a means for mixing any penetrating aerosol with the downstream flow (in lieu of any mixing device, a duct length of 30 duct diameters fulfills this requirement); the test section must provide a secure and leak-free mounting for single and multiple stage arrestors; the test duct must utilize a 180° bend in the downstream duct; the test duct must be in straight centerline alignment from the point of aerosol injection to the upstream end of the 180° bend; the test duct must be in straight centerline alignment from the downstream end of the 180° bend to the downstream aerosol sample probe; and the upstream and downstream aerosol sampling probes must be located directly opposite each other (within a tolerance of 12-inches).

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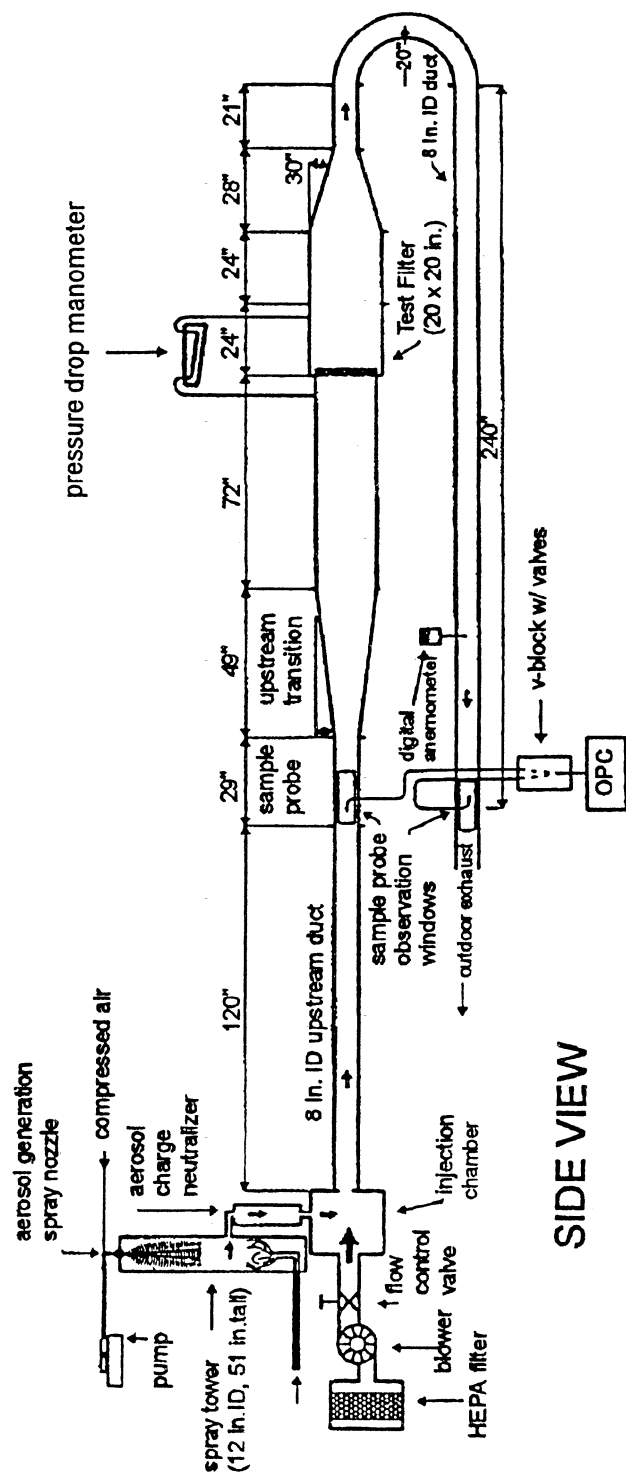


Figure 319-1. Schematic illustration of the fractional efficiency test rig.

TABLE 319-1.—QC CONTROL LIMITS

	Frequency and description	Control limits
OPC zero count	Each Test. OPC samples HEPA-filtered air	<50 counts per minute.
OPC sizing accuracy check	Daily. Sample aerosolized PSL spheres	Peak of distribution should be in correct OPC channel.
Minimum counts per channel for challenge aerosol.	Each Test	Minimum total of 500 particle counts per channel.
Maximum particle concentration	Each Test. Needed to ensure OPC is not overloaded	<20/cc based on cumulative count >0.3 μ m diameter.
Standard Deviation of Penetration	Computed for each test based on the CV of the upstream and downstream counts.	<0.10 for 0.3–5 μ m diameter; <0.30 for >5 μ m diameter.
0% Penetration	Monthly	<0.01
100% Penetration—KCl	Triplicate tests performed immediately before, during, or after triplicate arrestor tests.	0.3–1 >0.95; 1–3 >0.75; 3–10 >0.50.
100% Penetration—Oleic Acid	Triplicate tests performed immediately before, during, or after triplicate arrestor tests.	0.3–1 >0.95; 1–3 >0.75; 3–10 >0.50.

6.2 Aerosol Generator. The aerosol generator is used to produce a stable aerosol covering the particle size range from 0.3 to 10 μ m diameter. The generator used in the development of this method consists of an atomizing nozzle positioned at the top of a 0.30-m (12-in.) diameter, 1.3-m (51-in) tall, acrylic, transparent, spray tower. This tower allows larger sized particles, that would otherwise foul the test duct and sample lines, to fall out of the aerosol. It also adds drying air to ensure that the KCl droplets dry to solid salt particles. After generation, the aerosol passes through an aerosol neutralizer (Kr85 radioactive source) to neutralize any electrostatic charge on the aerosol (electrostatic charge is an unavoidable consequence of most aerosol generation methods). To improve the mixing of the aerosol with the air stream, the aerosol is injected counter to the airflow. Generators of other designs may be used, but they must produce a stable aerosol concentration over the 0.3 to 10 μ m diameter size range; provide a means of ensuring the complete drying of the KCl aerosol; and utilize a charge neutralizer to neutralize any electrostatic charge on the aerosol. The resultant challenge aerosol must meet the minimum count per channel and maximum concentration criteria of Table 319-1.

6.3 Frame Dimensions. To secure the arrestor or arrestor media in the test duct, a

mounting frame is necessary. The frame is used to seal the arrestor into the rig to prevent aerosol laden air bypassing the arrestor. Since arrestor media are often sold unmounted, the frame must provide back support for the media in addition to sealing into the rig. The test frame for the 20" \times 20" test rig has internal dimensions of 18 1/4" square and a removable wire rod back support. The wire support is used for media with insufficient internal support.

6.4 Optical Particle Counter. The upstream and downstream aerosol concentrations are measured with a high resolution optical particle counter (OPC). To ensure comparability of test results, the OPC utilize an optical design based white-light wide-angle forward light scattering encompassing the angles from 15° to 150° with respect to the incident light and provide a minimum of 12 contiguous particle sizing channels from 0.3 to 10 μ m diameter (based on response to PSL) where, for each channel, the ratio of the diameter corresponding to the upper channel bound to the lower channel bound must not exceed 1.5.

6.5 Aerosol Sampling System. The upstream and downstream sample lines must be made of rigid electrically-grounded metallic tubing having a smooth inside surface, and they must be rigidly secured to prevent movement during testing. The upstream and downstream sample lines are

to be nominally identical in geometry. The use of a short length (50 mm maximum) of straight flexible electrically-dissipative tubing to make the final connection to the OPC is acceptable. The inlet nozzles of the upstream and downstream probes must be sharp-edged and of appropriate entrance diameter to maintain isokinetic sampling within 10 percent of the air velocity. The system must be designed to allow repeated sequential upstream—downstream sampling. Sufficient time must be allowed between each upstream to downstream and downstream to upstream switch to minimize cross contamination in the resultant OPC measurement (verified per 11.3).

6.6 Airflow Monitor. The volumetric airflow through the system may be measured with a calibrated orifice flow nozzle or by use of a velocity probe. If a velocity probe is used, traverse measurements (Figure 319-2) across the duct (12-point equal area traverse for round ducts, 9-point equal area traverse for square ducts) must be performed to allow accurate determination of volumetric flow (i.e. average velocity \times cross sectional area of duct). The flow orifice and velocity probe must have an accuracy of 5 percent or better. The resolution of the velocity probe must be 5 percent of reading or better.

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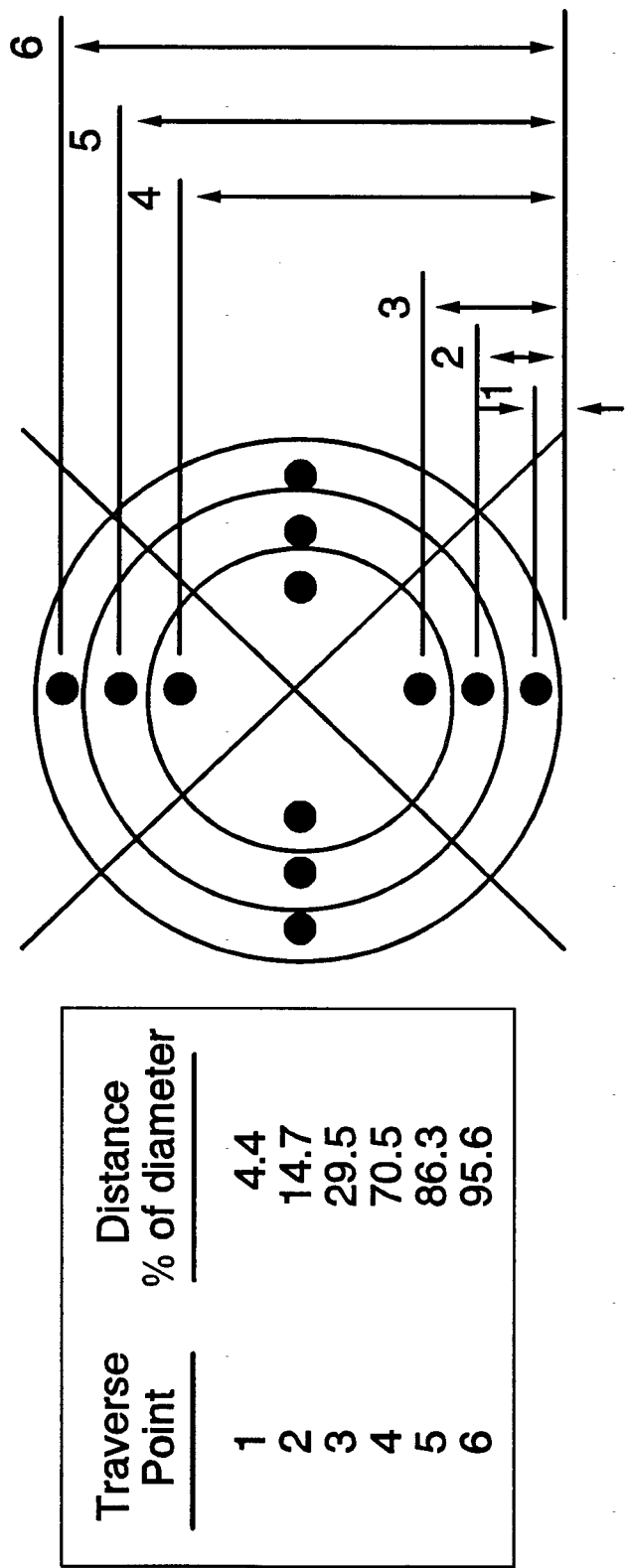


Figure 319-2. Location of traverse points in circular duct.

7.0 Reagents and Standards.

7.1 The liquid test aerosol is reagent grade, 98 percent pure, oleic acid (Table 319–

2). The solid test aerosol is KCl aerosolized from a solution of 20 percent KCl in water. In addition to the test aerosol, a calibration

aerosol of monodisperse polystyrene latex (PSL) spheres are used to verify the calibration of the OPC.

TABLE 319–2.—PROPERTIES OF THE TEST AND CALIBRATION AEROSOLS

	Refractive index	Density, g/cm ³	Shape
Oleic Acid (liquid-phase challenge aerosol)	1.46 non absorbing	0.89	Spherical.
KCl (solid-phase challenge aerosol)	1.49	1.98	Cubic or agglomerated cubes.
PSL (calibration aerosol)	1.59 nonabsorbing	1.05	Spherical.

8.0 Sample Collection, Preservation, and Storage

8.1 In this test, all sampling occurs in real-time, thus no samples are collected that require preservation or storage during the test. The paint arrestors are shipped and stored to avoid structural damage or soiling. Each arrestor may be shipped in its original

box from the manufacturer or similar cardboard box. Arrestors are stored at the test site in a location that keeps them clean and dry. Each arrestor is clearly labeled for tracking purposes.

9.0 Quality Control

9.1 Table 319–1 lists the QC control limits.

9.2 The standard deviation (σ) of the penetration (P) for a given test at each of the 15 OPC sizing channels is computed from the coefficient of variation (CV, the standard deviation divided by the mean) of the upstream and downstream measurements as:

$$\sigma_p = P \sqrt{(CV_{\text{upstream}}^2 + CV_{\text{downstream}}^2)} \quad (\text{Eq. 319-1})$$

For a properly operating system, the standard deviation of the penetration is < 0.10 at particle diameters from 0.3 to 5 μm and less than 0.30 at diameters > 5 μm .

9.3 Data Quality Indicators. Data Quality Objectives (DQO).

9.3.1 Fractional Penetration. From the triplicate tests of each paint arrestor model,

the standard deviation for the penetration measurements at each particle size (i.e., for each sizing channel of the OPC) is computed as:

$$s = \left[\sum (P_i - \bar{P})^2 / (n - 1) \right]^{1/2} \quad (\text{Eq. 319-2})$$

Where P_i represents an individual penetration measurement, and \bar{P} the average of the 3 ($n = 3$) individual measurements.

9.3.2 Bias of the fractional penetration values is determined from triplicate no-filter and HEPA filter tests. These tests determine the measurement bias at 100 percent penetration and 0 percent penetration, respectively.

9.3.3 PSL-Equivalent Light Scattering Diameter. The precision and bias of the OPC sizing determination are based on sampling three known diameter sizes of PSL and noting whether the particle counts peak in the correct channel of the OPC. This is a pass/fail measurement with no calculations involved.

9.3.4 Flow Velocity. The precision of the measurement is 5 percent of the set point as read with the thermal anemometer. The maximum acceptable bias is 20 percent based on a comparison of the thermal anemometer to pitot tube readings.

10.0 Calibration and Standardization

10.1 Optical Particle Counter. The OPC must have an up-to-date factory calibration (i.e., calibrated within prior 6 months). Check the OPC zero at the beginning and end of each test by sampling HEPA-filtered air. Verify the sizing accuracy at the beginning of the measurement program with three sizes of PSL spheres and then on a daily basis (for days when tests are performed) with 1-size PSL spheres.

10.2 Flow Velocity. Airflow orifice plates and velocity probes must have an accuracy of 5 percent or better. Manometers used in conjunction with the orifice plate must be inspected prior to use for proper level, zero, and mechanical integrity. Tubing connections to the manometer must be free from kinks and have secure connections.

10.3 Pressure Drop. Measure pressure drop across the paint arrestor with an inclined manometer readable to within 0.01 in. H₂O. Prior to use, the level and zero of the manometer, and all tubing connections, must be inspected and adjusted as needed.

11.0 Procedure

11.1 Filtration Efficiency. For both the oleic acid and KCl challenges, this procedure is performed in triplicate using a new arrestor for each test.

11.1.1 General Information and Test Duct Preparation

11.1.1.1 Use the "Test Run Sheet" form (Figure 319–3) to record the test information.

11.1.1.2 Record the date, time, test operator, Test #, paint arrestor brand/model and its assigned ID number. For tests with no arrestor, record none.

11.1.1.3 Ensure that the arrestor is undamaged and is in "new" condition.

11.1.1.4 Mount the arrestor in the appropriate frame. Inspect for any airflow leak paths.

Run Sheet**Part 1. General Information**

Date and Time: _____ Test Operator: _____ Test #:

Paint Arrestor: Brand/Model

Arrestor Assigned ID # _____

Condition of arrestor (i.e., is there any damage? Must be new condition to proceed):

Manometer zero and level confirmed?

Part 2. Clean Efficiency Test

Date and Time: _____

Optical Particle 20 min. warm up

Counter:

Zero count (<50 counts/min) _____

Daily PSL check _____ PSL Diam: _____ μm

File name for OPC data: _____

Test Conditions:

Air Flow: _____

Temp & RH: Temp _____ F RH

Atm. Pressure: _____ inch Hg (from mercury barometer)

Aerosol Generator:

Record all
Operating

Parameters

Test Aerosol:

(Oleic acid or KCl) _____

Arrestor:

Pressure drop: at start _____ inch

H₂O at end _____ inch H₂O

Condition of arrestor at end of test (note any phys. deterioration)

Figure 319-3. Test run sheet

11.1.1.5 Install frame-mounted arrestor in the test duct. Remove the downstream window and examine the installed arrestor to verify that it is sealed in the duct. For tests with no arrestor, install the empty frame.

11.1.1.6 Visually confirm the manometer zero and level. Adjust as needed.

11.1.2 Clean Efficiency Test

11.1.2.1 Record the date and time upon beginning this section.

11.1.2.2 Optical Particle Counter

11.1.2.2.1 General: Operate the OPC per the manufacturer's instructions allowing a minimum of 20 minutes warm up before making any measurements.

11.1.2.2.2 Overload: The OPC will yield inaccurate data if the aerosol concentration it is attempting to measure exceeds its operating limit. To ensure reliable measurements, the maximum aerosol concentration will not exceed 10 percent of the manufacturer's claimed concentration limit. If this value is exceeded, reduce the aerosol concentration until the acceptable conditions are met.

11.1.2.2.3 Zero Count: Connect a HEPA capsule to the inlet of the OPC and obtain printouts for three samples (each a minimum of 1-minute each). Record maximum cumulative zero count. If the count rate exceeds 50 counts per minute, the OPC requires servicing before continuing.

11.1.2.2.4 PSL Check of OPC Calibration: Confirm the calibration of the OPC by sampling a known size PSL aerosol. Aerosolize the PSL using an appropriate nebulizer. Record whether the peak count is observed in the proper channel. If the peak is not seen in the appropriate channel, have the OPC recalibrated.

11.1.2.3 Test Conditions:

11.1.2.3.1 Airflow: The test airflow corresponds to a nominal face velocity of 120 FPM through the arrestor. For arrestors having nominal 20" × 20" face dimensions, this measurement corresponds to an airflow of 333 cfm. For arrestors having nominal face dimensions of 24" × 24", this measurement corresponds to an airflow of 480 cfm.

11.1.2.3.2 Temperature and Relative Humidity: The temperature and relative humidity of the challenge air stream will be measured to within an accuracy of ±2°F and ±5 percent RH. To protect the probe from fouling, it may be removed during periods of aerosol generation.

11.1.2.3.3 Barometric Pressure: Use a mercury barometer. Record the atmospheric pressure.

11.1.2.4 Upstream and Downstream Background Counts

11.1.2.4.1 With the arrestor installed in the test duct and the airflow set at the proper value, turn on the data acquisition computer and bring up the data acquisition program.

11.1.2.4.2 Set the OPC settings for the appropriate test sample duration with output for both printer and computer data collection.

11.1.2.4.3 Obtain 1 set of upstream-downstream background measurements.

11.1.2.4.4 After obtaining the upstream-downstream measurements, stop data acquisition.

11.1.2.5 Efficiency Measurements:

11.1.2.5.1 Record the arrestor pressure drop.

11.1.2.5.2 Turn on the Aerosol Generator. Begin aerosol generation and record the operating parameters.

11.1.2.5.3 Monitor the particle counts. Allow a minimum of 10 minutes for the generator to stabilize.

11.1.2.5.4 Confirm that the total particle count does not exceed the predetermined upper limit. Adjust generator as needed.

11.1.2.5.5 Confirm that a minimum of 50 particle counts are measured in the upstream sample in each of the OPC channels per sample. Adjust generator or sample time as needed.

11.1.2.5.6 If you are unable to obtain a stable concentration within the concentration limit and with the 50 count minimum per channel, adjust the aerosol generator.

11.1.2.5.7 When the counts are stable, perform repeated upstream-downstream sequential sampling until 10 upstream-downstream measurements are obtained. (Note, begin data acquisition with upstream sampling.)

11.1.2.5.8 After collection of the 10 upstream-downstream samples, stop data acquisition and allow 2 more minutes for final purging of generator.

11.1.2.5.9 Obtain 1 additional set of upstream-downstream background samples.

11.1.2.5.10 After obtaining the upstream-downstream background samples, stop data acquisition.

11.1.2.5.11 Record the arrestor pressure drop.

11.1.2.5.12 Turn off blower.

11.1.2.5.13 Remove the paint arrestor assembly from the test duct. Note any signs of physical deterioration.

11.1.2.5.14 Remove the arrestor from the frame and place the arrestor in an appropriate storage bag.

11.2 Control Test: 100 Percent Penetration Test. Three 100 percent penetration tests must be performed as part

of each test series. These tests are performed with no arrestor installed in the test housing. This test is relatively stringent test of the adequacy of the overall duct, sampling, measurement, and aerosol generation system. The test is performed as a normal penetration test except the paint arrestor is not used. A perfect system would yield a measured penetration of 1 at all particle sizes. Deviations from 1 can occur due to particle losses in the duct, differences in the degree of aerosol uniformity (i.e., mixing) at the upstream and downstream probes, and differences in particle transport efficiency in the upstream and downstream sampling lines.

11.3 Control Test: 0 Percent Penetration. One 0 percent penetration test must be performed as part of each test series. The test is performed by using a HEPA filter rather than a paint arrestor. This test assesses the adequacy of the instrument response time and sample line lag.

12.0 Data Analysis and Calculations

12.1 Analysis. The analytical procedures for the fractional penetration and flow velocity measurements are described in Section 11. Note that the primary measurement, that of the upstream and downstream aerosol concentrations, are performed with the OPC which acquires the sample and analyzes it in real time. Because all the test data is collected in real time, there are no analytical procedures performed subsequent to the actual test, only data analysis.

12.2 Calculations

12.2.1 Penetration

Nomenclature

U=Upstream particle count

D=Downstream particle count

U_b=Upstream background count

D_b=Downstream background count

P₁₀₀=100 percent penetration value

determined in triplicate no filter tests

P=Penetration corrected for P₁₀₀

σ=Sample standard deviation

CV=Coefficient of variation=σ/mean

E=Efficiency.

Overbar denotes arithmetic mean of quantity.

Analysis of each test involves the following quantities:

- P₁₀₀ value for each sizing channel from the no filter tests.
- 2 upstream background values.
- 2 downstream background values.
- 10 upstream values with aerosol generator on, and
- 10 downstream values with aerosol generator on.

Using the values associated with each sizing channel, the

$$P = \left\{ \frac{(\bar{D} - \bar{D}_b)}{(\bar{U} - \bar{U}_b)} \right\} / P_{100} \quad (\text{Eq. 319-3})$$

$$E = 1 - P \quad (\text{Eq. 319-4})$$

penetration associated with each particle sizing channel is calculated as:

Most often, the background levels are small compared to the values when the aerosol generator is on.

12.3 The relationship between the physical diameter (D_{Physical}) as measured by the OPC to the aerodynamic diameter (D_{Aero}) is given by:

$$D_{\text{Aero}} = D_{\text{Physical}} \sqrt{\frac{\rho_{\text{Particle}}}{\rho_o} \frac{\text{CCF}_{\text{Physical}}}{\text{CCF}_{\text{Aero}}}} \quad (\text{Eq. 319-5})$$

Where:

ρ_o =unit density of 1 g/cm³.

ρ_{Particle} =the density of the particle, 0.89 g/cm³ for oleic acid.

$\text{CCF}_{\text{Physical}}$ =the Cunningham Correction Factor at D_{Physical} .

CCF_{Aero} =the Cunningham Correction Factor at D_{Aero} .

12.4 Presentation of Results. The test results must be presented in both graphical and tabular form.

12.4.1 The X-axis of the graph will be a logarithmic scale of aerodynamic diameter from 0.1 to 100 μm . The Y-axis will be Penetration on a linear scale from 0 to 1. Plots for each individual run and a plot of the average of triplicate solid-phase and of the average triplicate liquid-phase tests must be prepared. All plots are to be based on point-to-point plotting (i.e., no curve fitting is to be used). The data are to be plotted based on the geometric mean diameter of each of the OPC's sizing channels.

12.4.2 Tabulated data from each test must be provided. The data must include the upper and lower diameter bound and geometric mean diameter of each of the OPC sizing channels, the background particle counts for each channel for each sample, the upstream particle counts for each channel for each sample, the downstream particle counts for each channel for each sample, the 100 percent penetration values computed for each channel, and the 0 percent penetration values computed for each channel.

13.0 Pollution Prevention

13.1 The quantities of materials to be aerosolized should be prepared in accord with the amount needed for the current tests so as to prevent wasteful excess.

14.0 Waste Management

14.1 Paint arrestors may be returned to originator, if requested, or disposed of with regular laboratory waste.

15.0 References

1. Hanley, J.T., D.D. Smith and L. Cox. "Fractional Penetration of Paint Overspray Arrestors, Draft Final Report," EPA Cooperative Agreement CR-817083-01-0, January 1994.
2. Hanley, J.T., D.D. Smith, and D.S. Ensor. "Define a Fractional Efficiency Test Method that is Compatible with Particulate Removal Air Cleaners Used in General Ventilation," Final Report, 671-RP, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., December 1993.
3. "Project Work and Quality Assurance Plan: Fractional Penetration of Paint Overspray Arrestors, Category II," EPA Cooperative Agreement No. CR-817083, July 1994.

[FR Doc. 96-27307 Filed 10-28-96; 8:45 am]

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Environmental
Protection Agency
Federal Register

Tuesday
October 29, 1996

Part III

Environmental Protection Agency

40 CFR Parts 712 and 716
Preliminary Assessment Information and
Health and Safety Data Reporting;
Addition of Chemicals; Final Rule

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 712 and 716**

[OPPTS-82049; FRL-5397-9]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The TSCA Interagency Testing Committee (ITC) in its 38th Report to EPA revised the Toxic Substances Control Act (TSCA) Section 4(e) Priority Testing List by recommending for testing 18 chemical substances. The ITC recommendations must be given priority consideration by EPA in promulgating test rules. EPA is adding certain of these chemical substances to two model information-gathering rules: the TSCA Section 8(a) Preliminary Assessment Information Rule (PAIR) and the TSCA Section 8(d) Health and Safety Data Reporting Rule. These model rules will require manufacturers and importers of the substances identified herein to report certain production, use, and exposure-related information, and manufacturers, importers, and processors of the listed substances to report unpublished health and safety data to EPA.

DATES: This rule will become effective on November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This rule adds 18 chemical substances to the PAIR and the section 8(d) Health and Safety Data Reporting Rule. Manufacturers, importers, and processors of these chemicals will be required to report unpublished health and safety data, and manufacturers and importers will be required to report end use, exposure, and production volume data to EPA.

This rule also corrects the previous TSCA section 8(a) final rule published in the Federal Register of February 28, 1996 (61 FR 7421) (FRL-4996-9), by replacing the incorrect CAS number for (1,1,3,3-tetramethylbutyl)phenol (mixed isomers) 2744-41-6 with the correct CAS number for that chemical, 62744-41-6.

I. Background

Section 4(e) of TSCA established the ITC and authorized it to recommend to EPA chemical substances and mixtures (chemicals) to be given priority consideration in proposing test rules under section 4. For some of these chemicals, the ITC may designate that EPA must respond to its recommendations within 12 months. In this time, EPA must either initiate a rulemaking to test the chemical or publish in the Federal Register its reasons for not doing so.

On May 31, 1996, EPA announced the receipt of the 38th Report of the ITC, and it was then published in the Federal Register of July 30, 1996 (61 FR 39832) (FRL-5397-2). The 38th Report revises the Committee's Priority Testing List of chemicals by recommending for testing 18 chemical substances to the section 4(e) Priority Testing List.

This rule adds 18 substances to the PAIR and the section 8(d) Health and Safety Data Reporting Rule. These two rules are model information gathering rules which assist the ITC in making testing recommendations and aid EPA in responding to the ITC recommendations.

EPA issued the PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR part 712. This model section 8(a) rule establishes standard reporting requirements for manufacturers and importers of the chemicals listed in the rule at 40 CFR 712.30. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure-related information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35). EPA uses this model section 8(a) rule to gather current information on chemicals for the ITC quickly.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemicals to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture, import, or process. These studies provide the ITC and EPA with useful information for chemical assessment and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

These model rules provide for the automatic addition of ITC Priority Testing List chemicals. Whenever EPA announces the receipt of an ITC report,

EPA may, at the same time without further notice and comment, amend the two model information-gathering rules by adding the recommended (or designated) chemicals. The amendment adding these chemicals to the PAIR and the Health and Safety Data Reporting Rule becomes effective 30 days after publication in the Federal Register.

II. Chemicals To Be Added

In its 38th Report to EPA, the ITC recommended adding a group of 18 nonylphenol ethoxylates to the section 8(a) PAIR and the section 8(d) Health and Safety Data Reporting Rule. While 18 chemical substances are identified in the regulatory text, 23 CAS numbers are listed. Three chemical substances, nonylphenol polyethylene glycol ether, p-nonylphenol polyethylene glycol ether and nonylphenoxypolyoxyethanol are characterized with multiple CAS numbers. Four chemical substances are not identified by CAS numbers.

For a complete listing of the substances being added to the section 8(d) model rule and the PAIR, see the regulatory text of this document.

III. Reporting Requirements**A. Preliminary Assessment Information Rule**

All persons who manufactured or imported the chemical substances named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each manufacturing or importing site at which they manufactured or imported a named substance. A separate form must be completed for each substance and submitted to the Agency no later than January 27, 1997. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA may be able to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this voluntary submission accepted in lieu of a current data submission. See § 712.30(a)(3).

Details of the reporting requirements, the basis for exemptions, and a facsimile of the reporting form, are provided in 40 CFR part 712. Copies of the form are available from the TSCA Environmental Assistance Division at the address listed under FOR FURTHER INFORMATION CONTACT.

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process, or have manufactured, imported, or processed, the listed substance must submit to EPA: A copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process; or are manufacturing, importing, or processing the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete--regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete--regardless of the completion date.

The bulk of reporting is required at the time the substance is listed. Persons described in categories 1 and 2 do all or most of their health and safety data reporting at the start of the reporting period. The remaining reporting

requirements, specifically categories 2(d), 2(e), and 3, continue prospectively. Guidance for reporting unpublished health and safety data is provided at 40 CFR part 716.

4. Special exemptions.--Explanations of reporting exemptions are found at 40 CFR 716.20. For this final rule all the chemicals listed have a special exemption referenced at § 716.20(b)(4) which states that studies on mixtures containing the listed substances at levels below one percent of the mixture, except when a purpose of the study includes the investigation of the effects of the listed substance at the levels below one percent, are not subject to the reporting requirements.

C. Submission of PAIR Reports and Section 8(d) Studies

PAIR reports and section 8(d) health and safety studies must be sent to:

TSCA Document Processing Center (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, ATTN: (insert either PAIR or 8(d) Reporting).

D. Removal of Chemical Substances from the Rules

Any person who believes that section 8(a) or 8(d) reporting required by this rule is unwarranted, should promptly submit to EPA in detail the reasons for that belief. EPA, in its discretion, may remove the substance from this rule for good cause (40 CFR 716.105). When withdrawing a substance from the rule, EPA will issue a rule amendment for publication in the Federal Register.

IV. Economic Analysis

A. Preliminary Assessment Information Rule

The economic analysis for the addition of the 18 chemicals to the TSCA Section 4(e) Priority List will be based largely on the methods and data sources developed for the analyses of the original Section 8(a) Preliminary Assessment Information Rule (PAIR). These analyses are:

1. Economic Impact and Small Business Definition Analysis for TSCA Section 8(a) Preliminary Assessment Information Rule. Office of Regulatory Analysis, OTS, U.S. EPA. February 1980.

2. Economic Analysis of the Final Section 8(a) Preliminary Assessment Information Rule. R.A. Horner, Regulatory Impacts Branch, OTS, U.S. EPA. November 12, 1981.

The Chemical Update System (CUS) was searched to determine the manufacturers and importers of the 18

chemicals. However, only 5 of these 18 chemicals were located in CUS. Thus, this report shall estimate burden and costs based upon 5 chemical compounds. This search identified 6 firms manufacturing or importing the 5 chemicals at a total of 6 sites. Manufacturing and/or importing sites were identified for all the chemicals.

Reporting Costs (dollars)

(a) 6 reports estimated at \$1,515 per report = \$9,090

(b) 6 sites at \$476.18 per site = \$2,857.08
Total Cost = \$11,947.08

Mean cost per site = \$11,947.08/6 sites = \$1,991.18

Mean cost per firm = \$11,947.08/6 firms = \$1,991.18

Reporting Burden (hours)

(a) Rule familiarization: 7 hours/site x 6 sites = 42

(b) Reporting: 22.61 hours/report x 6 reports = 135.66

Total burden hours = 177.66

Average burden per site = 177.66 hours/6 sites = 29.61

Average burden per firm = 177.66 hours/6 firms = 29.61

EPA Costs (dollars)

It is estimated that the annual cost to the Federal Government will be 1.315 FTEs (or 2,735 hours annually). At an estimated \$69,370 per FTE, the total of 1,315 FTEs will cost EPA \$91,222.

B. Health and Safety Data Reporting Rule

EPA estimates the total reporting costs for establishing section 8(d) reporting requirements for the five chemicals will be \$15,527. This cost estimate is high because the Agency is uncertain about the likely number of respondents to the rule. Although EPA has used the best available data to make its economic projections, much of the information is based upon the 1994 TSCA Inventory Update. Therefore, EPA tends to overestimate rather than underestimate reporting burden.

The estimated reporting costs are broken down as follows:

Initial corporate review	\$952
Site identification	1,427
File searches at site	3,217
Photocopying existing studies	1,256
Title listing	145
Managerial review for CBI	7,296
Reporting on newly-initiated studies	62

Submissions after initial reporting period	1,116
Additional costs	56
Total	\$15,527

Reporting Burden (hours)

(a) Initial review: 2 hours/firm x 6 firms = 12 hrs

(b) Reporting: 39.33 hours/firm x 6 firms = 236 hrs

Total reporting burden hours = 248 hrs

V. Rulemaking Record

The following documents constitute the record for this rule (docket control number OPPTS-82049). All of these documents are available to the public in the TSCA Nonconfidential Information Center (NCIC), formerly the TSCA Public Docket Office, from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

1. This final rule.
2. The economic analysis for this rule.
3. The Thirty-eighth Report of the ITC.

VI. Regulatory Assessment Requirements

A. Executive Orders 12866 and 12898

The Office of Management (OMB) has exempted actions under TSCA section 8(a) and 8(d) from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993). In addition, this action does not require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) nor does it involve specified considerations of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

B. Unfunded Mandates Reform Act and Executive Order 12875

This action will not result in the annual expenditure of \$100 million or more, for State, local or tribal governments, in the aggregate or the private sector, and is not a Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), nor does it uniquely affect small government in any way. As such, the requirements of sections 202, 203, and 205 of Title II of the UMRA do not apply to this action.

C. Regulatory Flexibility Act

EPA has determined that this action does not impose any adverse economic impacts on small entities. Pursuant to 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), this action will not impose a significant economic impact on a substantial number of small entities. Information relating to this determination is included in the docket for rulemaking. Any comments regarding the economic impacts that this action imposes on small entities should be submitted to the Agency at the address listed under FOR FURTHER INFORMATION CONTACT.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to an information collection request unless it displays a currently valid control number assigned by OMB. The OMB control number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The information collection requirements related to this action have already been approved by OMB, under OMB control number 2070-0054 (EPA ICR No. 586) for PAIR reporting and OMB control number 2070-0004 (EPA ICR No. 575) for TSCA section 8(d) reporting. This action does not impose any burdens requiring additional OMB approval. The public

reporting burden for this collection of information is estimated to be 248 hours. Of that total, an estimated 12 hours are spent performing an initial review of the rule. The remaining 236 hours are associated with the actual reporting activities.

E. Submission to Congress and the General Accounting Office

This action is not a "major rule" as defined by 5 U.S.C. 804(2). Pursuant to 5 U.S.C. 801(a)(1)(A), EPA submitted this action to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to its publication in today's Federal Register.

List of Subjects in 40 CFR Parts 712 and 716

Environmental protection, Chemicals, Hazardous substances, Health and safety data, Reporting and recordkeeping requirements.

Dated: October 21, 1996.

Charles M. Auer,
Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR Chapter I is amended as follows:

PART 712—[AMENDED]

1. In part 712:

a. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

b. Section 712.30(e) is amended by revising the CAS number entry for "2744-41-6" under the category "Alkylphenols and Alkylphenol Ethoxylates" and alphabetically adding the new category "Nonylphenol ethoxylates" to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(e) * * *

CAS No.	Substance	Effective date	Reporting date
Alkylphenols and Alkylphenol Ethoxylates	* * * * *		
62744-41-6	* * *	* * *	* * *
Nonylphenol ethoxylates			
07311-27-5	Ethanol, 2-[2-[2-(p-nonylphenoxy)ethoxy]ethoxy]ethoxy-	11/29/96	1/27/97
09016-45-9 and 20636-48-0	Nonylphenol polyethylene glycol ether	11/29/96	1/27/97
20427-84-3	Ethanol, 2-[2-(p-nonylphenoxy)ethoxy]-	11/29/96	1/27/97

CAS No.	Substance	Effective date	Reporting date
26027-38-3 and 26064-02-8	p-Nonylphenol polyethylene glycol ether	11/29/96	1/27/97
26571-11-9	Nonylphenol octa(oxyethylene)ethanol	11/29/96	1/27/97
27176-93-8 and 27177-01-1	Nonylphenoxydiglycol	11/29/96	1/27/97
27177-05-5	Nonylphenol hepta(oxyethylene)ethanol	11/29/96	1/27/97
27177-08-8	Nonylphenolnona(oxyethylene) ethanol	11/29/96	1/27/97
27986-36-3	Nonylphenoxy ethanol	11/29/96	1/27/97
37205-87-1	Poly(oxy-1,2-ethanediyl), alpha-(isononylphenyl)-omega-hydroxy	11/29/96	1/27/97
	* * * * *		

PART 716—[AMENDED]

2. In part 716:
a. The authority citation for part 716 continues to read as follows:
Authority: 15 U.S.C. 2607(d).

b. Section 716.120(d) is amended by revising the table heading for the second column and alphabetically adding the new category "Nonylphenol ethoxylates" to read as follows:

§ 716.120 Substances and listed mixtures to which this subpart applies.

* * * * *
(d) * * *

Category	CAS number	Special exemptions	Effective date	Sunset date
Nonylphenol ethoxylates				
alpha-(p-Nonylphenol)-omega-hydroxypoly(oxyethylene).	NA	§ 716.20(b)(4) applies	11/29/96	11/29/06
Decaethylene glycol, isononylphenyl ether ...	65455-72-3	§ 716.20(b)(4) applies	11/29/96	11/29/06
Ethanol, 2-[2-(p-nonylphenoxy)ethoxy]-	20427-84-3	§ 716.20(b)(4) applies	11/29/96	11/29/06
Ethanol, 2-[2-[2-(p-nonylphenoxy)ethoxy]ethoxy]ethoxy]-	07311-27-5	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonoxynol-2	NA	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonoxynol-3	NA	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonoxynol-7	NA	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenol hepta(oxyethylene)ethanol	27177-05-5	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenol octa(oxyethylene)ethanol	26571-11-9	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenol polyethylene glycol ether	09016-45-9, 20636-48-0, 26027-38-3, 26064-02-8, 27177-01-1, 37205-87-1, 127087-87-0	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenol polyethylene glycol ether	27177-08-8	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenolnona(oxyethylene) ethanol	27986-36-3	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenoxy ethanol	27176-93-8	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenoxydiglycol	68412-54-4	§ 716.20(b)(4) applies	11/29/96	11/29/06
Nonylphenoxy polyoxyethanol	152143-22-1, 26027-38-3	§ 716.20(b)(4) applies	11/29/96	11/29/06
p-Nonylphenol polyethylene glycol ether	27986-36-3, 37205-87-1, 98113-10-1	§ 716.20(b)(4) applies	11/29/96	11/29/06
Poly(oxy-1,2-ethanediyl), alpha-(isononylphenyl)-omega-hydroxy.	37205-87-1	§ 716.20(b)(4) applies	11/29/96	11/29/06
Poly(oxy-1,2-ethanediyl), alpha-(2-nonylphenyl)-omega-hydroxy.	51938-25-1	§ 716.20(b)(4) applies	11/29/96	11/29/06
* * *	* * *	* * *		

[FR Doc. 96-27588 Filed 10-28-96; 8:45 am]

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Peanuts, domestically produced; published 10-28-96

COMMERCE DEPARTMENT**Export Administration Bureau**

Export administrative regulations:

Restructuring, reorganization, and simplification; published 10-29-96

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control; new motor vehicles and engines:

On-board diagnostic systems--

California OBD II requirements revision; acceptance; published 8-30-96

HEALTH AND HUMAN SERVICES DEPARTMENT**Health Care Financing Administration**

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Hospital inpatient prospective payment systems and 1997 FY rates; published 8-30-96

INTERIOR DEPARTMENT**Surface Mining Reclamation and Enforcement Office**

Permanent program and abandoned mine land reclamation plan submissions:

Indiana; published 10-29-96
Ohio; published 10-29-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

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COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Kiwifruit grown in California; comments due by 11-4-96; published 10-3-96

Onions grown in--

Idaho and Oregon; comments due by 11-7-96; published 10-8-96

Raisins produced from grapes grown in California; comments due by 11-7-96; published 10-8-96

AGRICULTURE DEPARTMENT**Commodity Credit Corporation**

Agricultural conservation programs:

Conservation reserve program; long-term policy; comments due by 11-7-96; published 9-23-96

AGRICULTURE DEPARTMENT**Farm Service Agency**

Agricultural conservation programs:

Conservation reserve program; long-term policy; comments due by 11-7-96; published 9-23-96

AGRICULTURE DEPARTMENT

Highly erodible land and wetland conservation; comments due by 11-5-96; published 9-6-96

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration

Endangered and threatened species:

West Coast steelhead in Washington, Oregon, Idaho, and California; evolutionarily significant units (ESUs) identification; comments due by 11-7-96; published 8-9-96

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries--

Red hind spawning aggregations; comments due by 11-8-96; published 10-24-96

Marine mammals:

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North Atlantic right whale protection; comments due by 11-5-96; published 8-7-96

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LIST OF PUBLIC LAWS

This is a list of public bills from the 104th Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

H.R. 3219/P.L. 104-330

Native American Housing Assistance and Self-Determination Act of 1996 (Oct. 26, 1996; 110 Stat. 4016)

H.R. 3452/P.L. 104-331

Presidential and Executive Office Accountability Act (Oct. 26, 1996; 110 Stat. 4053)

H.R. 4283/P.L. 104-332

National Invasive Species Act of 1996 (Oct. 26, 1996; 110 Stat. 4073)

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